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Part

2

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5 March 2014

Laws and Regulations

Volume 146

Summary

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Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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PROVINCE OF QUÉBEC

1ST SESSION

40TH LEGISLATURE

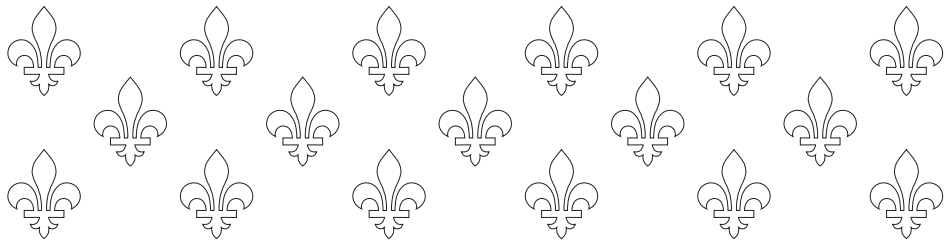
QUÉBEC, 6 DECEMBER 2013

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 6 December 2013*

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

- 35 An Act to amend the Civil Code as regards civil status, successions and the publication of rights
- 45 An Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie
- 51 An Act to amend the Territorial Division Act and other legislative provisions
- 64 An Act to amend various legislative provisions concerning municipal affairs
- 65 An Act to replace and reconstitute the notarial deeds *en minute* destroyed in the 6 July 2013 railway disaster in Ville de Lac-Mégantic
- 207 An Act respecting Ville de Windsor
- 211 An Act respecting Ville de Sherbrooke

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



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 35
(2013, chapter 27)

**An Act to amend the Civil Code as
regards civil status, successions and the
publication of rights**

**Introduced 17 April 2013
Passed in principle 28 May 2013
Passed 6 December 2013
Assented to 6 December 2013**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This Act amends the Civil Code of Québec to make a number of modifications concerning civil status, successions and the publication of rights.

In civil status matters, the registrar of civil status is given the power, subject to certain conditions, to draw up the act of death of a missing person after the court has found someone guilty of acts causing the person's death or the disappearance of the person's body. The act drawn up has the same value as a declaratory judgment of death. The registrar is also given the power, again subject to certain conditions, to change the designation of sex that appears on the act of birth of a person who was born in Québec but is domiciled outside Québec, when it is impossible to make such a change in the country where the person is domiciled. It will now be possible to send declarations or documents attesting events relating to civil status electronically, and declarations of birth or death will no longer need to be signed by a witness. In addition, when it is clear that a change is requested in connection with a change of the person's sexual identity, the registrar is from now on dispensed from ascertaining that notices of the application for a change of given name or of the application for a change of the designation of sex on the act of birth have been published, and dispensed from publishing a notice when authorizing any such change. The registrar is also dispensed from such obligations when a change of a name concerns a child under six months of age. As well, a person whose sexual identity does not correspond to the designation of sex that appears in their act of birth may, on meeting certain conditions, have the designation changed without having to undergo medical treatment or surgery.

In succession matters, the rules relating to notarial wills and wills made in the presence of witnesses are amended so that a deaf person who is unable to speak, read or write may make either type of will through a sign-language interpreter.

In publication of rights matters, it will no longer be necessary for notaries to sign twice when certifying notarized summaries or notices. No applications for registration purposes will be accepted in future unless a form, made available by the land registrar, is filled out beforehand. Furthermore, an application for registration in the land register made by presenting a notarial deed executed en brevet

or an act in private writing resulting from the transfer of the information contained in the original deed or act to an information technology-based medium will only be accepted by the registrar if the signature of the notary or advocate who drew up the deed or act is affixed by means of a signature key pair and subject to certain conditions. The registrar will be authorized to cancel certain registrations on the registrar's own initiative. In addition, the Société d'habitation du Québec and La Financière agricole du Québec, without having to register, or renew the registration of, their address, are to be notified of certain events that could affect their rights for as long as the registration of hypothecs in their favour is maintained. Various changes are made to the rules that apply to the preservation of documents at registry offices.

Lastly, this Act contains technical and consequential amendments as well as transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Act respecting the implementation of the reform of the Civil Code (1992, chapter 57);
- Act to amend the Civil Code and other legislative provisions relating to land registration (2000, chapter 42).

Bill 35

AN ACT TO AMEND THE CIVIL CODE AS REGARDS CIVIL STATUS, SUCCESSIONS AND THE PUBLICATION OF RIGHTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1. Article 63 of the Civil Code of Québec is replaced by the following article:

“63. Before authorizing a change of name, the registrar of civil status shall ascertain that notices of the application have been published, except where

(1) a special exemption from publication has been granted by the Minister of Justice for reasons of general interest;

(2) in the case of an application concerning a given name, it is clear that the change requested relates to a modification of the person’s sexual identity; or

(3) the change requested concerns a child under 6 months of age.

In addition, the registrar may require the applicant to furnish any necessary additional explanation and information and shall give third persons who so request the opportunity to state their views.”

2. Article 67 of the Code is amended by replacing the second paragraph by the following paragraph:

“Notice of the change is published in the *Gazette officielle du Québec* except where

(1) a special exemption from publication has been granted by the Minister of Justice for reasons of general interest;

(2) in the case of an application concerning a given name, it is clear that the change requested relates to a modification of the person’s sexual identity; or

(3) the change requested concerns a child under 6 months of age.”

3. Article 71 of the Code is replaced by the following article:

“71. Every person whose sexual identity does not correspond to the designation of sex that appears in that person’s act of birth may, if the conditions prescribed by this Code and by government regulation have been met, have that designation and, if necessary, the person’s given names changed.

These changes may in no case be made dependent on the requirement to have undergone any medical treatment or surgical operation whatsoever.

Subject to article 3084.1, only a person of full age who has been domiciled in Québec for at least one year and is a Canadian citizen may obtain such changes.”

4. Article 72 of the Code is replaced by the following article:

“72. The application is made to the registrar of civil status; the documents prescribed by government regulation must also be provided.”

5. Article 73 of the Code is replaced by the following article:

“73. The application is subject to the same procedure as an application for a change of name, except as to publication requirements, and to the same duties. A change of designation of sex has, with the necessary modifications, the same effects as a change of name.”

6. Article 105 of the Code is replaced by the following article:

“105. The register of civil status is kept in duplicate.”

7. Article 106 of the Code is repealed.

8. Article 108 of the Code is amended by replacing “on the written copy of the register and is substituted for the original form of the name in the computerized copy of the register and on” in the second paragraph by “in the register and is substituted for the original form of the name on”.

9. Article 109 of the Code is amended by replacing “affixes a registration number to it” in the second paragraph by “assigns a registration number to it”.

10. Article 112 of the Code is amended by striking out “, together with the declaration of birth of the child, unless it cannot be transmitted immediately”.

11. Article 113 of the Code is amended by striking out “, before a witness, who signs it”.

12. Article 115 of the Code is amended

(1) by replacing “, of the mother, and of the witness” in the first paragraph by “and of the mother”;

(2) by striking out the second paragraph.

13. Article 116 of the Code is amended by replacing “shall attach a note to it” in the second paragraph by “shall also provide a note”.

14. Article 125 of the Code is amended by striking out the last sentence.

15. Article 126 of the Code is amended by striking out the second paragraph.

16. Article 129 of the Code is amended by replacing the last paragraph by the following paragraph:

“The registrar of civil status then makes the required entries in the register.”

17. The Code is amended by inserting the following article after article 133:

“**133.1.** Where a court has found a person guilty of acts having caused the death of a missing person or the disappearance of a deceased person’s body, any interested person may declare the death of the absentee to the registrar of civil status. A copy of the judgment of guilty, having become final, must be attached to the declaration of death.

The registrar draws up the act of death of the absentee. Where the date, time and place of death are unknown, the registrar fixes them on the basis of the particulars of the judgment and the presumptions that may be drawn from the circumstances.

The act drawn up by the registrar produces the same effects as a declaratory judgment of death.”

18. Article 134 of the Code is replaced by the following article:

“**134.** The registrar of civil status makes a notation of the act of marriage or civil union in the act of birth, and makes a notation of the act of death in the act of birth and the act of marriage or civil union.”

19. Article 135 of the Code is amended

(1) by replacing “in the computerized version of the acts” in the first and second paragraphs by “in the acts”;

(2) by replacing “in the computerized version of the act” in the third paragraph by “in the act”;

(3) by striking out “the computerized copy of” in the last paragraph.

20. Article 136 of the Code is amended by replacing “sur l’acte” in the first and second paragraphs in the French text by “à l’acte”.

21. Article 137 of the Code is amended by replacing “in the computerized copy of the register to ensure the publication of the register” in the second paragraph by “in the register”.

22. Article 142 of the Code is amended by striking out the last sentence.

23. Article 147 of the Code is amended by replacing “sur l’acte” in the French text by “à l’acte”.

24. Article 721 of the Code is amended

(1) by striking out “or a deaf-mute” in the first paragraph and by replacing “only deaf” in that paragraph by “able to do so”;

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

“In the will, the testator declares that he has read it in the presence of the notary and, where such is the case, the witness. If the testator is unable to speak, the declaration is read to him by the notary in the presence of the witness; if he is able to speak, it is read aloud by the testator himself, in the presence of the notary and the witness.”

25. The Code is amended by inserting the following article after article 722:

“722.1. A deaf person who, being unable to speak, read or write, cannot avail himself of the other provisions of this section may make a notarial will, provided he conveys his wishes to the notary through a sign-language interpreter.

The testator, in the presence of the notary and a witness, declares, through the same means, that the document translated to him by the interpreter is his will.

The interpreter is chosen by the testator from among interpreters qualified to exercise their functions before the courts and may in no case be the spouse of the testator or related to the testator in either the direct or the collateral line up to and including the third degree, or connected with the testator by marriage or a civil union.

The interpreter must first swear in writing, before the notary, the testator and the witness, to carry out his functions with impartiality and accuracy and not to disclose any information related to his mandate. The original of the oath is attached to the will.”

26. Article 729 of the Code is amended by replacing “may not make a will in the presence of witnesses, unless the will is read” in the first paragraph by “may make a will in the presence of witnesses, provided the will is read”.

27. The Code is amended by inserting the following article after article 730:

“730.1. A deaf person who, being unable to speak, read or write, cannot avail himself of the other provisions of this section may make a will in the presence of witnesses, provided he conveys his wishes to the drafter through a sign-language interpreter.

The testator, in the presence of the witnesses, declares, through the same means, that the document translated to him by the interpreter is his will. Where possible, the testator affixes his signature or a personal mark at the end of the will. Otherwise, the testator has a third party sign for him, in his presence and in accordance with his instructions. The witnesses then sign the will immediately in the presence of the testator.

The interpreter is chosen by the testator from among interpreters qualified to exercise their functions before the courts and may in no case be the spouse of the testator or be related to the testator in either the direct or the collateral line up to and including the third degree, or connected with the testator by marriage or a civil union.

