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**DU Québec**

Part

**2**

No. 35

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**Laws and Regulations**

Volume 145

**Summary**

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### Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
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**PROVINCE OF QUÉBEC**

1ST SESSION

40TH LEGISLATURE

QUÉBEC, 23 MAY 2013

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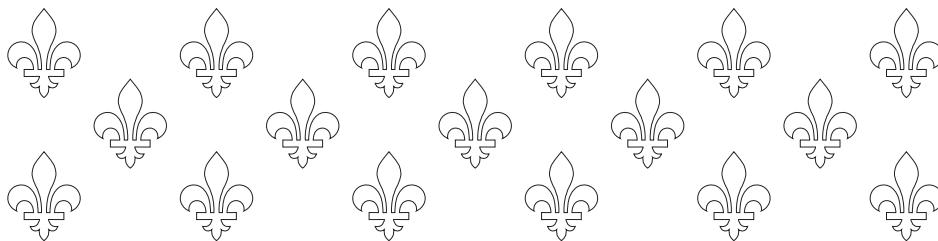
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 23 May 2013*

This day, at thirty-three minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 22 An Act to amend the Crime Victims Compensation Act, the Act to promote good citizenship and certain provisions of the Civil Code concerning prescription (*modified title*)
- 32 An Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 22  
(2013, chapter 8)

**An Act to amend the Crime Victims  
Compensation Act, the Act to promote  
good citizenship and certain provisions  
of the Civil Code concerning  
prescription**

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**Introduced 21 February 2013  
Passed in principle 16 April 2013  
Passed 22 May 2013  
Assented to 23 May 2013**

## EXPLANATORY NOTES

*This Act amends the Crime Victims Compensation Act to provide that the costs for cleaning a crime scene may be paid back in accordance with the conditions prescribed. It also provides for the payment of certain expenses incurred for the resiliation of a residential lease, in the case of a victim of spousal violence or sexual aggression, or for the reimbursement of certain expenses incurred by the victim of crime in vacating a dwelling if the victim must pay rent for another dwelling as well, and the victim's relocation is required to facilitate rehabilitation.*

*It also extends the time in which to file an application for compensation from one year to two years and specifies that the occurrence of the injury, which serves as the starting point of the two-year period, is the moment the victim becomes aware of the damage suffered and of its probable connection with the criminal offence.*

*It also raises the amount of the lump sum indemnity to which the parents of a dependent child are entitled, if the child dies, as well as the amount that may be reimbursed to the person who paid for a victim's funeral expenses.*

*It also amends the Act to promote good citizenship to increase the time limit for applying for a benefit from one to two years and to raise the amount granted to cover a rescuer's funeral expenses.*

*In addition, this Act amends the Civil Code by extending the prescriptive period from three years to ten years in cases of civil liability where the act causing bodily injury could constitute a criminal offence. The prescriptive period is of 30 years when the injury results from a sexual aggression, violent behaviour suffered during childhood, or the violent behaviour of a spouse or former spouse. If the victim or the author of the act dies, the prescriptive period is reduced to three years and runs from the date of death.*

*This Act states the time from which the prescriptive period in such cases runs by setting it clearly, not from the time of the criminal act, but from the time the victim becomes aware that the injury suffered is attributable to that act. The prescriptive period applicable to these same actions does not run against a minor or a person of full age under curatorship or tutorship.*



*Lastly, this Act contains transitional and final provisions.*

**LEGISLATION AMENDED BY THIS ACT:**

- Civil Code of Québec;
- Act to promote good citizenship (chapter C-20);
- Crime Victims Compensation Act (chapter I-6).



## Bill 22

### AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT, THE ACT TO PROMOTE GOOD CITIZENSHIP AND CERTAIN PROVISIONS OF THE CIVIL CODE CONCERNING PRESCRIPTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CRIME VICTIMS COMPENSATION ACT

**1.** Section 1 of the Crime Victims Compensation Act (chapter I-6) is amended by replacing “the person referred to in section 6” in paragraph *c* by “the persons referred to in sections 6 and 6.1”.

**2.** Section 6 of the Act is amended

(1) by replacing “Notwithstanding section 2, the person who” at the beginning of the first paragraph by “Despite section 2, a natural person who”;

(2) by replacing “\$3,000” in the first paragraph by “\$5,000”;

(3) by adding the following sentence at the end of the second paragraph: “The Minister publishes the indemnity amount so revalorized in the *Gazette officielle du Québec*.”

**3.** The Act is amended by inserting the following sections after section 6:

**“6.1.** Despite section 2, the costs for cleaning the crime scene in a private residence are paid back by the Commission to the natural person who assumed them, if the victim died following the crime and the services of a specialized cleaning firm were required.

The cleaning costs are paid up to an amount of \$3,200, revalorized on 1 January of each year in accordance with sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the indemnity amount so revalorized in the *Gazette officielle du Québec*.

**“6.2.** The costs incurred under article 1974.1 of the Civil Code for the resiliation of a residential lease are paid by the Commission up to the equivalent of two months’ rent, without exceeding \$1,000 per month.

The maximum amount referred to in the first paragraph is revalorized on 1 January of each year in accordance with sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the indemnity amount so revalorized in the *Gazette officielle du Québec*.

**“6.3.** The rental costs incurred by the victim of a criminal offence listed in the schedule to this Act in vacating a dwelling otherwise than pursuant to article 1974.1 of the Civil Code may be paid by the Commission up to the equivalent of three months’ rent if the victim must pay rent for another dwelling as well, and the victim’s relocation is required to facilitate rehabilitation.”

**4.** Section 7 of the Act is replaced by the following section:

**“7.** Despite section 2, the father and mother of a dependent person may invoke this Act to obtain an indemnity of \$6,000 each if the person died in circumstances to which this Act applies.

However, only one of the parents is entitled to an indemnity of \$12,000 in the following cases:

- (1) that parent is the only parent who may claim benefits under this Act;
- (2) the other parent is deprived of parental authority or has abandoned the dependent person.

If one of the parents entitled to the indemnity fails to submit a claim within the time prescribed in section 11, the Commission pays an additional indemnity of \$6,000 to the other parent provided that person submitted a claim within the required time.

The indemnity amounts referred to in this section are revalorized on 1 January of each year in accordance with sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the indemnity amounts so revalorized in the *Gazette officielle du Québec*.”

**5.** Section 11 of the Act is amended

- (1) by replacing “one year” in the first paragraph by “two years”;
- (2) by inserting the following paragraph after the first paragraph:

“For the purposes of the first paragraph, the occurrence of an injury is the moment the victim becomes aware of the damage suffered and of its probable connection with the criminal offence.”;

(3) by adding the following sentence at the end of the second paragraph: “This presumption may be rebutted if, among other things, it is shown that it was impossible for the victim to act.”

#### CIVIL CODE OF QUÉBEC

**6.** Article 2905 of the Civil Code of Québec is amended by replacing the second paragraph by the following paragraph:

“Nor does it run against a minor or a person of full age under curatorship or tutorship with respect to remedies they may have against their representative or against the person entrusted with their custody, or with respect to remedies they may have against any person for bodily injury resulting from an act which could constitute a criminal offence.”

**7.** The Code is amended by inserting the following article after article 2926:

**“2926.1.** An action in damages for bodily injury resulting from an act which could constitute a criminal offence is prescribed by 10 years from the date the victim becomes aware that the injury suffered is attributable to that act. However, the prescriptive period is 30 years if the injury results from a sexual aggression, violent behaviour suffered during childhood, or the violent behaviour of a spouse or former spouse.

If the victim or the author of the act dies, the prescriptive period, if not already expired, is reduced to three years and runs from the date of death.”

**8.** Article 2930 of the Code is replaced by the following article:

**“2930.** Notwithstanding any provision to the contrary, where an action is based on the obligation to make reparation for bodily injury caused to another, the requirement that notice be given prior to bringing the action or that the action be instituted within a period of less than 3 years, 10 years or 30 years, as the case may be, cannot affect a prescriptive period provided for in this Book.”

#### ACT TO PROMOTE GOOD CITIZENSHIP

**9.** Section 2 of the Act to promote good citizenship (chapter C-20) is amended

(1) by replacing “The person” at the beginning of the second paragraph by “A natural person”;

(2) by replacing “\$600” in the second paragraph by “\$5,000”;

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

“The amount set out in the second paragraph for the reimbursement of funeral expenses is revalorized on 1 January of each year in accordance with

sections 119 to 123 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001). The Minister publishes the amount of the revalorized indemnity in the *Gazette officielle du Québec*.”

**10.** Section 3 of the Act is amended by replacing “one year” wherever it appears in the first paragraph by “two years”.

#### TRANSITIONAL AND FINAL PROVISIONS

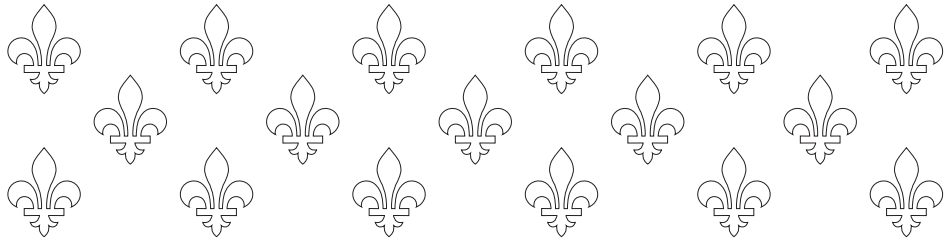
**11.** Section 5 of this Act applies in respect of a person who, on or after 23 May 2013, becomes a crime victim within the meaning of section 3 of the Crime Victims Compensation Act (chapter I-6).

**12.** Suspension of prescription provided for in article 2905 of the Civil Code of Québec, enacted by section 6, applies to existing juridical situations only as of the coming into force of section 6.

**13.** The prescriptive periods provided for in article 2926.1 of the Civil Code, enacted by section 7, apply to existing juridical situations taking into account the time already elapsed.

The provisions of article 2926.1 of the Civil Code concerning the starting point of prescriptive periods are declaratory.

