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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 1 APRIL 2010

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 1 April 2010

This day, at nine minutes past three o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bills:

57 Sustainable Forest Development Act
(modified title)

77 An Act to amend the Cadastre Act and the Civil Code

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-NINTH LEGISLATURE

Bill 57
(2010, chapter 3)

Sustainable Forest Development Act

Introduced 12 June 2009
Reprint tabled 19 November 2009
Passed in principle 1 December 2009
Passed 18 March 2010
Assented to 1 April 2010

Québec Official Publisher
2010

EXPLANATORY NOTES

This Act establishes a forest regime designed, above all, to implement sustainable forest development, in particular through ecosystem-based development aimed at ensuring the sustainability of the forest patrimony. To that end, the Act fosters integrated and regionalized management of forest resources and forest land, and includes provisions specific to Native communities.

The Act allows the Minister of Natural Resources and Wildlife to draw up a consultation policy in order to foster the participation of persons and bodies affected by the priorities for sustainable forest development and forest management. It also empowers the Minister to draw up a sustainable forest development strategy that is to form the basis of any sustainable forest development instrument set up by the State, the regional bodies, the Native communities or the users of the forest.

The Act establishes the rules applicable to the forests in the domain of the State, among others, the rules relating to their division and, more particularly, to their division into development units. It maintains the rules set out in the Forest Act concerning experimental forests, teaching and research forests, forest stations, biological refuges and exceptional forest ecosystems. It establishes specific rules intended to increase timber production. In addition, it introduces a chapter on sustainable forest development standards and sets out the rules governing multi-purpose roads, in particular by abolishing the concept of forest road.

The Act continues the position of chief forester, specifies the chief forester's functions within the framework of the new forest regime, and redefines the concept of allowable cut. It determines the Minister's responsibilities in sustainable forest development and forest management, particularly as regards forest planning for development units, forest operations and their follow-up and monitoring, timber scaling, and the granting of forestry rights, including forestry permits and timber supply guarantees, which replace timber supply and forest management agreements.

The Act establishes within the Ministère des Ressources naturelles et de la Faune a timber marketing board known as the Bureau de mise en marché des bois. The timber marketing board is

given various functions, including functions relating to the sale of timber and other forest products from the domain of the State on the open market and the assessment of the market value of timber offered for sale to holders of timber supply guarantees.

The Act maintains the substance of the rules relating to private forests set out in the Forest Act, particularly the rules applicable to certified forest producers, regional agencies for private forest development and forest protection organizations. It also re-introduces the provisions governing the operation of wood processing plants, except those requiring authorization for a plant's construction.

In addition, the Act sets out provisions concerning the inspections and verifications to be carried out to enforce it, seizures of timber, administrative, civil and penal penalties, the regulatory powers of the Minister and the Government, and reporting requirements.

The Act contains provisions amending various Acts to ensure they are consistent with the new provisions or to integrate new elements that foster integrated and regionalized land and resource management, for instance, the creation of regional land and natural resource commissions and local integrated land and resource management panels, the establishment of a sustainable forest development fund and the creation of local forests.

Lastly, the Act contains transitional provisions to create a bridge between the forest regime it proposes and the forestry regime provided for in the Forest Act, and allows the Government, under certain conditions, to enact by regulation transitional measures to ensure the application of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec.

LEGISLATION REPLACED BY THIS ACT:

– Forest Act (R.S.Q., chapter F-4.1).

LEGISLATION AMENDED BY THIS ACT:

– Act respecting land use planning and development (R.S.Q., chapter A-19.1);

– Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1);

– Cities and Towns Act (R.S.Q., chapter C-19);

– Highway Safety Code (R.S.Q., chapter C-24.2);

– Labour Code (R.S.Q., chapter C-27);

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Municipal Powers Act (R.S.Q., chapter C-47.1);

– Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);

– Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

– Forestry Credit Act (R.S.Q., chapter C-78);

– Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Taxation Act (R.S.Q., chapter I-3);

– Cullers Act (R.S.Q., chapter M-12.1);

– Mining Act (R.S.Q., chapter M-13.1);

– Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14);

– Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1);

– Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);

– Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1);

– Pesticides Act (R.S.Q., chapter P-9.3);

– Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

– Environment Quality Act (R.S.Q., chapter Q-2);

– Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1);

– Fire Safety Act (R.S.Q., chapter S-3.4);

– Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);

– Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

– Act respecting off-highway vehicles (R.S.Q., chapter V-1.2).

REGULATIONS REPEALED BY THIS ACT:

– Regulation respecting forest management plans and reports (R.R.Q., chapter F-4.1, r. 9);

– Regulation respecting contributions to the forestry fund (R.R.Q., chapter F-4.1, r. 2).

Bill 57

SUSTAINABLE FOREST DEVELOPMENT ACT

AS forests cover an enormous area and constitute a social wealth of inestimable value for present and future generations;

AS forests have helped forge Québec's identity and must continue to be a source of pride;

AS it is important to promote a forest culture in Québec by raising public awareness so that the public may contribute to sustainable forest development and forest management;

AS forests play a crucial role in maintaining ecological processes and the ecological balance at local, national and global levels, in particular by helping to counter climate change, protect land and water ecosystems and preserve biodiversity;

AS forests also serve to meet many socio-economic needs;

AS it is important to sustain the viability of forest communities, in particular by increasing and developing forest products and services, promoting the use of wood, developing an innovative, productive and competitive industry and ensuring the perpetuity of forests in keeping with the principle of sustainable development;

AS it is expedient to establish a forest management model that is based on new approaches to forest development and that takes into account the impact of climate change on the forest, the interests, values and needs of Native communities and the regions of Québec, as well as the economic, ecological and social potential of the forest and all the products derived from it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

CHAPTER I

OBJECT, SCOPE AND OTHER PROVISIONS

1. This Act establishes a forest regime designed to

(1) implement sustainable forest development, in particular through ecosystem-based development;

(2) ensure integrated and regionalized resource and land management based on clear, consistent objectives, measurable results and the accountability of managers and users of the forest;

(3) determine how responsibilities under the forest regime are shared between the State, regional bodies, Native communities and users of the forest;

(4) follow up and monitor forest operations in the domain of the State;

(5) govern the sale of timber and other forest products on the open market at a price reflecting their market value, and the supply of timber to wood processing plants;

(6) regulate the development of private forests; and

(7) govern forest protection activities.

2. Sustainable forest development must contribute, in particular, to

(1) the preservation of biological diversity;

(2) the maintenance and improvement of the condition and productivity of forest ecosystems;

(3) the conservation of soil and water;

(4) the maintenance of forest ecosystem contributions to major ecological cycles;

(5) the maintenance of the many socio-economic benefits society derives from forests; and

(6) the consideration, in making development choices, of the values and needs expressed by the populations concerned.

3. This Act applies to the forests in the domain of the State and forests belonging to private owners or held under a title of ownership by a Native landholding corporation to which the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) applies, to the extent provided for in this Act.

4. For the purposes of this Act,

(1) "forest development activity" means an activity related to timber felling and harvesting, the operation of a sugar bush, the construction, improvement, repair, maintenance or closure of infrastructures, the carrying

out of silvicultural treatments, including reforestation and the use of fire, fire protection, the suppression of insect epidemics, cryptogamic diseases and competing vegetation, and all similar activities that tangibly affect forest resources;

(2) "ecosystem-based development" means development that consists in ensuring the preservation of the biodiversity and viability of ecosystems by reducing the differences between developed and natural forests;

(3) "wood-processing plant" means a set of facilities for processing rough or partially processed timber.

5. In order to promote sustainable forest development, the month of May of each year is declared "Tree and Forest Month".

CHAPTER II

PROVISIONS SPECIFIC TO NATIVE COMMUNITIES

6. Taking account of the interests, values and needs of the Native communities present on forest lands is an integral part of sustainable forest development.

7. The Minister must consult Native communities specifically to ensure that sustainable forest development and forest management take into account, and accommodate if necessary, their interests, values and needs.

The Minister must ensure that the consultation policy drawn up under section 9 includes a procedure that is specific to Native communities, established in a spirit of collaboration with those communities.

8. The Government is authorized to enter into agreements with any Native community represented by its band council to enable the members of the community to carry out and follow up on certain forest development activities, and to support sustainable forest development.

CHAPTER III

CONSULTATION POLICY

9. The Minister draws up, makes public and keeps up to date a consultation policy that fosters the participation of persons and bodies affected by the priorities for sustainable forest development and forest management.

Before the policy is published, the Minister consults the Native communities and the general public. The same applies to any change in the policy.

The Minister sees that the consultation policy is implemented and establishes a Forestry Partners Panel under it. The Minister appoints the panel members and sets its operating rules.

10. The consultation policy sets out, among other things, its objects, a consultation process adjusted to its objects or to the persons or bodies consulted, and a consultation procedure specific to Native communities.

CHAPTER IV

SUSTAINABLE FOREST DEVELOPMENT STRATEGY

11. In collaboration with the Minister of Sustainable Development, Environment and Parks, the Minister of Agriculture, Fisheries and Food and the ministers or public bodies concerned, the Minister draws up a sustainable forest development strategy. The Minister makes the strategy public, implements it and keeps it up to date.

Before the policy is published, the Minister consults the Native communities and the general public. The same applies to any change in the policy.

12. The strategy sets out the approach chosen and the sustainable development policy directions and objectives applicable to forest lands, in particular with regard to ecosystem-based development.

The strategy also defines the mechanisms and means required for its implementation, follow-up and evaluation.

The strategy is to form the basis of any sustainable forest development instrument set up by the State, the regional bodies, the Native communities and the users of the forest.

TITLE II

FORESTS IN THE DOMAIN OF THE STATE

CHAPTER I

DIVISION OF FOREST LANDS

DIVISION I

GENERAL PROVISIONS

13. The forests in the domain of the State are divided into development units that, among other things, define areas for the production of forest resources or an increase in that production.

The forests in the domain of the State may also be divided into local forests by the Minister under the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). Such a division of the forest may be made either inside or outside of development units.

The forests in the domain of the State that are not divided into development units or local forests are established as residual forests. These are forests in which a reliable supply of timber cannot be harvested for wood processing plants without compromising sustainable development.

14. The forests in the domain of the State may also, under this Act, be constituted as experimental forests, teaching and research forests, forest stations, biological refuges or exceptional forest ecosystems.

DIVISION II

DEVELOPMENT UNITS

15. The Minister divides into development units the forests in the domain of the State that are located south of a boundary line the Minister determines.

16. Development units are land units in which allowable cuts are calculated and forest operations are planned and carried out in keeping with sustainable forest development objectives.

17. The Minister may, exceptionally, redefine the northern boundary line and the boundaries of the development units. When changes are being made, the territory of each administrative region of Québec, the biophysical features present and the different uses of the areas must be taken into consideration.

Changes and the date on which they come into force are made public.

Changes to the northern boundary line and the new perimeter of the units must be drawn on maps posted on the department's website.

DIVISION III

FORESTS ESTABLISHED FOR EXPERIMENTAL PURPOSES OR FOR TEACHING AND RESEARCH

§1. — *Experimental forests*

18. The Minister may establish experimental forests to promote the advancement of forestry.

Only forest development activities related to research and experimentation are allowed in those forests.

19. The Minister may authorize a person to carry on the forest development activities referred to in section 18 on the conditions determined by the Minister.

The conditions may depart from the forest development standards prescribed by government regulation if the Minister considers it justified for research or experimental purposes.

§2. — *Teaching and research forests*

20. The Minister may establish teaching and research forests to promote field instruction and applied research in forestry and sustainable forest development.

Only forest development activities carried out for teaching and research purposes are allowed in those forests.

21. The Minister may, on the conditions determined by the Minister, entrust the management of a teaching and research forest to a non-profit organization dedicated to teaching or research.

The organization carries on authorized forest development activities subject to the conditions set out in the management agreement. The conditions may depart from the forest development standards prescribed by government regulation if the Minister considers it justified for research purposes.

If forest development activities include the harvesting of timber that may be used by a wood processing plant, the destination to which the timber is sent must be approved by the Minister.

DIVISION IV

FOREST STATIONS

22. With the authorization of the Government, the Minister may establish forest stations with a view to concentrating in a single location activities related to experimentation, teaching and research and other compatible activities that foster the development and enhancement of a forest station.

23. Forest stations are set up by the Minister who ensures that all the activities carried on in a forest station are compatible with its mission.

24. The Minister may, on the conditions determined by the Minister, entrust a legal person with the mandate to carry out all or some of the forest development activities of a forest station in order to foster the development and enhancement of the station.

Before carrying out the forest development activities authorized by the Minister under the mandate, the mandatary must submit a development plan to the Minister for approval.

25. The Minister may allow the mandatary to sell for the mandatary's own account any timber harvested in carrying out the forest development activities authorized by the Minister under the mandate.

The mandate may include special provisions concerning the sale and destination of the timber, the activity reports the mandatary must submit to the Minister or any other provision to ensure the carrying out of the mandate.

26. Experimentation, teaching and research activities carried out at a forest station, including related forest development activities, are governed by the applicable provisions in Division III as if the forest station were an experimental forest or a teaching and research forest.

DIVISION V

BIOLOGICAL REFUGES

27. The Minister may designate forest areas as biological refuges in order to protect certain mature or overmature forests that are representative of Québec's forest heritage and foster the maintenance of the biological diversity of those forests.

To that end, the Minister draws the boundaries of biological refuges in the forests in the domain of the State, and manages the refuges so as to ensure their continued protection.

The biological refuges are defined and shown on the land use plan provided for in the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1).

28. The Minister may make any change the Minister deems necessary to correct an error, inaccuracy or other incongruity that occurred in establishing the boundaries of a biological refuge.

The Minister may also change the boundaries of a biological refuge or revoke its status if it is no longer characterized by the biodiversity that initially warranted its protection. However, if the refuge is entered in the register of protected areas established in accordance with the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01), the Minister must first obtain the approval of the minister responsible for keeping that register.

29. The Minister keeps the list of designated biological refuges up to date.

The list is published on the department's website and contains the following information:

(1) the number assigned to the biological refuge;

(2) the number of the development unit in which the biological refuge is located; and

(3) the geographical coordinates and the area of the biological refuge.

The geographical boundaries of a biological refuge must also be shown on maps posted on the department's website.

30. Forest development activities are prohibited in a biological refuge.

The Minister may nevertheless authorize a forest development activity, on the conditions the Minister determines, if the Minister considers it expedient and if the activity is not likely to have an adverse effect on the maintenance of biological diversity. If the refuge is entered in the register of protected areas established in accordance with the Natural Heritage Conservation Act, however, the Minister must first consult the minister responsible for keeping that register to obtain an opinion on the impact of the proposed activity.

DIVISION VI

EXCEPTIONAL FOREST ECOSYSTEMS

31. Forest ecosystems that are of special interest for the conservation of biological diversity, because of their scarcity or age, for instance, may be classified as exceptional forest ecosystems.

The boundaries of exceptional forest ecosystems are defined by the Minister, in agreement with the Minister of Sustainable Development, Environment and Parks.

32. The Minister has a notice of classification published in the *Gazette officielle du Québec* and on the department's website.

The perimeter of the exceptional forest ecosystem must be defined and shown on the land use plan provided for in the Act respecting the lands in the domain of the State.

33. The Minister may, subject to the same conditions, extend the boundaries of an exceptional forest ecosystem or, if the Minister considers that the grounds for classification no longer exist, declassify part or all of the site.

34. All forest development activities are prohibited in an exceptional forest ecosystem.

However, the Minister may, on the conditions determined by the Minister and after consulting the Minister of Sustainable Development, Environment and Parks, authorize a forest development activity if the Minister considers it expedient and if, in the Minister's opinion, the activity is not likely to have an adverse effect on the conservation of biological diversity.

35. If the Minister is of the opinion that the exercise of a mining right referred to in section 8 of the Mining Act (R.S.Q., chapter M-13.1) within the boundaries of an exceptional forest ecosystem may have an adverse effect on the conservation of biological diversity, the Minister may order that all work

cease and either enter into an agreement with the holder of the mining right providing for the abandonment of the right according to the procedure set out in that Act, or expropriate the right in accordance with the Expropriation Act (R.S.Q., chapter E-24).

CHAPTER II

INCREASING TIMBER PRODUCTION

36. The Minister sets criteria for identifying areas of high forestry potential where increased timber production may be seriously considered.

37. The Minister sends a map showing the location of those areas to the regional conferences of elected officers, which will consult the regions, and to the Native communities concerned.

After the necessary consultations have been carried out, the regional conferences of elected officers and the Native communities concerned propose to the Minister the areas, from among those referred to in section 38, in which they would like to see timber production given priority. These proposals are taken into account in the regional and local consultation process leading to the creation of integrated forest development plans.

CHAPTER III

FOREST DEVELOPMENT STANDARDS

38. The Government may, by regulation, prescribe sustainable forest development standards for anyone carrying on a forest development activity in a forest in the domain of the State. The main object of the standards is to ensure the preservation or renewal of the forest cover, the protection of the forest environment, the conciliation of forest development activities with the activities pursued by Native people and other users of the forest, and the compatibility of forest development activities with the use of land in the domain of the State under the land use plan provided for in the Act respecting the lands in the domain of the State.

Among other things, the standards may cover

(1) the area, location and spatial organization of forest operations and the residual forest areas after those operations;

(2) the protection of lakes, watercourses, riparian areas and wetlands;

(3) the protection of soil and water quality;

(4) the installation and use of piling, lopping, sawing and transfer areas;

(5) the location, construction, improvement, repair, maintenance and decommissioning of roads;

(6) the site of forest camps, sugar bush buildings and equipment and other infrastructures;

(7) the regulation of forest development activities in order to protect various resources, sites or land units;

(8) the forest development activities affecting wildlife protection, management and utilization activities in controlled territories within the meaning of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(9) the application of silvicultural treatments, including marking activities; and

(10) the protection of forest regeneration.

The Government may also determine, by regulation, the provisions of the regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 245, the one to which an offender is liable for a given offence.

39. The Minister may designate a river as a salmon river.

All forest development activities are prohibited in the riparian zone, determined by government regulation, of a salmon river or part of a salmon river, unless prior authorization is obtained from the Minister.

40. The Minister may, for all or part of the forest, impose on persons or bodies subject to a development plan forest development standards different from those prescribed by government regulation, when existing government standards do not provide adequate protection for all the resources of the forest due to the characteristics of the forest and the nature of the project to be carried out. The Minister may also, at the request of a Native community or on the Minister's own initiative after consulting the Native community, impose different forest development standards to facilitate the conciliation of forest development activities with the domestic, ritual or social activities pursued by the community, or to implement an agreement that the Government or a minister enters into with the community.

The Minister may also authorize a departure from the regulatory standards if it is shown that the substitute measures proposed by persons or bodies subject to a development plan offer equivalent or superior protection for forest resources and the forest environment.

The Minister defines, in the plan, the forest development standards imposed or authorized and specifies the places where they are applicable, any regulatory standards they replace, and the mechanisms for ensuring their application. The Minister specifies, in the plan, from among the fines prescribed in section 246, the one to which an offender is liable for a given offence.

CHAPTER IV

MULTI-PURPOSE ROADS

41. A person who intends to carry out work for the construction, improvement or decommissioning of a multi-purpose road must be authorized by the Minister on the conditions determined by the Minister, unless the work is authorized under a forestry permit or a contract or agreement entered into under this Act.

A multi-purpose road is a road in the forest, other than a mining road, built or used to give access to the forest and its many resources.

42. Any person may use a multi-purpose road provided the person complies with the standards prescribed by government regulation in the interests of public safety and road integrity.

However, the Minister may, in the public interest, restrict access to a multi-purpose road on the conditions determined by the Minister, or prohibit access to such a road.

43. No claim for damages may be made by a person using a multi-purpose road on account of a defect in the construction, improvement, repair or maintenance of the road.

44. The Government may, by regulation,

(1) prescribe standards for public safety and road integrity with which persons using a multi-purpose road must comply; and

(2) determine the provisions of the regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

CHAPTER V

CHIEF FORESTER

45. The position of chief forester is established within the department. The chief forester exercises the functions outlined in this chapter in keeping with the principle of sustainable development and in the independent manner provided for in this Act.

The Government appoints a chief forester from among at least three persons approved by a committee following a selection process established by the Government. The committee is to be composed of three members appointed by the Government.

The chief forester holds the position of associate deputy minister, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), for a five-year term.

46. The functions of the chief forester, in keeping with the policy directions and objectives of the sustainable forest development strategy, consist in

(1) establishing the methods, means and tools required to calculate allowable cuts in the forests in the domain of the State;

(2) determining the forest data and ecological data required to carry out the analyses used to determine allowable cuts;

(3) preparing, publishing and keeping up to date a sustainable forest development manual to be used for determining allowable cuts;

(4) on the request of the Minister, providing the support needed to establish forest development strategies as part of the forest planning process;

(5) determining allowable cuts for forest development units and local forests, given the regional and local sustainable forest development objectives;

(6) reviewing allowable cuts every five years and, if necessary, updating them;

(7) at the Minister's request, changing the allowable cuts assigned to an area, if circumstances are such that sustainable forest development could be compromised without an immediate change or if, on the basis of the same considerations as were used to determine them, allowable cuts may be revised upwards;

(8) making allowable cuts, their date of coming into force and the grounds for their determination public; and

(9) analyzing the sustainable forest development results achieved in the forests in the domain of the State and sending the analysis to the Minister at the time and subject to the conditions set by the Minister.

The date of coming into force of the allowable cuts determined or revised by the chief forester corresponds to the date of coming into force of the tactical plans for integrated forest development. The date of coming into force of the allowable cuts changed by the chief forester under subparagraph 7 of the first paragraph is set by the Minister, but may not be prior to 1 April following the year the change was applied for.

47. The chief forester is also responsible for advising the Minister on policy and planning in forestry research and development, on the northern boundary line and the boundaries of development units and local forests, on

the activities to be carried out to optimize forest development strategies and on any other matter that, in the opinion of the chief forester, requires government action or attention.

The Minister may entrust any forestry mandate to the chief forester and ask the chief forester for advice on any matter related to private forests or the forests in the domain of the State.

The advisory opinions of the chief forester must be available to the public.

48. The allowable cuts determined by the chief forester with regard to forest development activities carried out before 1 April 2018 are annual allowable cuts. They correspond, for a given development unit or local forest, to the maximum volume of timber of a particular species or group of species that may be harvested annually, in perpetuity, without diminishing the productive capacity of the forest, while at the same time taking into account certain sustainable forest development objectives having to do, for instance, with the natural dynamics of forests, including their composition and age structure, and diversified forest use.

The allowable cuts determined by the chief forester with regard to forest development activities carried out after 31 March 2018 correspond, for a given development unit or local forest, to the maximum volume of timber of a particular species or group of species that may be harvested annually, while at the same time ensuring the renewal and evolution of the forest on the basis of the applicable sustainable forest development objectives, including those having to do with

(1) the sustainability of forests;

(2) the impact of climate change on forests;

(3) the natural dynamics of forests, including their composition, age structure and tree distribution pattern;

(4) the maintenance and improvement of the productive capacity of forests; and

(5) the diversified use of forests.

49. A public body referred to in the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) must provide the chief forester with the information and documents the latter requests and that are necessary to exercise the functions of office.

50. The chief forester may carry out any investigations the chief forester considers necessary for the exercise of the functions of office.

For the purposes of an investigation, the chief forester is vested with the powers and immunity provided for in the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

No judicial proceedings may be brought against the chief forester for acting in good faith in the exercise of the functions of office.

51. The chief forester must, within three months following the end of each fiscal period, send an activity report to the Minister.

The report must be attached to the department's annual management report.

CHAPTER VI

SUSTAINABLE FOREST DEVELOPMENT AND FOREST MANAGEMENT

DIVISION I

RESPONSIBILITIES OF THE MINISTER

52. The Minister is responsible for the sustainable development of the forests in the domain of the State and for their management, and more particularly for forest planning, the carrying out, follow-up and monitoring of forest operations, timber scaling and the granting of forestry rights.

The Minister exercises ministerial responsibilities and powers under this Act in conformity with the sustainable forest development strategy and the allowable cut, subject to the provisions applicable to special development plans.

DIVISION II

FOREST PLANNING IN DEVELOPMENT UNITS

§1. — *General provision*

53. Development units are subject to forest planning so that forest operations may be organized and carried out within their boundaries. Such planning is part of a regional and local consultation process leading to the creation of integrated forest development plans and special forest development plans.

These plans are founded on ecosystem-based development and take into account any efficiency targets and objectives the Minister sets for forest operations.

§2. — *Integrated forest development plans*

54. The Minister draws up a tactical plan and an operational plan for integrated forest development for each development unit, in collaboration with the local integrated land and resource management panel set up for the unit under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1). When drawing up the plans, the Minister may also retain the services of forest planning experts.

The tactical plan contains, among other things, the allowable cuts assigned to the unit, the sustainable forest development objectives, the forest development strategies adopted to ensure that allowable cuts are respected and objectives are achieved, and the location of the main infrastructures and the areas of increased timber production. This plan covers a five-year period.

The operational plan basically sets out the forest operations zones in which timber harvesting or other forest development activities are planned under the tactical plan. It also contains the harmonization measures adopted by the Minister. The operational plan is updated from time to time, to allow for, among other things, the gradual addition of new zones in which forest operations may be carried out.

The Minister prepares, keeps up to date and makes public a manual for the preparation of plans, and a guide that the Minister follows to prepare silvicultural prescriptions.

55. The local integrated land and resource management panel is set up in order to ensure that the interests and concerns of the persons and bodies affected by planned forest development objectives are taken into account, to define local sustainable forest development objectives and to agree on measures to harmonize the use of resources.

The composition and operation of a panel, including its dispute resolution mechanisms, are the responsibility of the regional bodies that established the panel. Those bodies must, however, invite the following persons or bodies, or their representatives, to sit on the panel:

(1) the Native communities, represented by their band council;

(2) the regional county municipalities and, if applicable, the metropolitan community;

(3) the holders of a timber supply guarantee;

(4) the persons or bodies that manage controlled zones;

(5) the persons or bodies authorized to organize activities, provide services or carry on a business in a wildlife sanctuary;

(6) the holders of an outfitter's licence;

(7) the holders of a sugar bush management permit for acericultural purposes;

(8) the lessees of land for agricultural purposes;

(9) the holders of trapping licences who hold a lease of exclusive trapping rights; and

(10) the regional environmental councils.

A list of the participants on the panel, once the panel's composition has been established, must be sent to the Minister. The Minister may then invite any persons or bodies not on the list to sit on the panel, if the Minister judges that their presence is needed to ensure integrated management of the resources and land.

56. For the purpose of preparing the operational plan, the Minister works with panel participants who so request and who demonstrate a specific interest in order to ensure that that interest is taken more fully into account. To that end, the Minister may take the proposals of such participants into consideration.

However, holders of a timber supply guarantee need not make a request and their specific interest is presumed in so far as the plan concerns a development unit located in a region to which their guarantee applies. To optimize operational conditions with regard to forest development activities, holders of a timber supply guarantee may present proposals to the Minister concerning forest operations zones to be included in the plan.

Before a public consultation on the operational plan is held, the draft plan is sent to the local integrated land and resource management panel to ensure that its contents are compatible with the interests and concerns of all panel participants.

57. Integrated forest development plans must be the object of a public consultation held by the regional bodies that established the local integrated land and resource management panel. The conduct of the public consultation, its duration, and the documents that must accompany the plans during the consultation are defined by the Minister in a manual which the Minister makes public.

The regional bodies responsible for establishing the local integrated land and resource management panel must prepare and send to the Minister, within the time determined by the Minister, a report summarizing the comments obtained in the course of the consultation and propose any solutions it deems appropriate in the case of a divergence in points of view.

58. Throughout the process leading to the drafting of the plans, the Minister sees that forest planning is founded on ecosystem-based development and on integrated and regionalized land and resource management. During this process, the Minister

(1) establishes a timetable for the formulation of the plans;

(2) ensures that the policy directions and objectives set out in the regional plan for integrated land and resource development drawn up by a regional commission under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire are taken into account in preparing the tactical and operational plans, to the extent provided for in the plan implementation agreement entered into with the regional conference of elected officers to which the regional commission concerned reports;

(3) participates in the proceedings of local integrated land and resource management panels and takes account, in preparing the plans, of the local objectives and the harmonization measures agreed upon by those panels;

(4) rules when there is a disagreement on a local integrated land and resource management panel, if the applicable dispute resolution mechanisms fail;

(5) establishes a timetable for the public consultation referred to in section 57 and takes account, in preparing the plans, of the comments sent in by persons and bodies in the course of the consultation;

(6) consults the Native communities affected by forest planning so as to be aware of their concerns relating to the possible effects of the planned activities on their domestic, ritual or social activities, and accommodates those concerns, if necessary;

(7) adjusts the plans, if necessary, before setting the date on which they are to come into force;

(8) establishes the silvicultural prescriptions applicable to the forest operations zones contained in the operational plan, on the basis, among other things, of the harmonization measures adopted by the Minister; and

(9) makes the plans public on their coming into force.

59. Changes to the integrated forest development plans, including updates to the operational plan, must be established and finalized under the rules applicable to the initial plans.

However, updates and changes to the operational plan are subject to the public consultation process only if

(1) they add a new forest operations zone or a new infrastructure;

(2) they substantially change a forest operations zone, an infrastructure or a forest development standard already identified on the plan.

§3. — *Special development plans*

60. If substantial damage to timber stands in a forest area is caused by a natural disturbance or human influence, or if a forest area is required for hydroelectric or wind power development and designated for that purpose by order of the Government, the Minister may, with the participation of the local integrated land and resource management panel concerned, prepare a special development plan to ensure that the timber is salvaged and that the appropriate silvicultural treatments are applied, and administer the plan for the period and on the conditions specified in it.

The plan may set out conditions that depart from the forest development standards prescribed by government regulation if the departure is necessary to salvage the timber, and may provide that the allowable cut be exceeded if the Minister considers it necessary so as not to lose timber that could be salvaged.

A person or body to which the Minister has entrusted or delegated forest development activities on land covered by a special plan must comply with the plan. To the extent specified in it, the plan replaces any development plan that was applicable on that land.

The Minister may grant financial assistance for the implementation of a special plan to a person or body that is to carry out the forest development activities described in the plan and that applies for assistance in writing.

61. Special development plans and changes to them must be established and finalized under the rules applicable to integrated forest development plans.

However, a special plan is not subject to the public consultation process if the Minister considers that there is an urgent need for its application, particularly if the plan is considered necessary in order to avoid a deterioration or loss of timber.

DIVISION III

FOREST OPERATIONS

62. Planned forest development activities must be carried out by the Minister or by forest development enterprises that hold a certificate recognized by the Minister or that are registered in a program to obtain such a certificate. Some of those activities may be entrusted to the holder of a timber supply guarantee in accordance with section 64 if the holder of the timber supply guarantee holds a certificate recognized by the Minister or is enrolled in a program to obtain such a certificate.

63. The services of forest development enterprises are obtained in accordance with the Act respecting contracting by public bodies (2006, chapter 29), including services that may be provided by a cooperative under the Cooperatives Act (R.S.Q., chapter C-67.2). To this end, the terms of a contract that a public body may enter into with an entity mentioned in section 1 of the Act respecting contracting by public bodies also apply to such a cooperative.

In addition to the forest development activities to be carried out, the services requested may relate to the planning or management of such activities or to timber transportation.

64. In forest operations zones where the timber is not primarily intended for sale on the open market, the Minister entrusts, by agreement, the harvesting of all or part of the guaranteed volumes of timber to a holder of a timber supply guarantee who, within the time periods determined by the Minister, expresses to the Minister an interest in harvesting those volumes. If two or more guarantee holders express an interest in harvesting the guaranteed volumes of timber in the forest operations zones concerned, they must decide amongst themselves which of them will carry out the harvest and sign the agreement.

However, the Minister may refuse to enter into an agreement if the guarantee holder has failed to comply with the conditions of a forest development plan, a prior harvest agreement, the standards applicable to forest development activities or any other obligation imposed under this Act and the regulations.