The interpreter must first swear in writing, before the drafter, the testator and the witnesses, to carry out his functions with impartiality and accuracy and not to disclose any information related to his mandate. The original of the oath is attached to the will.”

28. Article 903 of the Code is amended

(1) by adding “and ensure the utility of the immovable” after “for as long as they remain there”;

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

“However, movables which, in the immovable, are used to operate an enterprise or to carry on activities remain movables.”

29. Article 2982 of the Code is amended by adding the following paragraph at the end:

“In all cases, before an application for registration and the accompanying documents may be presented, information concerning, among other things, the nature of the act or rights to be registered, the identity of the parties to the act or of the holder of the rights and, if applicable, the description of the immovables concerned must be entered on the form made available by the Land Registrar. If the application is presented in hard copy, it must be accompanied by the registration slip printed from that form.”

30. The Code is amended by inserting the following article after article 2982:

“2982.1. An application for registration in the land register made by presenting a notarial deed executed en brevet or an act in private writing resulting from the transfer of the information contained in the original deed or act to an information technology-based medium cannot be accepted by the registrar unless the signature of the notary or advocate who drew up the deed or act is affixed by means of a signature key pair in accordance with the Regulation respecting land registration (chapter CCQ, r. 6).

Documentation attesting that the notary or advocate made the transfer in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) must be attached to the application for registration.”

31. Article 2992 of the Code is amended by adding the following paragraph at the end:

“If the summary is notarized, the mere signature of the notary is a sufficient certificate.”

32. Article 2999.1 of the Code is amended by adding the following sentence at the end of the last paragraph: “If the notice is notarized, the mere signature of the notary is sufficient verification.”

33. Article 3017 of the Code is amended by adding the following sentence at the end of the second paragraph: “It must also be sent to La Financière agricole du Québec and the Société d’habitation du Québec in the case of an immovable charged with hypothecs published in their favour.”

34. Article 3021 of the Code is amended by striking out subparagraph 6 of the first paragraph.

35. The Code is amended by inserting the following article after article 3021:

“3021.1. The Land Registrar is bound to keep, for archival purposes, in the registry offices or in any other place, all registers and documents in paper form, including those which were converted to electronic form pursuant to a ministerial order under the Act respecting registry offices (chapter B-9).”

36. Article 3066.1 of the Code is amended by adding the following sentence at the end of the first paragraph: “It may also be cancelled on the registrar’s own initiative if the registrar becomes aware that the undivided co-ownership has ended.”

37. The Code is amended by inserting the following article after article 3074:

“3074.1. In land registration matters, the registrar may, on his own initiative, cancel the registration of an address that no longer has effect because of the cancellation of the registration of a principal right.”

38. The Code is amended by inserting the following before subsection 1 of Section II of Chapter I of Title Two of Book Ten:

“§0.1. — *Change of designation of sex*

“3084.1. When a change of the designation of sex that appears on the act of birth of a person born in Québec but domiciled outside Québec proves impossible in the country where the person is domiciled, the registrar of civil status may, at the request of the person, change the designation and, if necessary, change the person’s given names in the act drawn up in Québec.

The application is subject to the conditions prescribed by the law of Québec, except those respecting domicile and nationality.”

ACT RESPECTING THE IMPLEMENTATION OF THE REFORM OF THE CIVIL CODE

39. Section 48 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57) is repealed.

ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS RELATING TO LAND REGISTRATION

40. Section 245 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, chapter 42) is amended by adding the following paragraph at the end:

“This section does not prevent the Land Registrar from preserving these registers and documents in any other place the Registrar deems appropriate.”

TRANSITIONAL AND FINAL PROVISIONS

41. The provisions added to article 3017 of the Civil Code by section 33 apply only to a hypothec the constitution, acquisition or transmission of which was registered on or after the date on which the registry office established for the registration division in which the immovable concerned is situated became fully computerized with regard to land registration, as stated in the Schedule to this Act, or, in the case of the registration division of Montréal, after 31 August 1980 and, in the case of the registration division of Laval, after 31 July 1980.

42. The period of 30 years set in article 3022 of the Civil Code with regard to the validity of the registration of an address in the land register is deemed to begin on the registration of the address in the register, even if the registration was effected before 9 October 2001.

This section does not affect the validity of the registration of an address effected more than 27 years prior to 6 December 2013 and not cancelled at that date, provided the registration is renewed within three years of that date.

43. The first regulation made under sections 3 and 4 must be examined by the competent committee of the National Assembly before it is adopted by the Government.

44. This Act comes into force on 6 December 2013, except sections 1 to 5, 29 and 30, which come into force on the date or dates to be set by the Government.

SCHEDULE

(Section 41)

Dates on which registry offices became fully computerized with regard to land registration

Land Registration Division	Date	Reference in Gazette officielle du Québec
A		
ABITIBI	15 October 2002	2002, G.O. 1, 1166
ARGENTEUIL	1 December 2003	2003, G.O. 1, 1196
ARTHABASKA	4 August 2003	2003, G.O. 1, 842
B		
BEAUCE	26 May 2003	2003, G.O. 1, 507
BEAUHARNOIS	12 May 2003	2003, G.O. 1, 454
BELLECHASSE	28 January 2002	2002, G.O. 1, 10
BERTHIER	16 September 2002	2002, G.O. 1, 1058
BONAVENTURE I	18 August 2003	2003, G.O. 1, 879
BONAVENTURE II	20 October 2003	2003, G.O. 1, 1061
BROME	8 September 2003	2003, G.O. 1, 939
C		
CHAMBLY	22 April 2003	2003, G.O. 1, 387
CHAMPLAIN	3 September 2002	2002, G.O. 1, 996
CHARLEVOIX I	24 November 2003	2003, G.O. 1, 1184
CHARLEVOIX II	10 November 2003	2003, G.O. 1, 1135
CHÂTEAUGUAY	7 April 2003	2003, G.O. 1, 344
CHICOUTIMI	25 June 2002	2002, G.O. 1, 731
COATICOOK	18 February 2002	2002, G.O. 1, 91
COMPTON	25 February 2002	2002, G.O. 1, 91
D		
DEUX-MONTAGNES	24 March 2003	2003, G.O. 1, 320
DORCHESTER	4 February 2002	2002, G.O. 1, 91
DRUMMOND	23 June 2003	2003, G.O. 1, 573
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FRONTENAC	9 June 2003	2003, G.O. 1, 557
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GASPÉ	15 September 2003	2003, G.O. 1, 969
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H		
HULL	2 July 2002	2002, G.O. 1, 758
HUNTINGDON	16 June 2003	2003, G.O. 1, 557

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JOLIETTE	21 October 2002	2002, G.O. 1, 1197
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KAMOURASKA	11 February 2002	2002, G.O. 1, 91
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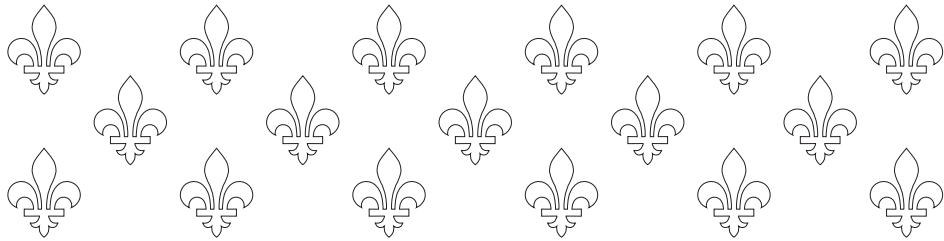
SAGUENAY	14 October 2003	2003, G.O. 1, 1061
SAINT-HYACINTHE	9 October 2001	2001, G.O. 1, 1022
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THETFORD	28 July 2003	2003, G.O. 1, 808
TROIS-RIVIÈRES	15 July 2002	2002, G.O. 1, 816

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VAUDREUIL	20 May 2003	2003, G.O. 1, 482
VERCHÈRES	14 April 2003	2003, G.O. 1, 373



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 45
(2013, chapter 28)

**An Act respecting the Ministère de
l'Enseignement supérieur, de la
Recherche, de la Science et de la
Technologie**

**Introduced 15 May 2013
Passed in principle 4 June 2013
Passed 5 December 2013
Assented to 6 December 2013**

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EXPLANATORY NOTES

This Act establishes the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie.

The Minister of Higher Education, Research, Science and Technology is entrusted with the mission of supporting the development and promoting the quality of college education and university education in order to facilitate access to the highest forms of knowledge and culture for every person who has the will and the ability to pursue them. A further mission of the Minister is to contribute to the development of research, science, innovation and technology in a sustainable development perspective.

This Act confers on the Minister functions relating to higher education and to research, science, innovation and technology that are presently assigned by law to the Minister of Education, Recreation and Sports or to the Minister of Economic Development, Innovation and Export Trade. It amends the constituting statutes of their departments accordingly, and modifies many other laws and regulations in order to reflect the transfer of functions.

Lastly, this Act contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the accreditation and financing of students' associations (chapter A-3.01);
- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Individual and Family Assistance Act (chapter A-13.1.1);
- Act respecting financial assistance for education expenses (chapter A-13.3);
- Health Insurance Act (chapter A-29);

- Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);
- Charter of the French language (chapter C-11);
- Professional Code (chapter C-26);
- General and Vocational Colleges Act (chapter C-29);
- Act respecting the Commission d'évaluation de l'enseignement collégial (chapter C-32.2);
- Act respecting artistic, literary and scientific competitions (chapter C-51);
- Act respecting the Conseil du statut de la femme (chapter C-59);
- Act respecting the Conseil supérieur de l'éducation (chapter C-60);
- Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1);
- Act respecting the development of Québec firms in the book industry (chapter D-8.1);
- Act to promote workforce skills development and recognition (chapter D-8.3);
- Act respecting private education (chapter E-9.1);
- Pay Equity Act (chapter E-12.001);
- Act respecting educational institutions at the university level (chapter E-14.1);
- Executive Power Act (chapter E-18);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);
- Act respecting university foundations (chapter F-3.2.0.1);
- Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);

- Court Bailiffs Act (chapter H-4.1);
- Taxation Act (chapter I-3);
- Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02);
- Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);
- Act respecting the Institut national des mines (chapter I-13.1.2);
- Education Act (chapter I-13.3);
- University Investments Act (chapter I-17);
- Medical Act (chapter M-9);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);
- Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01);
- Government Departments Act (chapter M-34);
- Act respecting labour standards (chapter N-1.1);
- Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1);
- Pharmacy Act (chapter P-10);
- Police Act (chapter P-13.1);
- Act respecting educational programming (chapter P-30.1);
- Youth Protection Act (chapter P-34.1);
- Act respecting the legal publicity of enterprises (chapter P-44.1);

- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting occupational health and safety (chapter S-2.1);
- Fire Safety Act (chapter S-3.4);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting the Université du Québec (chapter U-1).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);
- Regulation respecting legal aid (chapter A-14, r. 2);
- Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1);
- Regulation respecting hearing devices and insured services (chapter A-29, r. 2);
- Regulation respecting insured visual aids and related services (chapter A-29, r. 3);
- Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (chapter A-29, r. 4);
- Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);
- Regulation respecting safety in public baths (chapter B-1.1, r. 11);