**14.** This Act comes into force on 23 May 2013.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 32  
(2013, chapter 9)

**An Act to amend the Act respecting the  
Pension Plan of Peace Officers in  
Correctional Services and other  
legislative provisions**

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**Introduced 21 March 2013  
Passed in principle 17 April 2013  
Passed 22 May 2013  
Assented to 23 May 2013**

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**Québec Official Publisher  
2013**

## EXPLANATORY NOTES

*This Act amends the Act respecting the Pension Plan of Peace Officers in Correctional Services with respect to the financing and governance structure of the pension plan established by that Act. More specifically, the amendments deal with the creation, at the Caisse de dépôt et placement du Québec, of the employees' contribution fund under the plan and the employers' contributory fund, the creation of a pension committee, the modification of the apportionment of the cost of the plan and the possibility of revising annually the basic rate of contribution applicable to the plan.*

*The Act respecting the Commission administrative des régimes de retraite et d'assurances is amended to provide for the manner in which the administrative expenses related to the plan are paid.*

*Lastly, various consequential and transitional amendments are introduced.*

## LEGISLATION AMENDED BY THIS ACT:

- Public Administration Act (chapter A-6.01);
- Act respecting the Caisse de dépôt et placement du Québec (chapter C-2);
- Act respecting the Commission administrative des régimes de retraite et d'assurances (chapter C-32.1.2);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).



## **Bill 32**

### **AN ACT TO AMEND THE ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES AND OTHER LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

**1.** Section 20 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) is amended

(1) by replacing “185.19%” in the second paragraph by “217.39%”;

(2) by replacing “section 42 and” in the second paragraph by “section 42, 100% of which represents the employee contribution and 117.39% of which represents the employer contribution, and an amount equal to”.

**2.** Section 26 of the Act is amended

(1) by replacing “determined for each period in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the fourth paragraph by “given for each period in Schedule III”;

(2) by replacing “determined in Schedule VII” in the fourth paragraph by “determined in Schedule III”.

**3.** Section 29 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the third paragraph by “Schedule II”.

**4.** Section 30 of the Act is amended by replacing “Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second paragraph by “Schedule III”.

**5.** Section 33 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second paragraph by “Schedule II”.

**6.** Section 34 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan to the date the application is received at the Commission and at the rate determined in

Schedule VII to that Act” in the second paragraph by “Schedule II to this Act to the date the application is received at the Commission and at the rate determined in Schedule III”.

**7.** Section 36 of the Act is amended

(1) by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second paragraph by “Schedule II to this Act”;

(2) by replacing “Schedule VII to that Act” in the second paragraph by “Schedule III”.

**8.** Section 40 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act” in the fourth paragraph by “Schedule II to this Act to the date the application is received at the Commission and at the rate determined in Schedule III”.

**9.** Section 41 of the Act is amended by replacing “Schedule VI to that Act to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act” in the second paragraph by “Schedule II to this Act to the date the application is received at the Commission and at the rate determined in Schedule III”.

**10.** Section 41.8 of the Act is amended

(1) by replacing “determined for each period in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the first day of the month following the date on which the actuarial values are established to the date the transfer application is received at the Commission, and at the rate determined in Schedule VII” in the third paragraph by “given for each period in Schedule III from the first day of the month following the date on which the actuarial values are established to the date the transfer application is received at the Commission, and at the rate determined in that Schedule III”;

(2) by replacing “determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan” in the fourth paragraph by “given in Schedule III”.

**11.** Section 41.12 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the third paragraph by “Schedule II”.

**12.** The Act is amended by inserting the following section after section 43.3:

**“43.4.** The Minister of Finance shall determine the amounts that could, from year to year and at prescribed periods, be capitalized to take into account undertakings or guarantees of the Government with respect to this Act. The amounts so capitalized are drawn from the Consolidated Revenue Fund.”

**13.** Section 66.2 of the Act is repealed.

**14.** Section 66.6 of the Act is repealed.

**15.** Section 66.7 of the Act is amended by replacing “sections 66.5 and 66.6” at the end of the first paragraph by “section 66.5”.

**16.** Section 67 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date the application is received at the Commission and at the rate determined in Schedule VII to that Act” in the first paragraph by “Schedule II to the date the application is received at the Commission and at the rate determined in Schedule III”.

**17.** Section 70 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date of death and at the rate determined in Schedule VII to that Act” by “Schedule II until the date of death and at the rate determined in Schedule III”.

**18.** Section 70.1 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) until the date of death and at the rate determined in Schedule VII to that Act” by “Schedule II until the date of death and at the rate determined in Schedule III”.

**19.** Section 72 of the Act is amended by replacing the first paragraph by the following paragraph:

**“72.** Subject to section 73, contributions are refunded with interest, compounded annually, at the rates given for each period in Schedule II to the date determined in each of the relevant sections and at the rate determined in Schedule III, in force on that date, unless otherwise provided, from the day following that date. Contributions accrued with interest during the period of application of the rates determined in Schedule II may not be less than the contributions.”

**20.** Section 74 of the Act is amended

(1) by replacing “Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the first paragraph by “Schedule III”;

(2) by replacing “Schedule VI to that Act” at the end of the first paragraph by “Schedule II”.

**21.** Section 74.0.1 of the Act is amended

(1) by replacing “determined for each period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the first paragraph by “given for each period in Schedule II”;

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

“The rates of interest in Schedule II are determined according to the rules and procedures determined by regulation for the period indicated and the rates of return on certain categories of amounts referred to in section 134 and designated by the regulation. The rates of interest in Schedule III are determined according to the rules and procedures determined by regulation for the period indicated and an external index designated by the regulation. The Chair of the Conseil du trésor publishes in the *Gazette officielle du Québec* the rates of interest determined under those regulations, and the amendments to the schedules resulting from the new rates are integrated into the Compilation of Québec Laws and Regulations.

The applicable rates determined in Schedule II are the rates determined for each period according to the period of application of those rates provided for in the relevant sections. The applicable rate determined in Schedule III is the rate in force on the day that precedes the date the period of application of that rate begins as provided in the relevant sections, unless otherwise provided.”

**22.** Section 74.1 of the Act is amended by replacing “Schedule VII to the Act respecting the Government and Public Employees Retirement Plan” in the third paragraph by “Schedule III”.

**23.** Section 74.6 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) from the date the refund is paid to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act” in the first paragraph by “Schedule II from the date the refund is paid to the date the application is received at the Commission and at the rate determined in Schedule III”.

**24.** Section 74.7 of the Act is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of this plan during that year to the date the application is received at the Commission and at the rate determined in Schedule VII to that Act” in the first paragraph by “Schedule II, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of this plan during that year to the date the application is received at the Commission and at the rate determined in Schedule III”.

**25.** Section 126 of the Act is replaced by the following section:

**“126.** Once every three years, the pension committee established under section 139.3 shall require the Commission to cause an actuarial valuation of the plan to be prepared by the actuaries designated by the Commission. If no such request is made, the Commission shall cause the actuarial valuation to be prepared if more than three years have elapsed since the last valuation.

The committee shall send the actuarial valuation to the Minister within 90 days after receiving it.

The committee may request an independent actuary to report, within 30 days of his or her appointment, on the validity of the assumptions used for the actuarial valuation. In such a case, the committee shall send the report and the actuarial valuation to the Minister within 90 days after receiving the report.”

**26.** Section 127 of the Act is amended by replacing the first paragraph by the following paragraph:

**“127.** For the years of service subsequent to 2012, the cost of the plan is shared in the proportion of 46% for the employees and 54% for the employer.”

**27.** Section 128 of the Act is replaced by the following section:

**“128.** The Government may, by regulation, revise the rate of contribution applicable to the plan from 1 January of each year on the basis of the result of the actuarial valuation referred to in the first paragraph of section 126.”

**28.** Section 130 of the Act is amended

(1) by replacing “The Government” in the introductory clause by “After the Commission has consulted the pension committee established under section 139.3, the Government”;

(2) by inserting the following paragraph after paragraph 7.3.1:

“(7.3.1.1) for the purposes of section 74.0.1, determine for a given period the rules and procedures for determining the rates of interest in Schedule II according to the rates of return on certain categories of amounts referred to in section 134 and designated by the regulation, and the rules and procedures for determining the rates of interest in Schedule III according to an external index designated by the regulation;”;

(3) by replacing “contribution rates” in paragraph 9 by “contribution rate”;

(4) by striking out paragraph 12;

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

“For the purposes of the consultation provided for in the first paragraph, draft regulations must be submitted to the pension committee at least 30 days before they are adopted, together with a report describing their effects.”

**29.** The heading of Chapter VIII of the Act is amended by replacing “TRANSFER OF FUNDS” by “FUNDS OF THE PLAN”.

**30.** Section 132.1 of the Act is amended by replacing “reexamination committee or” in the fourth paragraph by “pension committee established under section 139.3 or an”.

**31.** Section 132.1.1 of the Act is amended

(1) by striking out “to the Commission” in the first sentence of the first paragraph;

(2) by replacing “review committee or” in the first paragraph by “pension committee established under section 139.3 or the”;

(3) by replacing “provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second paragraph by “given in Schedule III”.

**32.** The Act is amended by inserting the following division after section 133:

**“DIVISION I.1**

**“FUNDS OF THE PLAN**

**“§1. — *Investment of funds***

**“133.1.** The employees’ contribution fund under this plan is established at the Caisse de dépôt et placement du Québec. The employers’ contributory fund in respect of employees covered by this plan is also established at the Caisse.”

**33.** Section 134 of the Act is replaced by the following sections:

**“134.** The Commission shall deposit into the funds established under section 133.1

(1) the funds derived from the contributions deducted from the salary of the employees or paid in their stead by the employer or the insurer;

(2) the sums paid by the employees to redeem service;

(3) the funds transferred to the Commission under agreements respecting this plan and entered into under section 133;

(4) the contributory amounts paid by the employers under sections 42.2 to 43.1; and

(5) the sums paid by the insurer under section 20.

The funds derived from the contributions deducted from the salary of the employees under the third paragraph of section 42 are deposited into the employers' contributory fund.

However, the Commission shall, according to the standards determined by the Government, withhold the part of those amounts it expects to need immediately for the payments it is required to make during the period determined by the Government.

“§2. — *Terms and conditions of the payment of benefits*

“**134.1.** The payment of benefits due as pensions, pension credits, refunds or additional benefit and the payment of the sums necessary in respect of transfers are made by the Commission.

The sums necessary for such payments are taken, first, out of the sums withheld by the Commission under section 134, and thereafter, out of the sums paid to the Caisse de dépôt et placement du Québec,

(1) in a proportion of 54% out of the employees' contribution fund and 46% out of the employers' contributory fund for the years of service prior to 1 January 2013; and

(2) in a proportion of 46% out of the employees' contribution fund and 54% out of the employers' contributory fund for the years of service subsequent to 31 December 2012.

“**134.2.** Despite section 134.1, the sums necessary for the payment of a pension credit acquired under section 41.1 are taken out of the Consolidated Revenue Fund.

“**134.3.** Despite section 134.1, the sums necessary for the payment of the supplementary benefits due as a pension, provided for in section 66.4, are taken out of the employees' contribution fund at the Caisse de dépôt et placement du Québec.