In addition to the harvest proper, the agreement may cover related activities. The agreement defines the forest operations zones, sets the conditions the guarantee holder must comply with in carrying out forest development activities and other commitments, and determines the penalties applicable if the guarantee holder fails to meet those commitments. The agreement also sets out, if applicable, mechanisms ensuring harvest integration and timber transportation and the manner in which decisions are to be made and disputes settled on harvest integration and timber transportation, and on the allocation of their costs.

The information in the agreement must be available to the public.

DIVISION IV

FOLLOW-UP AND MONITORING

§1. — *General provision*

65. The Minister supervises forest operations, particularly those carried out under forest contracts and agreements, checks the quality of the forest development work and determines whether the objectives set within the framework of the forest planning process have been achieved.

The Minister ensures compliance with the harmonization measures, forest development standards and other provisions of this Act and the regulations, and, if the persons or bodies carrying out forest development activities fail to comply, requires them to take the corrective measures the Minister considers necessary, or takes them at their expense if they refuse to do so.

§2. — *Report, inspection and order*

66. The Minister may require any person or body carrying out forest development activities in the forests in the domain of the State to submit a report concerning those activities to the Minister, on the date or dates the Minister sets. The information in the report must be available to the public.

The elements that the report is to contain are determined and defined in an instruction manual prepared and kept up to date by the Minister. The manual is made public and, at their request, is given to the persons or bodies required to make the report.

67. The Minister may, for the purposes of this division, authorize a person to carry out an inspection and verify the data and information in the activity report.

To that end, the person may

(1) enter at any reasonable time an establishment where the person has reasonable cause to believe that data and information necessary for the follow-up and monitoring of forest operations are to be found;

(2) examine and make copies of the books, records, accounts, files and other documents containing data or information that is or was used to prepare the activity report; and

(3) require any information relating to the forest development activities that the person or body carried out, and any related document.

On request, the person authorized by the Minister must introduce himself or herself and produce a certificate of authority signed by the Minister.

68. The Minister may make an order upon observing that forest development activities are carried out unlawfully or in violation of a condition set in a forestry permit, a forest development plan, a contract, an agreement or a standard provided for in or prescribed under this Act.

The order requires the offender to cease the unlawful activities immediately or within a specified time or, if applicable, to submit to the conditions set out in the forestry permit or comply with the development plan or the legal, regulatory or contractual provisions applicable. The order may also require the offender to suspend all or part of a forest development activity determined

by the Minister, for the period and on the conditions set by the Minister. The order must include reasons and be served on the offender. It takes effect on the date on which it is served.

If the offender refuses or neglects to comply with the order, the Minister may, in addition to any other recourse, apply to the Superior Court for an injunction ordering the offender to comply.

§3. — *Areas of increased timber production*

69. The Minister keeps up to date and makes public a list of areas in which timber production has been increased.

The list includes the following information:

(1) the geographical coordinates and area of the increased timber production area; and

(2) a summary description of the increased production activities carried out there.

The geographical boundaries of an area of increased timber production must also be shown on maps posted on the department's website.

DIVISION V

SCALING

70. The Minister is responsible for scaling timber in the forests in the domain of the State.

The Minister may require any person or body authorized to harvest timber in the forests in the domain of the State to scale the timber according to one of the methods determined by government regulation. The scaling method is chosen by the Minister after consulting the person or body concerned.

The person or body must follow the instructions for the scaling method selected set out in the manual prepared for that purpose by the timber marketing board established under section 119.

71. The Minister may, for the purposes of this Act, authorize a person to verify the application of the scaling standards for timber harvested in the forests in the domain of the State.

In carrying out the functions of office, the person may intercept, on a road in the forest, a road vehicle used to transport timber and require the driver to stop the vehicle so that the documents relating to timber transportation that the driver must have in his or her possession may be verified. For that purpose, the person may

(1) establish checkpoints in a forest;

(2) require that the driver submit the documents and all related information for examination; and

(3) require that the driver or any person accompanying the driver provide reasonable assistance during the verification.

The driver of the vehicle and any person accompanying the driver must comply immediately with what is required of them.

On request, the person authorized by the Minister must introduce himself or herself and produce a certificate of authority signed by the Minister.

72. The Government may, by regulation,

(1) determine the scaling standards for timber harvested in the forests in the domain of the State, in particular, the scaling methods and the standards applicable to timber transportation, to the transmission of scaling or inventory data, to the verification of data and to corrections to scaling, including the assistance that the person or body required to scale the timber must provide to the Minister;

(2) set the fees payable by the person or body required to scale the timber for the loss of scaling, inventory or transportation forms that were in the possession of the person or body, and vary the fees depending on the type or number of forms lost; and

(3) determine the provisions of a regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

DIVISION VI

FORESTRY RIGHTS

§1. — *Forestry permits*

i. — *General provisions*

73. A forestry permit is required to carry out the following forest development activities in the forests in the domain of the State:

(1) the harvest of firewood for domestic or commercial purposes;

(2) the operation of a sugar bush;

(3) activities required for public utility works;

(4) activities carried out by a holder of mining rights in exercising those rights;

(5) activities required to create wildlife, recreational or agricultural development projects;

(6) the harvest of shrubs for the supply of wood processing plants;

(7) activities carried out as part of an experimental or research project; and

(8) any other activity determined by the Minister.

The harvest of firewood for the exclusive use of an outfitting operation, a controlled zone or a wildlife sanctuary within the meaning of Divisions II, III and IV of Chapter IV of the Act respecting the conservation and development of wildlife is regarded as the harvest of firewood for domestic purposes.

74. The Minister may issue a permit authorizing the holder to carry out the forest development activities specified on the permit on the conditions determined by the Minister.

However, no forestry permit may be issued to a person who owes dues payable under this Act.

75. The permit holder must

(1) pay required dues according to the terms determined by regulation of the Minister;

(2) satisfy the conditions specified on the permit and those determined by regulation of the Minister, and comply with the standards applicable to the holder's forest development activities; and

(3) if the holder entrusts the work authorized by the permit to a third person, inform the person in writing of the prescriptions of the permit and the requirements of this Act and the regulations relating to the forest development activities to be carried out.

76. If not otherwise set by regulation of the Minister, the amount of the dues payable is based on the rates applicable to the timber that may be harvested under the permit, which are set by the timber marketing board.

Interest is charged on any unpaid balance of dues payable from the thirtieth day following the date of billing, at the rate determined for a debt owed to the State under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31). Interest is capitalized monthly.

77. The term of a permit, other than a sugar bush management permit, is set by the Minister. It may not exceed 12 months.

78. A permit is transferable only in the cases and on the conditions determined by regulation of the Minister.

79. The Minister may suspend or cancel a permit if

(1) the holder has not paid the required dues;

(2) the holder no longer satisfies the conditions imposed for obtaining the permit;

(3) the holder does not satisfy the conditions specified on the permit or comply with the standards applicable to the holder's forest development activities;

(4) the holder has not submitted the activity report required by the Minister; or

(5) the holder is convicted of an offence under this Act or the regulations.

Before making such a decision, the Minister must notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) and allow the holder at least 10 days to submit observations and remedy the failure.

The suspension or cancellation of a permit has effect from the date the permit holder is notified of the Minister's decision.

ii. — *Special provisions regarding sugar bushes*

80. In addition to the provisions applicable to all forestry permits, a sugar bush management permit is governed in particular by the following provisions.

81. The term of a sugar bush management permit ends on 31 December of the fifth year after its issue.

82. If a sugar bush for which a permit has been issued or the other resources on the same forest land have been affected by a natural disturbance or human interference, the Minister may modify the permit to protect the sugar bush or the other resources concerned.

The Minister may also, for the same purposes, impose forest development standards on the permit holder or standards for tapping maple trees or carrying out other work that are different from those prescribed by regulation, when the latter do not provide adequate protection for the sugar bush or forest resources affected.

These new standards, the areas where they are applicable and any regulatory standards for which they are substituted must be set out in the modified

permit. The Minister must also specify in the permit, from among the fines prescribed in section 246, the one to which an offender is liable for a given offence.

83. The Minister may, on the application of a permit holder, increase the area covered by the permit, if the holder

(1) has operated the sugar bush at 90% or more of its tapping capacity for at least two years; and

(2) has built the roads and buildings described and located in the permit application.

The permit holder must, within three years of the increase, operate any part of the sugar bush added to the area covered by the permit at 90% or more of its tapping capacity. If the permit holder fails to meet that requirement, the Minister may remove from the part added to the sugar bush a part corresponding to the unused tapping capacity.

84. The Minister may exclude from a sugar bush any area that has been classified as an exceptional forest ecosystem, if the Minister considers that the operation of the sugar bush is liable to have an adverse effect on the maintenance of biological diversity. In such a case, after giving the permit holder an opportunity to submit observations, the Government compensates the permit holder for the loss suffered, in the amount considered fair by the Government on the basis of the value of the property and infrastructures used to operate the sugar bush.

85. A permit holder is entitled to the renewal of the permit if the holder

(1) has paid the dues for the permit and the administrative fees payable for the examination of the renewal application;

(2) satisfies the conditions specified on the permit and those determined by regulation of the Minister, and complies with the standards applicable to the holder's forest development activities;

(3) has submitted an activity report, if required; and

(4) has operated the sugar bush at an average of at least 50% of its tapping capacity during the term of the permit.

However, the Minister may include in the renewed permit any condition the Minister considers advisable. The Minister may also refuse to renew the permit for public utility purposes.

86. In addition to the cases of suspension or cancellation under section 79, the Minister may, on the same conditions as those set out in that section, suspend or cancel a permit if the holder has failed to operate the sugar bush for at least three consecutive years.

iii. — *Regulatory power*

87. The Minister may, by regulation, according to the categories of forestry permit,

(1) determine the content of a permit, the conditions for its issue and the cases in and conditions under which it may be transferred;

(2) determine, for permits other than a sugar bush management permit, the conditions for the modification or renewal of the permit;

(3) determine standards for tapping maple trees or otherwise managing a sugar bush;

(4) set the dues to be paid by a given permit holder and the terms of payment;

(5) set the administrative fees payable for the examination of applications; and

(6) determine the provisions of a regulation the violation of which is an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

§2. — *Timber supply guarantees*

i. — *Granting of timber supply guarantees and establishment of register*

88. The Minister may, on the conditions the Minister determines, grant a timber supply guarantee to a person or body that operates or plans to operate a wood processing plant, if the allowable cut is sufficient, if the volumes of timber available on the open market are large enough to assess the market value of timber from the forests in the domain of the State, and if the Minister is of the opinion that it is in the public interest and in keeping with the principle of sustainable development.

The Minister may also, on the same conditions, ask the timber market board to sell timber supply guarantees on the open market.

A person or body acquiring a plant that operates or operated under a timber supply guarantee, or the right to operate such a plant, is entitled to a guarantee only if the annual royalty, the amount from sales of the timber, and the assessments payable by the guarantee holder to the forest protection organizations certified by the Minister have been paid in full.

The third paragraph does not apply if the guarantee holder has made an assignment of property or is subject to a receiving order under the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3).

89. The Minister enters timber supply guarantees in a public register that the Minister establishes and keeps up to date.

The Minister publishes a notice of each entry in the *Gazette officielle du Québec*, setting out in the notice the guarantee registration number, the name of the guarantee holder and the annual volumes of timber guaranteed for each species or group of species for each region concerned.

The guarantee takes effect on the date of its registration.

ii. — *Nature of the right granted by a timber supply guarantee*

90. A timber supply guarantee entitles the holder to purchase, each year, a volume of timber from forests in the domain of the State in one or more specific regions to supply the wood processing plant for which the guarantee was granted, on condition that the holder performs the obligations set out in this Act and the guarantee.

The annual volumes of timber that may be purchased by the holder are specified in the timber supply guarantee by species or group of species for each of the regions concerned.

91. The annual volumes of timber guaranteed are residual volumes determined by the Minister, taking into account

(1) the timber requirements of the wood processing plant; and

(2) other available sources of supply such as timber from private forests and local forests, chips, sawdust, shavings, recycled wood fibres and timber from outside Québec.

For the purposes of subparagraph 2 of the first paragraph and, in particular, to assess the available timber from private forests that may be sold in a particular region, the Minister, before granting a timber supply guarantee, consults the boards of producers within the meaning of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) or the organizations designated under section 50 of that Act. The consultation pertains, among other things, to the volumes of timber the Minister intends to guarantee.

92. The holder of a timber supply guarantee may, after so informing the Minister and in the manner specified by the Minister, send timber purchased during the year which, under the guarantee, was intended for the guarantee holder's wood processing plant to other processing plants operating under a timber guarantee; the sum of the volumes of timber that may be sent to other processing plants during a given year may not exceed the volume of timber determined by government regulation.

The sum of the volumes of timber from other wood processing plants operating under a timber supply guarantee that are sent to the processing plant specified in the holder's guarantee during a given year may not exceed the volume of timber determined by government regulation. Additional volumes of timber equal to the volumes of timber that the holder may have sent to other processing plants under the first paragraph may be added to that volume.

Volumes of timber whose destination was changed under section 93 are excluded in calculating volumes of timber under this section.

93. The Minister may, as an exceptional measure, allow part of the guaranteed volumes of timber purchased by the holder in the course of a year to be allocated to a processing plant other than the plant specified in the timber supply guarantee, in particular if the Minister considers it necessary to do so to avoid a deterioration or loss of timber or to ensure the optimal use of the timber.

The Minister may also, on the request of a guarantee holder, authorize the holder to send part of the guaranteed volumes of timber purchased in the course of a year to a wood processing plant other than the plant specified in the guarantee to make up for an inadequate supply for that processing plant resulting from the economic context, if the Minister considers that transferring the timber will prevent the temporary closure or reduce the duration of the closure of the processing plant. The Minister may also, on the request of guarantee holders, authorize exchanges of timber between two wood processing plants to reduce timber transportation costs. In making a decision, the Minister must take into account the impact the decision will have on the local and regional economy and on the marketing of timber from private forests.

94. A timber supply guarantee is not transferable.

iii. — *Annual royalty and market price for guaranteed timber*

95. The holder of a timber supply guarantee must pay the Minister an annual royalty based on the rate set by the timber marketing board. The royalty is payable on 1 April of each year or according to the terms and schedule determined by regulation of the Minister.

96. The timber purchased by a guarantee holder is payable at the rates set by the timber marketing board and according to the terms and schedule determined by regulation of the Minister.

97. Interest is charged on any unpaid balance of amounts payable from the thirtieth day following the date of billing, at the rate determined for a debt owed to the State under section 28 of the Act respecting the Ministère du Revenu. Interest is capitalized monthly.

iv. — *Waiver of right to guaranteed volumes of timber*

98. The holder of a timber supply guarantee may, in the course of a year, waive all or part of its right to guaranteed volumes of timber for the year.

99. A timber supply guarantee does not entitle its holder to reject timber affected by a natural disturbance or human interference otherwise than by a waiver.

100. The Minister may, after consulting the holder of a timber supply guarantee, establish a calendar of the dates on which the holder is to decide whether or not to purchase a specified part of the annual volumes of timber guaranteed.

A holder who, when required to decide whether or not to purchase the specified part of the annual volumes, refuses, neglects or fails to do so is deemed, after being informed by the Minister of the consequences of the refusal, neglect or failure, to have waived the right to those volumes of timber for the year.

The notice sent by the Minister must state that the holder has 10 days to remedy the situation.

101. Volumes of timber to which a guarantee holder waived or is deemed to have waived the right may not be claimed by the holder in subsequent years.

102. Volumes of timber to which a guarantee holder waived or is deemed to have waived the right may be sold by the timber marketing board or allocated to one or more other wood processing plants at the rates set by the timber marketing board, as the Minister may direct.

v. — *Special provision regarding natural disturbances and human interference and constraints restricting or prohibiting access to forest resources*

103. The holder of a timber supply guarantee may not claim an indemnity or compensation from the Government if, in the course of a year, the holder was not able to acquire all the guaranteed annual volumes of timber owing to a natural disturbance or human interference or to a decision of the Minister restricting or prohibiting in the public interest access to or travel in the forest.

In the latter case, however, the volumes of timber must be offered to the holder entitled to it as soon as they become available, if the holder continues to operate the plant benefiting from the guarantee. If there is more than one guarantee holder entitled to the volumes of timber, they are allocated in proportion to the volumes initially withheld.

vi. — *Term, renewal and revision of a timber supply guarantee*

104. A timber supply guarantee is granted for a five-year period.

Unless otherwise specified by the guarantee holder, it is renewed for the same period every five years if the holder has performed the obligations set out in this Act and the guarantee.

105. If the Minister considers it expedient following the five-year review of allowable cuts and after giving the guarantee holder an opportunity to submit observations, the Minister may revise the conditions of the guarantee, including the guaranteed annual volumes of timber and the forest from which the timber may be purchased.

The Minister, exercising ministerial discretion, takes into account

(1) the requirements of the wood processing plant;

(2) other available sources of supply such as timber from private forests and local forests, chips, sawdust, shavings, recycled wood fibres and timber from outside Québec;

(3) the volumes of timber, by origin, used by the plant in the last five years;

(4) the allowable cuts assigned to the development units;

(5) the minimum volumes of timber required on the open market to assess the market value of timber from the forests in the domain of the State; and

(6) the volumes of timber the Minister considers necessary for the carrying out of socio-economic development projects in the regions and communities.

For the purposes of subparagraph 2 of the second paragraph and, in particular, to assess the available timber from private forests that may be sold in a particular region, the Minister consults the boards of producers within the meaning of the Act respecting the marketing of agricultural, food and fish products or the organizations designated under section 50 of that Act during the revision process. The consultation pertains, among other things, to the volumes of timber the Minister intends to guarantee.

106. The Minister may also, after giving the holder of a timber supply guarantee an opportunity to submit observations, revise, in the course of the year, the guaranteed annual volumes of timber for the species or group of species concerned and change the forest from which the timber may be purchased, when the allowable cut assigned to a development unit in a region covered by the guarantee is changed by the chief forester in accordance with subparagraph 7 of the first paragraph of section 46. The changes apply only once the new allowable cut is in force, that is, after 31 March of the following year.

The same applies when changes occur in the requirements of the guarantee holder's wood processing plant, for instance following a change in the controlling interest of the legal person or partnership holding the guarantee, the permanent discontinuance of part of the plant's operations, a change in the processing plant's vocation or a restructuring of the enterprise.

For the purposes of the first paragraph, the Minister, exercising ministerial discretion, takes into account the elements set out in subparagraphs 4 and 5 of the second paragraph of section 105. If the Minister revises the volumes because of an increase in the allowable cut, the Minister also takes into account the sources of supply mentioned in subparagraph 2 of the second paragraph of section 105 and consults the bodies mentioned in the third paragraph of section 105.

107. Following a reduction in the allowable cut assigned to a development unit in a region covered by several timber supply guarantees, the Minister may take into account the impact on regional or local economic activity of the apportionment among the guarantee holders of the reduction in guaranteed annual volumes for the species or group of species concerned, and vary the reduction in consequence.

108. A timber supply guarantee may at all times be modified by the Minister with the consent of the guarantee holder.

vii. — *Cancellation, suspension and termination of a timber supply guarantee*

109. The Minister may cancel a timber supply guarantee

(1) if the guarantee holder fails to perform the obligations set out in this Act or the guarantee;

(2) if the guarantee holder fails to pay the annual royalty or the amount obtained from the sale of guaranteed timber that is payable; or

(3) if the guarantee holder's wood processing plant ceased operations at least six months earlier.

The Minister must give the guarantee holder in default prior notice of the Minister's intention to cancel the guarantee, unless the holder remedies the failure before the expiry of the time specified in the notice.

Moreover, in the case described in subparagraph 3 of the first paragraph, the prior notice must state that the guarantee holder has 60 days to submit a business plan for resuming operations to the Minister. If the holder submits a business plan within the 60-day period, the Minister may not cancel the guarantee before the expiry of 30 days after the plan is submitted.

The resumption of a wood processing plant's operations for a continuous period of less than one month does not interrupt the six-month period referred to in subparagraph 3 of the first paragraph.

110. The Minister may suspend, under the same conditions and for the period determined by the Minister, the rights granted by the timber supply guarantee

(1) in any of the cases described in subparagraphs 1 and 2 of the first paragraph of section 109; or

(2) if the guarantee holder fails to join the forest protection organizations certified by the Minister or fails to pay the assessment set by those organizations.

During such a suspension, the Minister may take all the necessary measures with respect to the guaranteed volumes of timber made available.

111. The Minister enters a reference to the notices given under sections 109 and 110 in the public register.

112. The Minister terminates a timber supply guarantee without prior notice

(1) if the guarantee holder's wood processing plant discontinues its operations permanently; or

(2) if the guarantee holder has made an assignment of property or has been the subject of a receiving order under the Bankruptcy and Insolvency Act or, in the case of a legal person, has been dissolved or has been the subject of a winding-up order.

113. The Minister terminates a timber supply guarantee at the request of the guarantee holder.

In such a case, the holder is entitled to the reimbursement of the part of the annual royalty corresponding to the overpayment. The amount is determined on the basis of the remaining volumes of timber that the holder was entitled to purchase before the end of the year.

114. If the Minister terminates a timber supply guarantee, the Minister may, for the time remaining before the next five-year review of allowable cuts, either allow the timber under the guarantee to be sold by the timber marketing board or allocate the timber to one or more other wood processing plants at the rates set by the timber marketing board.

viii. — *Regulatory power*

115. The Government may, by regulation,

(1) determine, for the purposes of the first paragraph of section 92, the volume of timber that may be sent to other processing plants operating under a timber supply guarantee, in the course of a given year;

(2) determine, for the purposes of the second paragraph of section 92, the volume of timber that may be sent from other wood processing plants operating under a timber supply guarantee to a processing plant specified in the holder's guarantee, in the course of a given year; and

(3) determine the provisions of the regulation whose violation constitutes an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence.

116. The Minister may, by regulation, determine the terms and schedule according to which the annual royalty and the amount obtained from the sale of guaranteed timber are payable by the holder of a timber supply guarantee.

CHAPTER VII

PROCESSING OF TIMBER

117. All timber harvested in the forests in the domain of the State must be completely processed in Québec.

Timber is completely processed when it has undergone all the manufacturing treatments and processes and has passed through all the necessary phases to render it suitable for its intended final use.

118. The Government may, on the conditions it determines, authorize the shipment outside Québec of incompletely processed timber from the forests in the domain of the State if it appears to be contrary to the public interest to do otherwise.

TITLE III

TIMBER MARKETING

119. A timber marketing board known as the Bureau de mise en marché des bois is established within the department. The timber marketing board exercises the functions conferred on it by this Title, with a view to fostering sustainable development and an open market.

A performance and accountability agreement must be entered into by the Minister, the deputy minister and the director of the timber marketing board specifying, among other things, the responsibilities of each within the framework of the timber marketing board's mission.

120. The timber marketing board has the following functions:

(1) to prepare a manual setting out the rules applicable to the marketing of timber and other forest products;

(2) to determine the minimum volumes of timber from forests in the domain of the State that are required on the open market to assess the market value of timber;

(3) to identify the forest operations zones from which timber is to be sold on the open market;

(4) to carry out marketing operations for timber and other forest products from the forests in the domain of the State;

(5) to establish a register of buyers eligible to bid on the open market and determine registration fees and conditions, as well as cases of exclusion from the register;

(6) where required, to set the opening bid, the reserve price and the minimum bid for the sale of timber or forest products, taking account, among other things, of benchmark data on the cost and performance of forest development activities, whose efficiency is determined according to the site and the operating conditions;

(7) to sell timber and other forest products from the forests in the domain of the State on the open market and enter into sales contracts on the conditions the board determines;

(8) at the Minister's request, to sell timber supply guarantees on the open market in order to assess their market value;

(9) at the request of a board of producers within the meaning of the Act respecting the marketing of agricultural, food and fish products or an organization designated under section 50 of that Act, to sell on the open market products from private forests subject to the joint plan administered by the board of producers or the organization, if the plan allows it;

(10) to compile the forest, biophysical, financial and economic data required to assess both the market value of timber and other forest products from the forests in the domain of the State and the cost and value of forest development activities, as well as the cost of forest protection activities;

(11) to assess the cost and value of forest development activities and the cost of forest protection activities;

(12) to assess, for each species or group of species, based on quality, size and zone, the market value of timber offered for sale to holders of timber supply guarantees, according to the methods and frequency determined by government regulation, and to set the applicable rates on the basis of that assessment;

(13) to assess the annual royalty the holder of a timber supply guarantee must pay according to the method determined by government regulation and set the applicable rate on the basis of that assessment;

(14) to assess, if required by the Minister, the market value of other forest products from the forests in the domain of the State;

(15) to enter, in a manual that it keeps up to date, the instructions applicable to each scaling method determined by government regulation and covering, for instance, the different scaling and sampling techniques and the content and style of the various application forms and other types of forms relating to timber scaling, timber inventories and timber transportation;

(16) to establish the rules relating to timber sampling in the forests in the domain of the State, carry out the sampling, compile the data, and identify, based on the sampling, the conversion factors with which to determine volumes of timber, using data gathered from weighing and measuring felled timber;

(17) to submit invoices for timber and other forest products from the forests in the domain of the State and collect revenue from their sale;

(18) to prevent and detect collusion and initiate complaints of collusion where it has reasonable grounds to believe that persons or bodies have acted in collusion; and

(19) to carry out any other mandate related to a matter falling within its purview that the Minister entrusts to it.

The marketing manual, the value of forest development activities, the rates applicable to the sale of guaranteed volumes of timber and to the annual royalty to be paid by the holder of a timber supply guarantee, the instruction manual for scaling timber and the conversion factors are made public by the timber marketing board.

121. A further function of the timber marketing board is to advise the Minister on the planning and development of markets for timber and other forest products.

The Minister may also ask the timber marketing board for an opinion on any matter related to its functions, regarding either the forests in the domain of the State or private forests.

The advisory opinions of the timber marketing board must be available to the public.

122. The timber marketing board may require that holders of timber supply guarantees or enterprises carrying on forest development activities in the forests in the domain of the State provide it with the forest, biophysical, financial or economic data required for the exercise of its functions. The guarantee holders or enterprises concerned must provide the required data.

123. A public body referred to in the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information must provide the timber marketing board with the information and documents the board requires to exercise its functions.

124. The timber marketing board may carry out any investigations it considers necessary for the exercise of its functions.

For the purposes of an investigation, the timber marketing board is vested with the powers and immunity provided for in the Act respecting public inquiry commissions, except the power to order imprisonment.

No judicial proceedings may be brought against the timber marketing board for acting in good faith in the exercise of its functions.

125. The department's annual management report must contain a separate section on the management of the timber marketing board.

126. The Government may, by regulation,

(1) determine the methods and frequency according to which the timber marketing board must assess the market value of timber offered to holders of timber supply guarantees; and

(2) determine the method according to which the timber marketing board must assess the annual royalty to be paid by the holder of a timber supply guarantee.

TITLE IV

FORESTS IN THE PRIVATE DOMAIN

CHAPTER I

APPLICATION

127. This Title applies to forests belonging to private owners or held under a title of ownership by a Native landholding corporation governed by the Act respecting the land regime in the James Bay and New Québec territories and intended for forest production.

CHAPTER II

PLANS AND PROGRAMS

128. The Minister may develop programs to foster the sustainable development of private forests, and grant financial assistance to a person or body for that purpose, in particular to regional agencies for private forest development and joint management bodies, on the conditions determined by the Minister.

129. A person or body that obtains financial assistance without entitlement, fails to comply with the applicable terms or uses the proceeds of such assistance for purposes other than those for which it was granted forfeits the assistance by operation of law and must return the amounts received, unless the Minister decides otherwise.

Any amount not remitted to the Minister under the first paragraph bears interest, at the rate set for a debt owed to the State under section 28 of the Act respecting the Ministère du Revenu, from the thirtieth day following the date of the Minister's claim. Interest is capitalized monthly.

CHAPTER III

FOREST PRODUCERS

130. A certified forest producer is a person or body that

(1) owns a parcel of land or a group of parcels of land that may constitute a unit of assessment within the meaning of section 34 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and whose total forest area is not less than four hectares;

(2) has a forest development plan for that area that is certified by a forest engineer as being consistent with the by-laws of the regional agency for private forest development that has jurisdiction in the area; and

(3) registers the total forest area of the unit of assessment, and any modification that affects it or changes its size, with the Minister or with any person or body designated for that purpose by the Minister.

The Minister or the person or body having effected the registration issues to the certified forest producer, upon payment of the dues payable and the administrative fees prescribed by government regulation, a certificate attesting to the forest area in question. The period covered by the certificate must correspond to that covered by the forest development plan, which cannot exceed 10 years.

However, a certificate may be refused the owner of a private forest consisting of a single block of 800 hectares or more if the owner fails to join a forest fire protection organization certified by the Minister or fails to pay the assessment set by the organization. The Minister may revoke a certificate for the same reasons.

131. A certified forest producer may receive a reimbursement of part of the property taxes paid for the immovables included in a unit of assessment, the forest area of which has been registered under section 130, if the forest producer

(1) has a forest producer's certificate for the forest area in question;

(2) applies for the reimbursement in accordance with section 220.3 of the Act respecting municipal taxation;

(3) has a report that was prepared by a forest engineer, stating the eligible protection or development expenses that are applicable to the last calendar year, if the producer is a natural person, or, otherwise, to the last fiscal year of the producer and that represent an amount equal to or greater than the amount of property taxes paid for which an application for reimbursement may be made under section 220.3 of the Act respecting municipal taxation; and

(4) is not already receiving a reimbursement of property taxes for that forest area.

CHAPTER IV

REGIONAL AGENCIES FOR PRIVATE FOREST DEVELOPMENT

DIVISION I

ESTABLISHMENT AND ORGANIZATION

132. For the purposes of this division, the Minister may certify organizations of forest producers responsible for providing their members with private forest development services or forest product marketing services.

133. One or more municipalities may associate with organizations certified under section 132 and holders of a wood processing plant operating permit to apply to the Minister for the creation of a regional agency for private forest development in their territories.

In the territory of a regional county municipality, the initiative for founding an association belongs to the regional county municipality; however, a local municipality whose territory is included in that of a regional county municipality that belongs to such an association may join the association.

134. The association's application must include

(1) the name of the agency to be established;

(2) a description of the territory of the agency;

(3) a list of the members of the association, including their capacity;

(4) the designation of the persons who will represent the municipalities, the organizations certified under section 132 and the holders of a wood processing plant operating permit on the agency's first board of directors; and

(5) the designation of the person who will chair the agency's board of directors.

The application must be accompanied by the by-laws that will govern the new agency.

135. The Minister may grant the application and establish an agency, after ascertaining that the by-laws are consistent with section 141 and approving their substance.

The Minister gives notice of the establishment in the *Gazette officielle du Québec*.

The members of the founding association and the members of the board of directors proposed for the agency in the application, including the chair, become the members and the members and chair of the board of the agency, without further formality and without ratification. In a similar manner, the by-laws proposed for the agency in the application become the by-laws of the agency.

136. An agency is a non-profit legal person.

137. An agency has its head office in its territory, at the place it determines. Notice of the location or of any change of location of the head office is published in the *Gazette officielle du Québec*.

138. Subject to any conditions governing admission that may be prescribed by an agency's by-laws, the municipalities whose territory is included in that of the agency, organizations certified under section 132 and holders of a wood processing plant operating permit may become members of the agency.

The right to vote at the general assembly is limited to the representatives of the categories of members mentioned above; each category has the same number of votes.

139. An agency may, in its by-laws, create a category of associate members who do not vote and do not participate in the administration of the agency, and determine the conditions governing their admission and their rights and obligations.

140. The board of directors of an agency is composed of representatives of each category of members mentioned in section 138 and of persons appointed by the Minister for the time determined by the Minister; each of the four groups has the same number of votes.