- Regulation respecting the determination of child support payments (chapter C-25, r. 6);
- Regulation respecting the tuition fees that a general and vocational college must charge (chapter C-29, r. 2);
- Regulation respecting the standards, conditions and procedure for alienation of an immovable of a general and vocational college (chapter C-29, r. 3);
- College Education Regulations (chapter C-29, r. 4);
- Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances (chapter C-32.1.2, r. 1);
- Regulation respecting the application of the Real Estate Brokerage Act (chapter C-73.1, r. 1);
- Regulation respecting the accreditation of training bodies, training instructors and training services (chapter D-8.3, r. 1);
- Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1);
- Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1);
- Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2);
- Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec (chapter H-4.1, r. 7);
- Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);
- Regulation respecting the Taxation Act (chapter I-3, r. 1);
- Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons (chapter I-8, r. 4);

- Règlement sur l'exercice des pouvoirs et la régie interne de l'Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02, r. 1);
- Regulation respecting university investments (chapter I-17, r. 1);
- Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1);
- Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care (chapter M-9, r. 2.1);
- Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1);
- By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4);
- Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);
- Agricultural Operations Regulation (chapter Q-2, r. 26);
- Regulation respecting the quality of drinking water (chapter Q-2, r. 40);
- Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium (chapter R-9, r. 11);
- Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Sweden (chapter R-9, r. 39);
- Règlement sur les régimes complémentaires d'avantages sociaux dans l'industrie de la construction (chapter R-20, r. 10);
- Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service (chapter S-3.4, r. 1);
- Regulation respecting the training required to obtain an agent licence to carry on private security activities (chapter S-3.5, r. 2);
- Reduced Contribution Regulation (chapter S-4.1.1, r. 1);

- Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1);
- By-law respecting housing (chapter S-8, r. 7);
- Regulation respecting the disposition of certain surplus or confiscated properties (chapter T-8.1, r. 2);
- Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202573 dated 21 June 2005 (2005, G.O. 2, 2423);
- Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202574 dated 21 June 2005 (2005, G.O. 2, 2449).

Bill 45

AN ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RESPONSIBILITY OF THE MINISTER

1. The Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie is under the direction of the Minister of Higher Education, Research, Science and Technology, appointed under the Executive Power Act (chapter E-18).

2. The mission of the Minister is to support the development and promote the quality of college education and university education in order to facilitate access to the highest forms of knowledge and culture, including through skill and knowledge development, for every person who has the will and the ability to pursue them.

A further mission of the Minister is to contribute to the development of research, especially fundamental and applied research, and of science, innovation and technology, including in academic, industrial and social environments, in a sustainable development perspective, mainly by promoting access to knowledge, economic development, social progress and respect for the environment. To that end, the Minister promotes synergy among the various players concerned.

3. The Minister is to develop policy directions and policies in the areas within the Minister's jurisdiction and propose them to the Government. A national research and innovation policy is among the policies the Minister is to develop.

The Minister is to coordinate and follow up on the implementation of those policy directions and policies.

4. The functions of the Minister are, more particularly, to

(1) promote higher education, research, science, innovation and technology and, in those fields, foster cooperation between the various players and cohesive

government action and extend Québec's influence both within Canada and abroad;

(2) support and contribute to the development of those fields and to raising the level of scientific, cultural and professional achievement among the population of Québec;

(3) promote the development of higher education institutions and see to the quality of the services provided, in connection with the Minister's mission, by such institutions;

(4) promote the integrity, enhancement and quality of research activities;

(5) contribute to the effectiveness of government economic development initiatives through research-, science-, innovation- or technology-related measures;

(6) take coordinated action with the Minister of Education, Recreation and Sports to foster the continuity, development and integration of educational pathways;

(7) manage all financial assistance programs established by the Act respecting financial assistance for education expenses (chapter A-13.3);

(8) participate, with the ministers concerned and within the scope of Canadian intergovernmental affairs policy and international affairs policy, in devising and implementing external cooperation programs in sectors in which exchanges are conducive to the development of the fields within the Minister's jurisdiction; and

(9) advise the Government and government departments and bodies and make recommendations, where appropriate.

In addition, the Minister assumes any other responsibility conferred on the Minister by the Government.

5. In the pursuit of the Minister's mission, the Minister may, among other things,

(1) grant financial assistance out of the sums put at the Minister's disposal for that purpose, subject to the conditions determined by the Minister;

(2) obtain the necessary information from government departments and any public body to which the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) applies, and from any private body;

(3) enter into agreements, subject to the applicable legislative provisions, with a government other than that of Québec, with a department or body of such a government, or with an international organization or one of its agencies;

(4) conduct or commission research, studies and analyses; and

(5) provide any person, group or body with the services the Minister considers necessary.

6. A sharing of resources and services between the Minister and the Minister of Education, Recreation and Sports is to be encouraged whenever it can be instrumental in their pursuit of objectives associated with the continuity, development and integration of educational pathways or their fulfillment of efficiency and cost-benefit requirements in the management of human, financial, physical and information resources.

7. The Minister may delegate certain powers to the Deputy Minister, to a public servant or the holder of a position within the department or within another government department or a body whose personnel is appointed under the Public Service Act (chapter F-3.1.1), after consulting with the minister responsible for the department or the body's chief executive officer.

The Minister may, in writing, authorize the subdelegation of specified powers.

CHAPTER II

ORGANIZATION OF THE DEPARTMENT

8. The Government appoints a person as Deputy Minister of Higher Education, Research, Science and Technology, in accordance with the Public Service Act.

9. Under the direction of the Minister, the Deputy Minister administers the department.

The Deputy Minister also exercises any other function assigned by the Minister or the Government.

10. In exercising deputy-ministerial functions and powers, the Deputy Minister has the authority of the Minister.

11. The Deputy Minister may delegate any power assigned to the Deputy Minister to any public servant or holder of a position within the department. The Deputy Minister may likewise delegate any power to a person within another department or in a body described in section 7, after consulting with the minister responsible for the department or the body's chief executive officer.

The Deputy Minister may, in writing, authorize the subdelegation of specified powers.

12. The personnel of the department consists of the public servants needed to exercise the Minister's functions; they are appointed in accordance with the Public Service Act.

The Minister is to determine the duties of the public servants to the extent that they are not determined by law or by the Government.

13. The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

A deed, document or writing is binding on or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a personnel member of the department or the holder of a position and, in the last two cases, only so far as determined by the Minister.

14. The Minister may allow a required signature to be affixed by an automatic device or any other technology-based process, subject to the conditions the Minister determines.

15. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by the Deputy Minister or any other authorized person, is authentic.

16. The Minister is to table a report on the activities of the department for each fiscal year in the National Assembly within 4 months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

FUNDS

DIVISION I

UNIVERSITY EXCELLENCE AND PERFORMANCE FUND

17. A fund to be known as the University Excellence and Performance Fund is established within the department.

The purpose of the Fund is to finance the educational institutions at the university level listed in section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

More particularly, the Fund is dedicated to

(1) paying to each institution financial assistance determined annually according to the gifts and legacies paid into it, the growth of those gifts and legacies, and the number of students registered at the institution;

(2) financing the institutions according to, for each one, first, their success in achieving objectives of paying off their accumulated deficits, and second, their success in improving the quality of teaching and student services; and

(3) supporting excellence in research.

18. The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under section 54 of the Financial Administration Act (chapter A-6.001);

(2) the sums transferred to the Fund by the Minister out of the appropriations allocated for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects; and

(4) the revenue generated by the sums credited to the Fund.

19. Despite section 53 of the Financial Administration Act, the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

20. The surpluses accumulated by the Fund are transferred to the general fund on the dates and to the extent determined by the Government.

DIVISION II

QUÉBEC RESEARCH FUND

§1.—Establishment and organization

21. The following bodies are hereby established:

(1) the “Québec Research Fund–Nature and Technology”;

(2) the “Québec Research Fund–Health”;

(3) the “Québec Research Fund–Society and Culture”.

22. Each fund is a legal person.

23. Each fund is a mandatary of the State.

The property of each fund is part of the domain of the State but the performance of its obligations may be levied against its property.

Each fund binds only itself when it acts in its own name.

24. Each fund has its head office at the place determined by the Government. Notice of the location or of any transfer of the head office is published in the *Gazette officielle du Québec*.

25. Each fund is administered by a board of directors composed of an odd number of not more than 15 members, including the chief scientist and the scientific director, appointed by the Government.

The Government may appoint observers to each fund. The observers participate in the meetings of the fund but have no vote.

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

The selection process does not apply to a chief scientist whose term is renewed. However, within six months prior to the expiry of the chief scientist's term, each board of directors carries out a performance evaluation and sends it to the Minister, along with recommendations as to the advisability of renewing the chief scientist's term.

The Government determines the remuneration, employee benefits and other conditions of employment of the chief scientist. The office of chief scientist is a full-time position.

27. The Government appoints a scientific director to each fund, on the recommendation of that fund's board of directors. The scientific director ensures that the activities of the fund are properly run.

If the board of directors refuses or neglects to make the recommendation required under the first paragraph, the Government may appoint a scientific director after notifying the members of the board.

Within six months prior to the expiry of the scientific director's term, the board of directors includes with the recommendation provided for in the first paragraph an evaluation of the scientific director's performance.

The Government determines the remuneration, employee benefits and other conditions of employment of the scientific director. The office of scientific director is a full-time position.

28. The members of the board of directors designate a vice-chair from among their number.

29. The chief scientist is the chair of the board of directors of all three funds, and is responsible for calling meetings and ensuring that they run smoothly.

The chief scientist exercises the powers assigned by the by-laws of each fund and the functions assigned by the boards of directors.

If absent from a board meeting, the chief scientist is replaced by the vice-chair of the board.

30. The chief scientist and the scientific director are appointed for not over five years.

The other members are appointed for not over three years.

31. At the end of their terms, the members of the board of directors remain in office until they are replaced or reappointed.

The appointment of the chief scientist and the scientific director may be renewed more than once; the appointment of the other members may be renewed only once.

32. Every vacancy occurring during a term of office is filled in accordance with the mode of appointment prescribed in section 25, 26, 27 or 28, as applicable.

Absence from a number of meetings determined by the internal by-laws of each fund constitutes a vacancy.

33. The chief scientist advises the Minister on the development of research and science and, in accordance with the mandate assigned by the Minister, works to enhance Québec's position and influence in Canada and internationally.

The chief scientist coordinates efforts on issues that are common to the three funds, as well as intersectoral research activities.

The chief scientist is also responsible for administering the human, physical, financial and information resources of the three funds, and for consolidating and integrating the administrative activities of the funds.

34. The members of the boards of directors other than the chief scientist and the scientific directors are not remunerated except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to a reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

35. In no case may the chief scientist or scientific directors, under pain of forfeiture of office, have any direct or indirect interest in an undertaking, body or association causing their personal interest to conflict with that of the fund. However, such forfeiture is not incurred if such an interest devolves to them by succession or gift, provided that they renounce or dispose of it with all possible dispatch.