“**134.4.** If the employers' contributory fund is exhausted, the sums necessary for the payments referred to in section 134.1 are taken, first, out of the funds capitalized under section 43.4 and, thereafter, out of the Consolidated Revenue Fund.”

**34.** Section 135 of the Act is amended by replacing “Consolidated Revenue Fund” in the first paragraph by “employees' contribution fund under this plan at the Caisse de dépôt et placement du Québec”.

**35.** Section 136 of the Act is amended

(1) by replacing “consolidated revenue fund” in the first paragraph by “relevant funds under this plan, at the Caisse de dépôt et placement du Québec”;

(2) by striking out “to the consolidated revenue fund” in the second paragraph;

(3) by adding the following sentence at the end of the second paragraph: “The sums are paid to the Caisse, into the funds and in the proportions determined under the second paragraph of section 134.1.”

**36.** Section 137 of the Act is amended by inserting “taken out of the relevant funds at the Caisse de dépôt et placement du Québec according to the procedure for the payment of benefits contained in Division I.1 of Chapter VIII, to be” after “The sums are” in the second sentence of the second paragraph.

**37.** Section 139 of the Act is amended

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

“**139.** When the transfer of years and parts of a year of service is cancelled under section 25, the Commission must transfer the sums that were initially deposited in the Caisse de dépôt et placement du Québec in accordance with sections 138 and 138.1, as they read before 1 January 2005, into the relevant funds of this plan at the Caisse as though sections 138 and 138.1 had not applied. These sums bear interest in accordance with the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel from the date they were initially deposited until the date they are transferred. The sums are paid to the Caisse, into the funds and in the proportions determined under the second paragraph of section 134.1.”;

(2) by replacing everything after “1 January 2005,” in the second paragraph by “and that were transferred into the relevant funds of this plan at the Caisse de dépôt et placement du Québec as though sections 135 to 136.1 had not applied. These sums bear interest in accordance with this plan from the date they were initially deposited until the date they are deposited in the Caisse de dépôt et placement du Québec.”

**38.** Section 139.1 of the Act is amended

(1) by replacing “Except in the case of an officer who has sent the Commission a notice under section 67.1 of the Police Act (chapter P-13.1), with” at the beginning of the first paragraph by “With”;

(2) by striking out “after 31 December 2006” in the first paragraph;

(3) by replacing “Consolidated Revenue Fund” in the first paragraph by “Caisse de dépôt et placement du Québec”;



(4) by striking out “ in the Consolidated Revenue Fund” in the second paragraph;

(5) by adding the following sentence at the end of the second paragraph: “The sums are paid to the Caisse, into the funds and in the proportions determined under the second paragraph of section 134.1.”

**39.** Section 139.2 of the Act is amended

(1) by replacing “Except in the case of an officer who has sent the Commission a notice under section 67.1 of the Police Act (chapter P-13.1), with” at the beginning of the first paragraph by “With”;

(2) by striking out “after 31 December 2006” in the first paragraph;

(3) by adding the following sentence at the end of the second paragraph: “The sums are taken out of the relevant funds at the Caisse de dépôt et placement du Québec according to the procedure for the payment of benefits contained in Division I.1 of Chapter VIII.”

**40.** The Act is amended by inserting the following chapter after section 139.2:

**“CHAPTER VIII.1**

**“PENSION COMMITTEE**

**“139.3.** The pension committee of the Pension Plan of Peace Officers in Correctional Services is hereby established.

**“139.4.** The pension committee is composed of a chair and 10 other members appointed by the Government for a term of up to three years, as follows:

(1) five members representing the employees and pensioners, including

(a) three from the Syndicat des agents de la paix en services correctionnels du Québec, appointed after consultation with the Syndicat;

(b) one person referred to in paragraph 3 of section 1, appointed after consultation with the associations and groups representing those employees; and

(c) one pensioner under the Pension Plan of Peace Officers in Correctional Services, appointed after consultation with the unions, associations and groups representing the employees under the plan; and

(2) five members representing the Government.

The chair of the committee is appointed by the Government, for a term not exceeding three years, after consultation with the committee members. The chair of the committee must be independent and sections 12 to 18 of the Act respecting the Commission administrative des régimes de retraite et d'assurances (chapter C-32.1.2) apply to the chair, with the necessary modifications.

**“139.5.** The functions of the committee include

(1) reexamining, on request, the decisions made by the Commission in respect of employees and beneficiaries under the plan;

(2) determining the conditions of implementation of the agreements entered into if no such conditions have been determined, to the extent that the costs of those conditions are consistent with the Commission's budget;

(3) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of funds derived from contributions paid by employees under the plan;

(4) approving the financial statements of the pension plan within 30 days after the recommendation of the audit committee of the Commission's board of directors;

(5) receiving for examination the Commission's annual action plan for the pension plan, and reporting on it to the Commission;

(6) receiving for examination the actuarial valuation for the plan and requesting from the Commission any additional information it considers relevant;

(7) recommending to the Minister the contribution rates applicable;

(8) recommending to the Government the adoption of regulations related to the pension plan; and

(9) establishing a financing policy with respect to the employees' contribution fund under the plan.

For the purposes of subparagraph 4 of the first paragraph, the financial statements of the plan must be signed by two members of the committee, one from the Syndicat des agents de la paix en services correctionnels du Québec and the other representing the Government. If the financial statements are not approved by the committee within the time prescribed in that subparagraph, the Commission's board of directors is responsible for approving them.

**“139.6.** The committee may request that the Commission carry out studies on the administration of the plan.

The committee may also request that the Commission provide additional services to employees and beneficiaries under the plan and determine the manner in which the resulting administrative expenses are to be shared by the employees and the Government, without more than 54% of those expenses being borne by the Government.

**“139.7.** The committee may, within the scope of its functions, commission independent studies and hire the services of an independent actuary, particularly to obtain a report for the purposes of the third paragraph of section 126.

The fees and expenses of the independent actuary are to be paid by the Commission. The cost of commissioning independent studies is shared according to the apportionment of the cost of the plan.

**“139.8.** The committee may make recommendations on the application of the plan to the Government, to the associations representing the employees covered by the plan, to the Commission and to the Minister.

**“139.9.** At the expiry of their term, the members of the committee remain in office until they are replaced or reappointed.

A vacancy occurring during a term of office is filled in the manner prescribed for appointing the member to be replaced.

**“139.10.** If the chair of the committee is absent or unable to act, the chair of the pension committee established under section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) replaces the chair of the committee temporarily.

**“139.11.** The members of the committee, other than the chair, are not remunerated.

However, the members of the committee are entitled, according to the standards established by the Government, to an attendance allowance and to the reimbursement of justifiable expenses incurred in the exercise of their functions. The Government determines the remuneration of the chair.

**“139.12.** Each member of the committee is entitled to one vote. The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning

- (1) additional services requested by the pension committee under the second paragraph of section 139.6;
- (2) a mandate to be given to a consultant hired to advise the committee;
- (3) the approval of the financial statements of the plan; or

(4) any matter entailing an increase in the cost of the plan or a budget overrun for the Commission.

In addition, any decision of the pension committee concerning the investment policy, the financing policy, the regulations, including the rates of interest applicable, or the selection of the chair must be made by a majority of the members present, including two members from the Syndicat des agents de la paix en services correctionnels du Québec.

“**139.13.** The secretary of the Commission is secretary of the committee by virtue of office.

“**139.14.** The committee may make by-laws.

The by-laws only come into force after being approved by the Government.

“**139.15.** The minutes of the sittings of the committee, approved by it and certified by the chair, the secretary or any other person authorized to do so by the committee, are authentic.

Similarly, documents or copies emanating from the committee are authentic, if certified in the same manner.

“**139.16.** The committee may delegate all or part of its powers under subparagraphs 1 and 3 of the first paragraph of section 139.5 to subcommittees.

A subcommittee to which the powers under subparagraph 1 of the first paragraph of section 139.5 are delegated is composed of four persons appointed by the committee, including two from the unions or associations representing the employees, on the recommendation of the union or association concerned. The committee may, in the same manner, appoint a substitute for each of these members, to replace them whenever they are absent or unable to act. Other terms respecting the composition of this subcommittee may be provided in a by-law.

A subcommittee to which the powers under subparagraph 3 of the first paragraph of section 139.5 are delegated is composed of two persons representing the Government and two persons representing the employees and beneficiaries covered by the plan, one of whom must be recommended by the Syndicat des agents de la paix en services correctionnels du Québec.

“**139.17.** The president and chief executive officer, the vice-presidents and the employees of the Commission may not sit on the committee.

“**139.18.** No proceedings may be brought against the pension committee, its subcommittees or their members by reason of an omission made or an act performed in good faith in the exercise of their functions.”

**41.** Section 140 of the Act is amended by replacing “to the Commission for a review of any decision rendered by it” in the first paragraph by “to the pension committee for a review of any decision rendered by the Commission”.

**42.** Section 141 of the Act is repealed.

**43.** Section 142 of the Act is amended

(1) by replacing “review committee” in the first and fourth paragraphs by “pension committee”;

(2) by replacing “comité” in the second sentence of the fourth paragraph in the French text by “Comité”.

**44.** Section 143 of the Act is amended by replacing “review committee” by “pension committee”.

**45.** Section 143.4 of the Act is amended

(1) by replacing “determined for each period in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in subparagraph 2 of the second paragraph by “given for each period in Schedule III”;

(2) by replacing “determined for each period in Schedule VI to that Act” in subparagraph 3 of the second paragraph by “given for each period in Schedule II”;

(3) by replacing “Schedule VII to the Act respecting the Government and Public Employees Retirement Plan” in the fourth paragraph by “Schedule III”.

**46.** Section 143.28 of the Act is amended by replacing “to the Consolidated Revenue Fund are deposited in that fund” in the last sentence by “are paid into the relevant funds of the plan at the Caisse de dépôt et placement du Québec”.

**47.** Section 147.5 of the Act is amended by replacing “provided for in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” at the end by “given in Schedule III”.