141. The by-laws of an agency must

(1) prescribe, subject to the conditions set in section 138, the manner of designating the representatives of each category of members at the general assembly, the conditions to be satisfied by each representative, the number of representatives, their term of office, and the number of votes that may be cast by each representative;

(2) prescribe, subject to the conditions set in section 140, the manner of designating the members of the board of directors other than those appointed by the Minister, the conditions to be satisfied by each board member, the number of board members, their term of office, and the number of votes that may be cast by each board member;

(3) determine the rules of ethics and professional conduct applicable to the members of the board of directors; the rules must include mechanisms for their implementation, including any applicable penalties;

(4) determine the minimum amount of liability insurance the agency must take out to cover any liability incurred by its officers and other representatives as a result of errors or negligence in the exercise of their functions;

(5) establish a decision-making process and a conflict resolution mechanism for the board of directors; and

(6) ensure that every person or body that satisfies the conditions governing admission is permitted to join the agency.

Any amendment to the agency's by-laws must be approved by the Minister after ratification by the general assembly.

142. In order to standardize the rules of ethics and professional conduct applicable to board members, the Minister may request all, or one or more, agencies to make the amendments the Minister determines to their by-laws. The Minister may also require that an agency make the amendments the Minister determines to the provisions of its by-laws that deal with the quorum for board meetings if the Minister considers that the by-laws no longer facilitate the holding of meetings.

An agency to which the request is made must enact the amending by-law. The by-law comes into force on the date it is enacted by the board and need not be ratified by the general assembly.

The Minister may enact the amending by-law if the agency fails to do so within the time specified by the Minister. The by-law then comes into force as soon as the chair of the agency is notified.

143. An agency must hold a general assembly at least once a year.

The general assembly adopts the annual activity report, approves the financial statements for the preceding fiscal year and, if necessary, elects directors. In addition, the general assembly appoints an auditor for the current fiscal year and examines any other question on the agenda.

144. The Minister may change the name of an agency that applies for such a change.

The Minister gives notice of the change in the *Gazette officielle du Québec*.

145. On an application by an agency and a municipality, the Minister may extend the boundaries of the territory of the agency in order to include the territory of the municipality.

The Minister gives notice of the extension in the *Gazette officielle du Québec*.

In the territory of a regional county municipality, the initiative for filing the application belongs to the regional county municipality.

146. On an application by interested agencies whose territories are adjacent, the Minister may join their territories and form a new agency. The application must include

(1) the name of the new agency;

(2) the designation of the persons who will represent the municipalities, the organizations certified under section 132 and the holders of a wood processing plant operating permit on the new agency's first board of directors; and

(3) the designation of the person who will chair the board of directors of the new agency.

The application must be accompanied by the by-laws that will govern the new agency.

The Minister gives notice of the creation of the new agency in the *Gazette officielle du Québec*.

The agencies whose territories are joined cease to exist and their members, rights and obligations become members, rights and obligations of the new agency.

147. On an application by an agency, the Minister may divide the territory of the agency and create new agencies. The application must include

(1) the names of the new agencies;

(2) the designation of the persons who will represent the municipalities, the organizations certified under section 132 and the holders of a wood processing plant operating permit on the first boards of directors of the new agencies;

(3) the designation of the persons who will chair the boards of directors of the new agencies; and

(4) a plan for the allocation of the rights and obligations of the agency whose territory is divided.

The application must be accompanied by the by-laws that will govern the new agencies.

The Minister gives notice of the creation of the new agencies in the *Gazette officielle du Québec*.

The agency whose territory was divided ceases to exist and its rights and obligations become rights and obligations of the new agencies in accordance with the allocation plan.

148. The members of the board of directors, including the chair, proposed in the application that gave rise to a new agency resulting from an amalgamation or division of territory become, without further formality and without ratification, the members and the chair of the board of directors of the new agency. In a similar manner, the by-laws proposed for the new agency become the by-laws of the new agency.

The protection and development plan of a former agency remains in force in the territory to which it applied until it is amended or replaced by the new agency having jurisdiction in that territory.

DIVISION II

OBJECTS

149. The objects of an agency are to guide and promote the development of the private forests in its territory in keeping with the principle of sustainable forest development, in particular through

(1) the preparation of a protection and development plan; and

(2) the provision of financial and technical support for protection or development.

To that end, the agency encourages concerted action among the persons and bodies involved in those activities.

150. The protection and development plan includes a survey of forest capability in the territory of the agency and sets out production objectives and recommended management methods, in particular management methods capable of ensuring a sustainable supply of timber. The plan must also include a five-year program outlining the forest protection and development activities fostered by the agency and state the means selected to achieve the objectives.

The plan comes into force in the territory of a regional county municipality if it is consistent with the objectives of the regional county municipality's land use planning and development plan, within the meaning of the Act respecting land use planning and development (R.S.Q., chapter A-19.1). The plan is available for consultation at the agency's head office or any other place determined by the agency. Any person or body may obtain a copy of all or part of the plan from the agency by paying the necessary fees.

For the purposes of this section and sections 151 to 156, the following are regarded as regional county municipalities:

(1) Ville de Gatineau; and

(2) until the coming into force of the metropolitan land use and development plan applicable in their territory, Ville de Laval, Ville de Mirabel, Ville de Montréal, Ville de Québec, Ville de Longueuil and Ville de Lévis and, from the coming into force of their metropolitan land use and development plan, the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec.

151. The agency sends a copy of its protection and development plan to the Minister and to every regional county municipality whose territory is included in that of the agency.

152. Within 90 days after receiving the agency's plan, the council of the regional county municipality concerned must give the agency its opinion on whether or not the plan is consistent with the objectives of its land use planning and development plan.

The secretary-treasurer serves on the agency, within the time provided for in the first paragraph, a certified copy of the resolution stating this opinion.

If the council of the regional county municipality fails to send its opinion to the agency within the time provided for in the first paragraph, the agency's plan is deemed to be consistent with the objectives of the land use planning and development plan.

The agency's plan is also deemed to be consistent with those objectives from the date on which the regional county municipality, in accordance with the first paragraph, issues an opinion to that effect.

153. An opinion to the effect that the agency's plan is not consistent with the objectives of a land use planning and development plan must include reasons and may contain suggestions by the regional county municipality for ensuring that consistency.

The agency must, within 90 days after receiving the opinion, amend its protection and development plan to ensure that it is consistent with the objectives of the land use planning and development plan.

154. At the request of the Minister, the agency must revise its protection and development plan, following the same procedure as when preparing its initial plan.

The agency may revise its plan on its own initiative, following the same procedure.

155. The agency must, within 90 days after the coming into force of a land use planning and development plan that is applicable in its territory, review its protection and development plan so as to ensure that it is consistent with the objectives of the land use planning and development plan.

156. If a land use planning and development plan applicable in the territory of a regional county municipality is amended, the agency must, within 90 days after receiving a request from a regional county municipality, amend its protection and development plan to ensure that it is consistent with the objectives of the amended land use planning and development plan. The request may contain suggestions for ensuring that consistency.

157. The agency determines, by by-law, the form and content of the forest development plan that a certified forest producer must have. A plan applicable to a forest area consisting of a single block of 800 hectares or more must include, among other things, a calculation of the annual allowable cut.

158. The agency may, within the framework of its programs and subject to the conditions it determines, participate financially in the implementation of its protection and development plan and in particular in

(1) the preparation of forest development plans and the carrying out of forest development work; and

(2) the carrying out of training and information activities.

However, financial participation in forest development work is restricted to forest areas registered under section 130, regardless of the eligibility of a person or a body for an agency program.

The agency may also give prizes or awards for excellence in the protection and development of private forests.

159. Every financial participation program of the agency must set out the eligibility requirements and the nature of the participation and the scales, limits and conditions involved.

160. The agency may, in addition,

(1) receive gifts, legacies, grants or other contributions, provided that any conditions attached are compatible with the exercise of its powers and duties;

(2) establish and administer any fund required for the exercise of its powers and duties; and

(3) monitor the work carried out under a financial participation program.

161. The agency may, under an agreement and subject to the conditions set out in the agreement, delegate certain of its powers and duties to another person or body.

DIVISION III

FINANCIAL PROVISIONS AND REPORTS

162. A holder of a wood processing plant operating permit who acquires a volume of timber from the territory of an agency must pay a contribution to the agency. The contribution is established annually by the agency on the basis of a rate per cubic metre of timber set by government regulation and applied to the volume of private-forest timber purchases made by the permit holder in the course of a year.

163. A holder of a wood processing plant operating permit must declare, according to the formula and conditions determined by by-law of the agency, the volume of private-forest timber purchased in the course of the period preceding the declaration. The holder must file the declaration according to the schedule set by government regulation and pay the contribution in accordance with that schedule and the volume of timber declared.

164. An agency must obtain the authorization of the Minister to

(1) grant a loan or a guarantee for total or partial repayment of a financial commitment;

(2) make an investment in exchange for royalties, a share of the profits, or any other form of compensation;

(3) acquire assets of an enterprise; or

(4) make any other financial commitment that the Minister may determine by regulation.

The Minister may subject the authorization to conditions.

165. The fiscal year of an agency ends on 31 March.

166. An agency may not, in a fiscal year, make payments or assume obligations in excess of the sums at its disposal for that fiscal year.

This section does not prevent an agency from making a commitment for a term that exceeds one fiscal year.

167. The Minister may require an agency to file reports on its financial situation on the dates and in the form the Minister determines.

The Minister may also require an agency to provide any information concerning the application of this chapter.

168. An agency must send its financial statements and annual report for the preceding fiscal year to the Minister, at the time the Minister determines.

These documents must contain the information required by the Minister and be accompanied by the auditor's report.

The agency must publish its financial statements and annual report.

CHAPTER V

FORESTRY FUNDING PROGRAM

169. The Government establishes by regulation a forestry funding program to encourage the creation, maintenance and development of forest production units, and prescribes for that purpose any measure necessary for its establishment and implementation. The regulation may

(1) determine the conditions, criteria and scope of the program, which may vary, in particular, with the nature of the activities concerned, and prescribe exclusions;

(2) establish criteria for determining the persons or categories of persons who may benefit from the program, and prescribe exclusions;

(3) designate the persons who may act as lenders under the program; and

(4) determine the financial commitments made under the program that may be insured under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) together with the extent and duration of coverage.

170. Financial assistance under the forestry funding program is granted by La Financière agricole du Québec. The program may provide for

(1) loans; and

(2) guarantees for total or partial repayment of financial commitments, furnished by the Fonds d'assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance.

171. The Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1), except section 19, applies, with the necessary modifications, to the forestry funding program.

172. Not later than 30 June each year, La Financière agricole du Québec must send the Minister a report on the administration of the forestry funding program for the preceding fiscal year. The report must be attached to the department's annual management report.

La Financière agricole du Québec must also provide the Minister, at any time, with any information on its activities that the Minister may require under this Act.

CHAPTER VI

REGULATORY POWERS

173. The Government may, by regulation,

(1) set the fees payable for the issue, modification or renewal of a forest producer's certificate;

(2) set the administrative fees payable for the examination of applications and the issue of copies of a certificate;

(3) limit the total fees a person must pay in the course of a given year;

(4) provide that the fees payable or the fees paid to a person or body designated by the Minister to register forest areas may be kept by the person or body;

(5) define the content of the report described in paragraph 3 of section 131 and specify, for the purposes of that paragraph, the eligible protection or development expenses, prescribing exclusions, ceilings and deductions;

(6) establish rules for the calculation and substantiation of eligible development expenses, and authorize carry-forwards of those expenses;

(7) according to criteria it determines, set the rate per cubic metre of timber on the basis of which the contribution provided for in section 162 is established, and prescribe how and when the contribution is to be paid; and

(8) determine how and when the declaration required under section 163 is to be filed with the agency.

TITLE V

OPERATION OF WOOD PROCESSING PLANTS

CHAPTER I

OPERATING PERMITS

174. An operating permit is required to operate a wood processing plant of a category provided for by government regulation.

The permit authorizes its holder to consume annually a volume of timber in keeping with the class of timber consumption specified on the permit.

175. An operating permit is issued on payment of the fees and on the conditions determined by government regulation.

The permit specifies the category of plant and the class of annual timber consumption authorized by government regulation for the various species or groups of species.

The permit is valid until 31 March of the year following the year of issue, and may be renewed annually on the conditions and on payment of the fees prescribed by government regulation.

176. A permit holder must

(1) comply with the requirements on the permit and satisfy the conditions determined by government regulation;

(2) give the Minister written notice of any act or transaction that brings about a change in the controlling interest of a wood processing plant or of the legal person operating it, within 60 days after the date of the act or transaction;

(3) keep a register according to the conditions determined by government regulation;

(4) send the Minister, each year, a certified copy of the part of the register covering the period corresponding to the calendar year if the permit holder is a natural person, and to the last complete fiscal year in all other cases; and

(5) send the Minister, together with the certified copy of the register, any information the Minister may request as being of use in the administration of this Act.

177. The Minister may require a permit holder who uses unprocessed timber as raw material and any person in the trade of unprocessed timber to declare under oath the source of the timber and to provide, if the timber comes from the forests in the domain of the State, any information required to prove that the dues on the timber or the amount from sales of guaranteed timber have been paid.

If the information required is not provided, the Minister may cause the timber to be seized and take measures for its disposal under Title VII of this Act.

178. The Minister may suspend or cancel a wood processing plant operating permit if the holder

(1) fails to comply with this Title; or

(2) fails to file, with the regional agency for private forest development that has jurisdiction in the territory, the declaration required under section 163, gives false or misleading information in the declaration or fails to pay the required contribution to the agency concerned.

Before making such a decision, the Minister must notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice and allow the permit holder at least 10 days to submit observations and remedy the failure.

The suspension or cancellation of a permit has effect from the date on which the permit holder is notified of the Minister's decision.

CHAPTER II

VERIFICATION

179. The Minister may, for the administration of this Title, authorize a person to verify the data in the register kept by a permit holder and any other information the Minister is entitled to request. The authorized person may, to that end,

(1) have access, at any reasonable time, to any establishment where the authorized person has reasonable cause to believe that information necessary for the verification is kept;

(2) examine and make copies of books, registers, plans, accounts, records and other documents relating to the activities governed by this Act and require any information or document relating to those activities; and

(3) require the permit holder or any other person on the premises to give reasonable assistance in carrying out the verification.

On request, the person authorized by the Minister must introduce himself or herself and produce a certificate of authority signed by the Minister.

CHAPTER III

REGULATORY POWERS

180. The Government may, by regulation,

(1) establish categories of wood processing plants and classes of authorized annual timber consumption for the various species or groups of species;

(2) define the content of a wood processing plant operating permit and the conditions governing its issue and renewal;

(3) determine the conditions on which a wood processing plant may be operated;

(4) set the fees payable for the issue and renewal of a wood processing plant operating permit and determine the conditions of payment;

(5) set the administrative fees for the examination of applications;

(6) define the content of the register that must be kept by permit holders and determine how certified copies of the register are to be sent; and

(7) determine the provisions of a regulation whose violation constitutes an offence and specify, among the fines prescribed by section 244, the one to which an offender is liable for a given offence.

TITLE VI

FOREST PROTECTION

CHAPTER I

FOREST FIRES

DIVISION I

CERTIFIED ORGANIZATION

181. The Minister may certify, for an area defined by the Minister, an organization responsible for protecting forests against fires and for suppressing forest fires.

The organization may make by-laws on membership dues and the funding of its activities. The by-laws and any amendments to them must be approved by the Minister.

182. A forest protection organization must prepare and send to the Minister for approval a framework plan for the prevention and suppression of forest fires. Any change to the plan must also be approved by the Minister.

The framework plan must define the intensive protection zone and state, among other things, the number of people, the equipment and the means the organization intends to use to prevent and suppress forest fires. It must be kept up to date until a new plan is required by the Minister.

If the organization fails to send its framework plan to the Minister within the time specified by the Minister, the Minister establishes the plan at the organization's or its membership's expense.

183. The holder of a timber supply guarantee must be a member of the forest protection organization certified by the Minister for the regions covered by the guarantee and included in the intensive protection zone defined in the framework plan.

The same rule applies to the manager of a local forest and to any other delegate for the area covered by a management delegation agreement and included in the intensive protection zone defined in the framework plan, and to the owner of a private forest consisting of a single block of 800 hectares or more, for the portion of the forest included in such a zone.

The Minister is an *ex officio* member of every certified forest protection organization.

184. The forest protection organization must assume the expenses incurred to prevent and suppress forest fires in the intensive protection zone.

However, the expenses incurred by the organization for forest fire suppression operations are reimbursed on presentation of vouchers in the manner provided for by government regulation. The expenses are paid out of the consolidated revenue fund.

185. If a fire starts in a private forest whose owner is not a member of the forest protection organization responsible for the area concerned, a representative of that organization is authorized to enter the forest and take the measures necessary to fight the fire.

The organization may claim the expenses it incurred in fighting the fire from the forest owner.

186. The Minister or the forest protection organization may make special agreements to protect the forests in areas situated outside an intensive protection zone, in particular with regard to forest fire prevention and suppression expenses.

187. A representative of a forest protection organization may requisition any equipment needed to fight a forest fire, regardless of who owns it.

The organization must grant the owner of the requisitioned equipment fair and reasonable compensation as determined by the Minister.

DIVISION II

POWERS OF THE MINISTER

188. The Minister sets the amount of the compensation a forest protection organization must grant the owner of requisitioned equipment, as well as the indemnities payable to persons the organization must recruit to fight a forest fire.

189. When of the opinion that weather conditions require it, the Minister may prohibit or restrict access to and travel in a forest and prescribe any other measures to reduce the risk of fire.

DIVISION III

FIRE PREVENTION

190. From 1 April to 15 November, a fire permit is required to make a fire in or near a forest, except in the cases provided for by government regulation.

Fire permits are issued by the forest protection organization on the conditions determined by government regulation. On issuing a fire permit, the organization may determine the precautionary measures to be taken according to the particular circumstances of each application.

191. When operating in a forest, railway operators must comply with the forest fire prevention and suppression rules applicable to the operation of a railway in the forest and prescribed by Transport Canada, except insofar as such rules are prescribed by government regulation.

192. Persons or bodies that carry on work or cause work to be carried on in a forest, other than forest development activities carried on under a plan drawn up or approved by the Minister, must inform the forest protection organization operating in the area concerned of their intention and obtain from the organization a forest protection plan, if the organization considers it expedient. If the work is to be carried on outside an intensive protection zone, the costs incurred to determine the necessity of obtaining a plan and, where applicable, those relating to the preparation of the plan are to be assumed by the person or body that carries on the work or causes it to be carried on in the forest.

The plan must be submitted to the Minister for approval. The costs of the surveillance operations provided for in the plan are assumed by the person or body that carries on the work in the forest.

193. A person who uses fire as a silvicultural treatment must comply with any instructions in that regard given by the forest protection organization and which have the prior approval of the Minister.

194. The expenses incurred to suppress a fire that breaks out during a railway operation referred to in section 191 or during work referred to in section 192 are entirely assumed by the person or body that is carrying on the operation or the work unless the person or body proves that the fire was not the fault of the person or body or their employees.

DIVISION IV

REGULATORY POWERS

195. The Government may, by regulation,

(1) determine the reimbursement mechanisms for expenses incurred in forest fire suppression operations;

(2) determine the cases in which a fire permit under section 190 is not required or is not issued;

(3) determine the conditions a fire permit holder must satisfy when making a fire in or near a forest;

(4) prescribe safety standards for the prevention and suppression of forest fires; and

(5) determine the provisions of a regulation whose violation constitutes an offence and specify, among the fines prescribed by section 244, the one to which an offender is liable for a given offence.

CHAPTER II

DESTRUCTIVE INSECTS AND CRYPTOGAMIC DISEASES

DIVISION I

CERTIFIED ORGANIZATION

196. The Minister may certify, for an area defined by the Minister, an organization responsible for protecting forests against destructive insects and cryptogamic diseases and for preparing and implementing action plans against such insects and diseases.

The organization may make by-laws on membership dues and the funding of its activities. The by-laws and any amendments to them must be approved by the Minister.

197. A forest protection organization must prepare and send to the Minister for approval a framework plan for the preparation and implementation of action plans against destructive insects and cryptogamic diseases. Any change to the plan must also be approved by the Minister.

The framework plan must define the protected area and state, among other things, the number of people, the equipment and the means the organization intends to use to implement the action plans. It must be kept up to date until a new plan is required by the Minister.

If the organization fails to send its framework plan to the Minister within the time set by the Minister, the Minister establishes the plan at the organization's or its membership's expense.

198. The holder of a timber supply guarantee must be a member of the forest protection organization certified by the Minister for the regions covered by the guarantee and included in the protected area defined in the framework plan.

The same rule applies to the manager of a local forest or any other delegate for the area covered by a management delegation agreement and included in the protected area defined in the framework plan.

The Minister is an *ex officio* member of every certified forest protection organization.

199. If an epidemic of destructive insects or a cryptogamic disease occurs or is about to occur in a forest in the domain of the State, the Minister requests the forest protection organization to prepare an action plan for the area in question.

The action plan must be approved by the Minister, and implemented and made public by the forest protection organization.

200. The forest protection organization must assume the expenses incurred to implement the action plans against destructive insects and cryptogamic diseases in the protected area defined in the framework plan.

However, the organization is reimbursed for these expenses on presentation of vouchers, in the manner provided for by government regulation.

201. If the Minister is of the opinion that an epidemic of destructive insects or a cryptogamic disease affecting a private forest threatens to spread to a neighbouring forest in the domain of the State and could result in major economic losses, the Minister requires the forest protection organization to draw up an action plan for the area concerned and sees that it is implemented.

The Minister may claim a reimbursement for the costs of such action from the forest owner concerned.

202. The sums required to pay the expenses described in section 200 and, if applicable, in section 201, are taken out of the appropriations granted annually by Parliament.

However, the sums required to pay the expenses resulting from unforeseen and urgent measures are taken out of the consolidated revenue fund to the extent determined by the Government, if the balance of the appropriations granted is insufficient.

DIVISION II

PHYTOSANITARY TESTS

203. The production, sale and transport of tree seedlings for non-ornamental purposes is subject to random phytosanitary tests.

204. The Minister designates inspectors responsible for carrying out phytosanitary tests and issuing, if applicable, certificates attesting that a given lot of tree seedlings examined by the inspector does not risk becoming the source of an epidemic.

205. An inspector carrying out the functions of office may enter premises where tree seedlings intended for non-ornamental uses are kept, at any reasonable time, or order any vehicle carrying such seedlings to be stopped for inspection or analysis of the seedlings.

If the inspector finds that the seedlings are affected by a disease or insects that may cause an epidemic, the inspector may seize the plants, forbid their sale or use, or order them to be treated or destroyed.

On request, the inspector must introduce himself or herself and produce a certificate of authority signed by the Minister.

206. A person who possesses a tree seedling intended for non-ornamental uses that is affected by a disease or insects that may cause an epidemic must notify an inspector without delay.

207. A producer of tree seedlings intended for non-ornamental uses must submit a detailed inventory of the seedlings to the Minister each year, in the form and under the conditions determined by government regulation. The producer must also provide the expected dates on which the plants will be removed and shipped.

208. An inspector may not be prosecuted for acts performed in good faith while carrying out the functions of office.

209. If a treatment is necessary to prevent an epidemic, the expenses incurred to apply it are assumed by the producer of the tree seedlings.

DIVISION III

REGULATORY POWERS

210. The Government may, by regulation,

(1) determine the reimbursement mechanisms for expenses incurred to implement action plans against destructive insects and cryptogamic diseases;

(2) determine the content of the seedling inventory that a producer must send the Minister under section 207, how and when it must be sent and the cases, under the regulation, in which a producer is not required to send it; and

(3) determine the provisions of a regulation whose violation constitutes an offence and specify, among the fines prescribed by section 244, the one to which an offender is liable for a given offence.

TITLE VII

SEIZURE, CONFISCATION AND DISPOSAL OF TIMBER

CHAPTER I

INSPECTION AND VERIFICATION

211. A public servant responsible for enforcing this Act may, when inspecting or verifying land in the domain of the State, seize timber found there, provided there are reasonable grounds for believing the timber to have been cut in violation of this Act or a regulation enacted under this Act.

In addition, the public servant may seize any timber that is mixed in with timber the public servant believes to have been illegally cut, if it is impossible or very difficult to distinguish one from the other.

212. A public servant who seizes timber must draw up minutes of the seizure setting out, in particular,

(1) the grounds for the seizure;

(2) the place where the timber was seized;

(3) the date and time of the seizure;

(4) the quantity and description of the seized timber;

(5) the name of the person from whom the timber was seized or of the person responsible for the premises, or the fact that there was no one on the premises;

(6) any information that may help identify the persons who may have an interest in the timber; and

(7) the name and title of the seizor.

213. The public servant must remit a duplicate of the minutes of the seizure to the person from whom timber is seized or the person responsible for the premises. If there is no one on the premises, the public servant must post a notice in plain sight on the premises of the seizure, stating that a seizure has been made and specifying where the duplicate of the minutes of the seizure has been filed.

214. The public servant has custody of the seized timber until it is introduced as evidence, at which time the clerk of the court becomes its custodian.

The custodian may detain the seized timber or cause it to be detained in such a manner as to ensure its preservation.

215. If the timber is susceptible to rapid deterioration or depreciation, a judge may authorize its sale on an application by the public servant. In such cases, at least one clear day's notice must be served on the person from whom the timber was seized and on the persons who claim to be entitled to the seized timber.

The timber seized may also be sold with authorization from a judge, except in the case described in the second paragraph of section 211, if the public servant shows that more than seven days have elapsed since a notice was posted on the premises under section 213 and that, since that time, no person has laid claim to the seized timber.

The sale is made by an authorized representative of the Minister on the conditions determined by the judge. The proceeds of the sale are deposited with the Minister of Finance in accordance with the Deposit Act (R.S.Q., chapter D-5).

216. Subject to sections 218 and 220, the seized timber or the proceeds from its sale may be retained for 120 days from the date of the seizure unless proceedings are instituted.

However, the public servant may apply to a judge for an extension of the retention period of up to 90 days, or to obtain any additional extension in accordance with the procedure set out in article 133 of the Code of Penal Procedure (R.S.Q., chapter C-25.1).

217. On application by a person claiming entitlement to the seized timber or to the proceeds of its sale, a judge must order that the timber or proceeds be released to the applicant if the judge is convinced that the person is entitled to the timber or proceeds and that the course of justice will not be hindered by the release.

Five clear days' notice must be served on the public servant or, if applicable, on the prosecutor, on the defendant and on the person from whom the timber was seized if that person is not the applicant.

The release order is enforceable at the expiry of a 30-day period; however, the parties may waive this period.

218. The timber seized or the proceeds of its sale must be released to the person from whom the timber was seized or to a person entitled to the timber or proceeds

(1) as soon as the public servant, after verification, reaches the opinion that no offence was committed under this Act or the regulations;

(2) as soon as the public servant is notified that no proceedings will be instituted in relation to the seized timber or that the timber will not be introduced as evidence;

(3) at the expiry of the retention period; or

(4) when a release order becomes enforceable.

219. The powers conferred on a judge under this division may be exercised by a judge who is competent to issue a search warrant in the judicial district where the seizure is to be made or in the district where the offence has been committed.

220. If the owner or possessor of the seized timber is unknown or cannot be found, the seized timber or the proceeds of its sale are turned over to the Minister of Revenue or the Minister of Finance depending on whether the timber or the proceeds of its sale are involved, 90 days after the date of the seizure; a statement describing the timber or the proceeds of its sale and giving, if applicable, the name and the last known address of the interested party must be sent to the Minister of Revenue at that time.

The provisions of the Public Curator Act (R.S.Q., chapter C-81) pertaining to unclaimed property apply to the timber or the proceeds of sale turned over to the Minister of Revenue or the Minister of Finance.

CHAPTER II

SEARCHES

221. A search made with a view to seizing timber is governed by the Code of Penal Procedure, with the proviso that, despite article 132 of the Code, the retention period for the seized timber or the proceeds of its sale is 120 days following the date of seizure.

CHAPTER III

REPORT OF SEIZURE

222. A public servant who makes a seizure in the course of an inspection, verification or search must, without delay, file a written report of the seizure with the Minister.

CHAPTER IV

CONFISCATION AND DISPOSAL OF TIMBER

223. Timber cut in violation of this Act or the regulations and seized under this Title is confiscated by the Minister if the offender pleads guilty to or is found guilty of the offence.

The Minister may take all the measures necessary to dispose of the timber.

TITLE VIII

REPORTING

224. The Minister must prepare a five-year sustainable forest development review containing the following information:

(1) a report on the implementation of the consultation policy and more specifically on the separate consultation procedure established for Native communities;

(2) the sustainable forest development results achieved, including a report on the implementation of the sustainable forest development strategy;

(3) an analysis of the sustainable forest development results achieved in the forests in the domain of the State, prepared by the chief forester under subparagraph 9 of the first paragraph of section 46;

(4) a report on the carrying out of this Act and recommendations on the advisability of maintaining it in force or amending it; and

(5) any other information of public interest concerning the objects of this Act.

The review covering the period between 1 April 2013 and 31 March 2018 is tabled in the National Assembly during the year 2019, and subsequent reviews are tabled in the National Assembly every five years after that.

The competent committee of the National Assembly examines the review.

225. A public body referred to in the first paragraph of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information as well as the holders of timber supply guarantees and the signatories of a management delegation agreement described in section 17.22 of the Act respecting the Ministère des Ressources naturelles et de la Faune must provide the Minister with the information and documents the Minister considers necessary to prepare the review.

TITLE IX

PENALTIES

CHAPTER I

CIVIL REMEDIES

226. The court may, besides awarding damages for damage caused to a biological refuge or an exceptional forest ecosystem, order the person responsible to pay punitive damages.

CHAPTER II

PENAL PROVISIONS

227. A person who, without holding a forestry permit or other authorization under this Act, cuts, displaces, removes or harvests timber on lands in the domain of the State, or who damages trees or taps a maple tree on those lands, is guilty of an offence and is liable to a fine of

(1) $5 to $450 for each tree in respect of which an offence is committed; or

(2) $200 to $5,000 if the offence involves shrubs or forest biomass.

228. A person authorized to cut timber under this Act who cuts timber outside the cutting areas identified on the forestry permit, forest operations contract or agreement or the applicable forest development plan is guilty of an offence and is liable to a fine of $4,000 to $50,000 for each hectare or part of a hectare cut outside the perimeter of the area where cutting was authorized.

229. A person authorized to cut timber under this Act who harvests timber in excess of the volume authorized or harvests timber from a species or group of species the person is not authorized to harvest is guilty of an offence and is liable to a fine of $40 to $200 for each cubic metre of timber harvested in excess of the authorized volume or harvested without authorization.

230. The holder of a forestry permit or a timber supply guarantee who ships or allows to be shipped timber the holder is authorized to harvest under this Act to a destination other than the processing plant or plants specified in

the permit or guarantee is guilty of an offence and is liable to a fine of $40 to $200 for each cubic metre of timber shipped to that destination, unless authorized to do so under this Act.

231. A person authorized under this Act to carry out a forest development activity on the lands in the domain of the State who fails to respect a condition set out in this Act or a standard or condition required under the person's forestry permit, forest operations contract or agreement or the applicable forest development plan is guilty of an offence and is liable to a fine of $200 to $10,000 in all cases for which no other penalty is provided.

232. A person who contravenes the second paragraph of section 39 is guilty of an offence and is liable to a fine of $10 to $450 for each tree the person cut or failed to cut in violation of the applicable standard.

233. The following persons are guilty of an offence and are liable to a fine of $500 to $10,000:

(1) persons who carry out work for the construction, improvement or decommissioning of a multi-purpose road without being authorized to do so under this Act or fail to respect a condition determined by the Minister when authorized to carry out such work under the first paragraph of section 41;

(2) persons who destroy or damage a multi-purpose road on lands in the domain of the State; and

(3) persons who fail to comply with a restriction or prohibition concerning access to a multi-purpose road imposed by the Minister under the second paragraph of section 42.

234. A person who fails to submit to the Minister the annual activity report required under section 66 is guilty of an offence and is liable to a minimum fine of $1,000.