Any other member of the board of directors who has any interest in such an undertaking, body or association must, under pain of forfeiture of office, disclose it in writing to the chief scientist and abstain from participating in any deliberation and any decision concerning that undertaking, body or association. Such a board member must also withdraw from a meeting for the duration of the deliberations and the vote on the issue.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within the fund which would also apply to the board member.

36. Each fund may establish offices at places it determines and may hold its sittings anywhere in Québec.

The quorum at meetings of the board of directors is over one half of the members of the board of directors of the fund.

In case of a tie vote, the chief scientist has a casting vote.

37. Every decision signed by all the members of the board of directors has the same force as if it had been taken at a regular sitting.

38. The members of the personnel of a fund is appointed in accordance with the staffing plan established by by-law of the fund.

Subject to the provisions of a collective agreement, a fund determines, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government. The by-law may also make them subject to the second paragraph of section 35.

§2. — *Functions and powers*

39. The functions of the Québec Research Fund–Nature and Technology are

(1) to promote and provide financial support for research in the fields of natural sciences, mathematical sciences and engineering;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of research related to natural sciences, mathematical sciences and engineering;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and the industry, and the government departments and public and private bodies concerned.

40. The functions of the Québec Research Fund–Health are

(1) to promote and provide financial support for all areas of research in the field of health, including basic, clinical and epidemiological research, research in the field of public health and research in the field of health services;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of health research;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and health care institutions, and the government departments and public and private bodies concerned.

41. The functions of the Québec Research Fund–Society and Culture are

(1) to promote and provide financial support for the development of research in the fields of social and human sciences and the field of education, management, arts and letters;

(2) to promote and provide financial support for the dissemination of knowledge in fields of research related to social and human sciences and to education, management, arts and letters;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and cultural institutions, and the government departments and public and private bodies concerned.

42. Every three years on the date fixed by the Minister, each fund transmits to the Minister a three-year plan of activities describing

- (1) the context in which the fund operates and the main issues it is concerned with;
- (2) the chosen strategic orientations, objectives and courses of action;
- (3) the results to be achieved at the end of the period covered by the plan;
- (4) the performance indicators used to measure the achievement of results.

The plan must indicate separately, for the first year covered, the amounts estimated for the management expenditures of the fund and the amounts estimated for each of the financial support programs.

The plan is submitted to the Government for approval and must take into account the directives that the Minister may give to the fund on its objectives and orientations.

The plan is tabled in the National Assembly within 15 days of its approval by the Government if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.

43. At the beginning of each fiscal year on the date fixed by the Minister, a fund sends the budgetary estimates for the year concerned, along with the list of the activities planned for that year, to the Minister for approval.

44. A fund may, within the scope of its plan of activities approved by the Government and on the conditions it determines, grant financial support by way of subsidies and grants.

A fund may also grant financial support in any other manner approved by the Government.

45. A financial support program must determine

- (1) the form and content of applications for financial support, the information they must contain and the documents which must accompany them;
- (2) the terms and conditions subject to which financial support may be granted and the criteria for the assessment of applications for financial support;
- (3) the scales and limits of the financial support.

The elements mentioned in subparagraphs 2 and 3 are subject to approval by the Minister.

46. A fund may form committees responsible for the assessment of the applications for financial support that are addressed to it.

The members of such committees are not remunerated; they are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

However, committee members delegated by departments and public agencies are not entitled to an attendance allowance.

47. A fund may, according to law, enter into any agreement with any government other than that of Québec, any department of such a government, any international organization, or any agency of such a government or organization, in order to carry out its functions.

48. A fund must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises (chapter G-1.02).

Each fund must adopt a policy for examining and dealing with complaints about operations connected with its activities.

49. In addition to its functions provided for under this division, each fund implements the financial support programs that are under its authority pursuant to another Act or, with the authorization of the Government and on the conditions it determines, the financial support programs under the authority of a department or a public agency. The fund then carries out its functions in accordance with this subdivision, wherever practicable.

50. In no case may a fund, unless authorized by the Government,

(1) contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government;

(2) make a contract for a term or amount exceeding that determined by the Government.

No fund may acquire immovables.

51. In the pursuit of its objectives, a fund may receive gifts, legacies, subsidies and other contributions, provided that any conditions attached are compatible with the achievement of its mission.

52. Each fund advises the Minister on any matter in its area of competence that is submitted to it by the Minister, and makes any recommendations it considers appropriate.

§3.—*Financial provisions*

53. The Government may, on the conditions it determines,

(1) guarantee any loan contracted by a fund as well as the execution of any of its obligations;

(2) authorize the Minister of Finance to advance to a fund any amount deemed necessary for the carrying out of its functions.

Any sum that the Government may be called to pay under the guarantees or to advance to a fund is taken out of the Consolidated Revenue Fund.

§4. — *Documents, accounts and reports*

54. No deed, document or writing binds a fund unless it is signed by the chief scientist, the scientific director or a member of the personnel of the fund and, in the case of such a member, only to the extent determined by regulation of the fund.

A fund may, by by-law and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines or a facsimile of a signature to be engraved, lithographed or printed on them. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chief scientist.

Every by-law made by virtue of this section comes into force 10 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

55. The minutes of the meetings of the board of directors, approved by the board and certified by the chief scientist or any other person authorized by a fund, are authentic. The same applies to documents and copies of documents emanating from a fund or forming part of its records, if they are so certified.

56. An intelligible transcription of a decision or other data stored in a computer or in a computer-readable medium by a fund is a document of that fund and constitutes proof of its contents if it is certified by a person referred to in section 54.

57. The fiscal year of each fund ends on 31 March.

58. Not later than 31 July each year, each fund must transmit to the Minister a report of its activities for the preceding fiscal year.

The report shall, in addition to the information the Minister may prescribe, contain a progress report on the three-year plan approved under section 42.

59. The Minister shall table the annual report of a fund in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

60. The books and accounts of the fund are audited every year by the Auditor General and also whenever so ordered by the Government.

The auditor's report must accompany the annual report of the fund.

§5. — *Penal provisions*

61. Every person who gives false or misleading information in view of obtaining or procuring financial support provided for by this division is guilty of an offence and liable to a fine of not more than \$5,000.

62. Where a legal person commits an offence against section 61, every director or representative of that legal person who was aware of the offence is deemed to be a party to the offence and is liable to a fine of not more than \$5,000 unless he proves to the satisfaction of the court that he did not acquiesce to the commission of the offence.

63. No person found guilty of an offence against section 61 or 62 or against section 380 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in connection with financial support contemplated under this chapter may, unless he has been pardoned, obtain financial support under this chapter for a period of two years from the conviction.

CHAPTER IV

COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

64. The Commission de l'éthique en science et en technologie is established.

65. The secretariat of the Commission is located at the place determined by the Government. Notice of the location or any change of location of the secretariat is published in the *Gazette officielle du Québec*.

66. The Commission is composed of 13 members, including a president, appointed by the Government. The members must possess expertise in ethics and be from the university and industrial research communities in the fields of social and human sciences, natural sciences, engineering and biomedical sciences and from the ethics community, the practice communities and civil society.

The Government may appoint an observer at the Commission; the observer participates in meetings of the Commission but is not entitled to vote.

67. The members of the Commission, including the president, are appointed for not more than three years.

The term of office of the members may be renewed consecutively only once. At the expiry of their terms of office, the members remain in office until they are replaced or reappointed.

68. Any vacancy occurring during the term of office of the members of the Commission is filled in accordance with the mode of appointment prescribed in section 66.

Absence from a number of meetings determined by the by-laws of the Commission constitutes a vacancy in the cases and circumstances specified in the by-laws.

69. The president manages the Commission and supervises its personnel.

The Government determines the remuneration, employee benefits and other conditions of employment of the president.

70. Members of the Commission other than the president are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

71. The meetings of the Commission and any committee of the Commission are held in camera. The Commission may invite other persons to take part in one of its meetings, or a meeting of any of its committees.

The Commission may hold its meetings anywhere in Québec.

Six members are a quorum at meetings of the Commission.

In the case of a tie vote, the president has a casting vote.

72. The personnel members of the Commission are appointed in accordance with the Public Service Act.

DIVISION II

FUNCTIONS AND POWERS

73. The function of the Commission is to advise the Minister on any matter relating to ethical issues in the areas of science and technology. A further function of the Commission is to promote reflection on those issues.

74. In performing its function, the Commission shall give the Minister its opinion on any matter the Minister submits to it relating to ethical issues in the areas of science and technology. The Commission may also take the initiative of submitting advisory opinions to the Minister or making recommendations on any matter within its purview.

Moreover, it must communicate its findings and conclusions to the Minister.

After giving the Minister reasonable notice, the Commission may make public its advisory opinions, recommendations, findings and conclusions.

75. The Commission may establish committees for the proper conduct of its work. At the request of the Minister, it must form working groups to examine particular matters.

The members of committees and working groups are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

76. The Commission must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises.

77. Not later than 31 July each year, the Commission submits to the Minister an activity report for the preceding fiscal year.

The Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER V

ADVISORY COMMITTEE ON THE FINANCIAL ACCESSIBILITY OF EDUCATION

78. An advisory committee on the financial accessibility of education is established under the name “Comité consultatif sur l’accessibilité financière aux études”.

79. The advisory committee is composed of 16 members, including a chair, appointed by the Government after consultation with groups representing students, the staff of educational institutions and socio-economic circles. The appointments are made on the recommendation of the Minister after consulting with the Minister of Education, Recreation and Sports.

The members so appointed must be as follows:

(1) one member is to be a student at the secondary level, in vocational education;

(2) two members are to be students at the college level, one in a technical studies program and the other in a pre-university studies program;

(3) four members are to be university students, one at the undergraduate level, one at the Master's level, one at the doctoral level and one in a continuing education program;

(4) one member is to be a teacher;

(5) five members are to be persons assigned to administrative functions, two in a general and vocational college and the other three in an educational institution at the university level; and

(6) three members are to be persons representing socio-economic groups.

80. The Deputy Minister and the Deputy Minister of Education, Recreation and Sports are, by virtue of their office, associate members of the advisory committee, without voting rights. They may designate a substitute.

81. The members of the advisory committee are appointed for a term of not more than four years.

At the expiry of their term, they remain in office until reappointed or replaced.

The term of a member of the advisory committee may be renewed only once.

82. A vacancy on the advisory committee is filled in accordance with the rules of appointment to the committee.

Loss of the status required or an unexplained absence from the number of consecutive meetings stipulated in the by-laws of the advisory committee, in the cases and circumstances set out in the by-laws, constitutes a vacancy.

83. The members of the advisory committee are not remunerated except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to a reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

84. The advisory committee adopts by-laws.

85. The secretariat of the advisory committee is within the territory of Ville de Québec.

The advisory committee may hold its meetings anywhere in Québec.