**48.** The Act is amended by adding the following schedules after Schedule I:

“SCHEDULE II  
“(Section 74.0.1)

“INTEREST RATES BASED ON THE RATES OF RETURN

“I. INTEREST RATES APPLICABLE UNTIL 31 MAY 2014 BASED ON  
THE RATES OF RETURN ON CERTAIN FUNDS OF THE  
GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

Rate	Period
7.25%	1 July 1973 to 31 March 1975
9.04%	1 April 1975 to 30 April 1976
9.19%	1 May 1976 to 30 April 1977
9.62%	1 May 1977 to 30 April 1978
8.88%	1 May 1978 to 30 April 1979
9.47%	1 May 1979 to 30 April 1980
11.38%	1 May 1980 to 30 June 1981
10.61%	1 July 1981 to 30 April 1982
12.60%	1 May 1982 to 30 April 1983
11.02%	1 May 1983 to 30 April 1984
10.97%	1 May 1984 to 30 April 1985
10.81%	1 May 1985 to 30 April 1986
12.74%	1 May 1986 to 30 April 1987
12.78%	1 May 1987 to 30 April 1988
12.35%	1 May 1988 to 30 April 1989
9.33%	1 May 1989 to 31 July 1990
12.01%	1 August 1990 to 31 July 1991
7.92%	1 August 1991 to 31 July 1992
9.48%	1 August 1992 to 31 July 1993
7.22%	1 August 1993 to 31 July 1994

9.75%	1 August 1994 to 31 July 1995
7.05%	1 August 1995 to 31 July 1996
8.60%	1 August 1996 to 31 July 1997
12.15%	1 August 1997 to 31 July 1998
14.92%	1 August 1998 to 31 July 1999
14.30%	1 August 1999 to 31 July 2000
12.54%	1 August 2000 to 31 July 2001
21.00%	1 August 2001 to 31 July 2002
4.45%	1 August 2002 to 31 July 2003
-2.57%	1 August 2003 to 31 July 2004
-0.19%	1 August 2004 to 31 May 2005
5.20%	1 June 2005 to 31 May 2006
13.20%	1 June 2006 to 31 May 2007
12.95%	1 June 2007 to 31 May 2008
10.72%	1 June 2008 to 31 May 2009
-3.94%	1 June 2009 to 31 May 2010
-4.78%	1 June 2010 to 31 May 2011
-2.33%	1 June 2011 to 31 May 2012
9.09%	as of 1 June 2012

**“II. INTEREST RATES APPLICABLE AS OF 1 JUNE 2014  
BASED ON THE RATE OF RETURN ON THE EMPLOYEES’  
CONTRIBUTION FUND**

Rate	Period
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“SCHEDULE III  
“(Section 74.0.1)

“INTEREST RATES BASED ON AN EXTERNAL INDEX

Rate	Period
5.34%	1 June 2001 to 31 July 2002
4.60%	1 August 2002 to 31 July 2003
3.50%	1 August 2003 to 31 July 2004
4.01%	1 August 2004 to 31 May 2005
3.67%	1 June 2005 to 31 May 2006
3.50%	1 June 2006 to 31 May 2007
4.10%	1 June 2007 to 31 May 2008
4.21%	1 June 2008 to 31 May 2009
2.96%	1 June 2009 to 31 May 2010
2.15%	1 June 2010 to 31 May 2011
2.21%	1 June 2011 to 31 May 2012
1.85%	1 June 2012 to 31 May 2013
1.30%	1 June 2013 to 31 May 2014”.

PUBLIC ADMINISTRATION ACT

**49.** Section 40 of the Public Administration Act (chapter A-6.01) is amended by striking out paragraph 1.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

**50.** Section 20 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) the Pension Plan of Peace Officers in Correctional Services established by the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the Pension Plan of Elected Municipal Officers established by the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3),



the Government and Public Employees Retirement Plan established by the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Pension Plan of Management Personnel established by the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) and the Superannuation Plan for the Members of the Sûreté du Québec established under the Act respecting the Syndical Plan of the Sûreté du Québec (chapter R-14).”

**51.** Section 21 of the Act is amended by replacing “of the plan contemplated by paragraph *c* of the said section, taking into account the general standards, if they have been prescribed, made by the pension committee in respect of the funds referred to in paragraph 2 of section 165 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” by “of the plans contemplated by subparagraph *c* of the first paragraph of that section, taking into account their respective investment policies established jointly by the pension committees and the Caisse for the funds of those plans”.

#### ACT RESPECTING THE COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D’ASSURANCES

**52.** The Act respecting the Commission administrative des régimes de retraite et d’assurances (chapter C-32.1.2) is amended by inserting the following section after section 59:

**“59.1.** The sums required to cover the administrative expenses related to the Pension Plan of Peace Officers in Correctional Services are taken

(1) in a proportion of 46% out of the employees’ contribution fund under the plan, at the Caisse de dépôt et placement du Québec; and

(2) in a proportion of 54% out of the employers’ contributory fund under the plan, at the Caisse de dépôt et placement du Québec, and then in accordance with section 134.4 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2).

However, the sums required to cover the expenses related to additional services offered to employees and beneficiaries under the plan are taken in the proportions determined by the pension committee in its request.

In addition, the sums required to cover the administrative expenses related to the development of the Commission’s information resources project entitled “Renouvellement et intégration des systèmes essentiels” are taken in full out of the Consolidated Revenue Fund.

The sums taken out of the Consolidated Revenue Fund are deemed to be contributions by the Government as employer with respect to that plan.”

**53.** Section 61 of the Act is amended by inserting “the Pension Plan of Peace Officers in Correctional Services,” after “Personnel,” in the first paragraph.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES  
RETIREMENT PLAN

**54.** Section 134 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing subparagraph 22.4 of the first paragraph by the following subparagraph:

“(22.4) for the purposes of section 217, determine for a given period the rules and procedures for determining the rates of interest in Schedule VI according to the rates of return on certain categories of amounts referred to in section 127 and designated by the regulation, and the rules and procedures for determining the rate of interest in Schedule VII according to an external index also designated by the regulation;”.

**55.** Section 191 of the Act is amended by inserting “, section 72 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2)” after “of this Act” in the last sentence of the second paragraph.

**56.** Section 214 of the Act is amended by replacing “section 163 of this Act and 196.2” in the first paragraph by “section 163 of this Act, section 139.3 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) and section 196.2”.

**57.** Section 217 of the Act is amended by replacing the first and second paragraphs by the following paragraph:

“**217.** For the purposes of this Act and unless otherwise provided, the word “interest” used alone refers to interest compounded annually at the rates given for each period in Schedule VI. The rates of interest in Schedule VI are determined according to the rules and procedures determined by regulation for the period indicated and the rates of return on certain categories of amounts referred to in section 127 and designated by the regulation. The rates of interest in Schedule VII are determined according to the rules and procedures determined by regulation for the period indicated and an external index designated by the regulation. The Chair of the Conseil du trésor publishes in the *Gazette officielle du Québec* the rates of interest determined under those regulations, and the amendments to the schedules resulting from the new rates are integrated into the Compilation of Québec Laws and Regulations.”

**58.** Section 220 of the Act is amended by replacing “III, III.1, VI and VII” in the first paragraph by “III and III.1”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT  
PERSONNEL

**59.** Section 196 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing subparagraph 23.1 of the first paragraph by the following subparagraph:

“(23.1) for the purposes of section 204, determine for a given period the rules and procedures for determining the rates of interest in Schedule VII according to the rates of return on certain categories of amounts referred to in section 177 and designated by the regulation, and the rules and procedures for determining the rates of interest in Schedule VIII according to an external index designated by the regulation;”.

**60.** Section 196.5 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(7) establishing a financing policy with respect to the employees’ contribution fund under the plan.”

**61.** Section 204 of the Act is amended by replacing the first and second paragraphs by the following paragraph:

“**204.** For the purposes of this Act and unless otherwise provided, the word “interest” used alone refers to interest compounded annually at the rates determined for each period in Schedule VII. The rates of interest in Schedule VII are determined according to the rules and procedures determined by regulation for the period indicated and the rates of return on certain classes of amounts referred to in section 177 and designated by the regulation. The rates of interest in Schedule VIII are determined according to the rules and procedures established by regulation for the period indicated and an external index designated by the regulation. The Chair of the Conseil du trésor publishes in the *Gazette officielle du Québec* the rates of interest determined under those regulations, and the amendments to the schedules resulting from the new rates are integrated into the Compilation of Québec Laws and Regulations.”

**62.** Section 207 of the Act is amended by replacing “VIII” in the first paragraph by “VI”.

#### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**63.** The sums that were paid into the Consolidated Revenue Fund for the members of the Pension Plan of Peace Officers in Correctional Services and that are entered in the financial statements of that plan as at 31 December 2012 as an asset identified as “Fonds confiés au Fonds consolidé du revenu” are transferred to the employees’ contribution fund under that plan at the Caisse de dépôt et placement du Québec, on the basis of the value entered in those financial statements for that asset.

These sums, excluding the value of the supplementary benefits and excluding the sums representing the interest accrued for the year 2012, are transferred in the following manner:

(1) a first transfer representing 25% of that value as at 31 December 2012, not later than 21 August 2013;

(2) a second transfer representing 25% of that value as at 31 December 2012, not later than 1 July 2014;

(3) a third transfer representing 25% of that value as at 31 December 2012, not later than 1 July 2015; and

(4) a fourth transfer representing 25% of that value as at 31 December 2012, not later than 1 July 2016.

Until the transfer of the sums is completed, the portion of the sums that is not transferred bears interest based on the rate of return on the employees' contribution fund of the Government and Public Employees Retirement Plan, determined according to the cost value. Any interest accrued during the year is transferred to the employees' contribution fund under the Pension Plan of Peace Officers in Correctional Services not later than 1 July of the following year.

The sums representing the interest accrued for the year 2012 and the sums representing the value of the supplementary benefits that are entered in the financial statements of that plan as at 31 December 2012 are transferred to the employees' contribution fund under that plan on 21 August 2013.

Until the transfer of the sums representing the value of the supplementary benefits is completed, they bear interest compounded annually and computed according to the rate of return obtained at the Caisse de dépôt et placement du Québec determined according to the cost value of the employees' contribution fund of the Government and Public Employees Retirement Plan. The interest accrued for the year 2013 with respect to these sums is transferred to the employees' contribution fund under the Pension Plan of Peace Officers in Correctional Services not later than 1 July 2014.

**64.** The rate of interest in Schedule II to the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), for the period from 1 June 2013 to 31 May 2014, corresponds to the rate of interest determined for that period in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10). The Chair of the Conseil du trésor publishes that rate in the *Gazette officielle du Québec* and it is integrated into the Compilation of Québec Laws and Regulations.

**65.** The review committees set up under section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), as it read on 22 May 2013, are deemed to be subcommittees of the pension committee established under that Act to which the pension committee has delegated its powers under subparagraph 1 of the first paragraph of section 139.5 of that Act. The members of the review committees become members of the subcommittees.

