

Gazette
officielle

^{DU}
Québec

Part

2

No. 44

3 November 2010

Laws and Regulations

Volume 142

Summary

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Subscriptions

Internet: www.publicationsduquebec.gouv.qc.ca

Printed:

Les Publications du Québec
Customer service – Subscriptions
1000, route de l’Église, bureau 500
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PROVINCE OF QUÉBEC

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 19 OCTOBER 2010

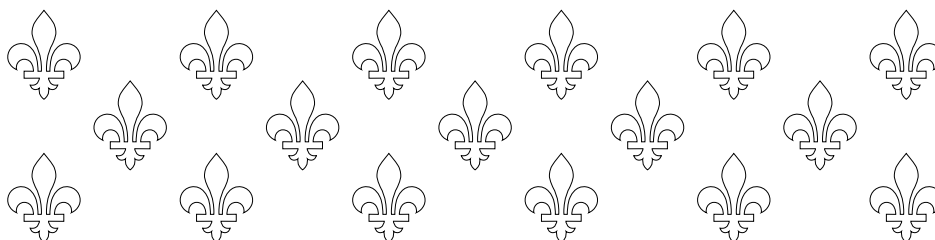
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 19 October 2010

This day, at thirty-one minutes past twelve o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bill:

115 An Act following upon the court decisions on the language of instruction

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 115
(2010, chapter 23)

**An Act following upon the court
decisions on the language of instruction**

**Introduced 18 October 2010
Passed in principle 18 October 2010
Passed 19 October 2010
Assented to 19 October 2010**

**Québec Official Publisher
2010**

EXPLANATORY NOTES

This Act makes various changes in the Charter of the French language.

With regard to the language of instruction, the Government is empowered to determine by regulation the analytical framework and the rules to be used in assessing a request for eligibility for State-funded instruction in English.

Certain penal provisions are revised, particularly to increase fines. Moreover, with regard to the problem of “bridging schools”, it is considered an offence to set up or operate an establishment with a view to circumventing the principle of instruction in French provided for in section 72 of the Charter of the French language.

Lastly, amending and consequential provisions are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Charter of the French language (R.S.Q., chapter C-11);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

Bill 115

AN ACT FOLLOWING UPON THE COURT DECISIONS ON THE LANGUAGE OF INSTRUCTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF THE FRENCH LANGUAGE

1. Section 73 of the Charter of the French language (R.S.Q., chapter C-11) is amended by striking out subparagraphs 3, 4 and 5 of the first paragraph, and the second and third paragraphs.

2. The Charter is amended by inserting the following section after section 73:

“73.1. The Government may determine by regulation the analytical framework that a person designated under section 75 must use in assessing the major part of the instruction received, invoked in support of an eligibility request under section 73. The analytical framework may, among other things, establish rules, assessment criteria, a weighting system, a cutoff or a passing score and interpretive principles.

The regulation may specify the cases and conditions in which a child is presumed or deemed to have satisfied the requirement of having received the major part of his instruction in English within the meaning of section 73.

The regulation is adopted by the Government on the joint recommendation of the Minister of Education, Recreation and Sports and the Minister responsible for the administration of this Act.”

3. Section 74 of the Charter is amended by adding the following paragraph:

“A person designated by the Minister may temporarily suspend consideration of a request submitted by one parent if the other parent objects in writing to the request’s being considered.”

4. Section 75 of the Charter is amended by adding the following paragraph:

“In addition to the documents and information required by regulation, a person designated by the Minister may require a person to send the designated person, within a set time, any document or information relevant to the

verification of a request made under this chapter. The designated person may also require that the documents or information be accompanied by a sworn statement of their veracity.”

5. The Charter is amended by inserting the following sections after section 78.1:

“**78.2.** No person may set up or operate a private educational institution or change how instruction is organized, priced or dispensed in order to circumvent section 72 or other provisions of this chapter governing eligibility to receive instruction in English.

It is prohibited, in particular, to operate a private educational institution principally for the purpose of making children eligible for instruction in English who would otherwise not be admitted to a school of an English school board or to a private English-language educational institution accredited for the purposes of subsidies under the Act respecting private education (chapter E-9.1).

“**78.3.** No person may make a false or misleading statement to the Minister or a designated person, or refuse to provide them with the information or documents they are entitled to obtain.”

6. Section 80 of the Charter is replaced by the following section:

“**80.** The Government may determine by regulation the procedure for submitting requests for eligibility under section 73 or 86.1.

The regulation may include measures concerning

- (1) the role of a school body in submitting requests;
- (2) the fees that may be charged by a school body or the Minister respectively to open a file or examine a request;
- (3) the time granted for submitting a request; and
- (4) the information and documents that must accompany a request.

Regulatory provisions may vary according to, among other things, the nature of the request and the characteristics of the educational institution attended.”

7. Section 83.4 of the Charter is amended

- (1) by striking out “by a designated person”;
- (2) by adding the following sentence at the end: “The same is true of any decision made pursuant to section 77 or 78.”

8. Section 177 of the Charter is amended by inserting “, 78.2, 78.3” after “78.1” in the second paragraph.

9. Section 205 of the Charter is amended by replacing paragraphs *a* and *b* by the following:

“(a) to a fine of \$600 to \$6,000 in the case of a natural person;

(b) to a fine of \$1,500 to \$20,000 in the case of a legal person.

The fines are doubled for a subsequent offence.

In determining the amount of a fine, the judge takes into account, among other things, the revenues and other benefits the offender derived from the offence and any damages and socio-economic consequences that resulted from the offence.

Moreover, if a person is convicted of an offence under this Act, a judge may, on an application made by the prosecutor and submitted with the statement of offence, impose on the offender, in addition to any other penalty, a further fine equal to the financial gain the offender realized or derived from the offence, even if the maximum fine has also been imposed.”

10. Sections 208.1 and 208.2 of the Charter are amended by inserting “or 78.2” after “78.1”.

11. The Charter is amended by inserting the following sections after section 208.2:

“**208.3.** Whoever does or omits to do something in order to assist a person to commit an offence under this Act or the regulations, or advises, encourages or incites a person to commit such an offence, is also guilty of the offence.

“**208.4.** In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all the necessary precautions to ensure compliance with this Act and the regulations.

“**208.5.** Penal proceedings for an offence under this Act or the regulations are prescribed two years from the date on which the offence was committed.

Despite the first paragraph, penal proceedings for an offence under section 78.1 or 78.2 are prescribed one year from the date on which the prosecutor became aware that the offence had been committed. However, no proceedings may be instituted if more than five years have elapsed from the date the offence was committed.”

ACT RESPECTING PRIVATE EDUCATION

12. Section 12 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended

(1) by inserting “or section 78.1 or 78.2 of the Charter of the French language (chapter C-11)” after “under this Act” in subparagraph 3 of the first paragraph;

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

“Moreover, the Minister may refuse to issue a permit if, in the Minister’s opinion, doing so could allow the circumvention of section 72 of the Charter of the French language or of other provisions of that Act governing eligibility for instruction in English.

The Minister may also, with a view to preventing such a result, subject a permit to any condition the Minister judges necessary.”

13. Section 18 of the Act is amended by inserting “and with sections 78.1 and 78.2 of the Charter of the French language (chapter C-11)” after “and its regulations” in subparagraph 3 of the second paragraph.

14. Section 119 of the Act is amended by adding the following paragraph at the end:

“(7) contravenes section 78.1 or 78.2 of the Charter of the French language (chapter C-11).”

15. Section 122 of the Act is amended by adding the following paragraph:

“Accreditation is also revoked by operation of law if the institution refuses or neglects to receive for a given school year the subsidy to which it would be entitled by virtue of an accreditation.”

16. The Act is amended by inserting the following section after section 122:

“**122.1.** The revocation provided for in the second paragraph of section 122 takes effect on 1 July of the school year following that for which it refuses or neglects to receive the subsidy.

However, for the purposes of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the revocation takes effect on 1 January following that date.”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES
RETIREMENT PLAN

17. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting the following in paragraph 1:

“the Association B.C.S. (Bishop’s College School), in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;

“Collège Standstead, in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;”.

18. Schedule II.2 to the Act is amended by inserting the following:

“the Association B.C.S. (Bishop’s College School), in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;

“Collège Standstead, in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT
PERSONNEL

19. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by inserting the following in paragraph 1:

“the Association B.C.S. (Bishop’s College School), in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;

“Collège Standstead, in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;”.

20. Schedule IV to the Act is amended by inserting the following:

“the Association B.C.S. (Bishop’s College School), in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;

“Collège Standstead, in respect of employees who held employment with that institution and were members of this plan on 19 October 2010;”.

TRANSITIONAL AND FINAL PROVISIONS

21. The first regulation made under section 73.1 of the Charter of the French language (R.S.Q., chapter C-11), enacted by section 2 of this Act, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1) and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation. The regulation applies to requests for eligibility pending on the date the regulation comes into force.

22. Despite section 122.1 of the Act respecting private education (R.S.Q., chapter E-9.1), enacted by section 16 of this Act, a revocation of an accreditation that results when an institution refuses or neglects to receive, for the 2009-2010 school year, a subsidy to which it would be entitled by virtue of an accreditation takes effect on 20 October 2010.

23. This Act comes into force on 19 October 2010, except section 1, which comes into force on 22 October 2010, and sections 15 to 20 and 22 which come into force on 20 October 2010.