235. A person who fails to comply with an order made by the Minister under section 68 or who neglects to follow up on the order is guilty of an offence and is liable to a fine of $500 to $5,000.

236. The holder of a forestry permit who contravenes paragraph 3 of section 75 is guilty of an offence and is liable to a fine of $500.

237. A person who ships outside Québec incompletely processed timber from Québec's public domain without authorization in the form of an order made under section 118, or who contravenes a provision of the order, is guilty of an offence and is liable to a fine of $2,450 to $6,075 in the case of a natural person and $7,300 to $18,225 in the case of a legal person, and, for a subsequent offence, to a fine of $12,150 to $60,700 in the case of a natural person and $36,425 to $182,100 in the case of a legal person.

238. The following persons are guilty of an offence and are liable to a fine of $200 to $1,000:

(1) persons who operate a wood processing plant without holding a permit under section 174 or who contravene a provision of the permit; and

(2) holders of a wood processing plant operating permit who fail to comply with the obligations imposed under paragraphs 2 to 5 of section 176.

239. The following persons are guilty of an offence and are liable to a fine of $500 to $50,000:

(1) persons who fail to comply with a restriction or prohibition concerning access to or travel in a forest imposed by the Minister under section 189 or who contravene a measure prescribed by the Minister under that section;

(2) persons who make a fire in or near a forest without holding a permit under section 190 issued by the forest fire protection organization, if such a permit is required;

(3) holders of a permit mentioned in paragraph 2 who fail to comply with the precautionary measures the forest fire protection organization identified when it issued the permit;

(4) persons described in section 192 who fail to notify the forest fire protection organization of their intention to carry on work or cause work to be carried on in the forest, or who fail to obtain from the organization the forest protection plan mentioned in that section, if it is required; and

(5) persons who use fire as a silvicultural treatment and fail to comply with the instructions the forest fire protection organization may give them.

240. The following persons are guilty of an offence and are liable to a fine of $200 to $5,000:

(1) persons who offer for sale, sell or transport tree seedlings intended for non-ornamental purposes or use the seedlings without holding the certificate provided for in section 204;

(2) persons who own, offer for sale, sell or use a tree seedling affected by a disease or insects that may cause an epidemic; and

(3) persons who contravene section 206.

241. A person who, without the authorization of the public servant who has custody of seized timber, uses, removes or allows to be removed timber seized during an inspection, verification or search is guilty of an offence and is liable to a fine of $1,000 to $10,000.

242. A person required to submit a document or information to the Minister under this Act who submits a document or information comprising elements the person knows to be false or misleading is guilty of an offence and is liable to a fine of $5,000 to $25,000.

A person who makes false or misleading declarations or false representations in order to obtain a forestry permit or a wood processing plant operating permit is also guilty of an offence and is liable to a fine of $500 to $25,000.

243. A person who, in respect of anyone appointed to carry out an inspection or verification under this Act, a public servant responsible for the application of the law under Title VII or a representative of a forest protection organization when acting in the exercise of their functions,

(1) hinders their work or refuses to comply with an order given by them or to provide reasonable assistance, or

(2) refuses to submit the information or documents they may require or submits information or documents the person knows to be false or misleading

is guilty of an offence and is liable to a fine of $500 to $5,000.

244. A person who contravenes a regulatory provision the violation of which constitutes an offence under a regulation made under section 44, 72, 87, 115, 180, 195 or 210 is liable, as specified in the regulation, to a fine of

(1) $200 to $1,000;

(2) $500 to $2,000; or

(3) $1,000 to $5,000.

245. A person who contravenes a regulatory provision the violation of which constitutes an offence under a regulation made under section 38 is liable, as specified in the regulation, to a fine of

(1) $10 to $450 for each tree in respect of which an offence is committed;

(2) $40 to $200 for each cubic metre of timber the offender fails to salvage, in violation of the applicable standard;

(3) $1,000 to $5,000 for each hectare or part of a hectare in respect of which an offence is committed; or

(4) $1,000 to $40,000 if the fine cannot be calculated per tree, cubic metre of timber or hectare, given the forest development standard involved.

246. A person subject to a development plan who fails to comply with a standard whose application is imposed or authorized by the Minister under section 40 or a holder of a forestry permit issued for the operation of a sugar

bush who fails to comply with a standard whose application is imposed by the Minister under section 82 is guilty of an offence and is liable, depending on the plan or the permit, to a fine of

(1) $20 to $900 for each tree in respect of which an offence is committed;

(2) $80 to $400 for each cubic metre of timber the offender fails to salvage, in violation of the applicable standard;

(3) $2,000 to $10,000 for each hectare or part of a hectare in respect of which an offence is committed; or

(4) $2,000 to $80,000 if the fine cannot be calculated per tree, cubic metre of timber or hectare, given the forest development standard involved.

247. If an offence under this chapter is committed in an exceptional forest ecosystem or in a biological refuge, the fines are doubled.

Fines under this chapter are also doubled in the case of a subsequent conviction, except fines under section 237.

248. A person convicted of an offence under this chapter may not be sentenced to a fine of less than $300, despite the fines prescribed in the chapter.

249. In determining the amount of a fine, the court takes into account, in particular,

(1) the gravity of the damage resulting from the commission of the offence;

(2) the fragility of the forest environment or the resources affected by the commission of the offence; and

(3) the monetary gain and other advantages the offender derived or could have derived from the commission of the offence.

250. In addition to any other penalty imposed, a judge may order that the offender, on the conditions and within the time set by the judge, repair the damage caused by or resulting from the commission of the offence, such as reforesting, cleaning or restoring the site concerned at the offender's expense, or taking any other corrective measure considered necessary.

No order may be made if the prosecutor has not forwarded prior notice of the application for an order to the defendant, unless the latter is before the judge.

251. An officer, director or representative of an enterprise or legal person who fails to take reasonable steps, given the circumstances, to prevent or forestall the commission of an offence, or who orders, authorizes, consents

to or takes part in an offence is guilty of the offence and is liable to the penalty prescribed for it, whether or not the enterprise or legal person has been prosecuted or convicted.

The same applies to a person who employs or retains the services of another person or of an enterprise to carry out activities governed by this Act.

252. A person who, by act or omission, assists another in committing an offence under this Act or the regulations or who advises, encourages or incites another person to commit it is a party to the offence and liable to the same penalty as the person who committed the offence, whether or not that person has been prosecuted or convicted.

253. The Minister may recover the costs of investigation from any person found guilty of an offence under this Act or the regulations.

The Minister prepares a statement of costs and presents it to a judge of the Court of Québec after giving the interested parties five days' notice of the date of presentation.

The judge taxes the costs, and the judge's decision may be appealed with leave of a judge of the Court of Appeal.

254. Subject to the second paragraph, all penal proceedings must be instituted within three years of the commission of the offence.

Penal proceedings instituted under section 242 must be instituted within two years from the date of the opening of the investigation leading to the proceedings. However, no penal proceedings may be instituted if more than five years have elapsed since the date of the offence.

A certificate from the Minister attesting to the date on which the investigation was opened constitutes, in the absence of evidence to the contrary, conclusive proof of that date.

TITLE X

AMENDING PROVISIONS

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

255. Section 6 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing "preliminary provision of the Forest Act (chapter F-4.1)" in subparagraph 8 of the first paragraph by "Sustainable Forest Development Act (2010, chapter 3) and the sustainable forest development strategy drawn up by the Minister of Natural Resources and Wildlife under that Act".

256. Section 149 of the Act is amended

(1) by replacing "forest road or a mining road" in subparagraph 6 of the first paragraph by "road in the forest or a mining road";

(2) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

"(7) authorizes, in accordance with the Sustainable Forest Development Act (2010, chapter 3), the construction of a main multi-purpose road provided for in a forest development plan; or".

257. Section 150 of the Act is amended by striking out the third paragraph.

ACT RESPECTING FARM-LOAN INSURANCE AND FORESTRY-LOAN INSURANCE

258. Section 1 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) is amended by replacing "section 124.37 of the Forest Act (chapter F-4.1)" in paragraph *d* by "section 169 of the Sustainable Forest Development Act (2010, chapter 3)".

259. Section 4 of the Act is amended by replacing "section 124.37 of the Forest Act (chapter F-4.1)" in the first paragraph by "section 169 of the Sustainable Forest Development Act (2010, chapter 3)".

260. Section 25.1 of the Act is amended by replacing "section 124.37 of the Forest Act (chapter F-4.1)" in the third paragraph by "section 169 of the Sustainable Forest Development Act (2010, chapter 3)".

CITIES AND TOWNS ACT

261. Section 29.13 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced by the following section:

"**29.13.** Every municipality may enter into an agreement under subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) or Division I.1 of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1)."

262. Section 29.14 of the Act is amended

(1) by striking out "participates in a program or" in the first paragraph and by replacing "the program or agreement" in that paragraph by "the agreement";

(2) by replacing subparagraphs 4 and 5 of the second paragraph by the following subparagraphs:

"(4) accept delegated powers for the management of land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas;

"(5) adopt a by-law for the purpose of exercising a regulatory power under the Act respecting the lands in the domain of the State (chapter T-8.1) or the Sustainable Forest Development Act (2010, chapter 3)."

263. Section 29.14.1 of the Act is amended by replacing the first paragraph by the following paragraph:

"**29.14.1.** Every municipality that enters into an agreement under section 29.13 may, to the extent provided for by the agreement, institute penal proceedings for an offence committed in its territory under a legislative or regulatory provision the application of which is the subject of the agreement."

264. Section 29.14.2 of the Act is amended by replacing "section 25.1 of the Forest Act (chapter F-4.1) to the extent provided for by the program or agreement" by "section 68 of the Sustainable Forest Development Act (2010, chapter 3) to the extent provided for by the agreement".

265. Section 29.17 of the Act is amended

(1) by replacing "the program" in the first paragraph by "the agreement";

(2) by replacing "the program" in the second paragraph by "the agreement".

266. Section 29.18 of the Act is amended

(1) by replacing "of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1)" in the first paragraph by "of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas";

(2) by replacing "of forest resources in the domain of the State or a forest management contract" in the third paragraph by "of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas".

HIGHWAY SAFETY CODE

267. Section 519.65 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by replacing paragraph 2.1 by the following paragraph:

"(2.1) Sustainable Forest Development Act (2010, chapter 3);".

LABOUR CODE

268. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing paragraph *o* by the following paragraph:

"(*o*) "logging operator": the holder of a timber supply guarantee granted under the Sustainable Forest Development Act (2010, chapter 3) or a forest producer supplying a wood processing plant from a private forest;".

269. Section 8 of the Code is amended by replacing "Forest Act (chapter F-4.1)" in the first paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

270. Section 111.0.16 of the Code is amended by replacing "section 125 of the Forest Act (chapter F-4.1)" in paragraph 5.2 by "section 181 of the Sustainable Forest Development Act (2010, chapter 3)".

271. Schedule I to the Code is amended by striking out paragraph 13.

MUNICIPAL CODE OF QUÉBEC

272. Article 14.11 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is replaced by the following article:

"**14.11.** Every municipality may enter into an agreement under subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) or Division I.1 of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1)."

273. Article 14.12 of the Code is amended

(1) by striking out "participates in a program or" in the first paragraph and by replacing "the program or agreement" in that paragraph by "the agreement";

(2) by replacing subparagraphs 4 and 5 of the second paragraph by the following subparagraphs:

"(4) accept delegated powers for the management of land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas;

"(5) adopt a by-law for the purpose of exercising a regulatory power under the Act respecting the lands in the domain of the State (chapter T-8.1) or the Sustainable Forest Development Act (2010, chapter 3)."

274. Article 14.12.1 of the Code is amended by replacing the first paragraph by the following paragraph:

"**14.12.1.** Every municipality that enters into an agreement under section 14.11 may, to the extent provided for by the agreement, institute penal proceedings for an offence committed in its territory under a legislative or regulatory provision the application of which is the subject of the agreement."

275. Article 14.12.2 of the Code is amended by replacing "section 25.1 of the Forest Act (chapter F-4.1) to the extent provided for by the program or agreement" by "section 68 of the Sustainable Forest Development Act (2010, chapter 3) to the extent provided for by the agreement".

276. Article 14.15 of the Code is amended

(1) by replacing "the program" in the first paragraph by "the agreement";

(2) by replacing "the program" in the second paragraph by "the agreement".

277. Article 14.16 of the Code is amended

(1) by replacing "of land or of forest resources in the domain of the State or from a forest management contract entered into under Division II of Chapter IV of Title I of the Forest Act (chapter F-4.1)" in the first paragraph by "of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas";

(2) by replacing "of forest resources in the domain of the State or a forest management contract" in the third paragraph by "of the land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas".

MUNICIPAL POWERS ACT

278. Section 66 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following paragraph after the first paragraph:

"A local municipality may however enter into an agreement with the department or body managing the public roads over which it does not have jurisdiction to see to the maintenance and repair of those in its territory. The municipality is authorized for that purpose to enter into an agreement with any person on the sharing of the cost of the work or the work itself."

279. Section 126 of the Act is amended by replacing "land or forest resources in the domain of the State" in the first paragraph by "land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas".

NATURAL HERITAGE CONSERVATION ACT

280. Section 34 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01) is amended by replacing subparagraph *b* of subparagraph 1 of the first paragraph by the following subparagraph:

"(*b*) forest development activities within the meaning of the Sustainable Forest Development Act (2010, chapter 3);".

281. Section 46 of the Act is amended by replacing subparagraph *a* of paragraph 1 by the following subparagraph:

"(*a*) forest development activities within the meaning of the Sustainable Forest Development Act (2010, chapter 3);".

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

282. Section 36.1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by replacing "Forest Act (chapter F-4.1)" by "Sustainable Forest Development Act (2010, chapter 3)".

FORESTRY CREDIT ACT

283. Section 1 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by replacing paragraph *m* by the following paragraph:

"(*m*) "permit holder" means the holder of a forestry permit for the operation of a sugar bush issued under the Sustainable Forest Development Act (2010, chapter 3);".

ACT TO PROMOTE FOREST CREDIT BY PRIVATE INSTITUTIONS

284. Section 1 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended

(1) by replacing the definition of "permit holder" by the following definition:

"**"permit holder"** means the holder of a forestry permit for the operation of a sugar bush issued under the Sustainable Forest Development Act (2010, chapter 3);";

(2) by replacing the definition of "manager" by the following definition:

"**"manager"** means a person entrusted with part of the management of a forest in the domain of the State under a management delegation agreement described in section 17.22 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);".

285. Section 14 of the Act is amended by replacing "forest roads" in subparagraph 4 of the first paragraph by "roads in the forest".

ACT RESPECTING MUNICIPAL TAXATION

286. Section 63 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) land forming the object of a claim or a forest in the domain of the State;".

287. Section 220.2 of the Act is amended by replacing "section 120 of the Forest Act (chapter F-4.1)" by "section 130 of the Sustainable Forest Development Act (2010, chapter 3)".

288. Section 220.3 of the Act is amended

(1) by replacing "in respect of the immovables included in an assessment unit mentioned in the report referred to in section 122 of the Forest Act (chapter F-4.1) for a municipal or school fiscal period" in the first paragraph by "for a municipal or school fiscal period in respect of the immovables included in an assessment unit, the forested area of which has been registered under section 130 of the Sustainable Forest Development Act (2010, chapter 3)";

(2) by replacing "section 123 of the Forest Act" in the third paragraph by "section 131 of the Sustainable Forest Development Act".

289. Section 236 of the Act is amended by replacing paragraph 12 by the following paragraph:

"(12) an activity for which a forest producer's certificate is issued under section 130 of the Sustainable Forest Development Act (2010, chapter 3);".

TAXATION ACT

290. Section 726.30 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing "Forest Act (chapter F-4.1)" in the definition of "eligibility period" by "Sustainable Forest Development Act (2010, chapter 3)".

291. Section 726.33 of the Act is amended by replacing "Forest Act (chapter F-4.1)" in the first paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

292. Section 726.34 of the Act is amended by replacing "Forest Act (chapter F-4.1)" in the first paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

293. Section 726.35 of the Act is amended by replacing "Forest Act (chapter F-4.1)" in the first paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

294. Section 726.36 of the Act is amended by replacing "Forest Act (chapter F-4.1)" in the portion before paragraph *a* by "Sustainable Forest Development Act (2010, chapter 3)".

295. Section 1089 of the Act is amended by replacing "Forest Act (chapter F-4.1)" in the fourth paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

296. Section 1090 of the Act is amended by replacing "Forest Act (chapter F-4.1)" in the fourth paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

CULLERS ACT

297. Section 2 of the Cullers Act (R.S.Q., chapter M-12.1) is amended by replacing "Forest Act (chapter F-4.1)" in the second paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

298. Section 19 of the Act is amended by replacing "Forest Act (chapter F-4.1)" in paragraph 4 by "Sustainable Forest Development Act (2010, chapter 3)".

MINING ACT

299. Section 32 of the Mining Act (R.S.Q., chapter M-13.1) is amended by replacing "by the Minister under section 24.4 of the Forest Act (chapter F-4.1)" in paragraph 5 by "under the Sustainable Forest Development Act (2010, chapter 3)".

300. Section 155 of the Act is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) a road in the forest, if it is constructed or used for forest development activities within the meaning of the Sustainable Forest Development Act (2010, chapter 3) and if the work is authorized or provided for in a contract or an agreement signed or entered into under that Act;".

301. Section 213 of the Act is amended

(1) by replacing "Forest Act (chapter F-4.1)" in the first paragraph by "Sustainable Forest Development Act (2010, chapter 3)";

(2) by replacing "of the strip of woodland referred to in section 27 of the Forest Act" in the third paragraph by "of a strip of woodland established for the protection of lakes, watercourses, riparian areas and wetlands by government regulation under section 38 of the Sustainable Forest Development Act" and by replacing "the Forest Act" by "that Act";

(3) by replacing "in accordance with section 24.4 of the Forest Act" in the sixth paragraph by "under the Sustainable Forest Development Act".

302. Section 213.1 of the Act is replaced by the following section:

"**213.1.** The holder of mining rights who obtains an authorization under section 213 shall scale the harvested timber in accordance with section 70 of the Sustainable Forest Development Act (2010, chapter 3) and pay the same duties as those applicable to the holder of a forestry permit issued under subparagraph 4 of the first paragraph of section 73 of that Act."

303. Section 244 of the Act is amended by replacing "rights in forest land pursuant to the Forest Act (chapter F-4.1)" by "forestry rights provided for in the Sustainable Forest Development Act (2010, chapter 3)".

304. Section 247.1 of the Act is repealed.

305. Section 304 of the Act is amended

(1) by replacing "performance of the following work" in subparagraph 1 of the first paragraph by "following" and by replacing the sixth dash of that subparagraph by the following dash:

"– classification as an exceptional forest ecosystem under the Sustainable Forest Development Act (2010, chapter 3) or designation of biological refuges under that same Act;";

(2) by replacing "by the Minister" in subparagraph 1.1 of the first paragraph by "under the Sustainable Forest Development Act";

(3) by replacing "section 24.12 of the Forest Act" in the fifth paragraph by "section 29 of the Sustainable Forest Development Act".

ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

306. Section 15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by replacing "Sections 187 to 206 of the Forest Act (chapter F-4.1)" by "Sections 211 to 223 of the Sustainable Forest Development Act (2010, chapter 3)".

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

307. The Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1) is amended by inserting the following heading before section 21.5:

"§1. — *General provisions*".

308. The Act is amended by inserting the following subdivision after section 21.17:

"§2. — *Regional land and natural resource commissions and local integrated land and resource management panels*

"**21.17.1.** To support its role in carrying out the responsibilities the Minister of Natural Resources and Wildlife may entrust it with under an Act or a specific agreement entered into under the fourth paragraph of section 21.7, a regional conference of elected officers shall create, on its own initiative or at the request of the Minister of Natural Resources and Wildlife, a regional land and natural resource commission.

The regional conference of elected officers determines the composition and operation of the commission, providing for the participation of the Native communities present in the territory it represents and a representative of the Minister of Natural Resources and Wildlife. It also finances the commission's activities.

For the same purposes, the regional conference of elected officers establishes local integrated land and resource management panels and coordinates their work. It may entrust that responsibility to a regional land and natural resource commission or, exceptionally, ask the Minister of Natural Resources and Wildlife to entrust it to a regional county municipality that is selected jointly by that Minister and the regional conference of elected officers. A regional county municipality to which the Minister entrusts that responsibility has all the powers necessary to carry it out.

"**21.17.2.** The principal mandate of a regional land and natural resource commission is to prepare a regional plan for integrated land and resource development in conformity with the policy directions of the Government and the Minister of Natural Resources and Wildlife and any policy direction drawn up by another minister concerned in the matter.

The plan determines regional policy directions, objectives and targets for the conservation and development of wildlife, the forests and the regional land area. The plan may also include regional policy directions, objectives and targets as regards energy, mines or any other subject dealt with in a specific agreement entered into under the fourth paragraph of section 21.7.

The plan is approved by the regional conference of elected officers concerned. It is implemented under a specific agreement between the Ministère des Ressources naturelles et de la Faune, a department or body concerned and the regional conference of elected officers.

The plan and the implementation agreement are made public by the regional conference of elected officers.

"**21.17.3.** The regional land and natural resource commission must, as part of its mandate and to promote regional consultation,

(1) establish a regional integrated land and resource management panel and see to its operation; and

(2) establish a public consultation process and a conflict resolution mechanism.

The regional land and natural resource commission may exercise any other function specified in an Act or in an agreement entered into under the fourth paragraph of section 21.7."

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

309. Section 11.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is replaced by the following section:

"**11.2.** In pursuing this mission, the Minister shall establish an environmental management system that may be developed jointly with other departments and bodies concerned."

310. Section 11.3 of the Act is amended by replacing "in the lands" by "or restrict or prohibit access to the forest on lands".

311. Section 12 of the Act is amended

(1) by striking out paragraph 16.4;

(2) by replacing "Forest Act (chapter F-4.1)" in paragraph 16.5 by "Sustainable Forest Development Act (2010, chapter 3)".

312. Division II.0.1 of the Act, comprising sections 17.1.1 to 17.1.10, is repealed.

313. The Act is amended by inserting the following subdivision after section 17.12.11:

"§3. — *Sustainable forest development fund*

"**17.12.12.** A sustainable forest development fund is established to finance activities relating to sustainable forest development and its management, to increased timber production, to forest research and to other activities relating to forest education and awareness and the protection, development or processing of forest resources.

"**17.12.13.** The Government determines the date on which the fund begins to operate, its assets and liabilities and the nature of the expenses chargeable to it.

"**17.12.14.** The fund is to be made up of the following sums:

(1) the sums paid into the fund by the Minister out of the appropriations allocated for that purpose by Parliament;

(2) the sums paid into the fund under section 17.12.15;

(3) the income generated by administrative fees paid for the examination of applications for forestry permits or wood processing plant operating permits issued under the Sustainable Forest Development Act (2010, chapter 3) or for the examination of applications for a forest producer's certificate issued under that Act, including the fees paid for copies of those certificates;

(4) the sums collected for the sale of the property and services it financed;

(5) the fines collected for offences under the Sustainable Forest Development Act or a regulation enacted under that Act;

(6) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 65 of the Sustainable Forest Development Act in taking the corrective action required of people or bodies carrying out forest development activities;

(7) the sums collected for the sale of timber confiscated by the Minister under section 223 of the Sustainable Forest Development Act and, once the offender has pleaded guilty to or is found guilty of the offence, the proceeds of the sale of the timber deposited with the Ministère des Finances under section 215 of that Act;

(8) the damages, including any punitive damages awarded by the court under section 226 of the Sustainable Forest Development Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular if the person responsible for the damage cut timber illegally;

(9) the sums paid into the fund by the Minister of Finance as borrowings from the financing fund established by the Act respecting the Ministère des Finances (chapter M-24.01);

(10) the sums paid into the fund by the Minister of Finance as advances taken out of the consolidated revenue fund;

(11) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of the fund; and

(12) the revenues generated by the investment of the sums making up the fund.

"**17.12.15.** For the purpose of financing the activities described in Chapter VI of Title II of the Sustainable Forest Development Act (2010, chapter 3) and those relating to increased timber production, and in order to establish a reserve, the Government may authorize the payment of part of the following sums into the fund:

(1) the proceeds of the sale of timber and other forest products in the domain of the State; and

(2) the sums from the dues payable by forestry permit holders and holders of a wood processing plant operating permit issued under the Sustainable Forest Development Act.

"**17.12.16.** The management of the sums making up the fund is entrusted to the Minister of Finance. The sums are paid to the order of that Minister and deposited with the financial institutions designated by that Minister.

The Minister keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister also ensures that those commitments and the payments arising from them do not exceed and are consistent with the available balances.

"**17.12.17.** The Minister may, as the fund manager, borrow from the Minister of Finance sums taken out of the financing fund established by the Act respecting the Ministère des Finances (chapter M-24.01).

"**17.12.18.** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the sustainable forest development fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions determined by that minister, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the sustainable forest development fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

"**17.12.19.** Any surplus accumulated by the fund, except the sums referred to in paragraph 2 of section 17.12.14, are, in the proportion determined by the Government, paid into the consolidated revenue fund on the dates and to the extent the Government determines.

"**17.12.20.** The sums required for the remuneration of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to fund-related activities, and the expenses pertaining to their employee benefits and other conditions of employment, are paid out of the fund.

"**17.12.21.** Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the fund, with the necessary modifications.

"**17.12.22.** The fiscal year of the fund ends on 31 March.

"**17.12.23.** Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the State that has become *res judicata*."

314. The Act is amended by striking out "AND OTHER GOVERNMENTAL POLICIES" in the heading of Division II.2.

315. The Act is amended by inserting the following heading before section 17.13:

"§1. — *Program*".

316. Section 17.13 of the Act is amended by striking out "or forest resources in the domain of the State" and by inserting ", as well as natural resources in the domain of the State, and its wildlife and wildlife habitats," after "authority".

317. Section 17.14 of the Act is amended

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

"The Minister may, for the same purposes, apply to a person the Minister designates any measure necessary to foster the sustainable development, the integrated management, the conservation or the enhancement of natural resources and wildlife, including a measure granting rights other than those provided for in the Acts under the Minister's administration. The rights so granted may not, however, limit the rights previously granted on land in the domain of the State.";

(2) by striking out the third, fourth and fifth paragraphs.

318. Section 17.15 of the Act is replaced by the following section:

"**17.15.** Land, property, natural resources and wildlife the Minister included in a program may be exempted from the application of the Acts for which the Minister is responsible to the extent specified in the program.

The Minister may also exempt them from a program in order to include them in another program or to again subject them to the applicable Acts."

319. Section 17.16 of the Act is repealed.

320. The Act is amended by adding the following subdivisions after section 17.18:

"§2. — *Local forests*

"**17.19.** The Minister shall establish and make public a policy on the basis of which the Minister may divide land areas into local forests in order to foster socio-economic development projects in a particular region or community. The policy must define, among other things, the criteria for selecting land areas and dividing them into local forests.

Before the policy is published, the Minister consults Native communities and the rest of the population. Before the division into local forests is carried out, the Minister also consults the ministers, regional bodies and Native communities concerned.

The division into local forests is made public. The perimeter of the forests is drawn on maps posted on the department's website.

"**17.20.** The Minister may change the division into local forests. The Minister first consults the same groups as for the initial division and makes the change and the date of its coming into force public.

"**17.21.** The management of land areas divided into local forests may be delegated by the Minister under subdivision 3.

"§3. — *Management delegation*

"**17.22.** The Minister may, by agreement, delegate to a Native band council, a municipality, a legal person or another body part of the management of land areas in the domain of the State, including the hydraulic, mineral, energy, forest and wildlife resources in those areas. Management is delegated, among other things, for the planning, carrying out, following-up and monitoring of operations and, in the case of a municipality, the exercise of regulatory powers.

The Minister may also delegate to the same groups, by agreement, the management of a program the Minister develops under paragraph 3 of section 12 or section 17.13, to the extent and on the terms specified in the program.

"**17.23.** The delegation agreement must include

(1) the land area covered by the delegation;

(2) the powers delegated and the responsibilities and obligations that the delegate must meet;

(3) the marketing conditions, if applicable, of the natural resources developed and the rules applicable to the income generated by their sale, including the part of the income that the delegate may keep and the purposes for which it may be used;

(4) the objectives and targets to be attained, including effectiveness and efficiency objectives and targets, and the data or information to be provided;

(5) the specific rules relating to the contracts the delegate may grant;

(6) the reports required on the achievement of objectives and targets;

(7) the manner in which the Minister is to oversee the delegate's management and intervene if the objectives and targets are not attained; and

(8) the penalties applicable if the obligations under the agreement are not met or a legislative or regulatory provision is not complied with.

The agreement must also provide that the exercise of powers by a delegate is not binding on the Government.

"**17.24.** The Minister makes the delegation agreement public."

ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

321. Section 59 of the Act respecting the marketing of agricultural, food and fish products (R.S.Q., chapter M-35.1) is amended by replacing "section 120 of the Forest Act (chapter F-4.1)" in the third paragraph by "section 130 of the Sustainable Forest Development Act (2010, chapter 3)".

PESTICIDES ACT

322. Section 5 of the Pesticides Act (R.S.Q., chapter P-9.3) is amended by replacing "Forest Act (chapter F-4.1)" by "Sustainable Forest Development Act (2010, chapter 3)".

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

323. Section 97 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is amended by striking out the second paragraph.

ENVIRONMENT QUALITY ACT

324. Section 144 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing "before approving or finalizing them, the general forest management plans for the forests in the domain of the State situated" by "before finalizing them, the tactical plans for integrated forest development drawn up by the Minister that cover forests in the domain of the State situated".

325. Section 178 of the Act is amended by replacing "before approving or finalizing them, the general forest management plans for the forests in the domain of the State situated" by "before finalizing them, the tactical plans for integrated forest development drawn up by the Minister that cover forests in the domain of the State situated".

ACT RESPECTING THE LAND REGIME IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

326. Section 58 of the Act respecting the land regime in the James Bay and New Québec territories (R.S.Q., chapter R-13.1) is amended by replacing "forest management permit from the Minister responsible for the administration of the Forest Act (chapter F-4.1)" in the second paragraph by "forestry permit from the Minister responsible for the administration of the Sustainable Forest Development Act (2010, chapter 3)".

327. Section 90 of the Act is amended by replacing the second paragraph by the following paragraph:

"The integrated forest development plans drawn up for Category II lands by the Minister of Natural Resources and Wildlife under the Sustainable Forest Development Act (2010, chapter 3) must take hunting, fishing and trapping activities into account."

328. Section 191.40 of the Act is amended by replacing "forest management permit from the Minister responsible for the administration of the Forest Act (chapter F-4.1)" in the second paragraph by "forestry permit from the Minister responsible for the administration of the Sustainable Forest Development Act (2010, chapter 3)".

FIRE SAFETY ACT

329. Section 1 of the Fire Safety Act (R.S.Q., chapter S-3.4) is amended by replacing "Forest Act (chapter F-4.1)" in the first paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

330. Section 18 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01) is amended by adding the following subparagraph at the end of the second paragraph:

"(7) carry out forest development activities in accordance with a mandate given it for that purpose by the Minister of Natural Resources and Wildlife, in particular at a forest station established under the Sustainable Forest Development Act (2010, chapter 3)."

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

331. Section 17.1 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by replacing "forest management activity within the meaning of section 3 of the Forest Act (chapter F-4.1)" by "forest development activity within the meaning of the Sustainable Forest Development Act (2010, chapter 3)".

332. Section 55 of the Act is replaced by the following section:

"**55.** No person may build or improve a road on land in the domain of the State other than a road in the forest or a mining road without prior authorization in writing from the Minister, obtained on the conditions the Minister determines."

333. Section 58.1 of the Act is repealed.

334. Section 71 of the Act is amended by replacing "forest or mining roads" in subparagraph 9 of the first paragraph by "roads in the forest and mining roads".

ACT RESPECTING OFF-HIGHWAY VEHICLES

335. Section 8 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by replacing "Forest Act (chapter F-4.1)" in subparagraph 1 of the first paragraph by "Sustainable Forest Development Act (2010, chapter 3)".