**66.** Until a by-law is adopted by the pension committee of the Pension Plan of Peace Officers in Correctional Services and approved by the Government

in accordance with section 139.14 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), section 8.4 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2, r. 1), as it read on 22 May 2013, continues to apply. Moreover, the quorum of each of the subcommittees referred to in section 139.16 of that Act, set up for the purposes of the powers provided for in subparagraph 1 of the first paragraph of section 139.5 of that Act, is four members, and every decision of a subcommittee requires the vote of a majority of its members.

**67.** The chair of the pension committee established under section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) acts as chair of the pension committee established under section 139.3 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) until the Government appoints a chair in accordance with the second paragraph of section 139.4 of that Act.

**68.** Sections 1, 12 to 14, 26, 29, 32 to 39, 46 and 50 to 53 have effect from 1 January 2013.

**69.** This Act comes into force on 23 May 2013, except sections 54, 57 to 59, 61 and 62, which come into force on 1 November 2013.



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## Coming into force of Acts

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Gouvernement du Québec

**O.C. 865-2013, 22 August 2013**

**An Act to promote access to justice in family matters  
(2012, chapter 20)**

— **Coming into force of sections 29 to 41 of the Act**

COMING INTO FORCE of sections 29 to 41 of the Act to promote access to justice in family matters

WHEREAS the Act to promote access to justice in family matters (2012, chapter 20) was assented to on 15 June 2012;

WHEREAS section 57 of the Act provides that the provisions of the Act come into force on the date or dates set by the Government, except sections 43, 44, 52 and 55, which come into force on 15 June 2012;

WHEREAS Order in Council 1033-2012 dated 7 November 2012 set 1 December 2012 as the date of coming into force of sections 46 to 50 and 54 of the Act;

WHEREAS it is expedient to set the date of coming into force of sections 29 to 41 of the Act to promote access to justice in family matters;

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

THAT 18 September 2013 be set as the date of coming into force of sections 29 to 41 of the Act to promote access to justice in family matters (2012, chapter 20).

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 866-2013, 22 August 2013

An Act respecting legal aid and the provision of certain other legal services  
(chapter A-14)

#### Legal aid — Amendment

Regulation to amend the Regulation respecting legal aid

WHEREAS, under subparagraphs *a.7, a.9, b.2, h, h.1, s* and *s.1* of the first paragraph, the second and third paragraphs of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), as amended by section 41 of the Act to promote access to justice in family matters (2012, chapter 20), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting legal aid was published in Part 2 of the *Gazette officielle du Québec* of 3 April 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

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 to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting legal aid

An Act respecting legal aid and the provision of certain other legal services  
(chapter A-14, s. 80, 1st par., subpars. *a.7, b.2, h, h.1* and *s*, and 2nd and 3rd pars.; 2012, chapter 20, s. 41)

**1.** The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 1 by replacing the first paragraph by the following:

“**1.** In this Regulation, the costs of legal aid include all the fees and costs referred to in section 5 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) or, where legal aid is granted for the legal services described in paragraph 1.1 of section 4.7 of the Act, the fees referred to in section 5.1 of the Act in the proportion set out in section 29.2; in all cases, the fees are fixed in accordance with the tariffs applicable under section 83.21 of the Act and, in the case of a recipient to whom section 61.1 of the Act applies, in accordance with any determination made by the Commission des services juridiques under the first paragraph of section 83.12 of the Act; the costs include court fees and the duties payable for services rendered by a registrar; the costs of legal aid also include administrative expenses that are established at \$50 except where legal aid is granted for the legal services described in paragraph 1.1 of section 4.7 of the Act.”.

**2.** Section 26 is replaced by the following:

“**26.** An applicant who meets the conditions of eligibility for contributory legal aid must, to receive a certificate of eligibility, pay administrative expenses of \$50 to the local legal aid centre or bureau where legal aid was applied for, except if the certificate is issued for the legal services described in paragraph 1.1 of section 4.7 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14).”.

**3.** Section 27 is replaced by the following:

“**27.** The recipient is required to pay the contribution exigible to the local legal aid centre or bureau that issued the certificate of eligibility or, where the certificate is issued for the legal services described in paragraph 1.1 of

section 4.7 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), to the local legal aid centre or bureau where the certificate was applied for.”

**4.** The following is added after section 29.1:

**“DIVISION IV.1  
PAYMENT OF THE COSTS OF LEGAL AID  
FOR LEGAL SERVICES DESCRIBED IN  
PARAGRAPH 1.1 OF SECTION 4.7 OF THE ACT  
RESPECTING LEGAL AID AND THE PROVISION  
OF CERTAIN OTHER LEGAL SERVICES**

**29.2.** An applicant who, under the second paragraph of section 4 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), meets the conditions of eligibility for legal aid must, to receive the certificate of eligibility, pay to the local legal aid centre or bureau where the certificate was applied for half the fees referred to in section 5.1 of the Act; where two applicants or more represent the creditor or debtor party in the agreement, half of those fees is to be paid in equal shares by those applicants.”

**5.** The first paragraph of section 31 is replaced by the following:

**“31.** Unless the applicant is eligible under the second paragraph of section 4 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) and declares that he or she is not financially eligible under section 64 of the Act, an applicant must, in the manner prescribed in sections 34 to 34.2, disclose his or her financial situation and that of the other members of the family whose income, liquidities and other assets are considered under this Regulation.”

**6.** The following paragraph is added at the end of section 33:

“Despite the foregoing, where an applicant is eligible under the second paragraph of section 4 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) and declares that he or she is not financially eligible under section 64 of the Act, the application must contain only the applicant’s undertaking referred to in subparagraph 2.1 of the first paragraph.”

**7.** The following is added after section 36:

**“36.1.** An applicant eligible under the second paragraph of section 4 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) must, to be exempt from the obligation to disclose his or

her financial situation and that of his or her family upon making the application, file a duly signed declaration to that effect whereby the applicant waives the assessment of his or her financial eligibility.”

**8.** Section 37.1 is amended

(1) by replacing “For the purposes of this section, an application for legal aid” in the second paragraph by “For the purposes of the first paragraph, an application for legal aid”;

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

“Despite the foregoing, where the certificate is issued for the legal services described in paragraph 1.1 of section 4.7 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the period for which the certificate is issued begins on the date on which the applications for legal aid of all the parties to the agreement are received by a local legal aid centre or bureau and on which the amounts they are required to pay under section 29.2 or the contributions exigible from them are paid in full, subject to, in the latter case, an agreement concluded under the second paragraph of section 29 between the director general and the applicant who meets the conditions of eligibility for contributory legal aid.”

**9.** The following is added after section 37.3:

**“DIVISION V.2  
REIMBURSEMENT OF THE COSTS OF LEGAL AID**

**37.3.1.** Where the withdrawal of legal aid is notified to the parties in accordance with section 4.11.1 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), each of the parties is entitled to the reimbursement of either the contribution exigible from the party, or the amount that the party is required to pay under section 29.2, less half the advocate’s fees set pursuant to section 83.21 of the Act and, if legal aid is withdrawn after the agreement between the parties is filed with the court office, less half the court fees payable under the tariff applicable in civil matters.”

**10.** Section 38 is amended

(1) by striking out “all” in the first paragraph;

(2) by striking out “all” in the third paragraph.

**11.** This Regulation comes into force on 18 September 2013.

2912

**M.D., 2013-17**

**Order number V-1.1-2013-17 of the Minister of Finance and the Economy, August 15, 2013**

Securities Act  
(chapter V-1.1, s. 331.1, subpars. 1, 3, 4.1, 8, 11,  
14 and 34)

CONCERNING the Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure and the Regulation to amend Regulation 81-102 respecting mutual funds

WHEREAS subparagraphs 1, 3, 4.1, 8, 11, 14 and 34 of section 331.1 of the Securities Act (chapter V-1.1) stipulate that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS Regulation 81-101 respecting mutual fund prospectus disclosure was made by the decision no. 2001-C-0283 on June 12, 2001 (Supplément au Bulletin de la Commission des valeurs mobilières du Québec, volume 32, no. 26 of June 29, 2001);

WHEREAS Regulation 81-102 respecting mutual funds was made by the decision no. 2001-C-0209 on May 22, 2001 (Bulletin of the *Commission des valeurs mobilières du Québec*, volume 32, no. 22, of June 1, 2001);

WHEREAS there is cause to amend those regulations;

WHEREAS the draft Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure and the draft Regulation to amend Regulation 81-102 respecting mutual funds were published for a first time in the Bulletin de l'Autorité des marchés financiers, volume 8, no. 32 of August 12, 2011 and a second time in the Bulletin de l'Autorité des marchés financiers, volume 9, no. 25 of June 21, 2012;

WHEREAS the *Autorité des marchés financiers* made, on July 11, 2013, by the decision no. 2013-PDG-0130, Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure and by the decision no. 2013-PDG-0131, Regulation to amend Regulation 81-102 respecting mutual funds;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister of Finance and the Economy approves without amendment the Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure and the Regulation to amend Regulation 81-102 respecting mutual funds appended hereto.

August 15, 2013

NICOLAS MARCEAU,  
*Minister of Finance and the Economy,*

**Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure**

Securities Act  
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (3), (4.1), (8), (11),  
(14) and (34))

**1.** Section 1.1 of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure is amended by inserting, after the definition of the expression “single SP”, the following:

““statutory right of action” means,

- (a) in Alberta, paragraph 206(a) of the Securities Act;
- (b) in British Columbia, section 135 of the Securities Act;
- (c) in Manitoba, section 141.2 of the Securities Act;
- (d) in New Brunswick, section 155 of the Securities Act;
- (e) in Northwest Territories, section 116 of the Securities Act;
- (f) in Nunavut, section 116 of the Securities Act;
- (g) in Saskatchewan, section 141(2) of The Securities Act, 1988; and

- (h) in Yukon, section 116 of the Securities Act;
- ““statutory right of withdrawal” means,
- (a) in Alberta, subsection 130(1) of the Securities Act;
- (b) in British Columbia, subsections 83(3) and (5) of the Securities Act;
- (c) in Manitoba, sections 1.2 and 1.5 of Local Rule 41-502 Prospectus Delivery Requirement;
- (d) in New Brunswick, subsection 88(2) of the Securities Act;
- (e) in Northwest Territories, section 101(2) of the Securities Act;
- (f) in Nunavut, subsection 101(2) of the Securities Act;
- (g) in Saskatchewan, section 79(3) of The Securities Act, 1988; and
- (h) in Yukon, subsection 101(2) of the Securities Act.”.

**2.** Section 2.5 of the Regulation is amended, in the French text of paragraph (6), by deleting the words “ou l’acquéreur” and by replacing the words “ou tout achat effectué” with the word “effectuée”.