Regulations and other Acts

Gouvernement du Québec

O.C. 863-2010, 20 October 2010

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

**Supplemental Pension Plans
— Settlement of the benefits of members and
beneficiaries of plans covered by subdivision 4.0.1
of Division II of Chapter XIII of the Act and for
administration by the Régie des rentes du Québec
of certain pensions paid out of the assets of
the plans**

Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by the Régie des rentes du Québec of certain pensions paid out of the assets of the plans

WHEREAS, under section 230.0.0.11 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government may make any regulation required for the purposes of subdivision 4.0.1 of Division II of Chapter XIII of that Act and may, in particular,

— set the rules applicable to the determination of the value of the benefits accrued to the members and beneficiaries and to the distribution of the assets and liabilities of a pension plan to determine which part of the pension fund of the plan must be administered by the Régie; and

— prescribe the terms and conditions that make it possible to improve the benefits of the members and beneficiaries referred to in section 230.0.0.4 of the Act;

WHEREAS, under the first paragraph of section 7 of the Act to amend the Supplemental Pension Plans Act and other legislative provisions in order to reduce the effects of the financial crisis on plans covered by the Act (2009, c. 1), the first regulation made by the Government under section 230.0.0.11 of the Supplemental Pension Plans Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, under the second paragraph of that section 7, despite section 17 of the Regulations Act, such a regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date

set in the regulation. However, once it is published and if it so provides, it may apply from any date not prior to 31 December 2008;

WHEREAS it is expedient to make the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by the Régie des rentes du Québec of certain pensions paid out of the assets of the plans, attached hereto;

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

THAT the Regulation to provide a framework for settlement of the benefits of members and beneficiaries of plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act and for administration by the Régie des rentes du Québec of certain pensions paid out of the assets of the plans, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to provide a framework
for settlement of the benefits of
members and beneficiaries of plans
covered by subdivision 4.0.1 of
Division II of Chapter XIII of the
Supplemental Pension Plans Act and
for administration by the Régie
des rentes du Québec of certain
pensions paid out of the assets
of the plans**

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 230.0.0.11)

**DIVISION I
GENERAL**

1. This Regulation applies to the pension plans covered by subdivision 4.0.1 of Division II of Chapter XIII of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1).

2. Settlement of the benefits of the members and beneficiaries of the plans is to be effected in accordance with the Act, taking into account the adjustments under Division 2.

3. The administration of pensions paid by the Régie des rentes du Québec to plan members and beneficiaries who opted for that method of benefit payment is governed by Division 3.

4. The pension of a member or beneficiary affected by an employer's withdrawal or by termination of the plan cannot be guaranteed between the date of withdrawal or termination and the date on which the benefits are paid.

DIVISION 2

SETTLEMENT PROCESS FOR BENEFITS OF MEMBERS AND BENEFICIARIES

§1. Distribution of the pension fund

5. As soon as the pension committee has the information required to determine, at the date of withdrawal of an employer party to a multi-employer plan or of termination of the plan, the assets of the plan and the benefits of the members and beneficiaries affected by the withdrawal or termination, it must distribute the pension fund into two accounts, one of which is the portion of assets corresponding to the benefits, other than those referred to in subparagraph 1 of the first paragraph of section 218 of the Act, of the members and beneficiaries whose pension must, under section 237 of the Act, to be guaranteed by an insurer and that are payable pursuant to section 218.

For a withdrawal of an employer, the assets to be distributed are the portion of the plan's assets that is allocated to the group of benefits constituted pursuant to subdivision 3 of Division II of Chapter XIII of the Act and made up of the benefits of the members and beneficiaries affected by the employer's withdrawal.

6. If, under the scenario used by the actuary in charge of preparing the withdrawal or termination report, guaranteed benefits of certain members or beneficiaries cannot be used as provided in section 27 of this Regulation or in section 240 of the Act to guarantee the non-guaranteed benefits of other members or beneficiaries in the same account, the plan's assets must include the commuted value of the guaranteed benefits determined in the contract or, in the absence of such a value, their fair market value determined on the basis of reasonable assumptions and cancellation fees.

7. For an employer withdrawal, the value of the benefits of the members and beneficiaries affected by the employer's withdrawal that is to be used for the distribution into two accounts is the value that was used to distribute the plan's assets under section 220 of the Act.

For a termination of the plan, the value of the benefits that is to be used is the value referred to in section 212.1 of the Act. In spite of the foregoing, for the purpose of determining the plan's liabilities for the application of this section, the value of the pension that must be insured pursuant to section 237 of the Act is determined

(1) in cases where the pension was insured before the date of termination, on the basis of the premium established on that date using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the accounts are constituted; or

(2) in all other cases, by discounting, at the date of termination, according to a rate that is the estimated rate of return of the assets of the plan to the date on which the accounts are constituted, the premium established on the date on which the accounts are constituted using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at that latter date.

The liabilities shall also comprise, in the cases referred to in subparagraph 2 of the second paragraph and in spite of the third paragraph of section 212.1 of the Act, the value of the pension payments paid out of the pension fund to a member or beneficiary between the termination date and the date on which the accounts are constituted, such value being determined according to the rate referred to in that subparagraph.

8. The distribution of the assets is effective as of the date on which the employer withdraws or the plan is terminated.

The rate of return of each account is the rate obtained on the investment of the plan's assets to the date on which the accounts are constituted. As of that date, the rate of return of each account is the rate obtained on the portion of the assets constituting the account.

§2. Withdrawal or termination report

9. Within 60 days of the date on which it is informed of a situation described in section 199 of the Act that gives rise to an amendment to the plan to cover the withdrawal of an employer from a multi-employer pension plan, the pension committee must file an application

for registration of the amendment with the Régie and, for approval, the report required under section 202 of the Act, hereinafter referred to as the withdrawal report.

Within 60 days after receipt of a notice of termination or a decision by the Régie terminating the pension plan, the pension committee must send the Régie, for approval, the termination report required under the first paragraph of section 207.2 of the Act.

If all or any part of the plan is under provisional administration, the time limit set out in the first and second paragraphs begins to run only on the effective date of the Régie's decision whereby it assumes the provisional administration or designates the person or body to whom it is entrusted.

10. A pension committee proposing to apply for registration of the amendment allowing for the withdrawal of an employer is not required to send the notice required by section 200 of the Act; it must, however, inform the members as provided in section 26 of the Act.

11. The withdrawal or termination report must contain, in addition to the information required, as the case may be, by section 202 or 207.2 of the Act,

(1) if an instruction has been given in respect of the pension plan under section 2 of the Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act, made by Order in Council number 1153-2009, dated 4 November 2009 (2009, *G.O.* 2, 3649 and 3897), the pension that would have been paid or the value of the pension benefit that would have been established, at the date of the withdrawal or termination, for each of the members and beneficiaries referred to in section 230.0.0.2 or 230.0.0.3 of the Act if the plan's assets had been increased, on that date, by the difference amount referred to in the third paragraph of section 230.0.0.9 of the Act;

(2) the date on which the accounts are constituted under subdivision 1 and the assets in each account on the date of the withdrawal or termination;

(3) a description of the scenario used by the actuary to determine the value referred to in section 6 for each account;

(4) a description of the method to be used at the time the benefits are settled to take into account any variations in the assets and liabilities of each account between the date of the withdrawal or termination and the date of the settlement; and

(5) certification by the author of the report, in addition to the requirements of, as the case may be, subparagraph 14 of section 62 or subparagraph 13 of section 64 of the Regulation respecting supplemental pension plans, approved by Order in Council number 1158-90, dated 8 August 1990 (1990, *G.O.* 2, 2318), that the report was prepared in conformity with the provisions of this Regulation.

12. Section 212.1 of the Act applies for the purposes of the termination report. In spite of the foregoing, to determine the plan's liabilities for the application of this section, the value of the pension that must be insured pursuant to section 237 of the Act is determined:

(1) in cases where the pension was insured before the date of termination, on the basis of the premium established on that date using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the termination report is prepared; or

(2) in all other cases, by discounting, at the date of termination, according to a rate that is the estimated rate of return of the account set up for the members and beneficiaries whose pension is, under section 237 of the Act, to be insured by an insurer as of the date of termination until the date on which the termination report is prepared, the premium established on that latter date using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the report is prepared, increased by a margin that allows for any possible variation in the cost of purchasing the pension between that date and the probable date of settlement.

The liabilities shall also comprise, in the cases referred to in subparagraph 2 of the first paragraph, in spite of the third paragraph of section 212.1 of the Act, the value of the pension amounts paid out of the pension fund to a member or beneficiary between the termination date and the date on which the report is prepared, such value being determined according to the rate referred to in that subparagraph.

13. The difference amount referred to in the third paragraph of section 230.0.0.9 of the Act must be distributed between the two accounts constituted under subdivision 1.

The withdrawal or termination report must indicate that amount and the portion of it relating to each account.

14. The pension committee must, within the time set out in section 9, provide a copy of the report to the employer and, if applicable, to each certified association representing members, informing them that they may present written observations to the committee within 10 days of receipt of the copy of the report.

The copy supplied to the employer must be accompanied with a notice, a copy of which must be sent to the Régie, indicating that any amount due by the employer according to the report must be paid into the pension fund.

§3. *Statement of benefits and members' and beneficiaries' choices and options*

15. Within 30 days of receipt of the decision by the Régie approving the withdrawal or termination report, the pension committee must send each member or beneficiary affected by the employer's withdrawal or the termination of the plan a statement of benefits and their value along with the necessary information so that their choices and options may be exercised.

The time allotted for the members or beneficiaries to inform the pension committee of their choices and options expires on the seventy-fifth day after the date on which the pension committee receives the Régie's decision approving the withdrawal or termination report.