86. The quorum at meetings of the advisory committee is the majority of its members.

87. The secretary and the other personnel members of the advisory committee are appointed in accordance with the Public Service Act.

88. The advisory committee is responsible for advising the Minister and the Minister of Education, Recreation and Sports on any matter submitted to the committee by either Minister with regard to

(1) financial assistance programs established by the Act respecting financial assistance for education expenses;

(2) tuition fees, admission or registration fees for educational services and other fees relating to such services; and

(3) measures or policies that may affect the financial accessibility of education.

89. The advisory committee may

(1) refer any question concerning a matter coming under the advisory committee's jurisdiction to the Minister or to the Minister of Education, Recreation and Sports, according to their respective jurisdictions;

(2) commission studies and research;

(3) solicit and receive observations and suggestions from individuals or groups; and

(4) request any available information from the Minister or the Minister of Education, Recreation and Sports.

90. The Minister, after consulting with the Minister of Education, Recreation and Sports when the matter relates to a level of education within that Minister's jurisdiction, must seek the advice of the advisory committee on any draft regulation respecting the financial assistance programs referred to in paragraph 1 of section 88.

The Minister and the Minister of Education, Recreation and Sports must also seek the advice of the advisory committee on any condition they intend to include in the budgetary rules or in any directive they intend to give to educational institutions with respect to matters referred to in paragraph 2 of section 88.

The Minister or the Minister of Education, Recreation and Sports, as applicable, informs the advisory committee of the time within which the advice must be sent to the Minister. That time cannot be less than 30 days.

If the advisory committee fails to send its advice within the time specified, the obligations of the Minister concerned under the first and second paragraphs are deemed to be fulfilled.

91. Not later than 30 June each year, the advisory committee must submit a report to the Minister and to the Minister of Education, Recreation and Sports on its activities for the previous fiscal year.

That Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER VI

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

92. Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Comité consultatif sur l’accessibilité financière aux études” in alphabetical order.

ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

93. Section 10 of the Act respecting financial assistance for education expenses (chapter A-13.3) is amended

(1) by inserting “or the Minister of Education, Recreation and Sports, according to their respective jurisdictions,” after “Minister” in the first paragraph;

(2) by replacing “the Minister” by “either minister” in the second paragraph.

94. Section 11 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) he has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, for the granting of loans and bursaries or loans only, in order to pursue studies recognized by either minister on a full-time basis;”.

95. Section 18 of the Act is replaced by the following section:

“18. A student is eligible for a bursary provided that

(1) the student has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports for the granting of loans and bursaries in order to pursue studies recognized by either minister on a full-time basis; and

(2) the student is within the period of eligibility for a bursary as established by regulation.”

96. Section 31.1 of the Act is amended by adding the following paragraph at the end:

“The Minister consults the Minister of Education, Recreation and Sports if the amount is related to studies in vocational training at the secondary level.”

97. Section 33 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the person has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports for the granting of loans, according to their respective jurisdictions, in order to pursue studies recognized by either minister on a part-time basis;”.

98. Section 44 of the Act is amended

(1) by replacing “in paragraphs 1 and 2 of section 18” in the first paragraph by “in paragraph 1 of section 18”;

(2) by replacing the fourth and fifth paragraphs by the following paragraphs:

“The Minister of Education, Recreation and Sports may, subject to the same conditions, exercise that power to grant financial assistance for vocational training at the secondary level.

The Ministers must include a statement of the financial assistance granted under this section and the reasons for such payments in their annual activity reports.”

99. Section 45 of the Act is amended by replacing the first paragraph by the following paragraph:

“**45.** An examination committee for exceptional cases is hereby established. The members of the committee are appointed by the Minister after consultation with groups representing the staff of educational institutions, students and socio-economic circles and after consultation with the Minister of Education, Recreation and Sports.”

100. Section 46 of the Act is amended by inserting “or the Minister of Education, Recreation and Sports, as the case may be,” after “Minister”.

101. Section 56 of the Act is replaced by the following section:

“**56.** The Minister may

(1) establish the list of educational institutions at the postsecondary level designated for the granting of loans and bursaries;

(2) establish the list of educational institutions at the postsecondary level designated for the granting of loans only;

(3) establish the list of educational institutions at the postsecondary level designated for the granting of loans for the purposes of the loans program for part-time studies at the postsecondary level;

(4) establish the list of courses or courses of study at the postsecondary level, including training periods or not, recognized for the purposes of eligibility for financial assistance; and

(5) establish the list of financial institutions recognized for the purposes of guaranteed loans both for studies in vocational training at the secondary level and for studies at the postsecondary level.

The Minister of Education, Recreation and Sports may, after consultation with the Minister,

(1) establish the list of educational institutions at the secondary level designated for the granting of loans and bursaries;

(2) establish the list of educational institutions at the secondary level designated for the granting of loans only;

(3) establish the list of educational institutions at the secondary level designated for the granting of loans for the purposes of the loans program for part-time studies in vocational training at the secondary level; and

(4) establish the list of courses or courses of study in vocational training at the secondary level, including training periods or not, recognized for the purposes of eligibility for financial assistance.

The lists referred to in subparagraphs 1 to 3 of the first and second paragraphs may be established by the Ministers in such a way that particular courses of study are identified for which an educational institution at the secondary or postsecondary level is designated for the granting of loans and bursaries or for the granting of loans.

The lists referred to in subparagraphs 4 of the first and second paragraphs may be established by the Ministers in such a way that a particular educational institution at the secondary or postsecondary level is designated in respect of one or more particular courses of study recognized for the purposes of eligibility for financial assistance.

Instead of drawing up a list, the Ministers may determine, for each level of education, for each cycle and for certain categories of institutions that the Ministers identify, the conditions that an educational institution must meet in order to be designated for the granting of loans and bursaries or the granting of loans, and the conditions that a course or course of study must meet in order to be recognized for the purposes of eligibility for financial assistance.”

102. Section 57 of the Act is amended by inserting “, on the recommendation of the Minister and after consultation with the Minister of Education, Recreation and Sports for matters related to a level of education under the latter’s jurisdiction,” after “by regulation” in the introductory clause of the first paragraph.

103. Section 65 of the Act is amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

GENERAL AND VOCATIONAL COLLEGES ACT

104. Section 17.2 of the General and Vocational Colleges Act (chapter C-29) is amended

(1) by striking out “after the latter has consulted the Minister of Economic Development, Innovation and Export Trade” in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “Before giving authorization, the Minister shall consult any minister concerned with such a centre’s activities.”

105. Section 26 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L’ÉDUCATION

106. The preamble of the Act respecting the Conseil supérieur de l’éducation (chapter C-60) is amended

(1) by replacing “the Minister of Education, Recreation and Sports and to advise that Minister” in the fourth paragraph by “the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology and to advise the Ministers”;

(2) by striking out the fifth paragraph.

107. Section 3 of the Act is amended by striking out “, its committee”.

108. Section 4 of the Act is amended by replacing “of Education, Recreation and Sports” in the second paragraph by “after consultation with the Minister of Higher Education, Research, Science and Technology”.

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

“7. The Deputy Minister of Education, Recreation and Sports and the Deputy Minister of Higher Education, Research, Science and Technology are ex officio associate members of the Council, but are not entitled to vote. They may designate a substitute.

The Deputy Ministers shall send to the Council and its commissions, if any, such available information as they require.”

110. Section 9 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph;

(2) by replacing “to the Minister” in the second paragraph by “to the Ministers”.

111. Section 10 of the Act is amended by replacing “to the Minister” in paragraph 1 by “to the Ministers”.

112. Section 10.1 of the Act is replaced by the following section:

“**10.1.** The Council shall advise the Minister or the Minister of Higher Education, Research, Science and Technology, as applicable, on draft regulations that they are required to submit to the Council and on any matter submitted to it by them.”

113. Section 12 of the Act is amended by striking out “and those of its committee” in the first paragraph.

114. Section 14 of the Act is amended by striking out “, its committee”.

115. Section 14.1 of the Act is amended by replacing “to the Minister of Education, Recreation and Sports” in the first paragraph by “to the Minister and the Minister of Higher Education, Research, Science and Technology”.

116. Sections 23.1 to 23.8 of the Act are repealed.

117. Section 28 of the Act is amended by replacing “The committee and any commissions” by “The commissions”.

118. Section 29 of the Act is amended

(1) by striking out “or of the committee”;

(2) by replacing “of the body of which he is a member” by “of the Council”.

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

119. Section 6 of the Act respecting the development of Québec firms in the book industry (chapter D-8.1) is amended by replacing subparagraph 2 of the fourth paragraph by the following subparagraphs:

“(2) one by the Minister of Education, Recreation and Sports;

“(2.1) one by the Minister of Higher Education, Research, Science and Technology;”.

ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION

120. Section 7 of the Act to promote workforce skills development and recognition (chapter D-8.3) is amended by replacing “under subparagraphs 1 to 3 of the first paragraph of section 56 of the Act respecting financial assistance for education expenses (chapter A-13.3), in relation to the study programs recognized by the Minister” in paragraph 8 by “or the Minister of Higher Education, Research, Science and Technology under subparagraphs 1 to 3 of the first and second paragraphs of section 56 of the Act respecting financial assistance for education expenses (chapter A-13.3), in relation to the study programs recognized by either of those ministers”.

ACT RESPECTING PRIVATE EDUCATION

121. The Act respecting private education (chapter E-9.1) is amended by inserting the following section before section 1:

“**0.1.** The Minister of Education, Recreation and Sports shall exercise the ministerial functions and powers provided for in this Act in relation to preschool education services, elementary school instructional services, secondary school instructional services in general and vocational education and supplementary vocational training services related to any of those levels of education.

The Minister of Higher Education, Research, Science and Technology shall exercise the ministerial functions and powers provided for in this Act in relation to college-level general and vocational instructional services and college-level supplementary vocational training services.”

122. Section 10 of the Act is replaced by the following section:

“**10.** No person may operate a private educational institution to which this Act applies unless the person holds a permit for the institution and the educational services or categories of educational services that are dispensed.

The permit is issued

(1) by the Minister of Education, Recreation and Sports for educational services or categories of educational services referred to in paragraphs 1 to 5 of section 1;

(2) by the Minister of Higher Education, Research, Science and Technology for educational services or categories of educational services referred to in paragraphs 7 and 8 of section 1; or

(3) by either of those ministers for supplementary vocational training services referred to in paragraph 9 of section 1, according to the level of education to which they could be considered to belong.

If an institution dispenses services under both ministers' responsibility, a permit issued by each minister is required."

123. Section 16 of the Act is amended by replacing the first paragraph by the following paragraph:

"**16.** The Ministers may establish separate permits for the various educational services within their jurisdiction."

124. Sections 47 and 48 of the Act are replaced by the following section:

"**47.** The Government may, by regulation, determine rules governing the pedagogical aspects of the supplementary vocational training services dispensed by private educational institutions.