**3.** Section 2.8 of the Regulation is amended by deleting, in the French text, the words “ou à l’acquéreur”.

**4.** Section 3.2 of the Regulation is amended:

(1) by deleting, in the French text of paragraph (1), the words “ou d’envoyer”;

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

“(2) If a prospectus is required under securities legislation to be delivered or sent to a person, the fund facts document most recently filed under this Regulation for the applicable class or series of securities must be delivered or sent to the person at the same time and in the same manner as otherwise required for the prospectus.

“(2.1) The requirement under securities legislation to deliver or send a prospectus does not apply if a fund facts document is delivered or sent under subsection (2).

“(2.2) In Nova Scotia, a fund facts document is a disclosure document prescribed under subsection 76(1A) of the Securities Act.

“(2.3) In Ontario, a fund facts document is a disclosure document prescribed under subsection 71(1.1) of the Securities Act.”;

(3) by deleting, in the French text of subparagraph (a) of paragraph (3), the words “ou acquéreur” and “ou à acquérir”.

**5.** The Regulation is amended by inserting, after section 3.2, the following:

**“3.2.1. Fund facts document – purchaser’s right of withdrawal**

(1) A purchaser has a right of withdrawal in respect of a fund facts document that was delivered or sent under subsection 3.2(2), as the purchaser would otherwise have when a prospectus is required to be delivered or sent under securities legislation and, for that purpose, a fund facts document is a prescribed document under the statutory right of withdrawal.

(2) In Nova Scotia, instead of subsection (1), subsection 76(2) of the Securities Act applies.

(3) In Ontario, instead of subsection (1), subsection 71(2) of the Securities Act applies.

(4) In Québec, instead of subsection (1), section 30 of the Securities Act applies.

**“3.2.2. Fund facts document – purchaser’s right of action for failure to deliver or send**

(1) A purchaser has a right of action if a fund facts document is not delivered or sent as required by subsection 3.2(2) as the purchaser would otherwise have when a prospectus is not delivered or sent as required under securities legislation and, for that purpose, a fund facts document is a prescribed document under the statutory right of action.

(2) In Nova Scotia, instead of subsection (1), subsection 141(1) of the Securities Act applies.

(3) In Ontario, instead of subsection (1), section 133 of the Securities Act applies.

(4) In Québec, instead of subsection (1), section 214 of the Securities Act applies.”.

**6.** Section 3.5 of the Regulation is amended by replacing the word “must” with the word “may”.

**7.** Section 4.1 of the Regulation is amended by replacing, in paragraph (1), the words “in a format” with the words “be in a format”.

**8.** Section 5.1 of the Regulation is amended by deleting paragraph (3).

**9.** The Regulation is amended by replacing section 5.2 with the following:

**“5.2. Combinations of Fund Facts Documents for Delivery Purposes**

(1) A fund facts document delivered or sent under section 3.2 must not be attached to or bound with any other materials or documents, except that it may be attached to or bound with one or more of the following:

1. A general front cover pertaining to the package of attached or bound materials and documents.

2. A trade confirmation which discloses the purchase of securities of the mutual fund.

3. A fund facts document of another mutual fund if that fund facts document is being delivered or sent under section 3.2.

4. A simplified prospectus or a multiple SP of the mutual fund.

5. Any document incorporated by reference into the simplified prospectus or the multiple SP.

6. Account application documents.

7. Registered tax plan applications and documents.

(2) If a trade confirmation referred to in subsection (1) is attached to or bound with a fund facts document, any other disclosure document required to be delivered or sent to satisfy a regulatory requirement for purchases listed in the trade confirmation may be attached to or bound with the fund facts document.

(3) If a fund facts document is attached to or bound with any of the materials or documents referred to in subsection (1), a table of contents specifying all documents must be attached to or bound with the fund facts document, except when the only other documents attached to or bound with the fund facts document are the general front cover or the trade confirmation.

(4) If one or more fund facts documents are attached to or bound with any of the materials or documents referred to in subsection (1), only the general front cover, the table of contents and the trade confirmation may be placed in front of those fund facts documents.”

**10.** Form 81-101F1 of the Regulation is amended:

(1) in the French text of the general instructions:

(a) by replacing, in paragraph (13), the words “joints” and “joint” with, respectively, the words “attachés” and “attaché”;

(b) by deleting, in paragraph (19), the words “ou d’envoyer”;

(2) in part A:

(a) by adding, after paragraph (6) of item 1.1, the following:

**“INSTRUCTION**

*Complete the bracketed information in subsection (3) above by*

*(a) inserting the name of each jurisdiction of Canada in which the mutual fund intends to offer securities under the prospectus;*

*(b) stating that the filing has been made in each of the provinces of Canada or each of the provinces and territories of Canada; or*

*(c) identifying the filing jurisdictions of Canada by exception (i.e. every province of Canada or every province and territory of Canada, except [excluded jurisdictions]);”;*

(b) by adding, after paragraph (6) of item 1.2, the following:

**“INSTRUCTION**

*Complete the bracketed information in subsection (3) above by*

*(a) inserting the name of each jurisdiction of Canada in which the mutual fund intends to offer securities under the prospectus;*

*(b) stating that the filing has been made in each of the provinces of Canada or each of the provinces and territories of Canada; or*



(c) *identifying the filing jurisdictions of Canada by exception (i.e. every province of Canada or every province and territory of Canada, except [excluded jurisdictions]).*”;

(c) by replacing, in the French text of paragraph (3) of item 4, the words “fonds commun de placement” with the words “organisme de placement collectif”;

(d) in the French text of item 6:

(i) by replacing, in the title, “Achats, substitutions” with “Souscriptions, échanges”;

(ii) by replacing, in paragraph (1), “Achats, substitutions” with “Souscriptions, échanges” and the words “d’achat” with the words “de souscription”;

(e) by replacing, in the French text of the table after paragraph (6) of item 8.1, the words “frais de substitution” with the words “frais d’échange”;

(f) by replacing, in the French text of subparagraph (b) of paragraph (2) of item 8.2, the words “frais de rachat” with the words “frais d’acquisition reportés” and the words “l’achat” with the words “la souscription”;

(g) by replacing, in the French text of instruction (3) after item 9.2, the words “*déduites des montants reçus sous forme de frais de vente reportés*” with the words “*déduits des montants reçus à titre de frais d’acquisition reportés*”;

(h) in item 11:

(i) by replacing, in the French text of the title, the word “Recours” with the words “Information sur les droits”;

(ii) by replacing, in the French text of the first paragraph, the words “le recours prévu” with the words “l’action en justice prévue”;

(iii) by replacing the second, third and fourth paragraphs with the following:

““Securities legislation in some provinces and territories gives you the right to withdraw from an agreement to buy mutual funds within two business days of receiving the Simplified Prospectus or Fund Facts, or to cancel your purchase within 48 hours of receiving confirmation of your order.

Securities legislation in some provinces and territories also allows you to cancel an agreement to buy mutual fund [units/shares] and get your money back, or to make a claim for damages, if the Simplified Prospectus, Annual

Information Form, Fund Facts or financial statements misrepresent any facts about the fund. These rights must usually be exercised within certain time limits.

For more information, refer to the securities legislation of your province or territory or consult a lawyer.”;

(3) by replacing, in the French text of paragraph (3) of the instructions of item 6 of part B, the words “*fonds commun de placement*” with the words “*organisme de placement collectif*”.

## 11. Form 81-101F2 of the Regulation is amended:

(1) by adding, after paragraph (6) of item 1.1, the following:

### “INSTRUCTION

*Complete the bracketed information in subsection (3) above by*

(a) *inserting the name of each jurisdiction of Canada in which the mutual fund intends to offer securities under the prospectus;*

(b) *stating that the filing has been made in each of the provinces of Canada or each of the provinces and territories of Canada; or*

(c) *identifying the filing jurisdictions of Canada by exception (i.e. every province of Canada or every province and territory of Canada, except [excluded jurisdictions]).*”;

(2) by adding, after paragraph (6) of item 1.2, the following:

### “INSTRUCTION

*Complete the bracketed information in subsection (3) above by*

(a) *inserting the name of each jurisdiction of Canada in which the mutual fund intends to offer securities under the prospectus;*

(b) *stating that the filing has been made in each of the provinces of Canada or each of the provinces and territories of Canada; or*

(c) *identifying the filing jurisdictions of Canada by exception (i.e. every province of Canada or every province and territory of Canada, except [excluded jurisdictions]).*”;

(3) by replacing, in the French text of paragraph (1) of item 3, the words “siège social” with the word “siège”;

(4) by replacing, in the French text of paragraph (1) of item 7, the words “d’achat” with the words “de souscription”;

(5) in the French text of item 8:

(a) by replacing, in paragraph (2), the words “d’achat” with the words “de souscription”;

(b) by replacing, in paragraph (5), the words “d’un achat” with the words “d’une souscription”;

(6) by replacing, in the French text of paragraph (1) of item 10.7, the words “siège social” with the word “siège”.