16. For an employer withdrawal, the statement of benefits must state

(1) the degree of solvency of the plan at the date of the withdrawal;

(2) the portion of the assets that is allocated to the group of members and beneficiaries affected by the withdrawal along with the amount of the reduction in benefits that the member or beneficiary would sustain if the employer's debt and the unpaid contributions were not collected;

(3) the information required by paragraph 2 of section 200 of the Act regarding the effect of full payment of a member's or beneficiary's benefits;

(4) the choices provided for in paragraph 3 or 4 of section 200 of the Act that apply to the member or beneficiary including, for each member or beneficiary to whom section 230.0.0.2 or 230.0.0.3 of the Act applies, the methods of payment provided for in the section that applies to the member or beneficiary;

(5) the expiry date of the time, set out in the second paragraph of section 15, within which the members or beneficiaries must indicate their choices, exercise their options and present observations, if any, to the pension committee;

(6) the information referred to in paragraphs 3 to 10 of section 58 of the Regulation respecting supplemental pension plans, prepared or updated to the withdrawal date; and

(7) the information required by subparagraphs 10 and 11 of the first paragraph of section 62 of the Regulation respecting supplemental pension plans, prepared with respect to the withdrawing employer.

The statement must also state that the withdrawal report and the data used to determine the member's or beneficiary's benefits or their value may be consulted without charge at the office of the pension committee or at the employer's establishment designated by the committee, whichever location is closer to the applicant's residence.

17. For a plan termination, the statement of benefits is the statement referred to in section 207.3 of the Act, with the following modifications:

(1) in subparagraph 1 of the first paragraph of that section, for each member or beneficiary to whom section 230.0.0.2 or 230.0.0.3 of the Act applies, the method of payment provided for in the section applicable to the member or beneficiary must be added; and

(2) the time that is set out in the second paragraph of section 15 must be indicated instead of the time mentioned in subparagraph 4 of that paragraph.

The statement must also state that if no choice is received by the pension committee before the expiry of the time set out in the second paragraph of section 15, the method of payment of the member's or beneficiary's benefits will be

(1) for a member or beneficiary to whom a pension is being paid at the date of termination, a pension paid out of the assets administered by the Régie under section 230.0.0.4 of the Act; or

(2) for any other member or beneficiary, a transfer referred to in section 236 of the Act to an instrument designated in the statement.

18. The statement of benefits must include, in the case of a member or beneficiary who, at the date of withdrawal or termination, would have been entitled to a pension had the member or beneficiary applied,

(1) the estimated amount of the pension reduced to take into account insufficient assets and, if an instruction has been given in respect of the plan under section 2 of the Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act, the estimated amount of the pension that could be paid by the Régie by taking into account the third paragraph of section 230.0.0.9 of the Act;

(2) for an active member at the date of withdrawal or termination or a non-active member at that date whose choices had not been received by the pension committee, a description of the choices set out in the pension plan; and

(3) a mention that the pension paid by the Régie has the same characteristics as the pension to which the member or beneficiary would have been entitled under the pension plan.

19. The statement of benefits must include, for a member or beneficiary to whom a pension is being paid on the date of the withdrawal or termination,

(1) the estimate of the pension value reduced to take into account insufficient assets, with a mention that the value may be transferred to a life income fund in a financial institution of the member's or beneficiary's choice;

(2) the estimated amount of the pension reduced to take into account insufficient assets and, if an instruction has been given in respect of the plan under section 2 of the Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act, the estimated amount of the pension that could be paid by the Régie by taking into account the third paragraph of section 230.0.0.9 of the Act; and

(3) a statement that the pension paid by the Régie has the same characteristics as the pension to which the member or beneficiary would have been entitled under the pension plan.

20. The statement of benefits must, where issued to a member or beneficiary referred to in section 230.0.0.2 or 230.0.0.3 of the Act, be accompanied by the information supplied by the Régie on the methods of payment referred to in those sections and on the administration of pensions paid by the Régie.

If the pension committee is informed of the formation of a representative association for the purposes of the pension plan of the members and beneficiaries to whom sections 230.0.0.2 and 230.0.0.3 of the Act apply, it must send the notice required by section 113.1 of the Act with the statement.

21. The pension committee must, if the pension plan has more than 25 members and beneficiaries referred to in section 230.0.0.2 or 230.0.0.3 of the Act, call them to an information session on the methods of payment provided for in those sections and on the administration of pensions, held by the Régie at the place and on the date the Régie indicates. The notice of the session must be given in writing at least 10 days before the date on which the session is to be held.

For plans having 25 or fewer members and beneficiaries thus referred, the committee must inform them that the Régie will hold such an information session if at least 60% of them request such a session at least 35 days before the expiry of the time allotted for members and beneficiaries to inform the committee of their choices and options. If necessary, the Régie must inform the members and beneficiaries at least 10 days before the information session is to be held.

The information session must be held within such time as to allow the members and beneficiaries at least 10 days after the session to inform the pension committee of their choices, exercise their options and to make observations, if any.

The costs relating to the holding of the information session are borne by the pension fund.

22. The pension committee must publish the notice required by section 207.4 of the Act which also applies, with the necessary modifications, to withdrawals.

The notice published must also invite persons who believe they have rights in the pension plan allowing them to opt for a pension paid by the Régie under section 230.0.0.2 or 230.0.0.3 of the Act to take part in the information session held by the Régie, and indicate the place and date of the session, or to request that the Régie hold such a session, and must indicate the time in which the request must be made.

The pension committee must ensure that the publication takes place at least 5 days before the information session is to be held or the expiry of the time for requesting the session.

§4. Benefit payment procedure

23. Not later than 15 days after the expiry of the time allotted for members and beneficiaries to indicate their choices and options, the pension committee must send to the Régie

(1) for members and beneficiaries who on the date of the withdrawal or termination would have been entitled to a pension had they so applied, the information required to determine the amount of the pension payable to each member or beneficiary having opted for a pension paid out of the assets administered by the Régie; or

(2) for members and beneficiaries to whom a pension was being paid at the date of withdrawal or termination, the information required to determine the value of the pension of each member or beneficiary as well as a mention, for each of them, of the option chosen or of the fact that the member or beneficiary did not make a choice.

The Régie may, however, inform the pension committee that the information is not required.

24. Not later than 45 days after the expiry of the time allotted for members and beneficiaries to indicate their choices and options, the Régie must inform the pension committee of the premium to be used to determine, for settlement purposes, the value of the benefits of the members and beneficiaries who were being paid a pension on the date of the withdrawal or termination.

The premium must be

(1) the premium determined using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date of the calculation effected for the purposes of settling the benefits of the members and beneficiaries affected; or

(2) the premium that would be paid to an insurer at the date of settlement had all the pensions paid been guaranteed on that date, as indicated by an insurer pursuant to an arrangement entered into between the Régie and the insurer concerning the pensions referred to in section 230.0.0.9 of the Act.

Despite the foregoing, to determine the value of the non-guaranteed benefits of a member or beneficiary who has requested that the pension be guaranteed by an insurer under section 230.0.0.3 of the Act, the premium to be used is the premium required by the insurer to guarantee the benefits.

25. The pension committee must, in accordance with the withdrawal or termination report and the Act, and taking into account, where applicable, any adjustments under this subdivision, settle the benefits of the members and beneficiaries affected by the withdrawal or termination within 5 days after the date on which the Régie informs it pursuant to section 24 of the premium to be used.

26. Section 218 of the Act applies for each of the accounts constituted under subdivision 1 as if the account were a separate asset.

27. If a member or beneficiary having a guaranteed pension opts for a replacement pension pursuant to paragraph 1 of section 230.0.0.3 of the Act, the insurer must, at the request of the pension committee, allocate the guarantee to the non-guaranteed benefits of other members or beneficiaries in the same account or, if such an allocation is not possible, pay into the pension fund the commuted value of the guaranteed pension on the date of the transfer or, if the contract does not provide for a commuted value, the fair market value of the guaranteed pension determined on the basis of reasonable assumptions and cancellation fees.

The value of the guaranteed pension to be transferred by the pension committee to the replacement instrument specified by the member or beneficiary must be the value of the pension, reduced to take into account asset insufficiency, to which the member or beneficiary is entitled. That value is determined at the date of settlement using the premium specified by the Régie.

28. The value of guaranteed surplus benefits referred to in section 240 of the Act must be used to guarantee any non-guaranteed benefits of other members or beneficiaries in the same account.

29. If, on the date of settlement, the assets of an account allow settlement in full of the benefits of the members and beneficiaries covered by the account, the surplus must be transferred to the other account, up to the amount required for settlement in full of the benefits of the members and beneficiaries in the latter account.

30. The pension committee and any other delegatee, representative or service provider must, not later than the date of settlement, send to the Régie all the information held on the members and beneficiaries who have opted for a pension paid out of the assets administered by the Régie.

For each member and beneficiary, it must furnish, in particular, the amount of the pension determined on the basis of the difference amount described in the third paragraph of section 230.0.0.9 of the Act and that has accrued on the date of settlement pursuant to the rates of return described in section 8.

31. Within 15 days of the benefit settlement, the pension committee must send to the Régie a report prepared by an actuary on the settlement of the members' and beneficiaries' benefits. The report must contain

(1) the assets of each account at the date of settlement and the portion of the difference amount described in the third paragraph of section 230.0.0.9 of the Act accrued on that date in each account;

(2) the pension benefits and refunds paid to each member or beneficiary at the date of settlement and the settlement percentage of the benefits of each member or beneficiary at that date;

(3) a reconciliation of the assets and liabilities of each account between the date of withdrawal or termination and the benefit settlement date including, for each account, asset yield, asset increase through recovery of amounts owing and any variation in liabilities; and

(4) certification by the author of the report that the report was prepared in conformity with the provisions of the Act and of this Regulation.

DIVISION 3 **PENSIONS PAID OUT OF ASSETS** **ADMINISTERED BY THE RÉGIE**

§1. Information sent to members and beneficiaries by the Régie

32. The Régie must send the annual statement referred to in section 112 of the Act to each member or beneficiary concerned. The statement must contain the information required by subparagraphs 1 to 3 of the first paragraph and subparagraph 3 of the second paragraph of section 59 of the Regulation respecting supplemental pension plans and by section 59.0.1 of that Regulation, with the necessary modifications.