The regulation may prescribe that the following are subject to the Minister's approval:

- (1) the programs of studies;
- (2) the instructional material to be used by the institutions;
- (3) the form and content of the training attestation to be issued by an institution to a student who has achieved the objectives of the programs of studies in a field authorized by its permit;
- (4) the standards and procedures for the evaluation of students' learning achievement; and
- (5) the rules governing certification of studies by an institution."

125. Section 49 of the Act is replaced by the following section:

"**49.** The institution shall issue a training attestation to a student who has achieved the objectives of the programs of studies in a field authorized by its permit. The attestation must not contain any mention which may lead to believe that the attestation has been awarded by the Minister or that it is equivalent to a diploma, certificate or other attestation referred to in paragraph 4 or 8 of section 1."

126. Section 96 of the Act is replaced by the following section:

“96. The Commission is composed of nine members, including a chairman, appointed by the Government. The members, other than the chairman, shall represent the following fields:

(1) five members shall represent the field of preschool, elementary and secondary education; and

(2) three members shall represent the field of college education.

The members referred to in subparagraph 1 of the first paragraph are appointed on the recommendation of the Minister of Education, Recreation and Sports. At least three of those members are chosen from a list of at least six candidates proposed by the groups which the Minister considers, with regard to the services within the Minister’s jurisdiction, to be representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of the students attending those institutions.

The members referred to in subparagraph 2 of the first paragraph are appointed on the recommendation of the Minister of Higher Education, Research, Science and Technology. At least two of those members are chosen from a list of at least six candidates proposed by the groups which the Minister considers, with regard to the services within the Minister’s jurisdiction, to be representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of the students attending those institutions.

The chairman is appointed on the recommendation of the Minister of Education, Recreation and Sports, after consultation with the Minister of Higher Education, Research, Science and Technology.”

127. Section 104 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Sports”;

(2) by replacing “coming under his jurisdiction” by “within their respective jurisdictions”.

128. Section 105 of the Act is replaced by the following section:

“105. The Commission must advise the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, as the case may be, on any matter either minister submits to it respecting private education.

The advice of the Commission on any subject concerning which a Minister is required to consult the Commission pursuant to this Act must be given within

90 days of the date of the Minister's request, failing which the obligation of the Minister is deemed to be fulfilled.”

129. Section 107 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) refer any matter relating to private education to the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions; and”.

130. Section 109 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Sports” in the first paragraph;

(2) by replacing “the Minister of Education, Recreation and Sports” in subparagraph 3 of the second paragraph by “either of those ministers”.

131. Section 111 of the Act is amended by inserting “on the recommendation of the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions,” after “by regulation,” in the introductory clause.

132. Section 174 of the Act is replaced by the following section:

“**174.** The Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology are responsible for the administration of this Act, in the areas within their respective jurisdictions.”

EXECUTIVE POWER ACT

133. Section 4 of the Executive Power Act (chapter E-18) is amended by adding the following paragraph at the end:

“(39) a Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF THE INFORMATION RESOURCES OF PUBLIC BODIES AND GOVERNMENT ENTERPRISES

134. Section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraphs:

“(4) school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal;

“(4.1) general and vocational colleges and the educational institutions at the university level listed in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);”.

135. The Act is amended by inserting the following section after section 8:

“8.1. The Minister of Higher Education, Research, Science and Technology, after consultation with the chief information officer, designates a network information officer for the public bodies referred to in subparagraph 4.1 of the first paragraph of section 2.”

136. Section 11 of the Act is amended by adding the following sentence at the end of the second paragraph: “In addition, the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology, after consultation with the chief information officer, may enter into an agreement specifying that the same person may act as sectoral information officer for both departments.”

137. Section 14 of the Act is amended

(1) by inserting “, the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph 3;

(2) by replacing “in subparagraph 4 or 5” in paragraph 3 by “in subparagraph 4, 4.1 or 5”.

138. Section 15 of the Act is amended by replacing “4” in the fourth paragraph by “4.1”.

TAXATION ACT

139. The Taxation Act (chapter I-3) is amended by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in the following provisions:

(1) subparagraph *i* of paragraph *a* of section 358.0.2;

(2) paragraph *d* of section 752.0.1;

(3) subparagraph *a* of the first paragraph of section 752.0.2.1;

(4) the definition of “designated educational institution” and paragraph *a* of the definition of “recognized educational program” in the first paragraph of section 776.41.12.

140. The Act is amended by replacing “Minister of Education, Recreation and Sports” wherever it appears in the following provisions by “Minister of Higher Education, Research, Science and Technology”:

(1) paragraph *c.1* of section 725;

(2) paragraph *d* of the definition of “foreign researcher on a postdoctoral internship” in the first paragraph of section 737.22.0.0.1;

(3) paragraph *d* of the definition of “foreign professor” in the first paragraph of section 737.22.0.5;

(4) paragraph *b* of the definition of “recognized diploma” in the first paragraph of section 776.1.5.0.16;

(5) paragraph *b* of the definition of “recognized diploma” in section 1029.8.122.

141. The Act is amended by replacing “Minister of Economic Development, Innovation and Export Trade” wherever it appears in the following provisions by “Minister of Higher Education, Research, Science and Technology”:

(1) paragraph *d* of the definition of “foreign researcher” in the first paragraph of section 737.19;

(2) paragraph *d* of the definition of “foreign expert” in the first paragraph of section 737.22.0.0.5;

(3) paragraph *a.1.1* of section 1029.8.1;

(4) the first paragraph of sections 1029.8.10 and 1029.8.11;

(5) paragraph *a* and subparagraphs *i*, *i.1* and *i.2* of paragraph *b* of section 1029.8.16;

(6) subparagraphs *b* of the fourth paragraphs of sections 1029.8.16.1.4 and 1029.8.16.1.5;

(7) section 1029.8.16.1.9.

142. Sections 1029.8.33.2, 1029.8.33.11.1 and 1029.8.33.11.11 of the Act are amended, in the first paragraph,

(1) by inserting “or the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” after “Sport” in paragraph *a* of their definition of “recognized educational institution”;

(2) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph *c* of their definition of “recognized educational institution” and by replacing “first paragraph” in that paragraph *c* by “first and second paragraphs”;

(3) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph *d* of their definition of “recognized educational institution”.

ACT RESPECTING THE INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

143. Section 5 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02) is amended by replacing “, including the chairman and a director general, appointed by the Government” in the first paragraph by “, including the chairman and a director general, appointed by the Government, on the recommendation of the Minister, after consultation with the Minister of Education, Recreation and Sports. The composition of the board must tend towards gender parity.”

144. Section 17 of the Act is amended

(1) by replacing “Minister of Education, Recreation and Sports” in subparagraph 3 of the first paragraph by “Minister”;

(2) by inserting “or the Minister” after “authorization of the Minister” in the second paragraph;

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

“As regards an agreement entered into under subparagraph 4 of the first paragraph, the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, is considered responsible for the institute for the purposes of Chapters III and III.1 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and Division II of the Act respecting the Ministère du Conseil exécutif (chapter M-30).”

145. Section 18 of the Act is amended

(1) by replacing “of Education, Recreation and Sports” in the first paragraph by “or the Minister of Education, Recreation and Sports, according to their respective jurisdictions”;

(2) by adding the following sentence at the end of the first paragraph: “The institute shall consult both ministers if it develops new programs or if it amends existing programs that concern both levels of education.”

146. Section 19 of the Act is amended by striking out “of Education, Recreation and Sports”.

147. Section 23 of the Act is amended

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

“23. The institute must comply with any directives concerning its policy directions and policies which may be given to it by the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, as soon as those directives are approved by the Government.”;

(2) by replacing “of the Minister” in the second paragraph by “of either of those ministers”.

148. Section 28 of the Act is amended

(1) by inserting “the Minister and” after “year to” in the first paragraph;

(2) by replacing “the Minister” in the second paragraph by “either of those ministers”.

149. Section 30 of the Act is amended by replacing “any information he may require” by “or the Minister of Education, Recreation and Sports, as the case may be, any information either minister may require”.

150. Section 31 of the Act is replaced by the following section:

“31. Each year, the institute shall submit its budget estimates for the next fiscal year to the Minister and the Minister of Education, Recreation and Sports on the date and in the form and with the content determined by the Ministers.

The budget estimates must be approved by the Minister after consultation with the Minister of Education, Recreation and Sports.”

151. Section 42 of the Act is amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

ACT RESPECTING THE INSTITUT NATIONAL DES MINES

152. Section 5 of the Act respecting the Institut national des mines (chapter I-13.1.2) is amended by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Minister” in subparagraph 3 of the second paragraph.

153. Section 6 of the Act is amended

(1) by adding “or the Minister of Higher Education, Research, Science and Technology” at the end of paragraph 6;

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

“As regards an agreement entered into under subparagraph 3 of the first paragraph, the Minister or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions, is considered

responsible for the institute for the purposes of Chapters III and III.1 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and Division II of the Act respecting the Ministère du Conseil exécutif (chapter M-30).”

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

“**7.** The institute must give its opinion on any question the Minister or the Minister of Higher Education, Research, Science and Technology submits to it with respect to the fields or subjects within its purview. The institute’s opinion must include recommendations, unless the nature of the request precludes it.”

155. Section 8 of the Act is replaced by the following section:

“**8.** Each year, the institute must prepare a plan of its activities and the related budget. The plan must reflect the policy directions and objectives determined by the Minister after consultation with the Minister of Higher Education, Research, Science and Technology. The plan must also contain the information specified by the Minister or the Minister of Higher Education, Research, Science and Technology.

The plan must be sent to the Minister on the date set by the Minister.

The plan must be approved by the Minister who, for that purpose, must consult the Minister of Higher Education, Research, Science and Technology.”

156. Section 10 of the Act is amended by inserting “or the Minister of Higher Education, Research, Science and Technology, as the case may be,” after “Minister”.

157. Section 11 of the Act is amended

(1) by replacing “17” in the first paragraph by “18”;

(2) by replacing “The Government” in the introductory clause of the second paragraph by “On the recommendation of the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology, the Government”;

(3) by replacing subparagraph 3 of the second paragraph by the following subparagraphs:

“(3) four members from the mining-related sector of the secondary level in vocational education, appointed after consultation with that sector;

“(3.1) two members from mining-related sectors of the college or university level, appointed after consultation with those sectors;”;

(4) by inserting “, the Deputy Minister of Higher Education, Research, Science and Technology” after “Sports” in the third paragraph;

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

“The composition of the board must tend towards gender parity.”

158. Section 28 of the Act is amended

(1) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph;

(2) by replacing “the Minister” in the second paragraph by “either of those ministers”.

159. Section 35 of the Act is amended by inserting “, after consultation with the Minister of Higher Education, Research, Science and Technology,” after “Minister” in the first paragraph.

EDUCATION ACT

160. Section 477.14 of the Education Act (chapter I-13.3) is amended

(1) by striking out “appointed by the Minister after consultation with the interested bodies” in the introductory clause;

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

“The chair is appointed by the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology.