TITLE XI

TRANSITIONAL PROVISIONS

CHAPTER I

TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS AND FOREST MANAGEMENT AGREEMENTS

DIVISION I

CANCELLATION OF AGREEMENTS

336. As of 1 April 2013, all timber supply and forest management agreements and all forest management agreements granted under sections 36 and 84.1 of the Forest Act (R.S.Q., chapter F-4.1) and in force on that date are cancelled.

However, those agreements continue to apply with regard to the following obligations until the obligations have been entirely fulfilled:

(1) preparing and submitting to the Minister, before 1 November 2013, a report on the forest development activities carried out during the preceding year;

(2) applying the corrective programs established by the Minister;

(3) scaling harvested timber according to the scaling instructions provided by the Minister; and

(4) paying the applicable dues and making the contributions to the forestry fund and to forest protection organizations.

337. The cancellation of the agreements does not give agreement holders the right to an indemnity, except as regards the infrastructures, such as roads, bridges and forest camps, established by them under a plan approved by the Minister.

The Government grants agreement holders an indemnity deemed fair and equitable for the infrastructure expenses for which no subsidies or credits were granted, after giving them the opportunity to submit observations.

The indemnity is based on the net value of the infrastructures after depreciation, according to the book value entered in the accounting records of the enterprise and the vouchers submitted. The indemnity may be paid to an agreement holder in a lump sum or be credited to the purchase of volumes of timber from forests in the domain of the State or be paid in any other manner determined by the Government.

DIVISION II

PROVISIONS GIVING ENTITLEMENT TO A TIMBER SUPPLY GUARANTEE

338. The holder of a timber supply and forest management agreement is entitled to a timber supply guarantee governed by the provisions of subdivision 2 of Division VI of Chapter VI of Title II if the holder applies for it in writing before 1 January 2012 and pays the required annual royalty before 1 April 2013.

339. The guaranteed annual volumes of timber to which an agreement holder is entitled are set by the Minister, who applies sections 77 to 77.2 of the Forest Act.

340. The Minister sets guaranteed annual volumes of timber for each agreement holder by reducing by a percentage the Minister determines the part of the volumes that exceeds

(1) 100,000 cubic metres for species from the fir, spruce, jack pine, larch (FSPL) group; and

(2) 25,000 cubic metres for all other species or groups of species.

The volumes of timber referred to in this section are those to which the agreement holder would have been entitled on 1 April 2013 had the agreement not been cancelled.

The percentage by which the volumes are reduced may vary from one agreement holder to another depending on the species or groups of species concerned, the volumes of timber to which the agreement holder would have been entitled on 1 April 2013 had the agreement not been cancelled and the regions from which the timber comes.

The Minister makes public the reduction rates used to set the guaranteed annual volumes of timber to which each agreement holder is entitled.

341. Once the sum of the reduced volumes allocated to all agreement holders has been calculated, a sufficient quantity of timber must remain

(1) for the timber marketing board to market timber from the forests in the domain of the State and determine its market value; and

(2) for carrying out socio-economic development projects in the regions and communities.

342. The Minister specifies in the timber supply guarantee the guaranteed annual volumes of timber, by species or group of species, to which an agreement holder is entitled in each of the regions the Minister identifies and determines the conditions governing the application of the timber supply guarantee.

In determining the region or regions to be included in the guarantee, the Minister, with economic considerations in mind, takes into account the location over the years of the agreement holder's sources of supply.

343. The Minister enters the timber supply guarantees in the public register mentioned in section 89 and publishes a notice of each entry in the *Gazette officielle du Québec* in accordance with that section.

The guarantees take effect on 1 April 2013.

DIVISION III

PROVISIONS GIVING ENTITLEMENT TO A MANAGEMENT DELEGATION AGREEMENT IN LOCAL FORESTS

344. The holder of a forest management agreement is entitled to be given the management of a land area identified as a local forest by 1 April 2013 and, for that purpose, to enter into an agreement under which the management of that land area is delegated to the agreement holder in accordance with subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2), if the agreement holder applies for it in writing before 1 April 2011.

345. A land area is identified as a local forest in accordance with subdivision 2 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

During the process leading to the identification of a local forest, the Minister consults the agreement holder to determine the holder's interest in the different places the holder would like to see identified as a local forest. The Minister makes a decision, taking into account how close the area is to the territory of the municipality or the Native community concerned.

346. In the management delegation agreement, the Minister must try to maintain, as far as possible, a timber harvesting potential of a volume nearing that to which the agreement holder would have been entitled on 1 April 2013 had the agreement not been cancelled.

CHAPTER II

FOREST MANAGEMENT CONTRACTS

347. As of 1 April 2013, the forest management contracts signed under section 102 of the Forest Act and in force on that date are cancelled.

However, those contracts continue to apply with regard to the following obligations until the obligations have been entirely fulfilled:

(1) preparing and submitting to the Minister, before 1 November 2013, a report on the forest development activities carried out during the preceding year;

(2) applying the corrective programs established by the Minister;

(3) scaling harvested timber according to the scaling instructions provided by the Minister; and

(4) paying the applicable dues and making the contributions to the forestry fund and to forest protection organizations.

348. The cancellation of the forest management contracts does not give the holder the right to an indemnity.

However, a contract holder may, before 1 January 2012, request the Minister to give the holder, by 1 April 2013, the management of the management area specified in the contract and, for that purpose, to enter into an agreement delegating the management of that area to the holder in accordance with subdivision 3 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune. The request must be dealt with in preference to any other request made before or after that date by a person or a body other than the contract holder.

CHAPTER III

OTHER AGREEMENTS

349. Auxiliary timber supply guarantee agreements entered into under section 95.1 of the Forest Act and in force on 1 April 2013 are cancelled on that date.

The same applies to reservation agreements entered into under section 170.1 of that Act.

However, both types of agreement continue to apply with regard to the following obligations until the obligations have been entirely fulfilled:

(1) preparing and submitting to the Minister, before 1 November 2013, a report on the forest development activities carried out during the preceding year;

(2) applying the corrective programs established by the Minister;

(3) scaling harvested timber according to the scaling instructions provided by the Minister; and

(4) paying the applicable dues and making the contributions to the forestry fund and to forest protection organizations.

The cancellation of the agreements does not give the right to an indemnity.

CHAPTER IV

MANAGEMENT PERMITS AND WOOD PROCESSING PLANT OPERATING PERMITS

350. Pending applications for management permits or wood processing plant operating permits made before 1 April 2013 under the Forest Act for activities to be carried out after 31 March 2013 are continued and decided in accordance with this Act.

351. Sugar bush management permits issued under section 13 of the Forest Act and in force on 1 April 2013 are deemed to be forestry permits for the operation of a sugar bush issued under this Act and the holders of those permits are, as of that date, governed by the provisions provided for that purpose in this Act.

352. Wood processing plant operating permits issued under section 165 of the Forest Act and in force on 1 April 2013 are deemed to be wood processing plant operating permits issued under this Act and the holders of those permits are, as of that date, governed by the provisions provided for that purpose in this Act.

The register that the permit holder was required to keep, mentioned in section 168 of the Forest Act, is deemed to be the register a permit holder must keep under this Act.

353. Proceedings for the cancellation or suspension of a sugar bush management permit or a wood processing plant operating permit are continued under this Act.

CHAPTER V

TERRITORIAL LIMIT, MANAGEMENT UNITS AND TERRITORIES IDENTIFIED FOR PARTICULAR PURPOSES

354. The territorial limit determined by the Minister under the Forest Act and south of which forest lands are divided into management units, and the boundaries of those units established by the Minister under that Act constitute the northern boundary and the development units for the purposes of this Act.

355. Experimental forests, teaching and research forests and forest stations established under the Forest Act are deemed to have been established under this Act.

The same applies to exceptional forest ecosystems classified by the Minister of Natural Resources and Wildlife under the Forest Act and to biological refuges designated by that Minister under that Act.

All activities authorized in those land areas before 1 April 2013 are, depending on what is covered in the authorizations, continued after that date and governed, as of that date, by the provisions provided for that purpose in this Act.

CHAPTER VI

OTHER TRANSITIONAL PROVISIONS

356. Regional agencies for private forest development established under Division I of Chapter III of Title II of the Forest Act are deemed to be regional agencies for private forest development established under this Act.

The same applies to the forest protection organizations certified by the Minister of Natural Resources and Wildlife under sections 125 and 146 of the Forest Act, which are deemed to have been certified under this Act.

All acts performed and documents prepared or issued by the bodies referred to in the first and second paragraphs in accordance with the Forest Act remain valid and are governed, as of 1 April 2013, by the provisions provided for that purpose in this Act.

357. Forest producer's certificates issued under section 120 of the Forest Act are deemed to have been issued under this Act.

Procedures for the cancellation of a forest producer's certificate are continued under this Act.

358. Orders made by the Minister of Natural Resources and Wildlife under section 25.1 of the Forest Act are deemed to have been made under this Act.

359. The forestry fund established under section 170.2 of the Forest Act is terminated on 31 March 2013.

The sums accumulated in the fund are transferred on 1 April 2013 to the sustainable forest development fund established under the Act respecting the Ministère des Ressources naturelles et de la Faune.

If the sums transferred to the sustainable forest development fund are not sufficient to start up the fund, sums taken out of the consolidated revenue fund may be paid into the fund to the extent determined by the Government.

360. The chief forester in office on 1 April 2013 continues in office on the same terms, for the unexpired portion of the term of office, until replaced or reappointed.

361. The persons designated or authorized by the Minister of Natural Resources and Wildlife to exercise a function under the Forest Act are deemed to have been designated or authorized by that Minister under this Act to exercise the corresponding function under this Act.

The acts performed and the documents prepared or issued by those persons in accordance with the Forest Act remain valid and are governed, as of 1 April 2013, by the provisions provided for that purpose in this Act.

362. The Regulation respecting forest management plans and reports (R.R.Q., chapter F-4.1, r. 9) and the Regulation respecting contributions to the forestry fund (R.R.Q., chapter F-4.1, r. 2) are repealed.

Other regulations made under the Forest Act are deemed to have been made under this Act. They continue to apply, insofar as they are consistent with this Act, until they are repealed or replaced by a regulation made under this Act.

363. The Regulation respecting sugar bush management in forests in the domain of the State (R.R.Q., chapter F-4.1, r. 3) is, as of 1 April 2013, deemed to have been made by the Minister of Natural Resources and Wildlife under this Act.

The same applies to the Regulation respecting forest royalties (R.R.Q., chapter F-4.1, r. 12) as regards the parts that remain applicable under this Act.

364. Unless the context indicates otherwise, in any other Act or any regulation, ordinance, order in council, order, policy, program, contract or other document, any reference to the Forest Act or any of its provisions is deemed to be a reference to this Act or the corresponding provision of this Act.

365. Any proceeding instituted under the Forest Act is continued in accordance with that Act.

366. To ensure the application of this Act, the Government may, by regulation, before 1 April 2013, prescribe any other transitional provision that is consistent with those provided in this Act.

The Government may also, by regulation, after 1 January 2013, prescribe transitional provisions that are different from those in this Act to ensure the application of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, entered into on 7 February 2002 and approved by Order in Council 289-2002 dated 20 March 2002, and subsequent amendments to it.

The Government and the Crees of Québec may also enter into an agreement on measures for adapting the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec to the forest regime established by this Act in conformity with the principles set out in the Agreement and after considering the recommendations made by the Cree-Québec Forestry Board created under the Agreement.

A draft regulation made under the second paragraph must be submitted to the Cree community and to the Cree-Québec Forestry Board for an opinion at least 45 days before the regulation is made. In addition, it may be made only if the Government and the Crees of Québec fail to agree on transitional measures during negotiations undertaken to amend the Agreement.

TITLE XII

FINAL PROVISIONS

367. The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

368. The Minister may designate from among the public servants the persons to be entrusted with the enforcement of this Act.

The Minister may also, in writing and on the conditions the Minister determines, generally or specially delegate the exercise of the powers conferred on the Minister under this Act or a special Act under the Minister's administration that deals with forest matters to a member of the personnel of the department or to the incumbent of a position. If the Minister delegates a power in the exercise of which the Minister is required by law to hold consultations with other ministers, the delegate must hold the necessary consultations with the departments concerned and, if no agreement is reached, so inform the Minister.

369. To facilitate the implementation of provisions relating to the preparation of operational plans for integrated forest development, the Minister establishes a provisional advisory committee composed of representatives of the following members:

(1) the Minister of Natural Resources and Wildlife;

(2) the holders of timber supply and forest management agreements, forest management agreements, and forest management contracts; and

(3) any other person whose presence the Minister considers necessary.

The committee may advise the Minister on ways to

(1) foster an economic environment conducive to the operation of wood processing plants; and

(2) optimize operational conditions for forest development activities, in particular those affecting the cost of timber.

The advisory opinions of the committee are made public.

The committee's mandate ends no later than 31 March 2012.

370. This Act governs forest development activities carried out after 31 March 2013.

371. This Act replaces the Forest Act (R.S.Q., chapter F-4.1).

372. The provisions of this Act come into force on 1 April 2010, except

(1) sections 5, 13 to 35, 38 to 44, 60 to 87, 115 to 118, 126 to 306, 310 to 335, 362 and 371, which come into force on 1 April 2013 or on any earlier date or dates set by the Government;

(2) the second paragraph of section 366, which comes into force on the date of coming into force of the regulation made for the application of that paragraph.

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NATIONAL ASSEMBLY

FIRST SESSION THIRTY-NINTH LEGISLATURE

Bill 77
(2010, chapter 4)

An Act to amend the Cadastre Act and the Civil Code

Introduced 24 November 2009
Passed in principle 11 February 2010
Passed 25 March 2010
Assented to 1 April 2010

Québec Official Publisher
2010

EXPLANATORY NOTES

This Act amends the Cadastre Act to provide that any plan or subsequent amendment to a plan, in a renewed or non-renewed territory, is to be in computerized form only.

It amends the Civil Code to replace, in the case of a plan prepared to update the cadastre, the signing requirement by an approval of the owner, of the person authorized to expropriate or, as the case may be, of any person other than the owner who has rights in a lot affected by the updating.

It also amends the Civil Code to allow the plan of a lot whose ownership has been acquired by a person otherwise than by agreement to be amended not only by parcelling but also by using all existing cadastral amendments.

Lastly, this Act removes the obligation to transmit to the minister responsible for the cadastre the notarized consent of the hypothecary creditor and of the beneficiary of a declaration of family residence in the event of a cadastral amendment involving a renumbering.

LEGISLATION AMENDED BY THIS ACT:

– Cadastre Act (R.S.Q., chapter C-1);

– Civil Code of Québec.

Bill 77

AN ACT TO AMEND THE CADASTRE ACT AND THE CIVIL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CADASTRE ACT

1. Section 21.3 of the Cadastre Act (R.S.Q., chapter C-1) is replaced by the following section:

"**21.3.** Every plan must be in computerized form.

A cadastral plan must be updated regularly by compiling all the data relating to a renewal plan, a revised plan, a plan showing a lot referred to in section 19, and any subsequent amendment to such a plan. The compilation is deemed to be a duplicate of all the plans concerned."

CIVIL CODE OF QUÉBEC

2. Article 3042 of the Civil Code of Québec is amended by replacing "signed" in the first paragraph by "approved" and by replacing "he shall, in addition, in the case of a plan involving a renumbering, give notice of" in the same paragraph by "the approval, signed by the expropriating party, is received *en minute* by a land surveyor and refers to the minute number of the plan. In addition, in the case of a plan involving a renumbering, the expropriating party shall give notice of".

3. Article 3043 of the Code is amended

(1) by replacing "signed" in the first paragraph by "approved" and by striking out ", by subdivision or otherwise," and "to amend, by parcelling, the plan of a lot" in the same paragraph;

(2) by replacing "he" after the semi-colon in the first paragraph by "the approval, signed by the owner, is received *en minute* by a land surveyor and refers to the minute number of the plan concerned. The owner";

(3) by striking out ", by parcelling," in the second paragraph and by replacing "the signature" in the same paragraph by "the approval".

4. Article 3044 of the Code is amended by striking out "and transmitted, with a certified statement of registration, to the minister responsible for the cadastre" in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

5. Any plan submitted to the minister responsible for the cadastre before 1 November 2011 or an earlier date set by the Government is governed by the law in force at the time it was submitted.

6. This Act comes into force on 1 November 2011 or at an earlier date to be set by the Government, except sections 4 and 5, which come into force on 1 April 2010.

Regulations and other Acts

Gouvernement du Québec

O.C. 335-2010, 14 April 2010

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

Administrateurs agréés
— Indemnity fund

Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec

WHEREAS, under section 89.1 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order that authorizes the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS, in the Regulation respecting trust accounting by chartered administrators made under section 89 of the Code, the board of directors of the Ordre des administrateurs agréés du Québec authorizes its members to hold funds or property;

WHEREAS the board of directors made the Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 25 November 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec

Professional Code
(R.S.Q., c. C-26, s. 89.1)

SECTION I
CONSTITUTION OF AN INDEMNITY FUND

1. The board of directors of the Ordre des administrateurs agréés du Québec establishes an indemnity fund that must be used to indemnify a claimant following the use of sums or goods for purposes other than those for which he had entrusted them to a chartered administrator in the practice of his profession.

2. The fund shall be maintained at a minimum amount of $100,000. Less any administrative expenses related to this fund, it consists of:

1° the sums already allocated for this purpose at the date on which this regulation comes into force;

2° the sums allocated therefore by the board of directors;

3° the assessments fixed for that purpose;

4° the sums recovered from the offending chartered administrator under a subrogation or pursuant to section 159 of the Professional Code (R.S.Q. c. C-26);

5° interests and other income generated by the sums constituting the fund;

6° the sums of money which may be paid by an insurer or reinsurance company under an insurance policy subscribed by the Ordre for all its members;

7° sums received by the Ordre for this fund;

8° interest and other income generated by the chartered administrator general trust accounts.

SECTION II
ADMINISTRATION AND INVESTMENT RULES OF THE INDEMNITY FUND

3. The executive committee of the Ordre administrates the indemnity fund. It is authorized to enter into a group insurance or reinsurance contract for the purposes of the fund and to pay the premiums thereof out of the fund.

4. The accounting of the fund shall be separate from the general accounting of the Ordre.

5. The sums constituting the fund are invested by the executive committee as follows:

1° the portion of those sums which the executive committee intends to use on a short-term basis is deposited in a financial institution regulated by An Act respecting Trust companies and savings companies (R.S.Q., c. S-29.01), by the Bank Act (S.C. 1991, c. 46), by An Act respecting financial services cooperatives (R.S.Q. c. C-67.3) or by the Trust and Loan Companies Act (S.C. 1991, c. 45);

2° the balance is invested in accordance with section 1339 of the Quebec Civil Code.

SECTION III
CLAIMS

6. A claim must be forwarded to the secretary of the Ordre at its head office.

7. The secretary of the Ordre enters the claim on the agenda for the first meeting of the executive committee following its receipt.

8. A claim must:

1° be submitted in writing and under oath;

2° state all facts in support of the claim and be accompanied by all relevant documents;

3° indicate the amount claimed.

9. A claim in respect of a chartered administrator may be filed whether or not a decision of the Disciplinary Council, the Professions Tribunal or any other competent tribunal has been rendered.

10. In order for a claim to be receivable, it must be filed within 12 months from the time the claimant becomes aware that sums and goods have been used for purposes other than those for which they were entrusted to a chartered administrator in the practice of his profession.

11. The executive committee may extend the delay provided for in section 10 if the claimant demonstrates that, for a reason beyond his control, he was unable to file his claim within that required.

12. A request made to the Ordre for an inquiry with regard to facts likely to give rise to a claim against the fund is deemed to be a claim within the meaning of section 8 if the request is filed within the time period contemplated in section 10.

13. Upon the request of the executive committee, of the person designated or committee designated to hold an inquiry, the claimant or the chartered administrator concerned shall provide all the information and documents relating to the claim.

14. The executive committee decides on a timely basis whether it is expedient to accept a claim in whole or in part and, where applicable, fixes the indemnity. Its decision is final.

Within the sixty (60) days of the decision, the indemnity is paid to the claimant who signs an acquittance in favour of the Ordre.

15. The maximum indemnity payable from the indemnity fund for the period covering the fiscal year of the Ordre is limited to $100,000 for all claims concerning a chartered administrator.

When the executive committee believes that claims in excess of this amount may be presented with regards to the same chartered administrator, it shall suspend the payment of indemnities until it has reviewed all claims concerning this chartered administrator. It shall prepare an inventory of the funds, securities and other property entrusted to this chartered administrator and advise in writing the persons likely to file a claim.

The maximum indemnity is reconsidered every five years, starting the day the present Regulation comes in force.

16. The balance of a chartered administrator's trust account, the sums of which have been blocked or otherwise disposed of in accordance with section 30 of the Regulation respecting trust accounting by the Ordre des administrateurs agréés du Québec, approved by the Office of the professions of Quebec on November 2, 2009, is distributed by the secretary of the Ordre, at the expiry of a 60 day delay starting on the date of publication of a notice to that effect in a newspaper having general circulation in the location where the chartered administrator has or had his professional domicile, among the claimants on a prorata basis according to the amounts of their claims allowed, up to the amount of the claim, less the indemnity fixed under section 14.

SECTION IV
FINAL AND TRANSITORY PROVISIONS

17. This regulation replaces the Regulation respecting the indemnity fund of the Ordre professionnel des administrateurs agréés du Québec (R.Q., 1981, c. C-26, r.12).

However, the Regulation respecting the indemnity fund of the Ordre professionnel des administrateurs agréés du Québec continues to govern the claims filed to the fund before the date on which the present regulation came into force as well as to the claims filed against the fund after that date but which relate to events that took place prior to that date.

18. This regulation comes into force on the fifteenth day which follows the date of its publication in the *Gazette Officielle du Québec*.

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Gouvernement du Québec

O.C. 336-2010, 14 April 2010

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

Midwives
— Code of ethics

Code of ethics of midwives

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

WHEREAS the board of directors of the Ordre des sages-femmes du Québec made the Code of ethics of midwives;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Code of ethics of midwives was sent to every member of the Order at least 30 days before being made by the board of directors;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Code of ethics of midwives was published in Part 2 of the *Gazette officielle du Québec* of 25 November 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Code of ethics of midwives and made its recommendation;

WHEREAS it is expedient to approve the Code of ethics of midwives with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Code of ethics of midwives

Professional Code
(R.S.Q., c. C-26, s. 87)

DIVISION I
GENERAL DUTIES TOWARDS THE PUBLIC

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations that must be discharged by every member of the Ordre professionnel des sages-femmes du Québec.

2. Midwives must promote the improvement of the quality and availability of professional services in the field in which they practise.

3. Midwives must take into consideration all the foreseeable consequences of their research and work on public health.

4. Midwives must promote education and information measures concerning their profession. They must also perform the necessary acts to ensure that such education and information duties are carried out.

5. Midwives must practise their profession in accordance with the highest possible current standards of the profession of midwifery and, to that end, they must, in particular, develop, perfect and keep their knowledge and skills up to date, and show a generally accepted attitude in the practice of the profession of midwifery.

DIVISION II
DUTIES AND OBLIGATIONS TOWARDS THE WOMAN, PARENTS AND CHILD

§1. General

6. In their practice, midwives must show respect for the dignity and freedom of humans.

7. In performing professional acts, midwives must take into account the extent of their knowledge, abilities and means at their disposal.

8. At all times, midwives must respect the woman's right to consult another midwife or a member of another professional order.

9. In addition to the provisions of section 54 of the Professional Code, midwives must refrain from practising their profession in a state or in a condition that may compromise the quality of their professional services or the dignity of the profession in particular while under the influence of alcoholic beverages, drugs, hallucinogens, narcotics, anaesthetics or any other substance causing intoxication, reduced or disturbed faculties or unconsciousness.

10. Midwives must seek to maintain a relationship of trust with the parents. To that end, they must provide their professional services in a personalized manner.

11. Midwives who provide professional services to the other parent of a child must discharge the duties and obligations provided for in this Code towards the other parent.

12. Midwives must, as soon as possible, inform the parents or their legal representative of any incident, accident or complication which is likely to have or which has had a significant impact on the state of health or physical integrity of the woman being followed up or of the child.

§2. Integrity

13. Midwives must discharge their professional obligations with competence, integrity and loyalty.

14. Midwives must avoid any misrepresentation with respect to their level of competence or the efficiency of their professional services and of those generally rendered by midwives.

15. If the interest of a woman or a child so requires, a midwife must consult another midwife, a member of another professional order or another competent person, or refer the woman or the child to one of those persons.

16. Midwives must, when referring a woman or a child to another midwife, a member of another professional order or another competent person, with the authorization of the woman or the other parent of the child, provide that person with the information they have and that is relevant to the follow-up of the woman or the child.

17. Midwives must not enter false information into a woman's or a child's record, insert notes under another person's signature, alter notes previously entered into a client's record, or replace any part thereof with the intention of falsifying them.

18. In their professional relationship, midwives must demonstrate reasonable availability and diligence.

19. Midwives must, during follow-up, provide a woman and, after delivery, the parents of a child with all explanations necessary to understand the professional services rendered.

20. Midwives who can no longer provide the required follow-up of a woman or a child must, before ceasing to do so, ensure that the woman and the child can continue to receive the required care, and contribute to the care to the extent necessary.

21. Midwives may not, without sufficient cause, abandon a woman or a child who requires supervision, or refuse to provide professional services without ensuring competent relief personnel.

22. Midwives may not refuse to provide professional services if a woman's or a child's life is in danger.

§3. Independence and impartiality

23. Midwives must subordinate their personal interests to those of a woman or a child.

24. Midwives must ignore any intervention by a third person which could affect the carrying out of their professional duties and obligations, and cause prejudice to a woman or a child.

25. Midwives must refrain from interfering in the personal affairs of a woman on subjects not falling within their areas of professional expertise.

26. Midwives must safeguard their professional independence at all times and avoid any situation in which they could be in conflict of interest.

27. As soon as she ascertains that she is in a situation of conflict of interest, a midwife must take reasonable measures so that the professional services be provided by another midwife, unless the situation requires that she provide or continue the care. In that case, the midwife must, as soon as possible, inform the woman or, if the situation occurs after delivery, the parents of the child.

28. Midwives called upon to collaborate with another midwife or a member of another professional order must maintain at all times their professional independence. They must avoid performing a task contrary to their professional conscience or to the standards of the profession of midwifery.

29. Midwives may share their fees with another person only insofar as the sharing corresponds to the sharing of services and responsibilities.

30. Subject to the remuneration to which they are entitled, midwives may not pay or receive any benefit, rebate or commission relating to the practice of their profession.

They may however offer or accept customary tokens of appreciation or gifts of small value.

31. Midwives must refrain from urging anyone pressingly or repeatedly, personally or through a natural or legal person, a partnership, a group or an association, to retain their professional services.

32. Midwives must assume full civil liability in their practice. They may not evade or attempt to evade personal civil liability or request that a person renounce any recourse taken in a case of professional negligence on their part.

§4. Professional secrecy

33. Midwives must preserve professional secrecy. They may be released from their obligation of professional secrecy only with the authorization of the woman or the other parent of the child, as the case may be, or where expressly provided by law. Midwives must take reasonable means with respect to the persons with whom they work to ensure that professional secrecy is maintained.

34. Midwives must avoid any indiscreet conversation about a woman and, after delivery, about the parents or the child, or the services provided to them.

35. Midwives must refrain from using confidential information to the detriment of the parents or the child or with a view to obtaining a direct or indirect benefit for themselves or another person.

36. Midwives who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicate information protected by professional secrecy must do so immediately. When communicating the information, they must specify

(1) the name and, if possible, the contact information of the person or group of persons exposed to a danger;

(2) the name and, if possible, the contact information of the person who made the threats;

(3) the nature of the threats; and

(4) if known, the circumstances in which the threats were made.

They must then enter the following in the woman's or child's record:

(1) the reasons supporting the decision to communicate the information protected by professional secrecy;

(2) the date and time of the communication; and

(3) the content of the communication, the mode of communication used and the identity of the person to whom the communication was made.

§5. Accessibility of documents contained in a record, correction and deletion of information, and filing of comments

37. Midwives practising in a public body governed by the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) must respect the rules of accessibility and correction of records provided for in those statutes.

38. Midwives must accede to requests for access to documents, correction or deletion of information, and filing of comments in a record, which are referred to in sections 60.5 and 60.6 of the Professional Code, with due diligence and not later than 30 days after receipt of the request.

39. For the purposes of the first paragraph of section 60.5 of the Professional Code, access to documents contained in a record is free. Midwives may, however, charge fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Midwives who intend to charge fees pursuant to this section must inform the person making the request of the amount to be paid before transcribing, copying or transmitting the documents.

40. Midwives who grant a request for correction pursuant to section 60.6 of the Professional Code must, without charge, deliver to the person making the request a copy of all information that has been changed or added or, as the case may be, a certification that information has been deleted or that comments have been filed in the record.

The person may require midwives to transmit a copy of the information or certification, as the case may be, to the person from whom such information was obtained or to any other person to whom such information was given.

41. Midwives who refuse a request referred to in sections 60.5 and 60.6 of the Professional Code must, within 30 days of the request, give reasons for the refusal, inform the person making the request in writing and inform that person of available legal remedies.

42. Midwives who hold a document or information that is the subject of a request referred to in sections 60.5 and 60.6 of the Professional Code must, if they refuse the request, keep the document or information for the time needed by the person making the request to pursue all remedies.

§6. Determination and payment of fees

43. Midwives must charge fair and reasonable fees warranted under the circumstances, and proportional to the professional services provided.

44. Midwives must provide a woman and the other parent of the child, if the parent declares to be liable for the fees related to the professional services provided to his or her child, with all the explanations required for the understanding of their statement of fees and the terms of payment.

45. Midwives must inform a woman and the other parent of the child, if the parent declares to be liable for the fees related to the professional services provided to his or her child, of the anticipated cost of the professional services before providing them.

46. Midwives may not require advance payment of their fees for their professional services. They may, however, by written agreement, obtain an advance to cover expenses that are necessary for the execution of the required professional services.

47. Midwives may claim fees for professional services actually provided only.

48. Midwives must refrain from claiming fees for professional services the cost of which is paid by a third person under a statute, except if, pursuant to that statute, midwives enter into an agreement to that effect with the debtor.

49. Midwives may not charge interest on outstanding accounts unless the debtor has been notified. The interest so charged must be reasonable and expressed in annual percentages.

50. Before instituting legal proceedings, midwives must recover their fees in an amicable way.

51. Midwives who appoint a third person to collect their fees must ensure that the third person proceeds with tact and moderation.

DIVISION III
RESEARCH

52. Before undertaking any research involving humans, midwives must obtain approval of the project from a research ethics committee that must respect generally recognized standards, in particular regarding its structure and procedures. They must also ensure their ethical obligations are made known to all persons collaborating in the research.

53. Before undertaking research, midwives must evaluate the possible repercussions on the participants. They must in particular

(1) consult the persons likely to help them in deciding whether to undertake the research or in taking measures intended to eliminate risks to participants; and

(2) ensure that all those working with them on the research respect the physical and psychological integrity of the participants.

54. Midwives may not force or urge a person insistently to take part in research or to maintain that participation.

55. Midwives must, in respect of a participant or legal representative, ensure

(1) that the participant or legal representative is adequately informed of the research project's objectives, its benefits, risks or inconveniences, the benefits derived from regular care, if applicable, as well as the fact, if such is the case, that the midwife will derive a benefit from enrolling or maintaining the participant or legal representative in the research project;

(2) that free and enlightened written consent, revocable at all times, is obtained from the participant or legal representative before the participant or legal representative begin participation in the research project or whenever there is any material change in the research protocol; and

(3) that clear, specific and enlightened consent is obtained from the participant or legal representative before communicating information concerning the participant or legal representative to a third person for the purposes of scientific research.