33. Within six months after the end of each fiscal year of the plan, the Régie must, by written notice, call each of the members and beneficiaries to a meeting held to allow them to be informed of developments concerning their benefits and the financial situation of the plan.

§2. Administration by the Régie

34. For a pension plan termination, the plan's fiscal year as regards the portion of the assets administered by the Régie ends on 31 December, despite any contrary stipulation in the plan.

35. Within six months after the end of each fiscal year of the plan, the Régie must have the financial report referred to in the second paragraph of section 161 of the Act prepared.

36. The portion of the pension plan in respect of which the Régie exercises the powers of the pension committee pursuant to section 230.0.0.4 of the Act must be the subject of an actuarial valuation pursuant to subparagraph 2 of the first paragraph of section 118 of the Act.

For that purpose, only Divisions I and II of Chapter X of the Act apply, with the necessary modifications resulting in particular from the fact that the plan's liabilities are equal to the value of the pensions paid by the Régie. In addition, despite section 126 of the Act, even the value of guaranteed benefits must be determined according to an estimation of the premium that an insurer would have charged to guarantee the pensions in the 30-day period following the valuation date.

37. If an instruction has been given in respect of the pension plan under section 2 of the Regulation respecting measures to reduce the effects of the financial crisis on pension plans covered by the Supplemental Pension Plans Act, the amount of the pension paid by the Régie is equal to the amount calculated by taking into account the third paragraph of section 230.0.0.9 of the Act.

38. If, at the date of the end of a fiscal year, the plan's assets administered by the Régie, determined on a solvency basis and reduced by the estimated amount of the administration expenses to be assumed by the pension fund, exceeds the liabilities increased by the provision for adverse deviation, referred to in subparagraph 2 of section 128 of the Act, the members and beneficiaries to whom a pension is being paid by the Régie on that date are entitled for the next fiscal year to the payment of an amount determined on the basis of that excess amount.

That amount, which is payable in a lump sum after the actuarial valuation has been sent pursuant to section 119 of the Act, is equal to the annual amount of a pension that could be guaranteed with the portion of the excess amount allocated to each member or beneficiary, proportionately to the value of the portion of his or her benefits that is administered by the Régie. The amount of the pension is determined according to an estimation of the premium that an insurer would have charged to guarantee the benefits of each member or beneficiary in the 30-day period following the actuarial valuation date.

§3. Final settlement

39. If, at the time the Régie has all the pensions it pays guaranteed by an insurer in accordance with section 230.0.0.9 of the Act, the assets of the plan it administers, determined on a solvency basis and reduced

by the amount of the administration expenses of the pension fund, exceed the liabilities, the excess amount must be used to increase, up to the total value of their benefits, the pensions being paid by the Régie to the members and beneficiaries on the date of purchase of the guarantee, proportionately to the value of the portion of their benefits that is administered by the Régie. The pension so increased is determined on the basis of the premium charged by the insurer.

40. As soon as the Régie has had the pensions it pays guaranteed by an insurer, it must inform each member or beneficiary of the name and contact information of the insurer from the annuity for such member or beneficiary was purchased.

The notice must state the amount of the purchased annuity, which is equal to the amount paid by the Régie, as well as, if an increase has been granted on the date on which the Régie has the pension guaranteed,

(1) the amount by which the assets, after deduction of administration costs, exceeds the liabilities on that date; and

(2) the amount of the assets attributed to the member or beneficiary, proportionately to the value of the benefits, and the amount of increase in his or her pension on that date and, if applicable, the amount of any lump-sum refund that was granted.

41. Within 45 days after the date on which the Régie has the pensions it pays guaranteed by an insurer, the Régie must produce a report on the settlement of the benefits of the members and beneficiaries referred to in section 230.0.0.4 of the Act. The settlement report must contain

(1) the date on which the annuities were purchased;

(2) the name of the insurer from whom they were purchased;

(3) the premium charged by the insurer to guarantee the pensions;

(4) the amount of the plan's administration costs imputed to the pension fund;

(5) the amount of the assets administered by the Régie at the date on which it had the pensions guaranteed;

(6) if applicable, the amount by which the assets, after deduction of the administration costs paid by the pension fund, exceed the premium charged by the insurer;

(7) if the assets are insufficient to have the pensions guaranteed, the amounts required from the Government for that purpose pursuant to section 230.0.0.10 of the Act;

(8) the name of each member or beneficiary affected by the purchase of an annuity, the amount of the annuity purchased and, if applicable, the amount of any lump-sum refund that was granted;

(9) the name, address and professional title of the author of the report and the date of signing; and

(10) certification by the author of the report that the report was prepared in conformity with the provisions of the Act and of this Regulation.

DIVISION 4 TRANSITIONAL AND FINAL PROVISIONS

42. For a withdrawal of an employer or a termination of a plan occurring before 3 November 2010, the pension committee is not required to distribute the pension fund into two accounts as required by subdivision 1 of Division 2, provided the withdrawal or termination report is sent to the Régie within 30 days after that date.

Despite the foregoing, if a distribution equivalent to the distribution to be made pursuant to sections 5 to 7 was made before that date, section 8 applies as of the date on which the accounts were constituted.

43. A pension committee is required to purchase the pensions of members and beneficiaries that were guaranteed by an insurer at the request of the committee after the date of withdrawal or termination if the date on which the pension was guaranteed is after 3 November 2010. If the contract does not provide for a commuted value of a guaranteed pension, the value must be equal to the fair market value of the pension determined on the basis of reasonable assumptions and cancellation fees.

For a termination of a plan, section 212.1 of the Act applies for the purposes of the distribution of the pension fund and the preparation of the report as regards a pension guaranteed after the date of termination that has not been purchased pursuant to the first paragraph, but using a rate that is the estimated rate of return of the account intended for the members and beneficiaries to whom a pension was being paid on the date of termination.

44. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*. It has effect, however, from 31 December 2008.

Gouvernement du Québec

O.C. 865-2010, 20 October 2010

Courts of Justice Act
(R.S.Q., c. T-16)

Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Act — Amendments

Amendments to the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act

WHEREAS, under the second paragraph of section 122 of the Courts of Justice Act (R.S.Q., c. T-16), the Government may establish, in respect of judges to whom the pension plan established under Part V.1 of the Act applies, a plan providing for supplementary benefits payable from the date on which benefits become payable under the pension plan;

WHEREAS, under that paragraph, the Government may also include in the supplementary benefits plan provisions concerning the payment of benefits to the spouse and children of a judge, and specify in the plan the situations that entail the obligation for the judge to contribute to the plan and the conditions relating to the determination and payment of the contributions;

WHEREAS, under section 122.1 of the Courts of Justice Act, the Government may render all or some of the rules respecting the partition and assignment of benefits between spouses contained in or enacted pursuant to Part VI.2 of the Act applicable to the supplementary benefits plan;

WHEREAS, under section 122.3 of the Act, the cost of the supplementary benefits plan is to be borne, in respect of judges of the Municipal Courts to whom the plan provided for in Part V.1 of the Act applies, by each municipality, respectively, and each municipality is to pay its contribution according to the rules, terms and conditions determined by the order establishing the plan, and such rules, terms and conditions may fix the interest payable on late payments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Amendments to the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 17 June 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 Amendments, with amendments;

WHEREAS, under section 123 of the Courts of Justice Act, any order made pursuant to sections 115 to 122.2 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any earlier or later date fixed therein;

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

THAT the Amendments to the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Amendments to the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act*

Courts of Justice Act
(R.S.Q., c. T-16, ss. 122, 122.1, 122.3, 4th par., and 123)

1. The Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act is amended by replacing section 2 by the following:

“2. The annual supplementary benefits payable to a judge are equal to the amount obtained

(1) by multiplying the average salary by 3% per year of service used to compute the pension payable under the pension plan; and

(2) by subtracting the pension amount from the amount obtained under subparagraph 1.

If the judge’s pension is reduced pursuant to the second paragraph of section 224.10 or section 224.16 of the Act, the amount obtained under subparagraph 1 of the first paragraph is reduced in the same way as the pension.”.

* The Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, made by Order in Council 695-2001 dated 6 June 2001 (2001, G.O. 2, 2804), has not been amended since it was made.

2. Section 3 is amended by adding the following paragraph at the end:

“If the pension is reduced pursuant to section 224.16 of the Act, the supplementary benefits are reduced in the same way as the pension.”.

3. Section 4 is replaced by the following:

“4. Where the pension granted under the pension plan becomes payable while the judge’s age and years of service total 80 or more, if the sum of that pension and the supplementary benefits granted under this Plan is, before any reduction in the pension and benefits under section 224.16 of the Act, less than 55% of the average salary, the amount of supplementary benefits is increased so as to reach that percentage.

The amount of that increase is attributed to the judge’s last year of service considered for the purposes of this Plan. If the pension is reduced pursuant to section 224.16 of the Act, the new amount of supplementary benefits is reduced in the same way as the pension.”.

4. Section 5 is replaced by the following:

“5. The sum of the supplementary benefits granted under this Plan and the pension granted under the pension plan may not be greater than 65% of the judge’s average salary before any reduction in those benefits and pension under section 224.16 of the Act.”.

5. Section 6 is amended by replacing “prescribed in” in the second paragraph by “determined by”.

6. Section 7 is revoked.

7. Section 10 is amended by replacing the first and second paragraphs by the following:

“The judge must pay to this Plan a contribution equal to 7% of the judge’s annual salary, less the contribution paid to the pension plan. From the date on which the judge has accumulated 21.7 years of service in the pension plan, the judge must pay to this Plan a contribution equal to 1% of the judge’s annual salary, less the contribution paid to the pension plan.

The first paragraph also applies, with the necessary modifications, to a judge who continues to exercise his or her functions after 30 December of the year in which age 69 is reached if payment of the judge’s pension has not begun.”.