The members referred to in subparagraphs 2 and 3 of the first paragraph are appointed by the Minister, after consultation with the interested bodies. The members referred to in subparagraphs 4 and 5 of the first paragraph are appointed by the Minister of Higher Education, Research, Science and Technology, after consultation with the interested bodies.

In addition, the Minister may appoint two associate members to the committee, one chosen from among the employees of the Ministère de l'Éducation, du Loisir et du Sport, the other from among the managerial staff of the school boards. An additional associate member, chosen from among the employees of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, may be appointed by the Minister of Higher Education, Research, Science and Technology.”

161. Section 477.15 of the Act is amended by adding the following paragraphs at the end:

“In addition, the committee shall advise the Minister of Higher Education, Research, Science and Technology on the financing of university-level teacher education programs.

Before approving a program or making a recommendation, the committee shall consult the administrative committee set up by the Minister of Higher Education, Research, Science and Technology to provide advice on university training programs.”

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

162. Section 1.1 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) is amended by replacing “, secondary and college education and university education and research, except where another minister is responsible” by “and secondary education”.

163. Section 1.2 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) taking coordinated action with the Minister of Higher Education, Research, Science and Technology to foster the continuity, development and integration of educational pathways;”.

164. Section 1.3 of the Act is amended by striking out “or research” in paragraph 3.

165. The Act is amended by inserting the following section after section 3.1:

“3.2. A sharing of resources and services between the Minister and the Minister of Higher Education, Research, Science and Technology is to be encouraged wherever it can be instrumental in their pursuit of objectives related to the continuity, development and integration of educational pathways or their fulfillment of efficiency and cost-benefit requirements in the management of human, financial, physical and information resources.”

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

166. Section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended by inserting the following subparagraph after subparagraph 2 of the third paragraph:

“(2.1) the Deputy Minister of Higher Education, Research, Science and Technology or an Associate or Assistant Deputy Minister of Higher Education, Research, Science and Technology designated by the Deputy Minister;”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT
ÉCONOMIQUE, DE L'INNOVATION ET DE L'EXPORTATION

167. Section 2 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01) is amended by striking out “innovation”, “, as well as research”, “scientific,” and “, scientific development”.

168. Section 3 of the Act is amended by striking out “, and promoting research, science, technology and innovation” in the first paragraph.

169. Section 5 of the Act is amended

(1) by striking out paragraph 5;

(2) by inserting “, particularly with the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie,” after “bodies” in paragraph 9.

GOVERNMENT DEPARTMENTS ACT

170. Section 1 of the Government Departments Act (chapter M-34) is amended by adding the following paragraph at the end:

“(38) the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, presided over by the Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING THE SECTORAL PARAMETERS OF CERTAIN
FISCAL MEASURES

171. Section 2 of the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1) is amended by replacing “Minister of Education, Recreation and Sports” in paragraph 4 by “Minister of Higher Education, Research, Science and Technology”.

172. Section 1.1 of Schedule C to the Act is amended by striking out paragraphs 2, 3, 5 and 6.

173. Chapter III of Schedule C to the Act, comprising sections 3.1 to 3.5, Chapter IV of that schedule, comprising sections 4.1 to 4.6, Chapter VI of that schedule, comprising sections 6.1 to 6.5, and Chapter VII of that schedule, comprising sections 7.1 to 7.5, become Chapter IV, comprising sections 4.1 to 4.5, Chapter V, comprising sections 5.1 to 5.6, Chapter VI, comprising sections 6.1 to 6.5, and Chapter VII, comprising sections 7.1 to 7.5, of Schedule D to the Act, with the necessary changes in numbering.

174. Section 8.10 of Schedule C to the Act is amended by replacing “Minister of Education, Recreation and Sports” in paragraph 1 by “Minister

of Higher Education, Research, Science and Technology or the Minister of Education, Recreation and Sports”.

175. The heading of Schedule D to the Act is amended by replacing “MINISTER OF EDUCATION, RECREATION AND SPORTS” by “MINISTER OF HIGHER EDUCATION, RESEARCH, SCIENCE AND TECHNOLOGY”.

176. Section 1.1 of Schedule D to the Act is amended

(1) by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”;

(2) by adding the following paragraphs after paragraph 2:

“(3) the deduction in respect of foreign researchers provided for in sections 737.19 to 737.22 of the Taxation Act;

“(4) the deduction in respect of foreign experts provided for in sections 737.22.0.0.5 to 737.22.0.0.8 of the Taxation Act;

“(5) the refundable tax credit for university research and for research carried on by a public research centre or a research consortium and the tax credit for fees and dues paid to a research consortium provided for in sections 1029.8.1 to 1029.8.7 and 1029.8.9.0.2 to 1029.8.9.0.4 of the Taxation Act; and

“(6) the tax credit for private partnership pre-competitive research provided for in sections 1029.8.16.1.1 to 1029.8.16.1.9 of the Taxation Act.”

177. Schedule D to the Act is amended by adding the following after section 3.6:

“CHAPTER IV

“SECTORAL PARAMETERS OF DEDUCTION IN RESPECT OF FOREIGN RESEARCHERS

“DIVISION I

“INTERPRETATION AND GENERAL

“**4.1.** In this chapter, unless the context indicates otherwise,

“eligible employer” means a person or partnership who declares to the Minister that the person or partnership is carrying on a business in Canada and undertaking or causing to be undertaken on the person’s or partnership’s behalf in Québec scientific research and experimental development related to a business of the person or partnership and that the person or partnership is neither an eligible university entity within the meaning of section 2.1 of Schedule D, nor a person exempt from tax under section 984 or 985 of the

Taxation Act or that would be exempt from tax under that section 985 but for section 192 of that Act;

“foreign researcher tax holiday” means the fiscal measure provided for in Title VII.3 of Book IV of Part I of the Taxation Act, under which an individual may deduct an amount in computing the individual’s taxable income for a taxation year.

“4.2. In order for an individual who works for an eligible employer to benefit from the foreign researcher tax holiday for a taxation year, the eligible employer must obtain a qualification certificate in respect of the foreign researcher (in this chapter referred to as a “researcher qualification certificate”) from the Minister.

The employer must file an application for the qualification certificate before 1 March of the calendar year that follows the individual’s taxation year for which he or she first claims the tax holiday.

“DIVISION II

“RESEARCHER QUALIFICATION CERTIFICATE

“4.3. A researcher qualification certificate issued to an eligible employer certifies that the individual referred to in the certificate is recognized as a researcher.

“4.4. To be recognized as a researcher, an individual must

- (1) be specialized in the field of pure or applied science or a related field;
- (2) hold, or possess knowledge equivalent to the knowledge acquired by the holder of, a Master’s degree recognized by a Québec university in any of the fields referred to in paragraph 1; and
- (3) have the skills required to carry out scientific research and experimental development activities.

“4.5. An eligible employer to which a researcher qualification certificate is issued must promptly send a copy of the certificate to the individual concerned so that it may be attached to his or her fiscal return.

“CHAPTER V**“SECTORAL PARAMETERS OF DEDUCTION IN RESPECT OF FOREIGN EXPERTS****“DIVISION I****“INTERPRETATION AND GENERAL**

“5.1. In this chapter, unless the context indicates otherwise,

“eligible employer” means a person or partnership who declares to the Minister that the person or partnership is carrying on a business in Canada for the period in which the person or partnership undertakes or causes to be undertaken on the person’s or partnership’s behalf in Québec, as part of a project, scientific research and experimental development related to a business of the person or partnership, as well as for the periods preceding and following the carrying out of the project, and that the person or partnership is neither an eligible university entity within the meaning of section 2.1 of Schedule D, nor a person mentioned in section 984 or 985 of the Taxation Act;

“foreign expert tax holiday” means the fiscal measure provided for in Title VII.3.0.2 of Book IV of Part I of the Taxation Act, under which an individual may deduct an amount in computing the individual’s taxable income for a taxation year.

“5.2. In order for an individual who works for an eligible employer to benefit from the foreign expert tax holiday for a taxation year, the eligible employer must obtain a qualification certificate in respect of the individual (in this chapter referred to as an “expert qualification certificate”) from the Minister. The certificate must be obtained for each taxation year for which the individual may claim the tax holiday.

The employer must file an application for the qualification certificate before 1 March of the calendar year that follows the individual’s taxation year concerned.

“DIVISION II**“EXPERT QUALIFICATION CERTIFICATE**

“5.3. An expert qualification certificate issued to an eligible employer certifies that the individual referred to in the certificate is recognized as an expert in respect of the employer for the taxation year for which the application for the qualification certificate was made or for the part of the year specified in it.

“5.4. In order for an individual to be recognized as an expert in respect of an eligible employer, the individual must

(1) be specialized in a field appropriate to the valorization of scientific research and experimental development results;

(2) hold, or possess knowledge equivalent to the knowledge acquired by the holder of, a diploma recognized by a Québec university in a field referred to in paragraph 1;

(3) have the skills required to carry out activities that consist in the valorization of the results deriving from the employer's scientific research and experimental development projects, which activities include

(a) the management of innovation resulting from those projects,

(b) the commercialization and marketing of the results deriving from those projects,

(c) the transfer of advanced technologies resulting from those projects,

(d) the financing of scientific research and experimental development activities; and

(4) have duties with the employer that consist exclusively or almost exclusively, on a continuous basis, in carrying on activities that consist in the valorization of the results deriving from the employer's scientific research and experimental development projects.

“5.5. If an individual is temporarily absent from work for reasons the Minister considers reasonable, the Minister may, for the purpose of determining whether the individual meets the conditions for recognition as an expert in respect of an eligible employer, consider that the individual continued to perform his or her duties throughout the period of absence exactly as he or she was performing them immediately before the beginning of that period.

“5.6. An eligible employer to which an expert qualification certificate is issued for a taxation year must promptly send a copy of the certificate to the individual concerned so that it may be attached to his or her fiscal return for the year.

“CHAPTER VI

“SECTORAL PARAMETERS OF TAX CREDIT FOR RESEARCH CARRIED ON BY RESEARCH CONSORTIUM AND OF TAX CREDIT FOR FEES AND DUES PAID TO RESEARCH CONSORTIUM

“DIVISION I

“INTERPRETATION AND GENERAL

“6.1. In this chapter, unless the context indicates otherwise,

“research consortium” means a non-profit private research centre established in Canada whose members carry on businesses in the same sector of activity or in related sectors of activity;

“tax credit for fees and dues paid to a research consortium” means the fiscal measure provided for in Division II.2.1 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act, under which a person is deemed to have paid an amount to the Minister of Revenue on account of the person’s tax payable under that Part for a taxation year;

“tax credit for research carried on by a research consortium” means the fiscal measure provided for in Division II.1 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act, under which a person is deemed to have paid an amount to the Minister of Revenue on account of the person’s tax payable under that Part for a taxation year.

“6.2. To be recognized as an eligible research consortium, for the purposes of the tax credit for research carried on by a research consortium and the tax credit for fees and dues paid to a research consortium, a body must obtain a certificate in its respect (in this chapter referred to as a “consortium certificate”) from the Minister.