56. Midwives must refuse to collaborate in any research activity if the risks to the health of participants appear disproportionate in relation to the potential benefits they may derive from it or the benefits they would derive from regular treatment or care, if applicable.

57. Midwives must respect a participant's right to withdraw from a research project at any time.

DIVISION IV
DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

58. Midwives must reply promptly in writing to all communications from the Order, in particular from the secretary of the Order, the syndic, an expert appointed to assist the syndic, the professional inspection committee or one of its members, an inspector, an investigator or a committee expert.

59. Midwives must notify the Order as soon as possible of the fact that a person who is not a midwife is using a title reserved for midwives or is practising an activity reserved to midwives.

60. Midwives who have reasonable cause to believe that a midwife is incompetent or contravenes the Professional Code, the Midwives Act (R.S.Q., c. S-0.1) or a regulation made under the Code or that Act, in particular this Code, must so inform the Order.

61. Midwives must refrain from intimidating, hindering or denigrating in any way whatsoever a representative of the Order in the performance of the duties conferred on the representative by the Professional Code, the Midwives Act or a regulation made under the Code or the Act, in particular this Code, or any person who has requested the holding of an inquiry, or any other person likely to testify before a disciplinary body.

62. Midwives must not use unfair practices, betray the good faith or breach the trust of any person with whom they are in relation in the practice of their profession.

They must not, in particular, take credit for work performed by another person.

63. Midwives consulted by another midwife or a member of another professional order must provide the person with their opinion and recommendations as quickly as possible.

64. Midwives ensuring the follow-up of a woman or a child during the absence of the midwife responsible for the woman's or the child's follow-up must send to that midwife, on her return, any information useful for continuing the follow-up.

65. In emergency cases, midwives must assist another midwife or a member of another professional order in the practice of their profession when the other midwife or member of the other professional order requests assistance.

66. Midwives must, to the extent possible, participate in the development of their profession by sharing their knowledge and experience with other midwives, trainees, candidates to the practice of the profession and students in the undergraduate midwifery degree program and by taking part in activities, courses and refresher training periods organized for the members of the Order.

DIVISION V
ADVERTISING

67. Midwives must have their name and title of midwife appear in any advertisement.

68. In their advertising, midwives must use information that may help the public make an enlightened choice concerning their professional services.

69. Midwives expressing professional opinions publicly must

(1) inform the public of the professional opinions generally recognized on the subject; and

(2) avoid any uncalled for publicity favouring a medication, a product or a treatment method.

70. Midwives must avoid any advertising that may tarnish the image of the profession.

71. Midwives may not use advertising practices that, directly or indirectly, denigrate or discredit another person, or minimize a service or product provided by the person.

72. Midwives may not, by any means whatsoever, engage in or allow advertising that is false, deceitful, incomplete or likely to be misleading.

73. Midwives may not, by any means whatsoever, engage in advertising or allow advertising that is likely to influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

74. Midwives may not claim, in their advertising, specific qualities or skills, or make representations, in particular as to their level of competence or the scope or effectiveness of their services and services generally rendered by other members of the Order, unless they can be substantiated.

75. Midwives may not use or allow to be used in advertising any endorsement or statement of gratitude in a midwife's regard other than awards for excellence and other merits underlining a contribution or an achievement for which the entire profession shared the honour.

76. Midwives who advertise fees or prices must

(1) set fixed fees or prices;

(2) specify the nature and scope of the services included in the fees or prices;

(3) indicate whether additional services or products may be required that are not included in the fees or prices; and

(4) indicate whether expenses or other disbursements are included in the fees or prices.

The fees or prices must remain in effect for a period of at least 90 days following the date of the last broadcast or publication of the advertisement. However, a lower price may always be agreed upon.

77. Midwives must keep a complete copy of every advertisement in its original form for a period of 3 years following the date of its last broadcast or publication. The copy must be submitted to the secretary or the syndic of the Order on request.

78. Midwives practising in a partnership are responsible with their partners for complying with the rules on advertising unless they establish that the advertising took place without their knowledge and consent, and despite measures taken to ensure compliance with the rules.

79. Midwives who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the secretary of the Order.

80. Midwives who use the graphic symbol of the Order for advertising purposes, except on business cards, must include the following disclaimer:

"This is not an advertisement of the Ordre professionnel des sages-femmes du Québec and engages the liability of its author only.".

81. Where midwives use the graphic symbol of the Order for advertising purposes, including on business cards, they may not juxtapose or otherwise use the name of the Order, except to indicate that they are members of the Order.

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

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Gouvernement du Québec

O.C. 337-2010, 14 April 2010

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

Midwives
— Committee on training

Regulation respecting the committee on training of midwives

WHEREAS, in accordance with the second paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), the Government may, by regulation and after having consulted the Office des professions du Québec and the persons or bodies referred to in subparagraph 7 of the third paragraph of section 12 of the Code, fix the terms and conditions of cooperation between the order concerned and the authorities of the educational institutions in Québec that issue a diploma giving access to a permit or specialist's certificate;

WHEREAS, in accordance with the second paragraph of section 184 of the Professional Code, the Government has consulted the Office des professions du Québec, the educational institutions concerned, the Ordre des sages-femmes du Québec, the Conférence des recteurs et des principaux des universités du Québec and the Minister of Education, Recreation and Sports;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the committee on training of midwives was published in Part 2 of the *Gazette officielle du Québec* of 21 October 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting the committee on training of midwives, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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 13 May 2010, 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*.

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Gouvernement du Québec

O.C. 341-2010, 14 April 2010

An Act respecting the Société immobilière du Québec (R.S.Q., c. S-17.1)

Signing of certain documents — Amendment

By-law to amend the By-law respecting the signing of certain documents of the Société immobilière du Québec

WHEREAS the first paragraph of section 17 of the Act respecting the Société immobilière du Québec (R.S.Q., c. S-17.1) provides that no document is binding on the Société unless it is signed by the president and chief executive officer or, in the cases determined by by-law of the Société, a person designated by the Société;

WHEREAS, by Order in Council 52-2010 dated 20 January 2010, the Government approved the By-law respecting the signing of certain documents of the Société immobilière du Québec;

WHEREAS, at its sitting of 17 February 2010, the Société made the By-law to amend the By-law respecting the signing of certain documents of the Société immobilière du Québec, attached to this Order in Council;

WHEREAS, under the second paragraph of section 15 of the Act respecting the Société immobilière du Québec, such a by-law made by the Société comes into force on the date of its approval by the Government or on any later date it determines;

IT IS ORDERED, therefore, on the recommendation of the Minister of Government Services:

THAT the By-law to amend the By-law respecting the signing of certain documents of the Société immobilière du Québec, attached to this Order in Council, be approved;

THAT the By-law come into force on the date of its publication in the *Gazette officielle du Québec*

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

By-law to amend the By-law respecting the signing of certain documents of the Société immobilière du Québec*

An Act respecting the Société immobilière du Québec (R.S.Q., c. S-17.1, s. 17)

1. The By-law respecting the signing of certain documents of the Société immobilière du Québec is amended in section 6 by replacing "$50,000" wherever it appears in the second paragraph by "$500,000".

2. This Regulation comes into force on 28 April 2010.

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* The By-law respecting the signing of certain documents of the Société immobilière du Québec, approved by Order in Council 52-2010 dated 20 January 2010 (2010, *G.O.* 2, 520), has not been amended since it was approved.

Draft Regulations

Draft Regulation

Consumer Protection Act
(R.S.Q., c. P-40.1)

Regulation
— 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 application of the Consumer Protection Act, the text of which appears below, may be made by the Government on the expiry of 25 days following this publication.

The urgency of the situation requires a shorter period than the period provided for in section 11 of the Regulations Act, as permitted by section 12 of that Act, since it is important for the draft Regulation, which contains several measures needed for the application of the new legislative provisions contained in the Act to amend the Consumer Protection Act and other legislative provisions (2009, c. 51), to come into force on the same date as that Act, namely not later than 30 June 2010. The reference to the period specified in section 11 of the Regulations Act is made because pursuant to the first paragraph of section 26 of that Act, the said section takes precedence over section 351 of the Consumer Protection Act.

The main object of the draft Regulation is to complement the recently-passed legislative provisions concerning contracts involving sequential performance for a service provided at a distance, contracts for the sale of prepaid cards, the disclosure, prior to sale, of the existence of additional warranties and penal clauses in contracts for the sale or lease of an automobile.

The draft Regulation specifies how information must be presented in a contract involving sequential performance for a service provided at a distance, the economic inducement to be used in calculating the cancellation indemnity for such a contract, the mechanics of the decrease in the indemnity, and the interest rate applicable to deposits made by a consumer. It also specifies some of the obligations of merchants when they enter into a contract for the sale of a prepaid card, such as a refund of the balance of the card. The draft Regulation specifies the information on the legal warranty that must be disclosed to the consumer before an additional warranty is proposed, the form in which the information must be given, and the maximum amount that a consumer may be required to pay under a penal clause in a contract for the sale or lease of an automobile.

The draft Regulation specifies that some types of contract are not subject to some of the new legislative provisions, either because specific rules apply, or because the application of the new provisions would impose unreasonable obligations on some merchants.

The draft Regulation also contains measures to prohibit the inclusion of certain stipulations in a contract. Other measures are designed to simplify the procedure for applying for permits and exemptions issued by the Office de la protection du consommateur.

Other technical and concordance adjustments are made as a result of recent amendments to the Act.

Some of the proposed measures concerning contracts involving sequential performance for a service provided at a distance and contracts for the sale of a prepaid card impose an extra burden on enterprises. However, several exemptions from the provisions of the Act will lighten the burden on certain enterprises.

Further information may be obtained by contacting Geneviève Duchesne, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: 514 253-6556, extension 3427; fax: 514 864-2400; e-mail: genevieve.duchesne.gouv.qc.ca

Any interested person having comments to make on the matter is requested to submit written comments before the expiry of the 25-day period, to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

KATHLEEN WEIL,
Minister of Justice

Regulation to amend the Regulation respecting the application of the Consumer Protection Act*

Consumer Protection Act
(R.S.Q., c. P-40.1, ss. 13, 187.3, 187.5, 214.11, 228.1, 350, pars. *a*, *b*, *l*, *n*, *r*, *z*.4, *z*.5)

1. Section 6.4 of the Regulation respecting the application of the Consumer Protection Act is amended

(a) by replacing "of the Act and" by "of the Act,";

(b) by inserting "and contracts involving sequential performance for a service provided at a distance" after "motorcycle".

2. The following is inserted after section 6.4:

"**6.5.** Merchants who enter into distance contracts orally are exempt from the application of section 54.4 of the Act, provided the contract sent to the consumer in accordance with section 54.7 of the Act contains the following compulsory clause at the beginning, in a typeface at least twice as large as the typeface used for any other stipulations:

You may cancel this contract without charge or penalty, for any reason, within 7 days of receiving it. In such a case, all reasonable costs of restitution shall be assumed by the merchant."."

3. Section 8 is amended by replacing "remote-parties contract" in paragraph *c* by "distance contract", and by striking out paragraph *g*.

4. Section 12.1 is struck out.

5. Sections 15.1, 38, 39, 46, 46.1, 48, 48.1, 49 and 50 are amended by replacing the words "contract of lease of services involving sequential performance" or "contract for the lease of services involving sequential performance", wherever they occur, by the words "service contracts involving sequential performance for instruction, training or assistance".

6. Section 15.2 is amended by replacing "contract of lease of services involving sequential performance" by "service contract involving sequential performance".

7. Section 16.1 is replaced by the following:

"**16.1.** Section 11.2 of the Act does not apply to a stipulation providing for the unilateral amendment of the price of tourist services in a contract entered into with a travel agent provided the travel agent comply with the regulations made under the Travel Agents Act (R.S.Q., c. A-10) in connection with the unilateral amendment of the price of tourist services.".

8. Section 25 is struck out.

9. Sections 25.1, 25.2, 94.3 and 95 are amended by replacing the word "corporation", wherever it occurs, by the words "partnership or legal person".

10. Section 25.2 is amended by replacing "Inspector General of Financial Institutions" by "Autorité des marchés financiers".

11. The following is inserted after section 25.3:

"**CHAPTER II.1**
STIPULATIONS PROHIBITED IN A CONTRACT

25.4. A stipulation intended to exclude or restrict the warranty provided for in section 37 or 38 of the Act is prohibited.

25.5. A stipulation intended to exclude or limit the obligation of a merchant or manufacturer to be bound by a written or verbal statement made by a representative concerning goods or services is prohibited.

25.6. A stipulation intended to exclude or limit the rights conferred on a consumer by section 53 or 54 of the Act is prohibited.

25.7. A stipulation allowing a merchant, in the event of the unilateral cancellation by a consumer of a contract involving sequential performance for a service provided at a distance, to charge an indemnity higher than the indemnity provided for in section 214.7 or 214.8 of the Act is prohibited.

25.8. A stipulation having the effect of obliging a consumer to submit a dispute to a court other than a court in Québec is prohibited.

25.9. A stipulation making an external clause binding on a consumer despite the fact that such a clause cannot be set up against the consumer by reason of article 1435 of the Civil Code is prohibited.".

12. Section 26 is amended by replacing "or 208" in the first paragraph by ", 208 or 214.2".

* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r.1) was last amended by the regulation made by Order in Council 1042-2007 dated 28 November 2007 (2007, *G.O.* 2, 3158B). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

13. The heading of Division IV of Chapter IV is replaced by the following:

"SERVICE CONTRACTS INVOLVING SEQUENTIAL PERFORMANCE FOR INSTRUCTION, TRAINING OR ASSISTANCE".

14. The following is inserted after section 71.1:

"**71.2.** A contract for the sale or long-term lease of an automobile may include a clause requiring a consumer, upon non-performance of the consumer's obligation, to pay penalties or damages, provided the penalties or damages do not exceed the greater of $300 or an amount representing at most 1% of the sale price or, in the case of a long-term lease contract, the retail value of the car.".

15. The following is inserted after section 79:

"**CHAPTER VI.1**
CONTRACTS FOR THE SALE OF PREPAID CARDS

79.1. A contract for the sale of a prepaid card for mobile telephone services is exempt from the application of sections 187.3 and 187.5 of the Act.

79.2. A merchant who enters into a contract for the sale of a prepaid card for determined goods or services may, after the date indicated on the card, charge an extra amount for the performance of the contract equivalent to the difference between the price paid for the goods or services at the time of sale and the current price at the time of performance of the contract, provided this information and the price of the goods or services at the time of sale is indicated on the card.

79.3. If a prepaid card must be replaced by a merchant at a determined date, the contract of sale for the card may provide for the date on which the card will be replaced provided that

(a) the replacement of the card does not deprive the consumer of the balance remaining on the card;

(b) the date of replacement of the card and, immediately following, the information given in paragraph *a*, appear on the card; and

(c) the merchant provides a new card to the consumer free of charge.

79.4. Notwithstanding section 187.4 of the Act, the contract of sale for a prepaid card used to procure goods or services from several independent merchants who do not use the same name may provide for

(a) a fee not exceeding $3.50 for the activation of the card, provided the fee is mentioned on the back of the card; or

(b) a fee not exceeding $2.50 per month for non-use of the card, on the following conditions:

i. no fee may be charged before the 15th month following the conclusion of the contract;

ii. no fee may be charged between the 15th and the 18th month following the conclusion of the contract if, before the end of the 14th month, the consumer so requests by contacting the merchant identified for that purpose on the card;

iii. the amount of the fee for non-use of the card, along with the conditions provided for in subparagraphs i and ii, appear on the back of the card; and

iv. a statement is made on the front of the card in letters of at least 10-point typeface that the information on fees appears on the back of the card.

79.5. For the purposes of section 187.5 of the Act, the amount that must be refunded by a merchant to a consumer who so requests is equal to the balance remaining on the prepaid card when the balance is $5 or less.

When a merchant is identified for that purpose on a prepaid card, only that merchant is required to refund the consumer.

79.6. A contract for the sale of a prepaid card issued by a financial institution for the procurement of goods or services from all merchants using the international payment network identified on the card is exempt from the application of sections 187.4 and 187.5 of the Act.

CHAPTER VI.2
CONTRACTS INVOLVING SEQUENTIAL PERFORMANCE FOR A SERVICE PROVIDED AT A DISTANCE

79.7. Contracts for financial services, contracts for lottery subscription services entered into with a legally authorized person, and contracts entered into with a travel agent within the meaning of the Travel Agents Act (R.S.Q., c. A-10) and the regulations made under it, are exempt from the application of Division VII of Chapter III of Title I of the Act.

79.8. The information required under section 214.2 of the Act must be disclosed at the start of a contract involving sequential performance for a service provided at a distance, to the exclusion of all other information. The information must be presented clearly and legibly.

79.9. The second paragraph of section 214.6 of the Act does not apply to a contract for the leasing of goods entered into in connection with a remote monitoring service contract provided the service contract, in addition to the information required under section 214.2 of the Act, indicates the monthly rent payable by the consumer under the rental contract in the manner prescribed in section 79.8.

79.10. For the purpose of section 214.7 of the Act, the indemnity that may be required if a consumer unilaterally cancels a fixed-term contract may not exceed the value of the economic inducement less the amount obtained by multiplying the economic inducement by a fraction representing the number of contract months elapsed as compared to the total number of contract months.

The economic inducement used to calculate the cancellation indemnity is the amount of the rebate granted to the consumer on the price charged for goods purchased on the making of the contract that are needed to use the service for which the contract was made.

79.11. For the purposes of section 214.8 of the Act, the indemnity that may be required if a consumer unilaterally cancels an indeterminate-term contract may not exceed the unpaid balance of the sales price of the goods at the time the contract was made less the amount obtained by multiplying 1/36 of that balance by the number of contract months elapsed.

79.12. For the purposes of section 214.11 of the Act, the rate of interest on the amount provided as a security deposit is the Bank Rate of the Bank of Canada.

The interest must be calculated from the date on which the consumer provided the security deposit until the date on which the merchant returns it to the consumer.".

16. The following is inserted after section 91.7:

"**91.8.** The second paragraph of section 224 of the Act does not apply to fees payable under a federal or provincial statute that must be charged directly to the consumer by virtue of that statute.

DIVISION IV
INFORMATION ON THE LEGAL WARRANTY

91.9. Before proposing the conclusion of a contract for valuable consideration including an additional warranty on goods, the merchant must give the consumer a document in paper form containing only the following compulsory notice:

IMPORTANT NOTICE CONCERNING
THE LEGAL WARRANTY

The Consumer Protection Act gives you a warranty, free of charge, on all goods that you purchase or lease from a merchant.

The warranty entitles you to require that the goods

— are fit for the purposes for which goods of that kind are ordinarily used (section 37 of the Act) and

— must be durable in normal use for a reasonable length time, having regard to their price, the terms of the contract and the conditions of their use (section 38 of the Act).".

The notice must also include the following message:

"MESSAGE FROM THE OFFICE DE LA
PROTECTION DU CONSOMMATEUR

All goods purchased or leased from a merchant are covered by the warranty given in the Consumer Protection Act.

The merchant must respect the terms of the legal warranty, even if the merchant states that the goods are sold or leased without a warranty.

You can require that the merchant, the manufacturer, or both, comply with the terms of the warranty. No fees may be charged.

The legal warranty applies whether or not the goods are covered by another warranty, such as a manufacturer's warranty or an additional warranty.

In addition, if a warranty is provided free of charge by the manufacturer, the merchant must inform you verbally of its existence and duration. On request, the merchant must also tell you how to find out more about the other elements of the warranty.

For more information, go to the website of the Office de la protection du consommateur (http://www.opc.gouv.qc.ca) or contact the Office at 1 888 OPC-ALLO (1 888 672-2556).".

91.10. The notice provided for in section 91.9 must contain, on the front,

(a) the heading, in bold capital type of at least 14 points;

(b) the first paragraph, in type of at least 14 points;

(c) the second paragraph, in type of at least 12 points;

(d) the first two paragraphs, set off in a rectangle;

(e) below the rectangle, the following text in italic type of at least 12 points: "(The merchant is required to read you the above text)" and below, in capital letters of at least 14 points, the following words set off in a rectangle: "SEE OVERLEAF".

The notice must contain, on the back,

(a) the heading of the message, in bold capital letters of at least 12 points;

(b) the remainder of the message, in letters of at least 12 points.

91.11. For the purposes of section 228.1 of the Act, before proposing the making of a contract referred to in that section, the merchant must read to the consumer the first two paragraphs set off in the notice prescribed in section 91.9.

91.12. When the proposal to make a contract referred to in section 228.1 of the Act is made in writing at a distance:

(a) the notice prescribed in section 91.9 may be different from the notice described in section 91.10 and be given to the consumer otherwise than in paper form, on the following conditions:

i. the notice is brought expressly to the attention of the consumer;

ii. the notice is presented legibly;

iii. the notice is presented in a way that allows the consumer to store it easily and print it out on paper;

(b) the merchant is exempt from the obligation provided for in the first paragraph of section 228.1 of the Act to inform the consumer orally of the existence and nature of the warranty provided for in sections 37 and 38 of the Act;

(c) the merchant is exempt from the obligation under the second paragraph of section 228.1 of the Act of informing the consumer orally of the other elements of the manufacturer's warranty, provided that

i. the information is brought expressly to the attention of the consumer; and

ii. the information is presented legibly.

91.13. When a proposal to make a contract referred to in section 228.1 of the Act is made orally from a distance, the merchant is exempt from the obligation under section 228.1 of the Act of informing the consumer in writing of the existence and nature of the warranty provided for in sections 37 and 38 of the Act, provided the merchant gives the consumer the notice prescribed by section 91.9 within 15 days of the making of the contract.

When the notice is given in electronic form, it may be otherwise than as prescribed in section 91.10 and be given to the consumer otherwise than in paper form, on the following conditions:

(a) the notice is presented legibly;

(b) the notice is presented in a way that allows the consumer to store it easily and print it out on paper.".

17. Section 92 is amended:

(a) by replacing "corporation" in paragraphs *b* and *c* by "legal person";

(b) by striking out paragraph *e*.

18. Section 94 is replaced by the following:

"**94.** Every merchant applying for the issue or renewal of a permit must forward to the president, using the form provided by the president, the following information an documents:

(a) the type of permit requested;

(b) the merchant's name and any other names that must appear on the permit;

(c) the merchant's address, telephone number and, where applicable, electronic address and fax number, and those of the establishment for which the permit is requested;

(d) the name, address, telephone number and, where applicable, electronic address and fax number of the natural person who signed the application for a permit and, if the application is for that person, the person's date of birth;

(e) in the case of a partnership or legal person, the name, date of birth, home address and telephone number of the partners or directors, along with their position in the partnership or legal person;

(f) in the case of a partnership or legal person, a copy of the resolution of the board of directors authorizing the natural person to apply for the issue or renewal of a permit;

(g) when the merchant is required to be registered, the Québec business number (NEQ) assigned by the enterprise registrar;

(h) in the case of a partnership or legal person, a copy of its constituting act, letters patent or similar document and, where applicable, of its articles of amendment, articles of amalgamation, supplementary letters patent or similar document, except if the documents have been filed with the enterprise registrar;

(i) a statement that at the time of the application, the partnership or legal person, if constituted under the laws of Québec, was in compliance with the provisions governing legal publicity;

(j) in the case of a partnership or legal person constituted under the laws of a jurisdiction other than Québec, a document similar to an attestation issued by the enterprise registrar stating that, at the time of the application, it is in compliance with the obligations governing legal publicity; the document must be issued by the competent authority in that jurisdiction and state that the partnership or legal person is in compliance with the laws of that jurisdiction;

(k) the answers to the following questions concerning the merchant, concerning the person, in the case of a sole proprietorship, or concerning each partner or director:

i. whether they are an undischarged bankrupt;

ii. whether they have been found guilty, in the 3 preceding years, of an offence against an Act or regulation under the administration of the Office de la protection du consommateur or of an indictable criminal offence, unless a pardon has been obtained;

iii. if the answer to one of the questions in subparagraphs *i* and *ii* is affirmative, the name of the person concerned, the nature of the offence, the date of the judgment and the court file number;

(l) at the request of the president, a copy of the contract that the merchant intends to enter into with consumers.

Every application for a permit must be submitted with the duties payable and the security required under Division II of Chapter VIII, along with a statement that the information provided pursuant to sections 94 to 94.02 is true, and be signed by the natural person making the application.

94.01. In addition to the information and documents referred to in section 94, a person applying for the issue or renewal of an itinerant merchant's permit must forward the following information to the president:

(a) the nature of the goods and services offered to consumers;

(b) a statement that the consideration for the applicant's contracts will be below or above $100 in most cases for the term of the permit requested;

(c) the planned number of representatives for the term of the permit requested, even if they are not all as yet known;

(d) the name, date of birth, home address, telephone number and, where applicable, electronic address and fax number of all the applicant's known representatives;

(e) the name, address, telephone number and, where applicable, electronic address and fax number of the applicant's known merchant-representatives;

(f) the name, date of birth, home address, telephone number and, where applicable, electronic address and fax number of the employee-representatives of the applicant's known merchant-representatives.

94.02. In addition to the information and documents referred to in sections 94 and 94.1 to 94.4, a person applying for the issue or renewal of a merchant's permit who offers or makes a contract of additional warranty must forward the following information to the president:

(a) the names and addresses of the dealers, independent garage owners and other intermediaries who will sell the contracts of additional warranty;

(b) the addresses of the direct consumer sales outlets;

(c) the nature of the goods to which the contracts relate (new or used automobiles, new or used motorcycles adapted for use on public roads);

(d) the minimum and maximum price of the additional warranty in light of the nature of the goods;

(e) the term of the contracts.".

19. Section 94.3 is amended by replacing "Inspector General of Financial Institutions" in paragraph *a* by "Autorité des marchés financiers".

20. Sections 96 to 99 are struck out.

21. Section 110 is amended:

(a) by replacing "individual guarantee bond" in paragraph *a* by "individual surety bond";

(b) by replacing "group guarantee bond" in paragraph *b* by "group surety bond";

(c) by striking out the word "certified" wherever it occurs in paragraph *c*.

22. Section 113 is replaced by the following:

"**113.** The security must be drawn up using the form provided by the president, and include

(a) the date on which the security is furnished;

(b) the total amount of the obligation which the surety is required to meet for the duration of the permit as determined in section 104, 108 or 108.1;

(c) a solidary undertaking by the surety with the merchant towards the president, in the case of an individual surety, or with any member of the group towards the president, in the case of a group surety, up to the amount of the surety, to pay any amount payable pursuant to section 120 or 120.1;

(d) when the surety is furnished by the merchant on his own behalf, an undertaking by the merchant, up to the amount of the surety, to pay any amount payable pursuant to section 120 or 120.1;

(e) a statement that the undertaking is binding on the administrators of the surety or the merchant in the case of a surety furnished by the merchant;

(f) a waiver of the benefits of discussion and division, and the fact that the surety is subrogated in the rights of a consumer to whom an indemnity is paid up to the amount disbursed by the surety;

(g) a statement that the surety or merchant may only terminate the security by sending at least 90 days' written notice to the president along with proof that a copy of the notice has been served on the merchant, if applicable;

(h) a statement that, despite the expiry of the security, the obligations of the surety continue to apply and the responsibility of the merchant continues to extend to the merchant's clients, when

i. the cause of action concerns a contract made while the security was in effect, or occurred while the security was in effect;

ii. no more than 3 years have elapsed between the date of the cause of action and the institution of civil proceedings or conclusion of an agreement or transaction.

The form must be signed by the surety or by the merchant if furnished by the latter and, at the request of the surety, by the principal debtor.".

23. Sections 114 to 116 and 157 to 160 are struck out.

24. Section 118 is replaced by the following:

"**118.** Each of the permit holders covered by a group surety bond must be identified by a member's certificate containing the following information:

(a) the name of the surety;

(b) the name of the group for which the surety furnishes security;

(c) the member's certificate number of the group;

(d) the amount of security payable pursuant to section 104, 108 or 108.1;

(e) the number of the group surety bond and its date of issue;

(f) a statement that the permit holder is a member of the group and is covered by the group surety bond;

(g) the signature of a duly authorized representative of the surety or of the association authorized by the surety, and the date of issue.".

25. Section 119 is amended

(a) by replacing "A security by individual guarantee bond, a security by group guarantee bond, commitments referred to in sections 115 and 116 as well as" in the first paragraph by "Security referred to in section 112 and";

(b) by striking out the word "certified" wherever it occurs in the second paragraph.

26. Section 121.2 is amended:

(a) by replacing "individual or group guarantee bond" in subparagraph *a* of the first paragraph by "individual or group surety bond";

(b) by striking out the word "certified" wherever it occurs in subparagraph *b* of the first paragraph.

27. Section 146 is amended by replacing "243" by "486".

28. Section 163 is amended by replacing "1 year" by "2 years".

29. Section 178 is amended by striking out "certified".

30. Forms N-22 to N-46 are struck out.

31. Contracts in effect when this Regulation comes into force are exempt from the application of sections 214.6 to 214.8 of the Act and sections 25.4 to 25.8 of this Regulation.

32. This Regulation comes into force on (*insert the date of coming into force of the Act to amend the Consumer Protection Act and other legislative provisions (2009, c. 51)*).

9791

Draft Regulation

Crop Health Protection Act
(R.S.Q., c. P-42.1)

Cultivation of potatoes

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 cultivation of potatoes, appearing below, may be made by the Minister of Agriculture, Fisheries and Food on the expiry of 45 days following this publication.

The draft Regulation identifies the harmful organisms covered by the Crop Health Protection Act and the phytosanitary measures that apply with respect to potato crops.

To date, study of the matter reveals that the draft Regulation will have insignificant economic impact on Québec's small and medium-sized businesses.

Further information may be obtained by contacting Alain Garneau, Direction de l'innovation scientifique et technologique, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 9e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3560; fax: 418 380-2162; e-mail: Alain.Garneau@mapaq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Alain Garneau at the above address.

ROBERT DUTIL,
Minister of Agriculture,
Fisheries and Food

Regulation respecting the cultivation of potatoes

Crop Health Protection Act
(R.S.Q., c. P-42.1, ss. 4, 8 and 27)

DIVISION I
GENERAL

1. For the purposes of the Crop Health Protection Act (R.S.Q., c. P-42.1), the following are harmful organisms:

(1) bacterial ring rot of potato (*Clavibacter michiganensis* subsp. *Sepedonicus*);

(2) late blight (*Phytophthora infestans*);

(3) potato cyst nematodes (PCN) (*Globodera pallida* and *Globodera rostochiensis*);

(4) potato leafroll virus (PLRV);

(5) potato mosaic viruses, including potato virus Y (PVY).

In this Regulation, "potato" means any part of a potato plant, including tubers, stems, leaves, roots, microtubers and *in vitro* plantlets.

2. In every operation that has a potato crop area of 1 hectare or more, only potatoes that are graded according to the Seeds Act (R.S.C. 1985, c. S-8) may be planted for food or processing purposes.

3. In every crop cultivated for research purposes, only potatoes that are graded according to the Seeds Act may be planted unless an inspector is so notified prior to their acquisition.

4. Documents certifying the grade of the lots of seed potatoes under the Seeds Act and invoices for seed potatoes used must be kept for 2 years at the main establishment in Québec of the owner or custodian of the crops.

5. Between the emergence and complete top-killing of potato crops, the owner or custodian must, in order to prevent the spreading of late blight, eliminate potato debris in the crop and, if applicable, in the operation or keep them in a closed location or under a tarp.

6. Where the presence of late blight is confirmed or an indication of that presence is observed, the owner or custodian of the infected property must take measures to prevent its spreading, in particular the application of treatments registered pursuant to the Pest Control Products Act (S.C. 2002, c. 28), the destruction of infected plants or the top-killing of potato crops.

7. Where a laboratory diagnosis confirms the presence of bacterial ring rot in a potato crop operation, the owner or custodian must

(1) remove the potato debris and infected potatoes in the operation;

(2) clean in such a way as to eliminate all traces of soil and plant debris and disinfect warehouses, vehicles, equipment and containers that came into contact with the potatoes of the operation or, in the case of containers, destroy them;

(3) refrain, in the following year, from planting potatoes in any field where bacterial ring rot has been diagnosed;

(4) where a crop is not covered by section 2 or 3, plant only potatoes graded according to the Seeds Act for a period of 2 years.