8. Section 11 is amended

(1) by striking out “and his salary shall be reduced in accordance with section 118 of the Act” in the first sentence of the first paragraph;

(2) by replacing “in accordance with section 118 of the Act” in the second paragraph by “in accordance with the second sentence of the second paragraph of section 224.25”.

9. Section 12 is amended by adding the following at the end of the first paragraph: “, excluding a reduction resulting from the application of section 224.15 of the Act”.

10. The following is inserted after section 13:

“13.1. Where the Commission and Ville de Montréal, Ville de Laval or Ville de Québec enter into a transfer agreement under section 246.24 of the Act, that agreement must also apply to the judge’s supplementary benefits plan.”.

11. Section 16 is revoked.

12. Section 17 is amended by replacing the second paragraph by the following:

“Any amount of a payment that a municipality fails to make to the Commission on the 15th day of the month bears interest, compounded annually, at the rate provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) from that date. Despite the foregoing, if, for a period or part of a period indicated in that Schedule, the rate provided for therein is less than the rate provided for in Schedule VII to that Act, the rate in Schedule VII applies for that period or part of a period.”.

13. Section 18 is amended by replacing the second paragraph by the following:

“Any amount not paid within 30 days bears interest, compounded annually, from the date of the statement of account, at the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and applicable on that date.”.

14. The provisions of these amendments come into force as follows:

(1) sections 1, 2, 3, 4 and 6 have effect from 1 July 2004;

(2) sections 7 and 8 have effect from 14 June 2002;

(3) the other provisions come into force on the fifteenth day following the date of publication of the amendments in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 866-2010, 20 October 2010

Courts of Justice Act
(R.S.Q., c. T-16)

Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Act — Amendments

Amendments to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act

WHEREAS, under the second paragraph of section 122 of the Courts of Justice Act (R.S.Q., c. T-16), the Government may establish, in respect of judges to whom the pension plan established under Part VI of the Act applies, a plan providing for supplementary benefits payable from the date on which benefits become payable under the pension plan;

WHEREAS, under that paragraph, the Government may also include in the supplementary benefits plan provisions concerning the payment of benefits to the spouse and children of a judge, and specify in the plan the situations that entail the obligation for the judge to contribute to the plan and the conditions relating to the determination and payment of the contributions;

WHEREAS, under section 122.1 of the Courts of Justice Act, the Government may render all or some of the rules respecting the partition and assignment of benefits between spouses contained in or enacted pursuant to Part VI.2 of the Act applicable to the supplementary benefits plan;

WHEREAS, under section 122.3 of the Act, the cost of the supplementary benefits plan is to be borne, in respect of judges of the Municipal Courts to whom the plan provided for in Part VI of the Act applies, by each municipality, respectively, and each municipality is to pay its contribution according to the rules, terms and conditions determined by the order establishing the plan, and such rules, terms and conditions may fix the interest payable on late payments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Amendments to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 17 June 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 Amendments, with amendments;

WHEREAS, under section 123 of the Courts of Justice Act, any order made pursuant to sections 115 to 122.2 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any earlier or later date fixed therein;

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

THAT the Amendments to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Amendments to the Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act*

Courts of Justice Act
(R.S.Q., c. T-16, ss. 122, 122.1, 122.3,
4th par., and 123)

1. The Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act is amended by replacing section 2 by the following:

“2. The annual supplementary benefits payable to a judge are equal to the amount obtained

(1) by multiplying the average salary for the judge’s 3 best paid years of service or, if the judge has fewer than 3, for all the judge’s years of service, by 2.8% per year of service used to compute the pension payable to the judge under the pension plan; and

(2) by subtracting the pension amount from the amount obtained under subparagraph 1.

If the judge’s pension is reduced pursuant to the second paragraph of section 232.1 or section 238 of the Act, the amount obtained under subparagraph 1 of the first paragraph is reduced in the same way as the pension.”

* The Supplementary benefits plan for judges covered by the pension plan established under Part VI of the Courts of Justice Act, made by Order in Council 326-93 dated 17 March 1993 (1993, *G.O.* 2, 1949), was last amended by Order in Council 1473-2001 dated 12 December 2001 (2001, *G.O.* 2, 6861) and by section 3 of chapter 41 of the Statutes of 2004. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

2. Section 3 is amended by adding the following paragraph at the end:

“If the pension is reduced pursuant to section 238 of the Act, the supplementary benefits are reduced in the same way as the pension.”.

3. Section 4 is revoked.

4. Section 8 is revoked.

5. Section 9 is amended

(1) by striking out “, and his salary shall be reduced in accordance with section 118 of the Act, amended by section 1 of Chapter 79 of the Statutes of 1991” in the first sentence of the first paragraph;

(2) by replacing “in accordance with section 118 of the Act, amended by section 1 of Chapter 79 of the Statutes of 1991” in the second paragraph by “in accordance with the second sentence of the second paragraph of section 244.3 of the Act”.

6. Section 11 is replaced by the following:

“**11.** To calculate the supplementary benefits payable under this plan, the average salary is determined in accordance with section 231 of the Act. For the purposes of that calculation, the annual salaries taken into account are in no case limited by the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, c. 1 (5th Supp.)).”.

7. Section 12 is amended by replacing the first paragraph by the following:

“All supplementary benefits are indexed each year in the manner provided for in section 244.11 of the Act, without taking into account subparagraph 1 of the first paragraph of that section.”.

8. The following is inserted after section 12:

“**12.1.** Where the Commission and Ville de Montréal, Ville de Laval or Ville de Québec enter into a transfer agreement under section 246.24 of the Act, that agreement must also apply to the judge’s supplementary benefits plan.”.

9. Section 16.1 is revoked.

10. Section 16.2 is amended by replacing the second paragraph by the following:

“Any amount of a payment that a municipality fails to make to the Commission on the 15th day of the month bears interest, compounded annually, at the rate provided

for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) from that date. Despite the foregoing, if, for a period or part of a period indicated in that Schedule, the rate provided for therein is less than the rate provided for in Schedule VII to that Act, the rate in Schedule VII applies for that period or part of a period.”.

11. Section 16.3 is amended by replacing the second paragraph by the following:

“Any amount not paid within 30 days bears interest, compounded annually, from the date of the statement of account, at the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and applicable on that date.”.

12. The provisions of these amendments come into force as follows:

(1) sections 1, 2 and 3 have effect from 1 July 2004;

(2) sections 5 and 7 have effect from 14 June 2002. Section 7 also applies to pensions in payment on that date.

(3) the other provisions come into force on the fifteenth day following the date of publication of the amendments in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 867-2010, 20 October 2010

Courts of Justice Act
(R.S.Q., c. T-16)

Rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Act

Regulation respecting the rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act

WHEREAS, under the second paragraph of section 246.26.1 of the Courts of Justice Act (R.S.Q., c. T-16), each municipality is to pay its contribution to the pension plan provided for in Part V.1 of the Act and to the pension plan provided for in Part VI of the same Act according to the rules, terms and conditions of payment which the Government determines by regulation, and such rules may fix the interest payable on late payments;

WHEREAS the Regulation respecting the contribution of a municipality that joins the pension plan provided for in Part VI of the Courts of Justice Act was made by Order in Council 1828-92 dated 16 December 1992;

WHEREAS, under the first paragraph of section 21 of chapter 41 of the Statutes of 2005, that Regulation was made applicable, with the necessary modifications, to the pension plan provided for in Part V.1 of the Courts of Justice Act;

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 rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 17 June 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 rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the rules, terms and conditions of payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act

Courts of Justice Act
(R.S.Q., c. T-16, s. 246.26.1, 2nd par.)

1. Payment of the contribution of a municipality to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act (R.S.Q., c. T-16) must be made to the Commission administrative des régimes de retraite et d'assurances on the 15th day of each month.

Any amount of a payment that a municipality fails to make to the Commission on the 15th day of the month bears interest, compounded annually, at the rate provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) from that date. Despite the foregoing, if, for a period or part of a period indicated in that Schedule, the rate provided for therein is less than the rate in Schedule VII to that Act, the rate in Schedule VII applies for the period or part of the period.

2. The municipality must, within 30 days of the date of the statement of account sent by the Commission, pay the contribution and the interest accrued on the contribution.

Any amount not paid within the 30-day period bears interest, compounded annually, from the date of the statement of account, at the rate provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and applicable on that date.

3. This Regulation replaces the Regulation respecting the contribution of a municipality that joins the pension plan provided for in Part VI of the Courts of Justice Act, made by Order in Council 1828-92 dated 16 December 1992.

4. 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. 874-2010, 20 October 2010

An Act respecting transportation services by taxi
(R.S.Q., c. S-6.01)

Taxi Transportation — Amendment

Regulation to amend the Taxi Transportation Regulation

WHEREAS, under subparagraph 5 of the first paragraph of section 88 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01), the Government may make regulations prescribing, for each class of automobile, the requirements that apply to holders of a taxi owner's permit;

WHEREAS the Government made the Taxi Transportation Regulation by Order in Council 690-2002 dated 5 June 2002;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Taxi Transportation Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 April 2010 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 Transport:

THAT the Regulation to amend the Taxi Transportation Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Taxi Transportation Regulation *

An Act respecting transportation services by taxi (R.S.Q., c. S-6.01, s. 88, 1st par., subpar. 5)

1. The Taxi Transportation Regulation is amended in section 22

(1) by replacing “permis propriétaire de taxi” in the first paragraph of the French text by “permis de propriétaire de taxi”;

(2) by inserting “, on the date of the application to the Commission to have it attached to a taxi owner’s permit, be no more than 6 years old and” after “may” in the last paragraph.