**12.** Form 81-101F3 of the Regulation is amended:

(1) in the general instructions:

(a) by replacing paragraph (8) with the following:

*“(8) Except as permitted by subsection (8.1), a fund facts document must contain only the information that is specifically mandated or permitted by this Form. In addition, each Item must be presented in the order and under the heading or sub-heading stipulated in this Form.*

*(8.1) A fund facts document may contain a brief explanation of a material change or a proposed fundamental change. The disclosure may be included in a textbox before Item 2 of Part I or in the most relevant section of the fund facts document. If necessary, the mutual fund may provide a cross-reference to a more detailed explanation at the end of the fund facts document.”*

(b) by replacing, in paragraphs (15) and (16), “section 5.4” with “Part 5”;

(c) by replacing the last sentence of paragraph (16) with the following:

*“Each fund facts document must start on a new page, and may not share a page with another fund facts document.”*

(2) in part I:

(a) in item 1:

(i) by replacing paragraph (c) with the following:

“(c) the name of the mutual fund to which the fund facts document pertains.”;

“(c.1) if the mutual fund has more than one class or series of securities, the name of the class or series described in the fund facts document.”;

(ii) by deleting “and” in paragraph (d);

(iii) by replacing paragraph (e) with the following:

(e) a brief introduction to the document using wording substantially similar to the following:

“This document contains key information you should know about [insert name of the mutual fund]. You can find more details in the fund’s simplified prospectus. Ask your representative for a copy, contact [insert name of the manager of the mutual fund] at [insert if applicable the toll-free number and email address of the manager of the mutual fund] or visit [insert the website of the mutual fund, the mutual fund’s family or the manager of the mutual fund] [as applicable].”; and

(f) state in bold type using wording substantially similar to the following:

“Before you invest in any fund, consider how the fund would work with your other investments and your tolerance for risk.”;

(b) in item 2:

(i) by replacing the table with the following:

“

<b>Fund code:</b> (see instruction 0.1)	<b>Fund manager:</b> (see instruction 3.1)
<b>Date [class/series] started:</b> (see instruction 1)	<b>Portfolio manager:</b> (see instruction 4)
<b>Total value of the fund on [date]:</b> (see instruction 2)	<b>Distributions:</b> (see instruction 5)
<b>Management expense ratio (MER):</b> (see instruction 3)	<b>Minimum investment:</b> (see instruction 6)

”;

(ii) by inserting, in the instructions and immediately before paragraph (1), the following:

*“(0.1) At the option of the mutual fund, include all recognized and publicly available identification codes for the class or series of the mutual fund.”*;

(iii) by replacing, in paragraph (2) of the instructions, “30 days” with “60 days”;

(iv) by inserting, in the instructions and immediately after paragraph (3), the following:

*“(3.1) Specify the name of the manager of the mutual fund.”;*

(v) by replacing paragraph (4) of the instructions with the following:

*“(4) Name the mutual fund’s portfolio manager. The mutual fund may also name the specific individual(s) responsible for portfolio selection and if applicable, the name of the sub-advisor(s).”;*

(c) in item 3:

(i) by replacing paragraph (4) with the following:

*“(4) Include under the sub-heading “Top 10 investments [date]”, a table disclosing the following:*

(a) the top 10 positions held by the mutual fund, each expressed as a percentage of the net asset value of the mutual fund;

(b) the percentage of net asset value of the mutual fund represented by the top 10 positions; and

(c) the total number of positions held by the mutual fund.”;

(ii) by replacing, in paragraphs (4) and (9) of the instructions, “30 days” with “60 days”;

(d) by replacing items 4 and 5 with the following:

**“Item 4 Risks**

(1) Under the heading “How risky is it?” state the following:

“The value of the fund can go down as well as up. You could lose money.

One way to gauge risk is to look at how much a fund’s returns change over time. This is called “volatility”.

In general, funds with higher volatility will have returns that change more over time. They typically have a greater chance of losing money and may have a greater chance of higher returns. Funds with lower volatility tend to have returns that change less over time. They typically have lower returns and may have a lower chance of losing money.”.

(2) Under the sub-heading “Risk rating”,

(a) using the investment risk classification methodology adopted by the manager of the mutual fund, identify the mutual fund’s investment risk level on the following risk scale:

Low	Low to medium	Medium	Medium to high	High
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(b) unless the mutual fund is a newly established mutual fund, include an introduction to the risk scale which states the following:

“[Insert name of manager of the mutual fund] has rated the volatility of this fund as [insert investment risk level identified in paragraph (a) in bold type].

This rating is based on how much the fund’s returns have changed from year to year. It doesn’t tell you how volatile the fund will be in the future. The rating can change over time. A fund with a low risk rating can still lose money.”;

(c) for a newly established mutual fund, include an introduction to the risk scale which states the following:

“[Insert name of manager of the mutual fund] has rated the volatility of this fund as [insert investment risk level identified in paragraph (a) in bold type].

Because this is a new fund, the risk rating is only an estimate by [insert name of manager of the mutual fund]. Generally, the rating is based on how much the fund’s returns have changed from year to year. It doesn’t tell you how volatile the fund will be in the future. The rating can change over time. A fund with a low risk rating can still lose money.”;

(d) following the risk scale, state using wording substantially similar to the following:

“For more information about the risk rating and specific risks that can affect the fund’s returns, see the [insert cross-reference to the appropriate section of the mutual fund’s simplified prospectus] section of the fund’s simplified prospectus.”.

(3) Under the sub-heading “No guarantees”, state using wording substantially similar to the following:

“Like most mutual funds, this fund doesn’t have any guarantees. You may not get back the amount of money you invest.”.



**INSTRUCTIONS:**

(1) *Based upon the investment risk classification methodology adopted by the manager of the mutual fund, identify where the mutual fund fits on the continuum of investment risk levels by showing the full investment risk scale set out in Item 4(2)(a) and highlighting the applicable category on the scale. Consideration should be given to ensure that the highlighted investment risk rating is easily identifiable.*

**“Item 5 Past Performance**

(1) Under the heading “How has the fund performed?”, include an introduction using wording substantially similar to the following:

“This section tells you how [name of class/series of securities described in the fund facts document] [units/shares] of the fund have performed over the past [insert number of calendar years shown in the bar chart required under paragraph (2)(a)] years. Returns are after expenses have been deducted. These expenses reduce the fund’s returns.”.

(2) Under the sub-heading “Year-by-year returns”,

(a) provide a bar chart that shows the annual total return of the mutual fund, in chronological order with the most recent year on the right of the bar chart, for the lesser of

(i) each of the 10 most recently completed calendar years, and

(ii) each of the completed calendar years in which the mutual fund has been in existence and which the mutual fund was a reporting issuer; and

(b) include an introduction to the bar chart using wording substantially similar to the following:

“This chart shows how [name of class/series of securities described in the fund facts document] [units/shares] of the fund performed in each of the past [insert number of calendar years shown in the bar chart required under paragraph (a)]. The fund dropped in value in [for the particular years shown in the bar chart required under paragraph (a), insert the number of years in which the value of the mutual fund dropped] of the [insert number of calendar years shown in the bar chart required in paragraph (a)] years. The range of returns and change from year to year can help you assess how risky the fund has been in the past. It does not tell you how the fund will perform in the future.”.

(3) Under the sub-heading “Best and worst 3-month returns”,

(a) provide information for the period covered in the bar chart required under paragraph (2)(a) in the form of the following table:

	Return	3 months ending	If you invested \$1,000 at the beginning of the period
Best return	(see instruction 8)	(see instruction 10)	Your investment would [rise/drop] to (see instruction 12).
Worst return	(see instruction 9)	(see instruction 11)	Your investment would [rise/drop] to (see instruction 13).

;

(b) include an introduction to the table using wording substantially similar to the following:

“This table shows the best and worst returns for the [name of class/series of securities described in the fund facts document] [units/shares] of the fund in a 3-month period over the past [insert number of calendar years shown in the bar chart required under paragraph (2)(a)]. The best and worst 3-month returns could be higher or lower in the future. Consider how much of a loss you could afford to take in a short period of time.”.

(4) Under the sub-heading “Average return”, show the following:

(a) the final value of a hypothetical \$1000 investment in the mutual fund as at the end of the period that ends within 60 days before the date of the fund facts document and consists of the lesser of

(i) 10 years, or

(ii) the time since inception of the mutual fund;

(b) the annual compounded rate of return that equates the hypothetical \$1000 investment to the final value.

**INSTRUCTIONS**

(1) *In responding to the requirements of this Item, a mutual fund must comply with the relevant sections of Part 15 of Regulation 81-102 respecting Mutual Funds as if those sections applied to a fund facts document.*

(2) Use a linear scale for each axis of the bar chart required by this Item.

(3) The x-axis and y-axis for the bar chart required by this Item must intersect at zero.

(4) A mutual fund that distributes different classes or series of securities that are referable to the same portfolio of assets must show performance data related only to the specific class or series of securities being described in the fund facts document.

(5) If the information required to be disclosed under this Item is not reasonably available, include the required sub-headings and provide a brief statement explaining why the required information is not available. Information relating to year-by-year returns in the bar chart will generally not be available for a mutual fund that has been distributing securities under a simplified prospectus for less than one calendar year. Information under “Best and worst 3-month returns” and “Average return” will generally not be available for a mutual fund that has been distributing securities under a simplified prospectus for less than 12 consecutive months.

(6) The dollar amounts shown under this Item may be rounded up to the nearest dollar.

(7) The percentage amounts shown under this Item may be rounded to one decimal place.

(8) Show the best rolling 3-month return as at the end of the period that ends within 60 days before the date of the fund facts document.

(9) Show the worst rolling 3-month return as at the end of the period that ends within 60 days before the date of the fund facts document.

(10) Insert the end date for the best 3-month return period.

(11) Insert the end date for the worst 3-month return period.

(12) Insert the final value that would equate with a hypothetical \$1000 investment for the best 3-month return period shown in the table.

(13) Insert the final value that would equate with a hypothetical \$1000 investment for the worst 3-month return period shown in the table.”;

(e) by deleting Item 6;

(f) by deleting Item 7(2);

(3) in part II:

(a) by replacing Item 1.1 with the following:

### “1.1. Introduction

Under the heading “How much does it cost?”, state the following:

“The following tables show the fees and expenses you could pay to buy, own and sell [name of the class/series of securities described in the fund facts document] [units/shares] of the fund. The fees and expenses – including any commissions – can vary among [classes/series] of a fund and among funds. Higher commissions can influence representatives to recommend one investment over another. Ask about other funds and investments that may be suitable for you at a lower cost.”;

(b) in the instructions to Item 1.2:

(i) by replacing, wherever they occur in the French text of the instructions (1) and (3), the words “*frais d’acquisition différés*” with the words “*frais d’acquisition reportés*”;

(ii) in the French text of instruction (4):

A) by deleting, in the first paragraph, the word “*différés*”;

B) by replacing, in the second paragraph, the words “*frais d’acquisition différés*” with the words “*frais d’acquisition reportés*”;

(c) in item 1.3:

(i) by replacing paragraph (2) with the following:

“(2) Unless the mutual fund has not yet filed a management report of fund performance, provide information about the expenses of the mutual fund in the form of the following table:

	Annual rate (as a % of the fund’s value)
<b>Management expense ratio (MER)</b> This is the total of the fund’s management fee (including the trailing commission) and operating expenses. (see instruction 1)	(see instruction 2)
<b>Trading expense ratio (TER)</b> These are the fund’s trading costs.	(see instruction 3)
<b>Fund expenses</b>	(see instruction 4)

”;

(ii) by replacing paragraph (4) with the following:

“For a mutual fund that has not yet filed a management report of fund performance, state the following:

The fund’s expenses are made up of the management fee, operating expenses and trading costs. The [class/series] annual management fee is [see instruction 7]% of the [class/series] value. Because this [class/series] is new, operating expenses and trading costs are not yet available.”;

(iii) by replacing, in paragraph (5), the word “where” with the words “in which”;

(iv) by replacing paragraphs (6) and (7) with the following:

“(6) Under the sub-heading “More about the trailing commission”, state whether the manager of the mutual fund or another member of the mutual fund’s organization pays trailing commissions. If trailing commissions are paid, include a description using wording substantially similar to the following:

“The trailing commission is an ongoing commission. It is paid for as long as you own the fund. It is for the services and advice that your representative and their firm provide to you.