DIVISION II
PROTECTED CROP ZONES

8. The provisions of this Division apply in every protected crop zone determined by the Government pursuant to section 7 of the Crop Health Protection Act.

9. In every potato crop, only potatoes that are produced in a protected crop zone and graded according to the Seeds Act may be planted.

Despite the first paragraph, if no seed potato of a specific variety produced in a protected crop zone is available, seed potatoes of that variety produced outside such a zone may be planted provided that, prior to their acquisition, an inspector is so notified and that it is shown to the inspector that the potatoes are graded Nuclear stock or comply with the following requirements:

(1) they are graded Elite II or better;

(2) they are produced in an operation where the result of a screening for potato cyst nematodes, performed according to a scientifically recognized protocol, was negative;

(3) they come from a lot of potatoes subjected to a post-harvest test carried out on a representative sampling using an enzyme-linked immunosorbent assay (ELISA) or polymerase chain reaction (PCR) that revealed a combined percentage of the potato leafroll virus and potato virus Y lower than or equal to 2%.

10. The owner or custodian of every potato crop must, once a year, clean and disinfect warehouses, vehicles, equipment and containers that came into contact with potatoes.

11. Every part of a delivery vehicle likely to have been in contact with potatoes must meet the following requirements before each entry of the vehicle into a seed potato operation for a first bulk loading:

(1) it has been cleaned in such a way as to eliminate all traces of soil and potato debris;

(2) it has been disinfected in a disinfection centre using a germicide registered pursuant to the Pest Control Products Act;

(3) it has not been in contact with potatoes or any property infected by a harmful organism since the disinfection.

The driver of the vehicle must give a copy of the disinfection certificate issued by the person in charge of the disinfection centre to the owner or custodian of the first seed potato crop operation where the vehicle enters after its disinfection.

The disinfection certificate must be kept for 2 years at the main establishment in Québec of the owner or custodian of the operation.

12. Used potato farming, packaging or processing equipment from outside a protected crop zone may only be brought into a potato crop, processing or packaging operation after having been cleaned and disinfected in such a way as to prevent the spreading of bacterial ring rot and cyst nematodes.

Before a person may bring into one or a number of potato crop operations excavating equipment that has been used outside a protected crop zone, the person must clean and disinfect the equipment to prevent the spreading of bacterial ring rot and cyst nematodes.

The equipment must be examined by an inspector or a person designated under section 5 of the Seeds Act before being used in the operation or, in the case of excavating equipment, in the first operation.

13. No person may bring into a potato crop operation, potatoes that have been kept in a commercial establishment or in containers that have been in contact with the potatoes.

14. Potatoes produced outside a protected crop zone may not be stored, packaged or processed for commercial purposes in a protected crop zone unless an inspector has been notified in advance and the following has been demonstrated to the inspector:

(1) the absence of detection of bacterial ring rot in lots of potatoes and cyst nematodes in the operation where those potatoes are produced; or

(2) the measures for the recovery and elimination of the soil and potato debris that will be taken to prevent the spreading of harmful organisms.

15. A person must immediately report to the Minister the presence of potato late blight or bacterial ring rot and any indication of that presence and provide the Minister, on request, with any related information.

16. Where the presence of bacterial ring rot is confirmed or an indication of that presence is observed, the owner or custodian must take measures to prevent its spreading, in particular the elimination of tubers and potato debris and the cleaning and disinfection of warehouses, vehicles and equipment that have been in contact with potatoes.

Where infected potatoes must be transported to a packaging or processing operation, the owner or custodian must also first notify an inspector.

In addition, where a laboratory diagnosis confirms the presence of bacterial ring rot in an operation, no potato produced in that operation during the following 2 years may be transferred to be planted in a protected crop zone.

17. Where potato plants show visual symptoms of the potato leafroll virus or a potato mosaic virus of a combined percentage greater than 5%, the owner or custodian of the crop must control aphids using treatments registered pursuant to the Pest Control Products Act during the entire production period.

DIVISION III
TRANSITIONAL AND FINAL

18. Diseases and harmful insects designated by the Plant Protection Regulation, made by Order in Council 1366-96 (1996, *G.O.* 2, 4703), which, under section 45 of the Crop Health Protection Act, are deemed to be harmful organisms, remain so.

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

9782

Draft Regulation

An Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1)

Sale, lease and granting of immovable rights — 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 sale, lease and granting of immovable rights on lands in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends certain provisions concerning rough shelters, particularly by authorizing a maximum area of 30 m^2 in the administrative region of Abitibi-Témiscamingue and by fixing the rent for that use at $150 a year. It introduces measures related to the transfer of leasing rights for vacation purposes further to a right awarded by drawing of lots. It specifies certain special conditions for the granting of commercial and industrial projects on lands in the domain of the State so that the project with the most positive impacts in terms of sustainable development may be selected. Lastly, it revises certain prices, rents or administration fees, as well as the market value of the reference lands which is used to determine the rents for cottages on lands in the domain of the State.

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

Further information on the draft Regulation may be obtained by contacting Mario Perron, director of territory policies and integrity, 5700, 4^{e} Avenue Ouest, bureau C 306, Québec (Québec) G1H 6R1; telephone: 418 627-6362, extension 2601; fax: 418 646-6847; e-mail: mario.perron@mrnf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Christian Dubois, Associate Deputy Minister for Plan Nord and territory, 5700, 4e Avenue Ouest, bureau A 313, Québec (Québec) G1H 6R1.

SERGE SIMARD,
Minister for Natural Resources and Wildlife

NATHALIE NORMANDEAU,
Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State

An Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1, s. 71, 1st par., subpars. 3 and 11)

1. The Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (R.R.Q., c. T-8.1, r.7) is amended in section 2 by replacing "a substitute price" in the first paragraph by "a different price or rent".

2. Section 3 is amended

(1) by inserting ", fees" after "rents";

(2) by striking out "and rounded off to the nearest dollar";

(3) by adding the following at the end:

"Those amounts are then increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than $0.50 or reduced to the nearest dollar if they contain a fraction of a dollar less than $0.50, except for the prices and rents per square metre indicated to in sections 5, 8, 12 and 16 of Schedule I.".

3. Section 5 is amended by replacing "or the striking out or alteration of a restrictive clause registered in the letters patent or a deed of sale" in the first paragraph by ", a waiver of a restrictive clause appearing in letters patent or a deed of sale, an amendment to such a clause" and by replacing "4" by "3".

4. Section 6 is amended by replacing "fees for registration in the registry office of the registration division" in the first paragraph by "fees respecting land registration".

5. Section 7 is replaced by the following:

"**7.** Subject to sections 8 and 9, if more than one person wishes to purchase or lease the same land, the Minister sells it to the highest bidder or leases it to the first applicant.

However, in the case of land intended for commercial or industrial purposes, priority for sale or lease must be given to the person who demonstrates that the repercussions of the project are the most positive from a sustainable development perspective, particularly with regard to the environmental, social and economic aspects.".

6. Section 8 is amended by replacing "an individual" by "another person".

7. Section 12 is replaced by the following:

"**12.** Where land is offered as part of a cottage development project carried out by the Minister, the Minister is to publish the conditions of land sale or lease on the website of the Ministère des Ressources naturelles et de la Faune or in a local publication and indicate, as the case may be, whether the land will be awarded by drawing lots or to the first applicant.".

8. Section 13 is revoked.

9. Section 14 is replaced by the following:

"**14.** A person may not purchase or lease more than one parcel of land offered for building cottages in one or more administrative regions by drawing lots.".

10. Section 16 is amended by replacing "free" in the second paragraph by "without membership in a private club, association or interest group being required to engage in the activity, free of charge" after "category of citizens".

11. Section 18 is amended by replacing "issue a certificate" by "make a promise" and by striking out ", prior to the issue of letters patent,".

12. Section 20 is amended

(1) by inserting "or one of its mandataries" in the first paragraph after "Québec";

(2) by adding the following paragraph:

"The deed may also contain a clause establishing a servitude for flood, erosion, water infiltration and ice backup resulting from the operation or construction of a dam.".

13. The first paragraph of section 21 is replaced by the following:

"The annual rent for land or buildings must be 6% of their market value. However, the rent may not be lower than the minimum rent fixed in section 7 of Schedule I.".

14. Section 22 is amended by striking out "or, where a lease is renewed, lower than $200 or lower than the amount of the rent where the rent stipulated in the lease being renewed is lower than $200".

15. Section 23 is amended

(1) by replacing "longer than 4 years" by "5 years or more";

(2) by replacing "4" wherever it appears by "5".

16. Section 25 is amended by replacing the third paragraph by the following:

"In this section, "rough shelter" means a building or a work used as a shelter, without dependencies other than a privy, without electricity or running water, without a permanent foundation, having only one storey and having a floor area not exceeding 20 m^2, except in the administrative region of Abitibi-Témiscamingue, as defined by Décret concernant la révision des limites des régions administratives du Québec (R.R.Q., c. D-11, r.1), where the floor area must not exceed 30 m^2.".

17. Section 26 is replaced by the following:

"**26.** A lease must indicate its term and the purpose for which it is granted. It may include a clause providing for the granting, by the Minister, of a right of superficies in favour of the lessee. A lease is renewable, unless otherwise stipulated.

The lessee may not use the land for a purpose other than that stated in the lease.

At the time of the transfer by the lessee of the lessee's rights in the lease or the alienation of the buildings and facilities erected on the leased land, a new lease must be entered into between the Minister and the purchaser. In either case, the lessee must inform the Minister.

26.1. The construction of an access road to the leased land must be authorized by the Minister and carried out by the lessee at the lessee's own expense.

The lessee must grant without charge a right of way for pedestrians and motorists at the place indicated by the Minister to any person who demonstrates to the Minister the need for a right of way.

26.2. The lease may contain the following clause:

The Gouvernement du Québec or one of its mandataries may not be in any way held responsible for damage that might be incurred by the lessee as a result of the construction, maintenance, reconstruction or demolition of any dam or any work related to a dam built, maintained, reconstructed or demolished, in accordance with the standards or requirements fixed by the departments involved, and that the Government has considered expedient to authorize or carry out in the public interest.".

18. Section 27 is amended

(1) by adding "At the Minister's request," at the beginning;

(2) by replacing "shall submit for approval by the Minister" by "must submit to the Minister".

19. Section 28.1 is amended

(1) by replacing "market value" in subparagraph 3 of the first paragraph by "reference value for the year concerned";

(2) by replacing "$200" in the second paragraph by "the minimum rent fixed in section 7 of Schedule I";

(3) by replacing "market value" in subparagraph 2 of the second paragraph by "reference value for the year concerned";

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

"(3) the result is multiplied by the square root of the ratio obtained by dividing the area of the leased land in square metres by 4,000 square metres, then by 6%;".

20. Section 28.3 is amended

(1) by replacing "market value" in the first paragraph by "reference value for the year concerned";

(2) by striking out "and the 100-rated market value is fixed at $4,200" in the second paragraph.

21. Section 28.4 is amended by replacing "of $200" in the first paragraph by "fixed in section 7 of Schedule I".

22. Section 28.5 is replaced by the following:

"**28.5.** The reference values, corresponding to land rated 100 and appearing opposite the urban poles listed in section 17 of Schedule I, are revised every 5 years as of 1 November 2010.".

23. The following is inserted after section 29:

"**29.1.** The lessee of land for building cottages, awarded by the Minister by drawing lots after 1 September 2010, may not transfer his or her rights in the lease for 5 years following the date of the first lease. The prohibition does not apply if

(1) the lessee has constructed a building of a minimum value of $10,000 on the leased land;

(2) the building on the leased land was sold by judicial sale, for non-payment of taxes or for the exercise of a hypothecary right; or

(3) the transfer is made in favour of the lessee's legal or *de facto* spouse, father, mother, brother, sister or child, or following the lessee's death.".

24. Section 34 is amended

(1) by striking out "commercial" in the French version;

(2) by adding the following paragraph:

"A board whose dimension does not exceed 1 m^2 and used solely to indicate a distance or direction is not a billboard for the purposes of this section.".

25. The following is inserted after section 35:

"*§5. Leases for complementary or accessory purposes*

35.1. Where land leased as a complement or accessory to a main use does not exceed 1,000 m^2, the minimum rent is the rent fixed in section 7 of Schedule I.

§6. Market rental value

35.2. The Minister may lease land for the installation of telecommunication towers, power transforming stations, wind measurement masts or meteorological instruments on the basis of the market rental value determined by generally recognized techniques of property assessment. The minimum rent is that fixed in section 7 of Schedule I.".

26. Section 36 is amended

(1) by striking out the last sentence of the first paragraph;

(2) by striking out the second paragraph.

27. Division VI is revoked.

28. The heading of Division VII and section 39 are replaced by the following:

"**DIVISION VII**
SPECIAL CONDITIONS APPLYING TO THE SALE OR LEASE OF LAND FOR COMMERCIAL OR INDUSTRIAL PURPOSES

39. A person wishing to purchase or lease land for commercial or industrial purposes must submit a written application to the Minister, along with a business plan for the person's project and any other document or information that demonstrates the project's socio-economic repercussions, repercussions in terms of sustainable development, and viability. The administration fees payable are those provided for in paragraph 1 of section 3 of Schedule I.

Despite the second paragraph of section 7, an application by a person whose business plan is deemed acceptable by the Minister has precedence over any subsequent application pertaining to the same land. However, the fact that a project is deemed acceptable does not oblige the Minister to sell or lease the land.

The contract of sale or lease of land may contain conditions, particularly as regards the investments to be made, land surveying, compliance with the business plan, as well as any related resolutory clause.".

29. The following sentence is added at the end of the second paragraph of section 40: "Such a sale is not subject to the payment of the administration fees provided for in section 5.".

30. Sections 41 and 42 are revoked.

31. Section 44 is replaced by the following:

"**44.** The fees for the notarial deed and the administration fees mentioned in section 5 are to be borne by the person who proposed the exchange.".

32. Subdivision 3 of Division IX is replaced by the following:

"§3. Authorizations

46. The Minister may authorize the construction of a road other than a forest or mining road, a parking, a rest area without service or an access road making possible the launching of a boat. The authorization may not exceed 1 year.

46.1. The Minister may authorize the installation of piping, a telecommunication line or a power distribution line. The administration fees payable are those set out in paragraph 1 of section 3 of Schedule I. The authorization may not exceed one year.

46.2. The Minister may authorize the construction, layout, maintenance and operation of a recreational trail for a maximum period of 10 years. The administration fees payable are those set out in paragraph 1 of section 3 of Schedule I. The authorization may be renewed.".

33. Section 1 of Schedule I is amended by replacing "or the striking out or alteration of a restrictive clause registered in the letters patent or in a deed of sale" by ", a waiver of a restrictive clause appearing in letters patent or a deed of sale or a deed to amend such a clause".

34. Section 2 of Schedule I is amended by replacing "200" by "300".

35. Paragraphs 1 to 5 of section 3 of Schedule I are replaced by the following:

"(1) $300 for the lease of a parcel of land, the signing of a new lease following a change of purpose of the leased land, an exchange of lands, the establishment of a servitude, a waiver of a restrictive clause or an amendment to it, a quittance or release, the Minister's authorization to alienate, the examination of an application referred to in section 39 and for the authorization provided for in section 46.1 or 46.2;

(2) $100 for the signing of a new lease following the alienation of the buildings and facilities by the lessee or of the lessee's rights in the lease, for an application from the lessee to have the leasing conditions changed for the same land and purposes, or for the renewal of a lease;

(3) $25 for registration for a drawing of lots;

(4) $700 for the sale or lease of land on which work has been carried out by the Minister for that purpose as part of a cottage development project.

No fees may be charged for a change of address or an amendment to the lease at the Minister's request.".

36. Section 4 of Schedule I is revoked.

37. Section 5 of Schedule I is amended by replacing "0.46" by "0.75" and "50" by "260".

38. Section 6 of Schedule I is amended by replacing "250" by "400".

39. Schedule 7 of Schedule I is replaced by the following:

"**7.** The minimum rent mentioned in sections 21, 28.1, 28.4 and 35.2 is $260, except to lease land not exceeding 1,000 m^2 as a complement or an accessory to a main use, in which case the minimum rent is $100.".

40. Section 8 of Schedule I is amended by replacing

(1) "0.0481" by "0.06";

(2) "65" by "260";

(3) "52" by "80".

41. Section 9 of Schedule I is amended by replacing "50" by "100".

42. Section 10 of Schedule I is amended by replacing "$50" by "$100, except for the Abitibi-Témiscamingue administrative region, as defined by Décret concernant la révision des limites des régions administratives du Québec (R.R.Q., D-11, r. 1), where the annual rent is $150.".

43. Section 11 of Schedule I is amended by replacing "150" by "260".

44. Section 12 of Schedule I is amended by replacing "0.0057" by "0.009".

45. Section 13 of Schedule I is amended by replacing

(1) "10" by "11";

(2) "30" by "50".

46. Sections 14 and 15 of Schedule I are revoked.

47. Section 16 of Schedule I is amended by replacing

(1) "0.02" by "0.03";

(2) "200" by "300".

48. Section 17 of Schedule I is replaced by the following:

"**17.** For the purposes of section 28.1, the urban poles and reference values of land rated 100 according to the corresponding years are as follows:

Urban poles	100-rated reference value on 1 September 2010	100-rated reference value on September 2011	100-rated reference value on September 2012
Municipalité de Chénéville	$13,300	$15,200	$17,000
Municipalité de Fort-Coulonge	$8,400	$11,200	$14,000
Municipalité de La Pêche	$12,000	$16,000	$20,000
Municipalité de Saint-Alexis-des-Monts	$11,700	$17,500	$23,200
Municipalité de Sainte-Thècle	$10,700	$15,300	$20,000
Municipalité de Saint-Michel-des-Saints	$6,700	$7,900	$9,000
Municipalité de Val-des-Monts	$24,700	$28,300	$32,000
Municipalité des Îles-de-la-Madeleine	$7,800	$11,400	$15,000
Municipalité Les Escoumins	$3,200	$3,600	$4,000
Ville d'Alma	$5,300	$6,200	$7,200
Ville d'Amos	$6,000	$8,000	$10,000
Ville d'Amqui	$4,100	$5,300	$6,400
Ville de Baie-Comeau	$4,100	$5,100	$6,000
Ville de Cabano	$7,300	$10,500	$13,800
Ville de Carleton	$2,600	$3,000	$3,400
Ville de Chandler	$3,700	$4,300	$5,000
Ville de Chibougamau	$4,900	$5,900	$7,000
Ville de Forestville	$2,900	$3,400	$4,000
Ville de Gaspé	$3,700	$4,300	$5,000
Ville de La Malbaie	$6,700	$7,900	$9,000
Ville de La Pocatière	$6,000	$7,200	$8,400
Ville de La Sarre	$4,800	$6,400	$8,000
Ville de La Tuque	$9,000	$13,000	$17,000
Ville de Maniwaki	$11,000	$15,800	$20,700
Ville de Matagami	$3,600	$3,800	$4,000
Ville de Matane	$6,000	$7,000	$8,000
Ville de Mont-Laurier	$7,400	$10,000	$12,600
Ville de Montmagny	$12,000	$13,000	$14,000
Ville de Paspébiac	$1,500	$1,800	$2,000
Ville de Port-Cartier	$2,100	$2,300	$2,400
Ville de Rimouski	$6,100	$7,100	$8,000

Urban poles	100-rated reference value on 1 September 2010	100-rated reference value on September 2011	100-rated reference value on September 2012
Ville de Rivière-du-Loup	$8,300	$10,900	$13,600
Ville de Rivière-Rouge	$9,000	$11,500	$14,000
Ville de Roberval	$5,300	$6,200	$7,200
Ville de Rouyn-Noranda	$6,100	$7,600	$9,000
Ville de Saguenay (sector Chicoutimi)	$5,900	$6,900	$8,000
Ville de Saguenay (sector La Baie)	$5,700	$6,900	$8,000
Ville de Saint-Félicien	$5,100	$6,200	$7,200
Ville de Saint-Georges	$7,300	$8,100	$9,000
Ville de Saint-Raymond	$8,100	$10,100	$12,000
Ville de Senneterre	$5,900	$7,700	$9,600
Ville de Sept-Îles	$1,900	$2,100	$2,400
Ville de Saint-Côme	$7,300	$9,700	$12,000
Ville de Saint-Donat	$14,300	$17,500	$20,800
Ville de Sainte-Anne-des-Monts	$2,500	$2,800	$3,000
Ville de Saint-Jovite	$13,300	$15,700	$18,000
Ville de Témiscaming	$5,500	$6,800	$8,000
Ville de Val-d'Or	$7,100	$9,500	$12,000
Ville de Ville-Marie	$4,900	$5,700	$6,400

".

49. For the purposes of applying the conservation plan of a biodiversity reserve or aquatic reserve, proposed or having permanent protection status, approved in accordance with the Natural Heritage Conservation Act (R.S.Q., c. C-61.01) before 1 September 2010, the new provisions introduced by section 16 of this Regulation are not amendments to the conditions of a lease entered into for the construction of a rough shelter in the forest renewed as of that date.

50. This Regulation comes into force on 1 September 2010.

9784

Draft Regulation

Private Security Act
(R.S.Q., c. S-3.5)

Standards of conduct of agent licence holders carrying on a private security activity

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 standards of conduct of agent licence holders carrying on a private security activity, made by the Bureau de la sécurité privée and appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines the standards of conduct to be followed by agent licence holders in the exercise of their functions.

To date, study of the matter has shown no impact on the public and on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Serge Roberge, Director General, Bureau de la sécurité privée, 35, rue de Port-Royal Est, 2e étage, bureau 2.00, Montréal (Québec) H3L 3T1; telephone: 514 873-5210; fax: 514 873-5223.

Any person wishing to comment on the draft Regu lation is requested to submit written comments within the 45-day period to the Chair of the board of directors of the Bureau de la sécurité privée, Pierre Ricard, 35, rue de Port-Royal Est, 2e étage, bureau 2.00, Montréal (Québec) H3L 3T1; telephone: 514 873-5210; fax: 514 873-5223.

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting standards of conduct of agent licence holders carrying on a private security activity

Private Security Act
(R.S.Q., c. S-3.5, s. 107, par. 6)

1. Agent licence holders must conduct themselves so as to preserve the trust required by the exercise of their functions

In the exercise of their functions, they may not

(1) use obscene, blasphemous or offensive language;

(2) commit injurious acts or use injurious language based on race, colour, sex, pregnancy, sexual orientation, civil status, age, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap;

(3) be disrespectful or impolite toward a person; or

(4) use or be under the influence of alcoholic beverages, hallucinogens, anaesthetics, narcotics, drugs or any other substance causing reduced or disturbed faculties or intoxication.

2. Agent licence holders must present their licence when requested to identify themselves and bear any identification mark prescribed by a regulation made under subparagraph 2 of the first paragraph of section 111 of the Private Security Act (R.S.Q., c. S-3.5).

3. Agent licence holders must avoid any form of abuse of authority in their relations with any person.

In their relations, they must not:

(1) use greater force than is necessary to accomplish what is required or permitted;

(2) make threats, intimidate or harass;

(3) knowingly make a false accusation against a person; or

(4) detain any person who is not under arrest or that they are not authorized to detain.

4. Agent licence holders must provide all reasonable assistance to the Bureau de la sécurité privée and to a peace officer and cooperate with them so they can exercise their functions.

To that end, they must not

(1) prevent or contribute to preventing justice from taking its course; or

(2) conceal or fail to pass on evidence or information in order to benefit or harm any person.

5. Agent licence holders may not carry on a private security activity with or for a person or group of persons who operates an enterprise offering a private security activity, unless that person or group of persons holds an agency licence of the class relevant to the activity offered.

6. Agent licence holders must act with competence and professionalism. They must carry on the private security activities that are assigned to them and exercise all related functions by showing the highest degree of integrity, competence, vigilance, diligence and care that one is reasonably entitled to expect from an agent licence holder.

In the exercise of their functions, they must not

(1) be negligent or careless;

(2) present themselves as having the authority, status or powers of a peace officer;

(3) suggest that they have the capacity, level of training, skills or experience they have not; or

(4) carry on a private security activity for which they do not hold a licence of the corresponding class.

7. Agent licence holders must exercise their functions with dignity and loyalty and avoid any situation of conflict of interest.

To that end, they must not

(1) resort to or take part in fraudulent or illegal practises;

(2) accept money or another consideration in the exercise of their functions, other than what is allocated to them for that purpose; or

(3) grant, solicit or accept an undue favour or advantage for themselves or another person.

8. Agent licence holders are bound by discretion regarding matters of which they have knowledge in the exercise of their functions and must, at all times, respect the confidential nature of the information thus received. They may not use that information for their own benefit or the benefit of a third party.

9. Agent licence holders authorized to carry a firearm in the exercise of their functions under the Firearms Act (S.C. 1995, c. 39) must use it with caution and judgment.

To that end, they must not

(1) show, manipulate or point his or her firearm without justification; or

(2) neglect to take the measures necessary to prevent that his or her firearm be used by any other person.

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

9785

Draft Regulation

Travel Agents Act
(R.S.Q., c. A-10)

Travel agents
— 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 travel agents, appearing below, may be made by the Government on the expiry of 25 days following this publication.

The urgency of the situation requires a shorter period than the period provided for in section 11 of the Regulations Act, as permitted under section 12 of that Act, because the draft Regulation, which contains a number of measures necessary for the application of the new legislative provisions provided for in the Act to amend the Act respecting the Consumer Protection Act and other legislative provisions (S.Q., 2009, c. 51), must come into force on the same date as that Act, that is not later than 30 June 2010.

The draft Regulation completes the legislative provisions recently passed with respect to the elimination of the distinction between retail travel agents and wholesale travel agents, the possibility for travel counsellors to perform travel agent operations without holding licences and the use of part of the income from the Fonds d'indemnisation des clients des agents de voyages for information and education of travel agents' customers. It also updates the regulation with respect to new developments in the travel industry.

The draft Regulation provides for the creation of two new classes of licences, namely the general licence for travel agents and the restricted licence for adventure travel organizers, outfitters and regional tourist associations. It prescribes terms and conditions for issuing and renewing the general licence and the restricted licence, and revises the rules relating to security to be provided. The draft Regulation also sets out the conditions for issuing and renewing the travel counsellor certificate. It provides certain exceptions to the application of the Act.

The draft Regulation proposes to allow the operation of an establishment from home under certain conditions. It provides rules relating to advertisement on travel agents' websites. It also proposes a framework for unilaterally changing the price of tourist services in contracts already signed.

The rules relating to the contribution to the Fonds d'indemnisation des clients des agents de voyages and to the compensation of customers are amended.

Technical adjustments for concordance with the recent amendments to the Act and transitional measures are also proposed.

Certain measures relating in particular to the issue of travel counsellor certificates and restricted licences add to the burden of travel agents and travel counsellors as well as outfitters and adventure travel organizers. On the other hand, measures relating to the indemnity fund have a positive impact on customers of travel agents.

Further information may be obtained by contacting Jean-Louis Renaud, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; telephone: 418 643-1484 or 514 253-6556, extension 2423; fax: 418 644-5721; e-mail: jean-louis.renaud@opc.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 25-day period to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

KATHLEEN WEIL,
Minister of Justice

Regulation to amend the Regulation respecting travel agents*

Travel Agents Act
(R.S.Q., c, A-10, s. 3, 1st par., subpars. *a* and *b* and 2nd par., subpar. *c*, s. 4, 2nd par., s. 36, pars. *a*, *b*, *b*.1, *c*, *c*.1, *c*.2, *e*, *g*, *j*, *k*, *l*, *n*, *o* and *p*)

1. The Regulation respecting travel agents is amended by inserting the following after section 1:

"**DIVISION I.1**
EXCEPTIONS

1.1. The Act does not apply to

(a) a person who operates a tourist accommodation establishment and who offers tourist services nearby in addition to accommodation services in the person's establishment;

(b) a person organizing adventure travel and offering packages including, in addition to the person's own services, accommodation in a natural setting;

(c) an outfitter offering tourist services nearby in addition to accommodation services in the person's establishment;

(d) a bus operator performing operations of a travel agent for trips lasting no longer than 72 hours exclusively in Québec;

(e) the mandatary of a bus operator selling, in a bus terminal, intercity bus transportation vouchers;

(f) a hotel chain and a group of hotel establishments organizing packages including accommodation in more than one establishment of the chain or group, but not including any transportation service.".

2. The heading of Division II is amended by replacing "CATEGORIES OF TRAVEL AGENTS" by "CLASSES OF TRAVEL AGENT LICENCES".

3. Section 2 is replaced by the following:

"**2.** The classes of travel agent licences are the following:

(a) "general licence" means a licence that authorizes a person dealing with the public in general or members of a particular group, directly or through another travel agent, to perform the operations referred to in section 2 of the Act;

(b) "restricted licence" means a licence that authorizes a person dealing with the public in general or members of a particular group, directly or through another travel agent holding a general licence, to perform the operations covered by the class of restricted licence issued on the person's account or behalf.".

4. The heading of Division III is amended by replacing "CATEGORIES OF CARRIERS" by "CLASSES OF RESTRICTED LICENCES".

5. Section 3 is replaced by the following:

"**3.** The classes of restricted licences are the following:

(a) "restricted adventure travel organizer licence" means a licence that authorizes the person referred to in subparagraph *b* of the first paragraph of section 3 of the Act to organize and sell packages including, accessorily, accommodation services in accommodation establishments governed by the Act respecting tourist accommodation establishments (R.S.Q., c. E-14.2) other than establishments of the rugged furnished lodgings, hospitality villages and camping establishment classes;

(b) "restricted outfitter licence" means a licence that authorizes the outfitter referred to in subparagraph *d* of the first paragraph of section 3 of the Act to organize packages including, in addition to outfitting services, transportation services from an arrival airport to the outfitting operation and accommodation services near the arrival airport on arrival and departure;

* The Regulation respecting travel agents (R.R.Q., 1981, c. A-10, r.1) was last amended by the regulation made by Order in Council 1153-2004 dated 8 December 2004 (2004, *G.O.* 2, 3592). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

(c) "restricted regional tourist association licence" means a licence that authorizes a regional tourist association recognized under the Act respecting the Ministère du Tourisme (R.S.Q., c. M-31.2) to market tourist accommodation establishments and tourist attractions of the region, and packages without transportation within the region.

For the purposes of subparagraph *c*, Place d'affaires électronique de l'industrie touristique du Québec is considered a regional tourist association.".

6. Section 4 is amended

(1) by replacing "The fees for the licence referred to in section 4 of the Act" in the first paragraph by "The duties related to the licence referred to in section 4 of the Act";

(2) by replacing subparagraphs *a* and *b* in the first paragraph by the following:

"*(a)* for an application for the issue of a general licence: $800;

(b) for the renewal of a general licence, the duties are based on the turnover appearing in the financial statements required under paragraph *d* of section 7; the duties are as follows:

General licence renewal	
Turnover	**Duties**
Up to $0.5M	$300
Up to $2M	$400
Up to $5M	$550
Up to $10M	$750
Up to $20M	$1,000
Over $20M	$1,300

";

(3) by striking out subparagraph *c* of the first paragraph;

(4) by replacing "the fee" in subparagraph *d* of the first paragraph by "the duties" and "270" by "500";

(5) by replacing "under section 10, the fee for examining the file is 50% of the amount indicated in paragraph *a*, *b*, *c* or *d*" in subparagraph *e* of the first paragraph by ", the duties are 50% of the duties indicated in subparagraph *a*, *b* or *d*";

(6) by inserting "or, where the application is filed after the period provided for in section 11.1 of the Act, 75% of the duties indicated in subparagraph *a*, *b* or *d*" at the end of subparagraph *e*;

(7) by replacing subparagraph *f* by the following:

"*(f)* where the president refuses or where the applicant withdraws the application, the president reimburses 50% of the duties indicated in subparagraph *a*, *b* or *d*";

(8) by inserting the following after the second paragraph:

"In the case of a restricted licence, the duties provided for in the first paragraph are reduced by 50%.".