2. 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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* The Taxi Transportation Regulation, made by Order in Council 690-2002 dated 5 June 2002 (2002, *G.O.* 2, 2602), was last amended by the regulation made by Order in Council 886-2008 dated 10 September 2008 (2008, *G.O.* 2, 4641). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

Agreement

Election Act
(R.S.Q., c. E-3.3)

AGREEMENT CONCERNING THE TESTING OF NEW POLLING FORMALITIES

BETWEEN

MR. JEAN CHAREST, LEADER OF THE QUEBEC LIBERAL PARTY, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MS. PAULINE MAROIS, LEADER OF THE PARTI QUÉBÉCOIS, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. GÉRARD DELTELL, LEADER OF THE ACTION DÉMOCRATIQUE DU QUÉBEC, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. BERNARD LA RIVIÈRE, LEADER OF QUÉBEC SOLIDAIRE, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. MARCEL BLANCHET IN HIS CAPACITY AS THE CHIEF ELECTORAL OFFICER OF QUÉBEC

WHEREAS the Election Act prescribes a model ballot that must be used during provincial elections;

WHEREAS the model does not provide for candidates’ photographs to appear on the ballot;

WHEREAS, over the years, the Chief Electoral Officer has been asked to change the model ballot in order to facilitate participation in the democratic process by certain individuals, including seniors, disabled persons and illiterate persons;

WHEREAS the Chief Electoral Officer wishes to apply section 489 of the Election Act in order to recommend to the leaders of the authorized parties represented in the National Assembly that a new model ballot be tested in a by-election;

WHEREAS the recommendation of the Chief Electoral Officer has been accepted by the four leaders of authorized parties represented at the National Assembly;

WHEREAS section 489 of the Election Act states that when the recommendation of the Chief Electoral Officer is accepted by the party leaders, an agreement must be signed in this respect by these party leaders and the Chief Electoral Officer;

WHEREAS this agreement has force of law.

CONSEQUENTLY, THE PARTIES AGREE AS FOLLOWS:

1. PREAMBLE

The preamble to this agreement forms an integral part of this agreement.

2. PURPOSE OF THE AGREEMENT

The purpose of this agreement is to test a new model ballot in every by-elections ordered by the same Order in Council after February 1, 2011.

The amendments to the current model are as follows:

1. The circle currently measuring 3 mm is enlarged to 7 mm;
2. The size of the font used to write the candidates' names and political affiliations is enlarged from 16 pt to 18 pt;
3. Photographs of the candidates are added to the stub of the ballot.

3. AMENDMENTS TO THE ELECTION ACT

3.1 Section 241 of the Election Act is amended by adding the following paragraph at the end:

“The photograph contemplated in the first paragraph shall be reproduced on the ballot opposite the candidate's name. The candidate may submit another photograph in accordance with the standards prescribed by regulation, before 2:00 p.m. on the sixteenth day preceding polling day.”

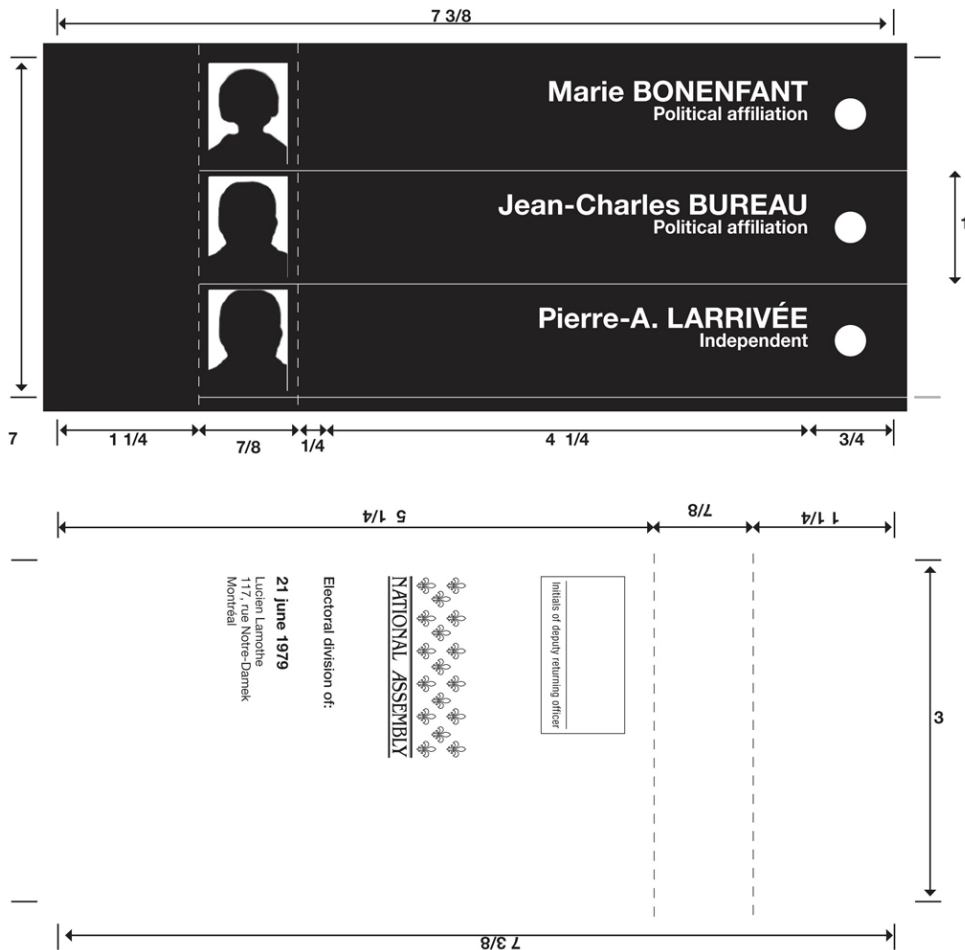
3.2 Section 323 of the Election Act is amended by adding the following paragraph at the end:

“The photograph contemplated in section 241 shall be reproduced in black and white on the stub of the ballot, opposite the candidate's name.”

3.3 Section 490 of the Act is amended by adding the following paragraph:

“The present section applies to an agreement made between the leaders of the authorized parties represented in the National Assembly and the chief electoral officer in accordance with section 489.”

3.4 Schedule III of the Act is replaced by the following schedule:



4. AMENDMENTS TO ELECTION REGULATIONS

4.1 Section 6 of the Nomination Regulation is replaced by the following section:

“6. The photograph attached to the nomination papers shall comply with the following standards:

(a) It shall show a full face view of the candidate from the shoulders, bareheaded, against a plain light background and be printed on single-thickness paper measuring approximately 13 cm x 18 cm; or

(b) It shall show a full face view or slightly offset view of the candidate from the shoulders, bareheaded, against a plain light background and be printed on single-thickness paper measuring approximately 5 cm x 7 cm.”

5. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer and the returning officer of each electoral division in which the present agreement will be applicable are responsible for its application.

6. EVALUATION REPORT

Within 90 days following the date of the by-elections referred to in the present agreement, the Chief Electoral Officer shall transmit to the leaders of the political parties represented at the National Assembly, a report covering the following points:

— election preparations related to the present agreement;

— the advantages and disadvantages encountered in applying the present agreement;

— recommended amendments to the provisions of the Election Act, if any.

7. EFFECT OF THE AGREEMENT

The present agreement takes effect on the date on which the last signature is affixed on this agreement.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED, IN FIVE COPIES,

In Québec, on 15 September 2010

JEAN CHAREST,
Leader of The Quebec Liberal Party

In Québec, on 23 September 2010

PAULINE MAROIS,
Leader of the Parti Québécois

In Québec, on 28 September 2010

GÉRARD DELTELL,
Leader of the Action démocratique du Québec

In Montréal, on 10 October 2010

BERNARD LA RIVIÈRE,
Leader of Québec solidaire

In Québec, on 18 October 2010

MARCEL BLANCHET,
Chief Electoral Officer of Québec

Draft Regulations

Draft Regulation

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

Possession and sale of an animal — 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 draft Regulation to amend the Regulation respecting the possession and sale of an animal, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation prohibits the possession of parts of cervids that may be infected with chronic wasting disease of cervids.

Study of the matter reveals no negative impact on enterprises, including small and medium-sized businesses. The proposed amendments will have an impact on the habits of hunters who hunt outside Québec, since they will no longer be able to transport full carcasses.

Further information on the draft Regulation may be obtained by contacting Gaéтан Roy, Service de la réglementation, de la tarification et des permis, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7394; fax: 418 646-5179; e-mail: gaetan.roy@mrf.gouv.qc.ca

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

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*

Regulation to amend the Regulation respecting the possession and sale of an animal

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, pars. 14 and 16)

1. The Regulation respecting the possession and sale of an animal (R.R.Q., c. C-61.1, r. 23) is amended by adding the following sections after section 3:

“**3.1.** The possession of full carcasses or any part of the brain, spinal column, eyes, retropharyngeal lymph nodes, tonsils, testicles or internal organs of cervids killed outside Québec is prohibited.

That prohibition does not apply to the following body parts:

- boneless meat;
- quarters without pieces of spinal column or head attached;
- hides and leather, tanned or with the fat removed;
- antlers without velvet;
- disinfected calvarium without meat or tissue attached;
- teeth without meat or tissue attached;
- any piece assembled by a taxidermist.

3.2. The possession of full carcasses or any part of the brain, spinal column, eyes, retropharyngeal lymph nodes, tonsils, testicles or internal organs of cervids killed in a hunting zone or subzone located within 45 kilometres of a place where a case of chronic wasting disease of cervids was detected is prohibited outside the zone or subzone where the animal was killed.

That prohibition does not apply to the body parts mentioned in the second paragraph of section 3.1.”