[Insert name of fund manager] pays the trailing commission to your representative’s firm. It is paid from the fund’s management fee and is based on the value of your investment. The rate depends on the sales charge option you choose.”.

(7) If applicable, disclose the range of the rates of the trailing commission for each sales charge option disclosed under Item 1.2.”;

(v) by inserting, in the instructions and after paragraph (2), the following:

“(2.1) If applicable, include a reference to any fixed administration fees in the management expense ratio description required in the table under Item 1.3(2).”;

(vi) by inserting, in the instructions and after paragraph (7), the following:

“(7.1) For a mutual fund that is required to include the disclosure under subsection (4), in the description of the items that make up fund fees, include a reference to any fixed administrative fees, if applicable. Also disclose the amount of the fixed administration fee in the same manner as required for the management fee. The percentage disclosed for the fixed administration fee must correspond to the percentage shown in the fee table in the simplified prospectus.”;

(vii) by replacing, in the instructions, paragraph (8) with the following:

“(8) In disclosing the range of rates of trailing commissions for each sales charge option, show both the percentage amount and the equivalent dollar amount for each \$1000 investment.”;

(d) in item 1.4:

(i) by replacing paragraph (1) with the following:

“(1) Under the sub-heading “Other fees”, provide an introduction using wording substantially similar to the following:

“You may have to pay other fees when you buy, hold, sell or switch [units/shares] of the fund.”;

(ii) by inserting, in paragraph (2) and after the words “when they”, “buy, hold”;

(iii) by replacing, in the instructions, paragraphs (1) and (2) with the following:

“(1) Under this Item, it is necessary to include only those fees that apply to the particular class or series of securities of the mutual fund. Examples include management fees and administration fees payable directly by investors, short-term trading fees, switch fees and change fees. This also includes any requirement for an investor to participate in a fee-based arrangement with their dealer in order to be eligible to purchase the particular class or series of securities of the mutual fund. If there are no other fees associated with buying, holding, selling or switching units or shares of the mutual fund, replace the table with a statement to that effect.

“(2) Provide a brief description of each fee disclosing the amount to be paid as a percentage (or, if applicable, a fixed dollar amount) and state who charges the fee. If the amount of the fee varies so that specific disclosure of the amount of the fee cannot be disclosed include, where possible, the highest possible rate or range for that fee.”;

(e) by replacing item 2 with the following:

## “Item 2 Statement of Rights

Under the heading “What if I change my mind?”, state using wording substantially similar to the following:

“Under securities law in some provinces and territories, you have the right to:

- withdraw from an agreement to buy mutual funds within two business days after you receive a simplified prospectus of Fund Facts document, or

- cancel your purchase within 48 hours after you receive confirmation of the purchase.

In some provinces and territories, you also have the right to cancel a purchase, or in some jurisdictions, claim damages, if the simplified prospectus, annual information form, Fund Facts document or financial statements contain a misrepresentation. You must act within the time limit set by the securities law in your province or territory.

For more information, see the securities law of your province or territory or ask a lawyer.””;

(f) in item 3:

(i) by replacing paragraph (1) with the following:

“(1) Under the heading “For more information”, state using wording substantially similar to the following:

““Contact [insert name of the manager of the mutual fund] or your representative for a copy of the fund’s simplified prospectus and other disclosure documents. These documents and the Fund Facts make up the fund’s legal documents.””;

(ii) by inserting, after paragraph (2), the following paragraph:

“(3) State using wording substantially similar to the following:

“To learn more about investing in mutual funds, see the brochure **Understanding mutual funds**, which is available on the website of the Canadian Securities Administrators at [www.securities-administrators.ca](http://www.securities-administrators.ca).””.

**13.** Any exemption from or waiver of a provision of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure in relation to the prospectus delivery requirements for mutual funds, or an approval in relation to those requirements, expires on the date that this Regulation comes into force.

#### **14. Transition**

(1) A mutual fund must, on or before May 13, 2014, file a completed Form 81-101F3 *Contents of Fund Facts Document* for each class or series of securities of the mutual fund that, on that date, are the subject of disclosure under a simplified prospectus.

(2) The date of a fund facts document filed under subsection (1) must be the date on which it was filed.

#### **15. Effective Date**

(1) Subject to subsection (2), this Regulation comes into force on September 1, 2013.

(2) The provisions of this Regulation listed in column 1 of the following table come into force on the date set out in column 2 of the table:

Column 1	Column 2
Provision of this Regulation	Date
12	January 13, 2014
Paragraph (2) of section 4	June 13, 2014

#### **Regulation to amend Regulation 81-102 respecting Mutual Funds**

Securities Act  
(chapter V-1.1, s. 331.1, par. (1), (8) and (11))

**1.** Section 2.7 of Regulation 81-102 respecting Mutual Funds is amended by replacing, in the French text of paragraph (2), the words “dette de rang équivalent” with the words “créance de rang équivalent”.

**2.** Section 5.6 of the Regulation is amended, in subparagraph (f) of paragraph (1):

(1) by replacing, in the French text of subparagraph (i), the words “fonds commun de placement” with the words “organisme de placement collectif”;

(2) by replacing subparagraph (ii) with the following:

“(ii) the most recently filed fund facts document for the mutual fund into which the mutual fund will be reorganized, and”.

**3.** Section 5.7 of the Regulation is amended by replacing, in the French text of subparagraphs (a) and (b) of paragraph (2) and subparagraph (a) of paragraph (3), the words “siège social” with the word “siège”.

**4.** Section 18.2 of the Regulation is amended by replacing, in paragraph (1), the words “siège social” with the word “siège”.

**5.** This Regulation comes into force on September 1, 2013.

## Treasury Board

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Gouvernement du Québec

### **T.B. 213034, 13 August 2013**

An Act respecting the Government and Public Employees Retirement Plan  
(chapter R-10)

#### **Amendments to Schedules VI and VII of the Act**

An Act respecting the Pension Plan of Management Personnel  
(chapter R-12.1)

#### **Amendments to Schedules VII and VIII of the Act**

Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 220 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Government may, by order, amend Schedules I, II, II.1, II.1.1, II.2, III, III.1, VI and VII to the Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 217 of the Act, the rates of interest in Schedule VI of the Act are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain categories of amounts referred to in section 127 and designated by that regulation;

WHEREAS Schedule VI to the Act was amended by the Decision of the Conseil du trésor dated 23 October 2012 (C.T. 211914) to provide for the rate of interest based on the rates of return on certain funds payable under the Act as of 1 June 2012;

WHEREAS it is expedient to again amend Schedule VI to the Act to provide for the interest payable under the first paragraph of section 217 of the Act as of 1 June 2013;

WHEREAS, under the second paragraph of section 217 of the Act, the rates of interest in Schedule VII to the Act are determined, for each period indicated, according to the rules and procedures established by regulation and an external index designated by that regulation;

WHEREAS Schedule VII to the Act was amended by the Decision of the Conseil du trésor dated 23 October 2012 (C.T. 211914) to provide for the rate of interest based on an external index payable under the Act as of 1 June 2012;

WHEREAS it is expedient to again amend Schedule VII to the Act to provide for the interest payable under the second paragraph of section 217 of the Act as of 1 June 2013;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Government may, by order, amend Schedules I and III to VIII to that Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 204 of that Act, the rates of interest in Schedule VII to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain classes of amounts referred to in section 177 of that Act and designated by that regulation;

WHEREAS Schedule VII to that Act was amended by the Decision of the Conseil du trésor dated 23 October 2012 (C.T. 211914) to provide for the rate of interest based on the rates of return on certain funds payable under that Act as of 1 June 2012;

WHEREAS it is expedient to again amend Schedule VII to that Act to provide for the interest payable under the first paragraph of section 204 of that Act as of 1 June 2013;

WHEREAS, under the second paragraph of section 204 of that Act, the rates of interest in Schedule VIII are determined, for each period indicated, according to the rules and procedures established by regulation and an external index designated by that regulation;

WHEREAS Schedule VIII to that Act was amended by the Decision of the Conseil du trésor dated 23 October 2012 (C.T. 211914) to provide for the rate of interest based on an external index payable under that Act as of 1 June 2012;

WHEREAS it is expedient to again amend Schedule VIII to that Act to provide for the interest payable under the second paragraph of section 204 of that Act as of 1 June 2013;



WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers mentioned in paragraphs 2 to 6 of that provision;

WHEREAS the consultation has taken place;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

MARIE-CLAUDE RIOUX,  
*La greffière du Conseil du trésor*

## **Amendments Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel**

An Act respecting the Government and Public Employees Retirement Plan  
(chapter R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel  
(chapter R-12.1, s. 207, 1st par.)

**1.** Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended

(1) by replacing “as of 1 June 2012” by “1 June 2012 to 31 May 2013”;

(2) by adding the following at the end: “8.58% as of 1 June 2013.

**2.** Schedule VII to the Act is amended

(1) by replacing “as of 1 June 2012” by “1 June 2012 to 31 May 2013”;

(2) by adding the following at the end: “1.30% as of 1 June 2013”.

**3.** Schedule VII to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by replacing “as of 1 June 2012” by “1 June 2012 to 31 May 2013”;

(2) by adding the following at the end: “8.85% as of 1 June 2013”.

**4.** Schedule VIII to that Act is amended

(1) by replacing “as of 1 June 2012” by “1 June 2012 to 31 May 2013”;

(2) by adding the following at the end: “1.30% as of 1 June 2013”.

**5.** These amendments have effect from 1 June 2013.

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## Notices

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### Notice

Environment Quality Act  
(chapter Q-2)

**Proposed improvements to projet de  
Parc Éolien des Moulins - Phase 2  
by Énergie Éolienne des Moulins S.E.C.**

Notice is hereby given under Section 6.3 of the Environment Quality Act (Chapter Q-2), that I have mandated the Bureau d'audiences publiques sur l'environnement, 575, rue Saint-Amable in Québec City, to study, and if circumstances permit, to proceed with environmental mediation in regard to an improvement project to parc éolien Des Moulins – Phase 2 proposed by Énergie Éolienne Des Moulins S.E.C.

In consequence, I request the Chair of the Bureau d'audiences publiques sur l'environnement to prepare the dossier and name a commissioner in this regard.

The mandate will begin on September 23, 2013 with the report to be submitted to me on November 22, 2013.

Québec, 8 August 2013

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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

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