7. The following is inserted after section 4:

"**4.01.** The duties payable under subparagraphs *a*, *b*, *d*, *e* and *f* of the first paragraph of section 4 are increased by 50% where priority processing is requested.".

8. Section 4.1 is amended

(1) by replacing the word "fees" wherever it appears by the word "duties";

(2) by replacing "in paragraphs *a*, *b*, *c* and *d* of section 4 shall be indexed" in the first paragraph by "section 3.5, subparagraph *a*, *b* or *d* of the first paragraph of section 4 and section 31.9 are indexed".

9. Section 5 is replaced by the following:

"**5.** Licences and duplicate licences are issued without any term.

The duties provided for in section 4 for the renewal of a licence are payable once a year on the anniversary date of the licence.

The anniversary date of the licence is the first day of the eighth month following the end of the travel agent's fiscal year.

If the period between the date of issue and the first anniversary date is shorter or longer than 1 year, the duties payable are set in proportion to that period of time in relation to 1 year.".

10. The following is inserted after section 5:

"**5.1.** The president may issue a licence for a determined term if the president deems that the public interest is at stake or for administrative reasons.".

11. Sections 6 to 8 are replaced by the following:

"**6.** Every person applying for a travel agent licence must send the president, on a form provided by the president, the following information and documents:

(a) the class of the licence concerned;

(b) the person's name, date of birth, domicile address, telephone number and, where applicable, electronic address and fax number;

(c) a declaration stating that the person is a Canadian citizen or landed immigrant within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(d) the names under which the travel agent will carry on business;

(e) the address of all the establishments where the travel agent will carry on business;

(f) a declaration certifying compliance of each of the establishments with municipal by-laws relating to uses;

(g) up to 30 June 2012, a declaration stating that the person has, in the 8 preceding years and for a minimum period of 2 years, permanently performed operations of a travel agent full time on the account of travel agent holding a licence; as of 1 July 2012, a declaration stating that the person has held for less than 5 years a travel agency manager certificate issued by the president after having passed an examination on knowledge of the laws and regulations applying to the travel sector and the management of a travel agency;

(h) a declaration stating that the person has not been found guilty of fraud, forgery or fraudulent operations in contractual or commercial matters;

(i) a declaration stating that the person has not been found guilty of an offence against the Act;

(j) a declaration stating that the person has never held a licence nor held the position of officer or investor for a travel agent who was the cause of a claim paid by any of the collective security funds or the Fonds d'indemnisation des clients des agents de voyages and who did not reimburse the fund;

(k) a declaration stating that the person has neither gone bankrupt in the 5 years preceding the application nor held the position of officer or investor for a travel agent who has gone bankrupt in the 5 preceding years;

(l) a declaration stating that the person's principal activity is to carry out management duties at the principal establishment of the person, association or partnership for which the person is applying for a licence;

(m) in the case of a natural person applying for a licence on the person's account, a declaration stating that the person's principal activity is to perform operations of a travel agent at the principal establishment corresponding to the licence;

(n) in the case of a person acting on the account of a person, association or partnership,

i. the names, addresses and dates of birth of the officers and investors and their status and interest in the travel agency;

ii. a declaration stating that the officers and investors have not been found guilty of an offence against the Act;

iii. a declaration stating that no officer or investor has gone bankrupt as travel agent, or as officer or investor of a travel agency that has gone bankrupt, in the 5 years preceding the application;

iv. a declaration stating that no officer or investor has been found guilty of fraud, forgery or fraudulent operations in contractual or commercial matters or has been an officer or investor of a travel agent found guilty of such offences;

v. a declaration stating that no officer has ever held a licence or a position as officer or investor for a travel agent who was the cause of a claim paid by any of the collective security funds or the Fonds d'indemnisation des clients des agents de voyages, and who did not reimburse the fund;

vi. a declaration stating that, at the time of the application, the person, association or partnership complied with the provisions relating to legal publicity, if the person, association or partnership is constituted under the statutes of Québec;

(o) where the travel agent is required to register, the Québec business number (NEQ) assigned by the enterprise registrar;

(p) the name and address of the financial institution where is located the trust account and the account number and the name, address and date of birth of the persons authorized to perform banking transactions affecting the trust account.

An application for the issue of a licence must be accompanied by the following:

(a) in the case of a person acting on the account of a person, association or partnership, a copy of the resolution authorizing the applicant to hold a licence on the account of that person, association or partnership;

(b) an opening balance sheet showing that the working capital is at least $5,000;

(c) a declaration of the date of the end of the travel agent's fiscal year;

(d) if the application is made to continue to operate under a new legal entity, financial statements of the former travel agent as of the date of the application, including the financial statements of the trust account;

(e) documents related to the opening and the signature log of the trust account;

(f) a copy of the articles of constitution, letters patent or any similar document and, where applicable, articles of amendment, articles of amalgamation, supplementary letters patent or any similar document, except where the documents have been filed with the enterprise registrar;

(g) a person, association or partnership constituted under the statutes of a jurisdiction other than Québec must provide any document similar to an attestation issued by the enterprise registrar according to which, at the time of the application, it complied with the requirements relating to legal publicity, if the person, association or partnership was constituted under the statutes of Québec. The document must be issued by the competent authority of that jurisdiction and certify compliance of the person, association or partnership with the statutes of that jurisdiction.

Every licence application must be accompanied by the payable duties referred to in section 4, the security provided for in Division XI and an attestation of the accuracy of the information provided under the first paragraph. The application must be signed by the natural person who files the application.

For the purposes of this section, in the case of a travel agent whose shares are listed on a stock exchange, "investor" refers only to a shareholder holding 10% or more of the voting shares.

7. A licence renewal application must be accompanied by

(a) an attestation that the information required in the first paragraph of section 6 are up-to-date;

(b) the duties payable under section 4;

(c) where applicable, a new security in accordance with Division XI;

(d) the financial statements of the last fiscal year, including those of the trust account and containing a balance sheet showing a minimum working capital, determined on the basis of the turnover mentioned in the financial statements of the last fiscal year; the minimum working capital is set as follows:

Turnover	Minimum working capital
Up to $1M	$5,000
Up to $3M	$10,000
Up to $5M	$15,000
Up to $10M	$25,000
Up to $20M	$50,000
Over $20M	$100,000

8. For the purposes of subparagraphs *b* and *d* of the second paragraph of section 6 and paragraph *d* of section 7,

(a) accounts receivable or payable between a travel agent and a person, association or partnership to which the agent is related or over which the agent exercises control are excluded from the calculation of the working capital;

(b) financial statements prepared by a travel agent providing services to persons domiciled outside Québec through a travel enterprise situated outside Québec must indicate the amount of the sums collected from those persons;

(c) financial statements must indicate separately the amount of the sales of tourist services subject to the contribution to the Fonds d'indemnisation des clients des agents de voyages and the amount of the sales of tourist services performed through another travel agent;

(d) financial statements must contain an auditor's certificate or a mission examination report;

(e) financial statements and what must accompany them must have been prepared by an accountant who is a member of a professional order of accountants recognized in Canada.

8.1. Subparagraph *g* of the first paragraph and subparagraphs *b* and *d* of the second paragraph of section 6 do not apply to an application for a restricted licence. Paragraph *d* of section 7 does not apply to an application for the renewal of a restricted licence.

For an initial application for a restricted licence, if the person on the account of whom the licence is applied for did business in the previous fiscal year, and for an application for the renewal of a restricted licence, the applicant must file a certificate signed by an outside accountant and countersigned by an officer of the travel agent indicating the turnover for the preceding fiscal year and the amount of sales subject to the contribution to the fund and the fact that the working capital has a surplus.

8.2. An application for the issue or renewal of a licence is deemed to be received only if it contains all the required information and is accompanied by the duties payable and the documents required under this Regulation.

8.3. Where the financial statements referred to in paragraph *d* of section 7 or where the certificate required under the second paragraph of section 8.1 indicate that the minimum working capital is not reached, the president may renew the licence provided that the licence holder invests long-term a sum equivalent to the deficit or submits interim financial statements prepared by the outside accountant of the licence holder indicating a working capital greater than the minimum working capital and accompanied by a balance sheet of the trust account.

8.4. A person applying for a change of licence holder must send the president, on the form provided by the president, the information required under subparagraphs *b*, *c*, *g*, *h*, *i*, *j*, *k* and *l* of the first paragraph of section 6 and the document required under subparagraph *a* of the second paragraph of section 6.

Every application for a change of licence holder must be accompanied by the duties payable under section 4 and an attestation of the accuracy of the information sent under the first paragraph. The application must be signed by the natural person who files the application.".

12. Section 9 is amended

(1) by replacing "renouvellement" in the first paragraph of the French text by "reconduction" and "expiry" in the first paragraph of the English text by "anniversary";

(2) by replacing "is not accompanied by all the documents required under sections 6 and 8" in the second paragraph by "is deemed incomplete".

13. Section 9.1 is revoked.

14. Section 10 is amended by replacing "in the form in the Schedule to this Regulation" by "using the form provided by the president".

15. The following is inserted after section 11:

"**DIVISION IV.1**
TRAVEL COUNSELLORS

11.1. A travel counsellor is exempt from the obligation to hold a licence to perform the operations referred to in section 2 of the Act if the travel counsellor

(a) performs the acts referred to in section 2 of the Act exclusively on the account of a travel agent holding a licence;

(b) is not bound by an employment or service contract with more than 1 travel agent;

(c) performs the operations or is attached to an establishment of the travel agent to whom the counsellor is bound by an exclusive employment or service contract and the establishment is situated less than 200 km from the counsellor's domicile;

(d) collects funds from a customer on the account of the travel agent to whom the counsellor is bound by an exclusive employment or service contract and deposits the funds in trust;

(e) gives to a customer from whom the counsellor collects funds a receipt compliant with section 18 and made in the name of the travel agent to whom the counsellor is bound by an exclusive employment or service contract;

(f) advertises only under the name of the travel agent to whom the counsellor is bound by an exclusive employment or service contract and does not provide personal contact information, except a mobile telephone number.

11.2. The president issues a travel counsellor certificate where the applicant

(a) has passed an examination on the knowledge of the laws and regulations applying to the travel sector;

(b) has not committed, in the 5 preceding years, an offence against the Act or this Regulation;

(c) has not been found guilty, in the 5 preceding years, of fraud, forgery or fraudulent operations in contractual or commercial matters;

(d) has not made a false declaration or untrue statement of a material fact to obtain a certificate;

(e) has paid the duties provided for in this Regulation.

The certificate is issued without any term and is renewed annually by paying the duties on the anniversary date of its issue.

11.3. The travel counsellor must send a certificate application within 2 years of the date the examination was passed.

11.4. The travel counsellor must, when applying for the issue or renewal of the certificate, send the president

(a) the counselor's name, address, date of birth, telephone number and, where applicable, electronic address and fax number;

(b) the name, address and licence number of the travel agent to whom the counsellor is bound par an exclusive employment or service contract.

11.5. The duties for the issue and the annual renewal of the certificate are set at $50 and $25 respectively.

11.6. Within 15 days of the event, the travel counsellor must inform the president of any change to any information referred to in section 11.4.

11.7. The president may suspend or cancel a travel counsellor certificate where the holder

(a) has committed, in the 5 preceding years, an offence against the Act or this Regulation;

(b) has been found guilty, in the 5 preceding years, of fraud, forgery or fraudulent operations in contractual or commercial matters;

(c) has made a false declaration or untrue statement of a material fact to obtain or renew a certificate;

(d) has failed to comply with any condition or obligation prescribed in the Act or in this Regulation.

11.8. The president must, before refusing to issue or renew, suspending or cancelling a certificate, notify in writing the applicant or the certificate holder as prescribed by section 5 of the Act respecting administrative justice (R.S.Q, c. J-3) and allow them at least 10 days to present observations. The president must also notify the applicant or certificate holder of his or her decision in writing and give reasons.

11.9. The certificate ceases to have effect as soon as the employment relationship with the travel agent for whom the counsellor works is broken or the exclusive service contract by which the counsellor is bound to the travel agent is terminated or expires.

Despite section 11.2, a person may obtain a new certificate without having passed the examination required under that section provided the application is made within 5 years of the date on which the certificate ceased to have effect.

DIVISION IV.2
OPERATION OF AN ESTABLISHMENT AT HOME

11.10. A travel agent may operate an establishment at his or her domicile or the domicile of a travel counsellor on the following conditions:

(a) the municipality authorizes the travel agent to practise at that address;

(b) a room of the domicile is reserved for that activity;

(c) the telephone and fax numbers and the electronic address used for the travel agent activity are in the name of the travel agent and are different from the numbers and electronic address of the owner of the domicile;

(d) a licence or a duplicate of the licence is issued for that address.".

16. Section 12 is replaced by the following:

"**12.** A travel agent must, within 15 days of the event, notify the president in writing of any change in the information sent under the first paragraph of section 6 and in the documents sent under subparagraphs *a*, *c*, *e*, *f* and *g* of the second paragraph of section 6.".

17. The following is inserted after section 13:

"**13.1.** A travel agent must keep up to date a list of travel counsellors working for the agent or with whom the agent has signed an exclusive service contract. On request, a travel agent must send a copy of that list to the president or an inspector or investigator appointed by the president.

13.2. A travel agent who, in accordance with section 16.1 of the Regulation the application of the Consumer Protection Act (R.S.Q., c. P40.1, r.1), wishes to change unilaterally the price of the tourist services provided for in a contract with a customer must

(a) insert in the contract a clause providing for the following:

i. the price for the tourist services sold may only be increased following the imposition of a surcharge on fuel by the carrier or an increase in the exchange rate;

ii. if the increase, without taking into account any increase in the Québec sales tax or Canada's goods and services tax, is equal to or greater than 7% of the price of services, the customer may choose between full and immediate reimbursement of the services or the provision of similar services;

iii. no price increase may occur within 15 days preceding the date on which the services must be provided;

(b) inform the customer verbally and in writing, before entering into the contract, of the content of the clause.".

18. Section 15 is amended

(1) by striking out the second paragraph;

(2) by inserting the following at the end:

"Subparagraph *b* of the first paragraph does not apply to advertisement on a transactional website provided that the following compulsory mention appears prominently and legibly in a box on the home page:

"Prices on our website are valid if you purchase services in a same session. If you log off our website, prices may be different the next time you log on.".

19. Section 18 is amended

(1) by striking out "retail" in paragraph 1;

(2) by replacing "." at the end of subparagraph *g* of paragraph 2 by ";";

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

"*(h)* the name of the travel counsellor having made the sale to the customer.";

(4) by inserting the following at the end of the section:

"(4) The travel agent is exempt from including on the receipt the information provided for in subparagraph *f* of the first paragraph provided that the agent gives the customer, with the receipt, a writing to the same effect or a copy of the brochure describing the services purchased and including that information.".

20. Section 22 is amended by striking out "retail" in the second paragraph and by replacing "the wholesale travel agent" by "another travel agent for whom the travel agent acts as intermediary".

21. The following is inserted after section 23:

"**23.1.** An outfitter holding a restricted licence may withdraw from the trust account funds for any of the purposes provided for in the second paragraph of section 23. The outfitter may also withdraw a sum not exceeding 30% of the funds in the trust account for the purposes of marketing and supplying the outfitting operation at the beginning of the season.".

22. Section 27.1 is replaced by the following:

"**27.1.** A travel agent whose turnover is between $10M and $20M must submit interim financial statements within 45 days of the end of each quarter of the agent's fiscal year.

A travel agent whose turnover is greater than $20M must submit interim financial statements within 45 days of the end of each half of the agent's fiscal year.

The financial statements must contain a trust account statement.".

23. Section 28 is amended by inserting the following at the end of the second paragraph:

"It is also required for the recovery, following the closure of a travel agent, of the contributions to the Fonds d'indemnisation des clients des agents de voyages collected by the travel agent but not sent to the president. The recovery of fines and contributions to the Fonds d'indemnisation des clients des agents de voyages not sent is paid only after the payment of customers' claims.".

24. Section 29 is amended

(1) by replacing paragraph 1 by the following:

"(1) **General licence**:

(a) upon an application for a general licence, the amount of the security to be paid is, subject to paragraph 4, $25,000;

(b) the amount of the security to be paid upon an application for the renewal of a general licence is based on the turnover appearing in the financial statements required under section 7; that amount is set as follows:

General licence				
	Amount of individual security			
Turnover	**First anniversary**	**Second anniversary**	**Third anniversary**	**Fourth anniversary and following**
Up to $1M	$25,000	$25,000	$25,000	$25,000
Up to $2M	$40,000	$35,000	$30,000	$25,000
Up to $3M	$55,000	$45,000	$40,000	$30,000
Up to $4M	$70,000	$60,000	$50,000	$40,000
Up to $5M	$90,000	$80,000	$65,000	$50,000
Up to $6M	$105,000	$100,000	$75,000	$60,000
Up to $7M	$125,000	$115,000	$90,000	$75,000
Up to $8M	$150,000	$125,000	$100,000	$90,000
Up to $9M	$175,000	$150,000	$125,000	$100,000
Up to $10M	$200,000	$175,000	$150,000	$120,000
Up to $11M	$225,000	$200,000	$175,000	$140,000
Up to $12M	$225,000	$215,000	$200,000	$160,000
Up to $13M	$225,000	$225,000	$215,000	$180,000
Up to $14M	$225,000	$225,000	$225,000	$200,000
Up to $15M	$225,000	$225,000	$225,000	$215,000
Over $15M	$225,000	$225,000	$225,000	$225,000

(1.01) **Restricted licence**:

(a) upon an application for the issue of a restricted licence, the amount of the security to be paid is, subject to paragraph 4, $15,000 if the person for whom the licence is applied for is not yet in business;

(b) the amount of the security to be paid upon an application for the issue of a restricted licence where the person for whom the licence is applied for is already in business or upon an application for the renewal of a general licence is based on the turnover appearing in the certificate required in section 6.1; the amount is set as follows:

Restricted licence	
Turnover	**Amount of individual security**
Up to $1M	$15,000
Up to $2M	$20,000
Up to $5M	$25,000
Up to $10M	$35,000
Up to $15M	$40,000
Over $15M	$50,000

(2) by striking out "; those sums must be shown in the financial statements required under section 6" in paragraph 1.1;

(3) by striking out paragraphs 2 and 3.

25. Section 30 is amended

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

"*(a)* by an individual security policy or, in the case of security provided for in paragraph 1.01 of section 29, by a group security policy;";

(2) by striking out "certified" in paragraph *b*.

26. The following is inserted after section 31:

"**31.1.** The security must be drawn up on the form provided by the president and must include the undertakings and obligations provided for in sections 31.2 to 31.7. The form must indicate the date on which the security is provided, be signed by the surety or the travel agent where it is provided by the travel agent and, at the request of the surety, by the principal debtor.

31.2. The surety is required to fulfill the obligation up to the amount required by section 29.

However, in the case of security provided by means of a group security policy, the total amount of the policy is established at $300,000.

31.3. The surety must undertake to be solidarily liable with the travel agent towards the president, in the case of individual security, or with every member of the group, in the case of group security, for the amount of the required security, to pay any sum payable under section 28. That undertaking must bind the administrators of the surety.

31.4. Where security is provided by a travel agent for himself or herself, the travel agent undertakes, for the amount of the required security, to pay any sum payable under section 28. That undertaking must bind the administrators of the travel agent.

31.5. The surety must waive the benefits of discussion and division and is subrogated to the rights of the customer compensated up to the amount paid by the surety.

31.6. The security must be valid for the entire term of the licence; it must be given without any term.

The surety or travel agent may end the security only on written notice of at least 90 days to the president, to which is attached proof that a copy of the notice was sent to the travel agent.

Where the licence ceases to have effect for nonpayment of the duties payable for its renewal, the security remains valid, if applicable, where the licence is renewed within 60 days of its anniversary date.

31.7. Despite the expiry of the security, the obligations of the surety continue to apply and the liability of the travel agent is incurred towards customers where

(1) it pertains to a contract entered into while the security was in force or was executed while the security was in force; and

(2) no more than 3 years have elapsed since cause of action arose and before a civil lawsuit is filed or an agreement or transaction is made.

31.8. Each licence holder covered under a group security policy must be identified by a member certificate stating

(1) the name of the surety;

(2) the name of the group for which the surety stands;

(3) the number of the group's member certificate;

(4) the amount of security required under section 29;

(5) the number of the group surety policy and its date of issue;

(6) an attestation that the licence holder is a member of the group and is covered by the group security policy; and

(7) the signature of a duly authorized representative of the surety or the association authorized by the security and the date of issue.

31.9. A travel agent who gives security provided for in paragraph *c* of section 30 must pay duties of $250 to cover the costs for opening a file.".

27. Section 32 is amended

(1) by striking out "certified" in the first paragraph;

(2) by inserting the following at the end:

"The sums provided as security are deposited with a financial institution chosen by the president and may be invested in accordance with the rules respecting investments presumed sound provided for in the Civil Code.

Those sums may also be entrusted to the Caisse de dépôt et placement du Québec according to the conditions determined between the president and the Caisse.

Income from the investment of those sums goes into the trust and may be used to reimburse the president the costs of managing the trust.".

28. Section 33 is amended

(1) by striking out paragraph 1;

(2) by replacing "2 years" in paragraphs 2 and 4 by "3 years".

29. Section 38 is amended

(1) by striking out "retail" in paragraph *a*;

(2) by striking out paragraph *b*.

30. Section 39 is amended

(1) by replacing the first and second paragraphs by the following:

"Subject to section 39.1, customers of travel agents in Québec are required to contribute to the fund.

The amount of the contribution is calculated by multiplying the total cost of the purchased tourist services by a percentage varying according to the amount in capital of the fund as of 31 March of the preceding year; the percentage is set as follows:

Contribution to the fund	
Capital of the fund	**Percentage of tourist services**
Up to $75M	0.35%
Up to $100M	0.20%
Over $100M	0.10%

(2) by striking out "retail" in the third paragraph.

31. The following is inserted after section 39:

"**39.1.** A customer that is any of the following is entitled to the reimbursement of the contribution referred to in section 39:

(a) a diplomatic mission or consular corps established in Canada;

(b) an international government body that has entered into an agreement with the Government with respect to its establishment in Québec;

(c) a permanent mission of a foreign State accredited with an international body referred to in subparagraph *b*;

(d) an international non-government body with a tax exemption under an agreement entered into with the Government with respect to its establishment in Québec;

(e) an office of a province, State or similar division of a foreign State, recognized by the Minister of Finance;

(f) a person employed by one the those international representations or bodies, if the person

i. is registered with the Ministère des Relations internationales;

ii. is not a Canadian citizen or permanent resident of Canada;

iii. must reside in Canada by reason of the person's duties; and

iv. does not operate a business in Canada and holds no office or employment in Canada other than the person's duties with the representation or international body.

The president makes the reimbursement out of the fund on request made through the Minister of International Relations who certifies its compliance.".

32. Section 40 is amended

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

"**40.** A travel agent must, within 30 days of the end of each half of the agent's fiscal year or, if the amount of the sales of tourist services subject to the contribution to the fund, as indicated in the financial statements required under section 7 or the certificate required under section 8.1, exceeds $5M, within 30 days of the end of each quarter of the agent's fiscal year, remit the contributions to the president, less management expenses of 5% of the contributions collected.";

(2) by striking out the second paragraph;

(3) by inserting the following at the end:

"The travel agent who does not remit the contributions collected within the period provided for in the first paragraph must add to those contributions, as penalty, the highest of the following sums: $50 or a sum representing 10% of the contributions to be remitted.".

33. Sections 41 and 42 are revoked.

34. Section 43.2 is amended

(1) by adding the following after subparagraph *f* of the first paragraph:

"*(g)* the sums required for the reimbursement of contributions in accordance with section 39.1.".

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

"The indemnities or reimbursements provided for in subparagraphs *a* to *d* of the first paragraph do not apply in the cases referred to in section 39.1.".

35. Section 43.3 is replaced by the following:

"**43.3.** The total amount of the indemnities per event may not exceed 20% of the capital of the fund as of the preceding 31 March or be less than $5M. An additional amount per event not exceeding 5% of the capital of the fund as of the preceding 31 March may be used for the purposes of subparagraph *c* of the first paragraph of section 43.2.".

36. The following is inserted after section 43.5:

"**43.6.** The president may use, annually, the lesser of the following sums: $250,000 or a sum representing 5% of the income from the investment of the sums accumulated in the fund, to finance information and education campaigns for customers of travel agents with regard to their rights and obligations under the Act.".

37. Division XIV is revoked.

38. Section 46 is amended by inserting ", 23.1" after "23".

39. Section 47 is amended

(1) by inserting "11.6," before "12";

(2) by inserting "13.1, 13.2," after "13,";

(3) by replacing ", 40 or 42" by "or 40".

40. The Schedule is revoked.

41. Holders of a travel agent licence of the retail or wholesale class on the coming into force of this Regulation are considered to hold a general licence and that licence is considered not to have a term.

42. The obligation for a travel counsellor to pass the examination required under section 11.2 for the issue of a certificate is postponed to 1 July 2012.

43. Every person currently acting as travel counsellor must obtain a certificate in accordance with section 11.4 not later than 1 January 2011.

44. Adventure travel organizers, outfitters and regional tourist associations that are required to hold a restricted licence must obtain that licence not later than 1 January 2011.

45. The new amount of individual security for travel agents applies to holders of an existing licence upon the renewal of the licence on its anniversary date.

46. The application of the provision relating to the renewal of a general licence is postponed to 1 October 2010.

47. This Regulation comes into force on (*insert the date of coming into force of the Act to amend the Consumer Protection Act and other legislative provisions, 2009, c. 51*).

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Notices

Notice

Natural Heritage Conservation Act
(R.S.Q., c. C-61.01)

Cerf-de-Virginie-de-la-Gatineau Nature Reserve — Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61-01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property which extends approximately 52 hectares. This property, situated on the territory of the Municipality of the Lac-Sainte-Marie, Regional County Municipalité of the Gatineau, known and designated a part lots number 1 and number 2 of range 3 of the Hincks land register, Gatineau registry division.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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Erratum

Gouvernement du Québec

O.C. 303-2010, 31 March 2010

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

Agreement on social security between the Gouvernement du Québec and the Government of the Kingdom of Morocco
— Ratification of the Agreement and Regulation respecting the implementation

Ratification of the Agreement on social security between the Gouvernement du Québec and the Government of the Kingdom of Morocco, signed in Rabat on 25 May 2000, and making of the Regulation respecting the implementation of that agreement

Gazette officielle du Québec, Part 2, 14 April 2010, Vol. 142, No. 15, page 857.

On page 865, at the end of Schedule 1, after the signatories, the following Schedule 2 should have been published:

"**SCHEDULE 2**
(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND THE KINGDOM OF MOROCCO

CONSIDERING Article 18 of the Agreement on Social Security between Québec and the Kingdom of Morocco, the competent authorities:

— for the Gouvernement du Québec: the Minister of International Relations;

— for the Government of the Kingdom of Morocco: the Minister of Social Development, Solidarity, Employment and Professional Training;

Wishing to implement the Agreement,

Have agreed as follows:

ARTICLE 1
DEFINITIONS

In this Administrative Arrangement,

(a) the term "Agreement" shall mean the Agreement on Social Security between Québec and the Kingdom of Morocco signed at Rabat on 25 May 2000;

(b) all other terms used in this Arrangement shall have the meaning given to them in Article 1 of the Agreement.

ARTICLE 2
LIAISON AGENCIES

In accordance with the provisions of paragraph 2 of Article 18 of the Agreement, the liaison agencies designated by each of the Parties shall be:

(a) as regards Québec, the Direction des équivalences et des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l'Immigration or any other agency that the competent authority of Québec may subsequently designate;

(b) as regards the Kingdom of Morocco, the Social Security National Fund as the manager of the social security general plan and as the representative of the other competent institutions.

ARTICLE 3
CERTIFICATE OF COVERAGE

1. For the purposes of Articles 7 to 11 of the Agreement, when a person remains subject to the legislation of one Party while working in the territory of the other Party, a certificate of coverage shall be issued upon request

(a) by the competent Moroccan authority in charge of the administration of Moroccan legislation on social security, when the person remains subject to the legislation of Morocco;

(b) by the liaison agency of Québec, when the person remains subject to the legislation of Québec.

A copy of the certificate of coverage shall be sent to the competent Moroccan authority or to the Québec liaison agency, as the case may be, to the person in question and, if applicable, to the employer of that person.

2. For the purposes of paragraph 2 of Article 8 of the Agreement, an application for an extension of the detachment, as well as an application for approval by the competent authority or liaison agencies referred to in paragraph 1 of this Article, shall be made before the end of the current detachment term.

3. For the purposes of paragraph 2 of Article 10, a person who wishes to exercise the option provided therein shall apply for a certificate of coverage with the liaison agency if the person resides in Québec or with the competent authority if the person resides in Morocco. The certificate shall be sent for approval to the agency or competent authority in question of the employer Party.

The option shall be exercised within 6 months of the date of coming into force of the Agreement, for nationals recruited before that date, and within 6 months of the date of recruitment, in all other cases.

ARTICLE 4
PROCESSING OF CLAIMS FOR BENEFITS

1. For the purposes of Title III of the Agreement, a claim for benefits under the Agreement may be filed with the liaison agency of either Party or the competent institution of the Party whose legislation is applicable.

2. When the claim for benefits referred to in paragraph 1 is filed with a liaison agency, that agency shall send it to the competent institution of the Party whose legislation is applicable, with the required supporting documents.

3. When the claim for benefits referred to in paragraph 2 of Article 19 of the Agreement is received by the competent institution of one Party, that institution shall send the claim to the liaison agency of the same Party. The liaison agency shall forward the claim to the competent institution of the other Party, with the required supporting documents.

4. Any information pertaining to the civil status written on a claim form shall be duly certified by the liaison agency of the first Party which confirms that original supporting documents confirm the information; forwarding a certified form exempts the liaison agency from sending supporting documents. The information referred to in this paragraph shall be determined by mutual agreement between both Parties' liaison agencies.

5. A liaison form shall accompany the claim and the supporting documents referred to in this Article.

6. If so requested by the competent institution or by the liaison agency of one Party, the liaison agency or the competent institution of the other Party shall indicate, on the liaison form, the periods of insurance recognized under the legislation it administers.

7. The competent institution shall notify the claimant of its decision and inform the claimant about recourses and time limits for such recourse prescribed by its legislation. The competent institution shall also inform the other Party's liaison agency of its decision by means of the liaison form.

ARTICLE 5
REIMBURSEMENT BETWEEN INSTITUTIONS

For the purposes of Article 26 of the Agreement, at the end of each calendar year, when the competent institution of one Party has had medical examinations carried out on behalf or at the expense of the competent institution of the other Party, the liaison agency of the first Party shall send to the liaison agency of the other Party a statement of the fees pertaining to the medical examinations carried out during that year, indicating the amount owed. Supporting documents shall be attached.

ARTICLE 6
STATISTICS

The liaison agencies of both Parties may exchange, in the form agreed upon, statistical data concerning the payments made to beneficiaries during each calendar year under the Agreement. Such data shall include the number of beneficiaries and the total amount of benefits, by benefit category.

ARTICLE 7
FORMS

Any form or other document necessary to implement the procedures prescribed by the Administrative Arrangement shall be determined by mutual agreement by the competent institutions and liaison agencies designated by both Parties.

ARTICLE 8
COMING INTO FORCE AND DENUNCIATION

The Administrative Arrangement comes into force on the same date as the Agreement and they shall both have the same term. Denunciation of the Agreement entails the denunciation of the Administrative Arrangement.

Done at Rabat on 25 May 2000, in two copies, in French and in Arab, both texts being equally authentic.

For the competent authority of Québec	For the competent authority of the Kingdom of Morocco
LOUISE BEAUDOIN, *Minister of International Relations*	KHALID ALIOUA, *Minister of Social Development, Solidarity, Employment and Professional Training*

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