2. Section 4 is amended by replacing “1, 2 or 3” by “1, 2, 3, 3.1 or 3.2”.

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

Draft Regulation

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

Chartered administrators

— Code of ethics

— 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 amending the Code of ethics of chartered administrators, made by the board of directors of the Ordre des administrateurs agréés du Québec, may be submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation adapts certain rules of ethics to the practice of the profession of chartered administrator within a partnership or a joint-stock company, as provided in the draft of the Regulation respecting the practice of the profession of chartered administrators within a partnership or a joint-stock company and in multidisciplinary. It also adapts those rules to the Règlement sur la comptabilité en fidéicommiss des administrateurs agréés.

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

Further information may be obtained by contacting Denise Brosseau, Director General and Secretary, Ordre des administrateurs agréés du Québec, 910, rue Sherbrooke Ouest, bureau 100, Montréal (Québec) H3A 1G3; telephone: 514 499-0880, extension 230, or 1 800 465-0880; fax: 514 844-0892; e-mail: dbrosseau@adma.qc.ca

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

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

Regulation amending the Code of ethics of the chartered administrators*

Professional Code
(R.S.Q., c. C-26, a. 87; 2008, c. 11, a. 56)

1. The following shall be substituted for section 1 of the Code of ethics of the chartered administrators:

“**1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the chartered administrator’s duties, regardless of the structure or manner in which he engages in his professional activities or the nature of his contractual relationship with the client.”.

2. The following sections shall be added after section 1 of this Code:

“**1.1.** A chartered administrator shall take reasonable measures to ensure compliance with the Act respecting the Professional Code (R.S.Q., c. C-26) and the regulations adopted thereunder by any person, other than a chartered administrator, who cooperates with him in the course of his professional activities or by any partnership or joint-stock company within which he engages in his professional activities.

1.2. A chartered administrator’s duties and obligations under the Professional Code and regulations thereunder are in no way modified or reduced by the fact that the chartered administrator carries on his professional activities within a partnership or a joint-stock company.”

3. Section 2 of this Code is repealed.

4. The words “on society.” shall be substituted for the words “towards the public.” in section 5 of this Code.

5. The words “or by the persons who carry on their professional activities within the same partnership or a joint-stock company” shall be inserted after the words “members of the profession.” in section 13 of this Code

6. The following shall be removed from section 20:

“Upon request by a client, they shall return the property to the client without delay or give it to the person designated by the client”.

7. Section 24 of this Code is repealed.

* The Code of ethics of chartered administrators approved by the decree number 234-2003 of February 26, 2003 (2003, G.O. 2, 1459) has been modified by the decree number 777-2004 of August 10, 2004 (2004, G.O. 2, 3865).

8. The words “for the public” shall be substituted for the words “to society” in paragraph 6 of section 29.

9. The following shall be substituted for section 31 of this Code:

“**31.** A chartered administrator assumes full personal civil liability in the practice of his professional activities. He is forbidden to include in a declaration, an advertisement or a professional service contract, any clause to the effect of directly or indirectly, fully or partially, excluding this responsibility.

He may not invoke the liability of the company within which he carries on his professional activities, neither the responsibility of another person who also carries on his activities in the company as a ground for excluding or limiting his own liability.”

10. The following shall be substituted for section 33 of this Code:

“**33.** A chartered administrator shall place himself in a position where the interest of his client supersedes his self-interest or the interest of the company within which he carries on his professional activities or in which he or any other person carrying on their activities within this company has an interest”.

11. The following shall be substituted for section 38 of this Code:

“**38.** A chartered administrator shall share his professional fees only with a chartered administrator or another person, a trust or an enterprise contemplated in paragraph 1° of section 4 of the Règlement sur l'exercice de la profession d'administrateurs agréés en société et en multidisciplinarité as approved by the decree number _____ of _____.”

12. The following shall be substituted for section 39 of this Code:

“**39.** A chartered administrator shall abstain from receiving any gratification, compensation or commission related to the practice of his profession, except from usual courtesies and presents of modest value. In addition, he shall not pay, offer to pay or agree to pay such gratification, compensation or commission.”

13. The following shall be substituted for section 44 of this Code:

“**44.** A chartered administrator shall take reasonable measures to ensure the secrecy of confidential information revealed to him by reason of his profession is respected

by all employee or by any person who cooperates or practices its activities within the company where the chartered administrator practices his profession.”

14. The following sections shall be added after section 59 of this Code:

“**59.1.** A chartered administrator who practices within a company shall ensure that professional fees related to professional services rendered by chartered administrators shall be listed separately on all invoice or fees statement given by the company to the client.

59.2. Where a chartered administrator practices his professional activities within a joint-stock company, all professional fees related to professional services he has rendered within and on behalf of this company, belong to the company, unless otherwise agreed.”

15. Section 62 of this Code is repealed.

16. The following shall be inserted at the end of section 73 of this Code:

“12° carrying on professional activities within a company, or having interest in such company, where a partner, shareholder, director, officer or employee of this company, is struck off the roll for a period of 3 months or has his professional license revoked, except where the partner, shareholder, director, officer or employee:

a) ceases to act as a director or officer within 15 days from the date on which the striking off or revocation becomes executory;

b) ceases to attend all shareholders meetings and to exercise his right to vote within 15 days from the date on which the striking off or revocation becomes executory;

c) disposes of his company shares with voting rights or leave them in the care of a trustee within 15 days from the date on which the striking off or revocation becomes executory”.

17. The following paragraph shall be added at the end of section 74 of this Code:

“A chartered administrator who carries on his professional activities within a company shall not allow this company to use, by any means whatsoever, false, incomplete or misleading advertisement.”

18. The title of Division III of Chapter V shall read as follows:

“NAME AND REGISTERED COMPANY NAME”

19. The following shall be substituted for section 84:

“**84.** A chartered administrator shall not carry on his profession within a company under a name, designation or registered name which is misleading, derogatory to the honour or dignity of the profession or which is a numeral name or numeral registered name.

Only where chartered administrators render all services offered by the company that it may use titles exclusive to this profession in its registered company name”.

20. Section 85 of this Code is repealed.

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

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Draft Regulation

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

Chartered administrators

— Practice of the profession within a partnership or a joint-stock company and in multidisciplinary

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 practice of the profession of chartered administrators within a partnership or a joint-stock company and in multidisciplinary, made by the board of directors of the Ordre des administrateurs agréés du Québec, may be submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation prescribes terms and conditions for authorizing members of the Order to carry on professional activities within a partnership or a joint-stock company, particularly regarding the administration of the partnership or joint-stock company and the holding of company shares or partnership units.

Those conditions also include the obligation to contribute to an insurance fund that covers the liability of the partnership or joint-stock company arising from fault or negligence on the part of a member in the practice of his or her profession within the partnership or joint-stock company, as well as the obligation to provide the Order with the required information on the partnership or joint-stock company and to keep it up-to-date.

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

Further information may be obtained by contacting Denise Brosseau, Director General and Secretary, Ordre des administrateurs agréés du Québec, 910, rue Sherbrooke Ouest, bureau 100, Montréal (Québec) H3A 1G3; telephone: 514 499-0880, extension 230, or 1 800 465-0880; fax: 514 844-0892; e-mail: dbrosseau@adma.qc.ca

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

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

Regulation respecting the practice of the profession of chartered administrators within a partnership or a joint-stock company and in multidisciplinary

Professional Code
(R.S.Q., c. C-26, a. 93, par. g et h et a. 94, par. p)

DIVISION I GENERAL PROVISIONS

1. A member of the Ordre des administrateurs agréés du Québec may, subject to the terms, conditions and restrictions established in this Regulation, carry on his or her professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

2. Where a person is struck off the roll for a period in excess of 3 months or has had his or her professional license revoked, such person may not, during the period of the striking off or revocation, directly or indirectly hold any share in the partnership or joint-stock company.

During that period, such person may not hold the position of director, officer or representative of the partnership or joint-stock company.

3. Where a member notices that the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer satisfied, the member shall,

within 15 days, take the necessary measures to comply, failing which, the member shall no longer be authorized to carry on his or her professional activities within the partnership or company.

DIVISION II TERMS AND CONDITIONS

4. A member may practice his professional activities within a partnership or a company if the following conditions are met:

1° more than 50% of the voting rights attached to the shares of the company or partnership are held:

a) by members of a professional order governed by the Professional Code or by persons subject to similar rules;

b) by legal persons, trusts or any other enterprises where the voting rights attached to the shares of the company, partnership units, equity interests or other rights wholly owned by one or more persons referred to in subparagraph *a*;

c) at once by persons, trusts or enterprises referred to in subparagraphs *a* and *b*;

2° the voting rights attached to the shares of the company or partnership units which are not referred to in paragraph 1° shall not be held solely by a legal person which is not referred to in paragraph 1°.

3° a majority of directors of the board of directors or, as the case may be, the partners or directors appointed by the partners are persons referred to in subparagraph *a* of paragraph 1° and constitute the majority of the quorum of such councils;

4° a minimum of one director of the joint-stock company or director appointed by the partners to manage the business of the limited liability partnership shall be a member of the Order;

5° a minimum of one member of the Order must hold one share with voting rights or one partnership unit;

The member of the Order must ensure that these conditions appear in the articles of the joint-stock company or in the contract of the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

5. A member can carry on his professional activities within a partnership or joint-stock company, if he provides the Order with the following documents:

1° a sworn declaration in compliance with section 6, accompanied by the fees payable prescribed by the board of directors of the Order;

2° a written document from the competent authority to the effect that the partnership or joint-stock company is covered by security in compliance with Division III;

3° in the case of a joint-stock company, a copy of the incorporating instrument issued by the competent authority, certifying the existence of the joint-stock company;

4° a written document from the competent authority to the effect that the partnership or joint-stock company is registered in Québec;

5° an irrevocable written undertaking from the partnership or joint-stock company allowing a person, committee, council or tribunal referred to in section 192 of the Professional Code to require disclosure of any document listed in section 12 from a person; and;

6° where applicable, a true copy of the declaration required under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), stating that the general partnership has become a limited liability partnership.

6. The sworn declaration in paragraph 1° of section 5 is made on the form provided for that purpose by the Order and contains:

1° the authorized administrator's name, member number and status within the partnership or joint-stock company;

2° the name of the partnership or joint-stock company as well as the business number assigned to it by the enterprise registrar;

3° the legal form of the partnership or joint-stock company and the confirmation that the conditions referred to in section 4 are met;

4° in the case of a limited liability partnership, the address of the head office of the company and the address of all other establishments of the partnership located in the province of Québec, as well as the names and home addresses of all the partners, the percentage of partnership units they own along with the position they hold in management, where applicable;

5° in the case of a joint-stock company, the address of the head office of the company and the address of its other establishments in the province of Québec, the names and home addresses of all shareholders, the number of shares they hold with voting rights along with an indication of their functions as administrator, director and officer, where applicable; and

6° where applicable, the date on which the general partnership is continued as a limited liability partnership or a joint-stock company.

7. Where more than one member carries on professional activities within a partnership or joint-stock company, one representative may make a declaration for all other members in the partnership or company.

The representative's declaration is each member's declaration of the partnership or company. Each member remains fully responsible for the accuracy of the information provided pursuant to section 6.

The representative must be a member of the Order and act as a partner, director, officer or shareholder of the partnership or company.

8. The member or representative must:

1° update and provide, before March 31 of each year, the declaration prescribed in section 6;

2° promptly notify the Order of any change in the security coverage specified in Division III or if the information given in the declaration pursuant to section 6 may violate the conditions set out in section 4.

DIVISION III SECURITY AGAINST THE PROFESSIONAL FAULT OF PARTNERSHIP OR COMPANY MEMBERS

9. A member who carries on professional activities within a partnership or joint-stock company must provide and maintain on behalf of the partnership or company, either by means of an insurance contract or a suretyship or by joining a collective insurance plan contract entered into by the Order or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, security coverage against the professional liability of the partnership or company that may arise from the fault of the members in the course of carrying on professional activities within the partnership or joint-stock company.

10. The security must include the following conditions:

1° an undertaking by the insurer or the surety to pay on behalf of the partnership or joint-stock company, over and above the amount of the security to be supplied by the member pursuant to the Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des administrateurs agréés du Québec, approved by the Office des professions on September 22, 2008, up to the amount of the security, any sum that the partnership or joint-stock company may legally be liable to pay to an injured third party regarding a claim filed during the coverage period and arising from fault on the part of the member in the carrying on of professional activities within the partnership or joint-stock company;

2° an undertaking by the insurer or the surety to indemnify and hold the partnership or joint-stock company harmless in any legal action launched against the partnership or company and to pay, in addition to the amounts covered by the security, all the costs and expenses of legal actions brought against the partnership or company, including the costs and expenses of investigation and defence as well as interest on the amount of the security;

3° an undertaking by the insurer or the surety that the security is not less than \$1,000,000.00 per incident and will be for all claims during a period of coverage of 12 months;

4° an undertaking by the insurer to give the Order a 30-day prior notice of intent to terminate or modify the coverage when the modification refers to a condition set out in this Regulation;

5° an undertaking by the insurer to notify the Order when the coverage is not to be renewed, this notice must be given within 15 days prior to the termination date.

DIVISION IV ADDITIONAL INFORMATION

11. The information referred to in paragraph 5 of section 5 are as follow:

1° in the case of a limited liability partnership:

- a) the partnership agreements and all amendments;
- b) the declaration of registration of the partnership and any update;
- c) the names and home addresses of the company's directors holding positions in management

- d) a complete and updated register of the partners;
- e) a complete and updated register of the directors;
- 2° in the case of a joint-stock company:
 - a) a complete and updated register of the articles and by-laws;
 - b) a complete and updated securities register;
 - c) a complete and updated register of shareholders;
 - d) a complete and updated register of directors;
 - e) all shareholders' agreement and voting agreements, and all corresponding amendments;
 - f) any agreement concerning stock options with voting rights or concerning any other right, even if conditional, granted to a person and enabling the person to be issued such stocks;
 - g) the declaration of registration of the joint-stock company and updates; and
 - h) the names and home addresses of the company's principal officers;

12. Where members carrying on professional activities within a general partnership which is continued as a limited liability partnership or where a joint-stock company or a limited liability partnership is constituted, members practicing their profession within the company or partnership shall, within 15 days of the continuance or constitution, send a notice informing their clients of the nature and effects of the continuance or constitution for the partnership or joint-stock company, in particular with respect to the member's professional liability and that of the partnership or joint-stock company.

DIVISION V FINAL PROVISIONS

13. A member carrying on professional activities within a joint-stock company constituted before the effective date of the present Regulation shall, at the latest within the year following this date, comply in accordance with the requirements set out in the present Regulation.

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

Draft Regulation

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

Medical imaging and radiation oncology technologists — Diplomas giving access to permits

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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 2.05 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to add the new diploma obtained upon completion of the training program in radiodiagnosis technology at Collège Laflèche and to remove the diploma issued following studies completed at the Sherbrooke general and vocational college, given that that institution does not offer the program.

No impact is foreseen on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and the Order for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with the educational institutions concerned.

Further information may be obtained by contacting Emmanuelle Duquette, Assistant Secretary General and Counsel, Ordre des technologues en imagerie médicale et en radio-oncologie du Québec, 6455, rue Jean-Talon Est, Bureau 401, Saint-Léonard (Québec), H1S 3E8; telephone: 514 351-0052 or 1 800 361-8759, extension 240; fax: 514 355-2396.

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

JEAN-MARC FOURNIER,
Minister of Justice

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended in the first paragraph of section 2.05

(1) by striking out “, Sherbrooke”;

(2) by adding “and at Laflèche College” after “Dawson general and vocational colleges”.

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

1094

Draft Regulation

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

Nurses

— Certain professional activities which may be engaged by nursing assistants

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 professional activities which may be performed by a nursing assistant, made by the board of directors of the Ordre des infirmières et infirmiers du Québec, appearing below, may be submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following this publication.

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1046-2009 dated 30 September 2009 (2009, *G.O.* 2, 3481). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

The draft Regulation extends the application of section 9 of the Regulation respecting certain professional activities which may be engaged in by nursing assistants to allow nursing assistants to continue to perform certain professional activities until 29 May 2013.

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

Further information may be obtained by contacting Hélène d'Anjou, Direction des services juridiques, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal (Québec) H3Z 1V4; telephone: 514 935-2501, extension 319, or 1 800 363-6048, extension 319; fax: 514 935-1799; e-mail: helene.danjou@oiiq.org

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

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

Regulation to amend the Regulation respecting the professional activities which may be performed by a nursing assistant

Professional Code
(R.S.Q., c. C-26, s. 94, par. h)

1. The Regulation respecting the professional activities which may be performed by a nursing assistant, approved by Order in Council 418-2008 dated 30 April 2008 (2008, *G.O.* 2, 2084), is amended by replacing “29 May 2011” in section 9 by “29 May 2013”.

2. This Regulation comes into force on the fifteenth day following its

1104

Draft Regulation

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

Wildlife habitats — 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 draft Regulation to amend the Regulation respecting wildlife habitats, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is

— to revoke sections 8.1 to 8.5 of the Regulation to allow the Minister of Natural Resources and Wildlife to authorize forest interventions in a wildlife habitat under the power provided for in section 128.7 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

— to revoke, for harmonization purposes, the plan showing the various intervention areas in the habitat of the woodland caribou, mountain ecotype, Gaspésie population, shown in Schedule 1 to the current Regulation;

— to change the term to designate the population previously referred to as the “Gaspésie caribou population” to make it consistent with the recently updated list of Québec vertebrate wildlife;

— to modify the parts of the habitat of the woodland caribou, mountain ecotype, Gaspésie population where exploration for mineral substances, natural gas, petroleum, brine and underground reservoirs is made possible, subject to certain conditions.

Study of the matter reveals no negative impact on enterprises, including small and medium-sized businesses. The proposed amendments will be favourable for the public in general and for enterprises and organizations working in connection with the conservation and development of natural resources.

Further information on the draft Regulation may be obtained by contacting Jean Morneau, Ministère des Ressources naturelles et de la Faune, Service de la réglementation, de la tarification et des permis, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 2L4; telephone: 418 521-3888, extension 7395; fax: 418 646-5179; e-mail: jean.morneau@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 Nathalie Camden, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

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

Regulation to amend the Regulation respecting wildlife habitats

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 128.18)

1. The Regulation respecting wildlife habitats (R.R.Q., c. 61.1, r. 18) is amended in section 8 by striking out the third paragraph.

2. Sections 8.1 to 8.5 are revoked.

3. Section 9 is amended by replacing “Gaspésie caribou population, with respect to the territory of the Chic-Chocs Wildlife Sanctuary shown on the chart in Schedule 1” by “woodland caribou, mountain ecotype, Gaspésie population, with respect to the part of that habitat located outside the limits of the Parc national de la Gaspésie”.

4. Section 12.1 is amended in the first paragraph

(1) by replacing “In the habitat of the Gaspésie caribou population located in the Chic-Chocs Wildlife Sanctuary and shown on the chart in Schedule 1” in the part preceding subparagraph 1 by “In the part of the habitat of the woodland caribou, mountain ecotype, Gaspésie population, located outside the limits of the Parc national de la Gaspésie”;

(2) by striking out “shown in Schedule 1” in subparagraph 4.

5. The Regulation is amended by replacing the expression “Gaspésie caribou population” wherever it appears by “woodland caribou, mountain ecotype, Gaspésie population”.

6. Schedule 1 is revoked.

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

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