“DIVISION II

“CONSORTIUM CERTIFICATE

“6.3. A consortium certificate issued to a body certifies that the body is recognized as an eligible research consortium. Such a certificate is valid for an indeterminate period, unless otherwise specified in the certificate.

“6.4. In order for a body to be recognized as an eligible research consortium, it must be a research consortium in respect of which the following conditions are met:

(1) the number of members forming the research consortium and their financial contribution are sufficiently representative of a sector of activity;

(2) the public or parapublic bodies operating in that sector of activity that are members of the research consortium do not constitute a majority of its members and do not provide the major part of its financing;

(3) the association agreement of the members of the research consortium requires that a research program concerning the members’ scientific and technological interests be established every year, and provides that the research results obtained will be available to all the members for use and development according to their specific needs;

(4) the mission of the research consortium is to carry on scientific research and experimental development work in Québec that is generic in nature and is not likely to lead to readily marketable results;

(5) the results of scientific research and experimental development work carried on by the research consortium may give rise to applications in various industrial sectors or to products that are commercially different among its members and that vary according to the use and development each may make of those results; and

(6) the research consortium has employees who have the skills required to carry on scientific research and experimental development work and has the premises and equipment needed to carry on that work in Québec.

The condition of subparagraph 3 of the first paragraph is not considered met if the association agreement does not clearly define the manner in which the research results obtained may be used and developed by the members of the research consortium.

The Minister may recognize only one research consortium per sector of activity.

“6.5. A body that holds a valid consortium certificate must file a notice of change of status with the Minister if

(1) a change that has occurred in its human or physical resources could compromise its capacity to carry out scientific research and experimental development work;

(2) the composition of the consortium has changed significantly; or

(3) the association agreement of the members of the consortium or the consortium’s mission has been modified.

If a body fails to fulfil its obligation to file a notice of change of status, the Minister may revoke the consortium certificate issued to it.

“CHAPTER VII

“SECTORAL PARAMETERS OF TAX CREDIT FOR PRIVATE PARTNERSHIP PRE-COMPETITIVE RESEARCH

“DIVISION I

“INTERPRETATION AND GENERAL

“7.1. In this chapter, unless the context indicates otherwise,

“research project” means a scientific research and experimental development project;

“tax credit for private partnership pre-competitive research” means the fiscal measure provided for in Division II.3.0.1 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act, under which a person is deemed to have paid an amount to the Minister on account of the person’s tax payable under that Part for a taxation year.

“7.2. To benefit from the tax credit for private partnership pre-competitive research, in respect of a research project, a person or, if the person claims the tax credit as a member of a partnership, the partnership must obtain a certificate in that respect (in this chapter referred to as a “research project certificate”) from the Minister. Such a certificate is valid for a maximum period of three years.

“DIVISION II

“RESEARCH PROJECT CERTIFICATE

“7.3. The Minister may not issue a research project certificate in respect of a research project provided for in a partnership agreement unless an application to that effect is filed with the Minister before the beginning of the project.

Despite the first paragraph, the Minister may issue a research project certificate to a person or a partnership in respect of a research project carried out within the scope of a partnership agreement to which the person or partnership is a party if

(1) the application for the certificate is filed with the Minister on or before the 90th day following the day on which the research project began; or

(2) the application for the certificate is filed with the Minister within three years following the day on which the research project began and

(a) the application could not be filed within the time provided in subparagraph 1 for reasons beyond the control of the person or of the members of the partnership,

(b) the application gives the reasons why it could not be filed within such time, and

(c) the Minister considers that the reasons put forward justify the admissibility of the application.

“7.4. A research project certificate issued to a person or a partnership certifies that the research project referred to in it is a pre-competitive research project carried out under a partnership agreement to which the person or partnership is a party. The certificate also specifies the date on which its period of validity ends.

“7.5. In order for a research project to be considered to be a pre-competitive research project carried out under a partnership agreement to which the person or partnership filing the application for a certificate is a party, the following conditions must be met:

(1) each party to the partnership agreement (in this section referred to as a “partner”) has a scientific and technological interest in seeing the research project carried out, and the purpose of the partnership agreement coincides with the respective interests of all the partners, even if their sectors of activity differ;

(2) the partners are on an equal footing and share responsibility for the research project, each partner assuming its own liability, without guaranteeing the liability of the other partners;

(3) the partners pool their contributions to the research project, which contributions may be inputs of equipment, efforts, cash, knowledge or expertise;

(4) the expected duration and the purpose of the research project are defined in the partnership agreement;

(5) the research project affords each partner the possibility of using the results, such that each partner has an interest in seeing the project carried out in order to benefit from the results with a view to enhance its growth;

(6) the research project will affect the partners, whether the project is successful or not;

(7) each partner is entitled to benefit from the research project results, the planned sharing of those results being based on the interests of each partner and having to be coherent with the pursuit of its technological development; in that respect, the partnership agreement must include the obligation to negotiate conditions relating to the rights of each of the partners to exploit the intellectual property deriving from the research project, and must govern the disclosure of information on the obtention of a patent protecting the intellectual property, if applicable;

(8) all the partners participate in managing the research project and no partner is subordinate to another; and

(9) each partner performs a part of the work required to carry out the research project, while participating in the overall research project.

For the purpose of determining whether the condition of subparagraph 8 of the first paragraph is met, the establishment of a management committee and the development of a decision-making or dispute settlement mechanism, which may be provided for in the partnership agreement, are indicators that the research project is managed jointly.

For the purposes of subparagraph 9 of the first paragraph, groups of researchers, developers or engineers are considered to participate in the overall research project if they separately carry out work related to various aspects of the research project and participate in study sessions and discussions to integrate their respective research results in the overall structure of the project.”

ACT RESPECTING EDUCATIONAL PROGRAMMING

178. Section 3.1 of the Act respecting educational programming (chapter P-30.1) is amended by replacing “Minister of Economic Development, Innovation and Export Trade” in subparagraph 2 of the first paragraph by “Minister of Higher Education, Research, Science and Technology”.

179. Section 9 of the Act is amended by inserting “, to the Minister of Higher Education, Research, Science and Technology” after “members of the committee”.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

180. Section 31 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is replaced by the following section:

“31. The committees established under paragraphs 1 and 2 of section 30 are composed of persons appointed by the Minister of Education, Recreation and Sports and the committee established under paragraph 3 of that section is composed of persons appointed by the Minister of Higher Education, Research, Science and Technology. The committees also include persons appointed, as the case may be, by the group of school boards referred to in paragraph 1 of section 30, the group of school boards referred to in paragraph 2 of that section or the group of colleges.

A group of school boards or a group of colleges is an association, federation or other organization to which the majority of the school boards referred to in paragraph 1 of section 30, of the school boards referred to in paragraph 2 of that section or of the colleges belong and which is considered to be representative of such school boards by the Minister of Education, Recreation and Sports or of such colleges by the Minister of Higher Education, Research, Science and Technology, if it is not already recognized as such by law.”

181. Section 32 of the Act is amended by inserting “of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph.

182. Section 33 of the Act is amended by inserting “or to the Minister of Higher Education, Research, Science and Technology, as the case may be” after “Minister of Education, Recreation and Sports”.

183. Section 43 of the Act is replaced by the following section:

“43. The Conseil du trésor shall invite the Minister of Education, Recreation and Sports, the Minister of Higher Education, Research, Science and Technology or the Minister of Health and Social Services, as the case may be, to participate in its deliberations where they deal with the negotiations referred to in sections 44 and 53.”

FIRE SAFETY ACT

184. Section 55 of the Fire Safety Act (chapter S-3.4) is amended by inserting “or the Minister of Higher Education, Research, Science and Technology, as the case may be” after “Sports” in the first paragraph.

185. Section 62 of the Act is amended

(1) by replacing “15” in the first paragraph by “16”;

(2) by adding the following subparagraph after subparagraph 5 of the second paragraph:

“(6) a member of the personnel of the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie designated by the Deputy Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

186. Section 88 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by replacing “Minister of Education, Recreation and Sports and the Minister of Economic Development, Innovation and Export Trade” by “Minister of Higher Education, Research, Science and Technology”;

(2) by replacing “Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01)” by “Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie (2013, chapter 28)”.

187. Sections 89 to 91 of the Act are amended by replacing “Minister of Education, Recreation and Sports and the Minister of Economic Development, Innovation and Export Trade” by “Minister of Higher Education, Research, Science and Technology”.

188. Section 110 of the Act is amended

(1) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in the third paragraph;

(2) by inserting “or the Minister of Higher Education, Research, Science and Technology, as applicable” after “Sports” in the fourth paragraph.

189. Sections 436.1 and 436.8 of the Act are amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

REGULATION RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

190. The Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended by inserting “or the Minister of Education, Recreation and Sports” after “Minister” in the first paragraph of sections 7 and 50, the third paragraph of section 32, the first, second and third paragraphs of section 46, section 52 and the last paragraph of section 56.

REGULATION RESPECTING THE TUITION FEES THAT A GENERAL AND VOCATIONAL COLLEGE MUST CHARGE

191. Section 3 of the Regulation respecting the tuition fees that a general and vocational college must charge (chapter C-29, r. 2) is amended by striking out “of Education, Recreation and Sports”.

REGULATION RESPECTING THE STANDARDS, CONDITIONS AND PROCEDURE FOR ALIENATION OF AN IMMOVABLE OF A GENERAL AND VOCATIONAL COLLEGE

192. Section 2 of the Regulation respecting the standards, conditions and procedure for alienation of an immovable of a general and vocational college (chapter C-29, r. 3) is amended by striking out “of Education, Recreation and Sports”.

COLLEGE EDUCATION REGULATIONS

193. Section 4 of the College Education Regulations (chapter C-29, r. 4) is amended by striking out “of Education, Recreation and Sports” in subparagraph 2 of the second paragraph.

REGULATION RESPECTING THE ACCREDITATION OF TRAINING BODIES, TRAINING INSTRUCTORS AND TRAINING SERVICES

194. Section 8 of the Regulation respecting the accreditation of training bodies, training instructors and training services (chapter D-8.3, r. 1) is amended by inserting “the ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie,” after “ministère de l’Éducation, du Loisir et du Sport,” in paragraph 3.

REGULATION RESPECTING THE APPLICATION OF THE ACT
RESPECTING PRIVATE EDUCATION

195. Section 1 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is amended

(1) by striking out “, to college level education”;

(2) by adding the following sentence at the end: “The Minister of Higher Education, Research, Science and Technology shall exercise the functions provided for in this Regulation with regard to college level education.”

196. Section 9 of the Regulation is amended by inserting “relating to the level of instruction for which the permit is issued as” after “fees” in the first paragraph.

RÈGLEMENT SUR L’EXERCICE DES POUVOIRS ET LA RÉGIE
INTERNE DE L’INSTITUT DE TOURISME ET D’HÔTELLERIE
DU QUÉBEC

197. Section 11 of the Règlement sur l’exercice des pouvoirs et la régie interne de l’Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02, r. 1, French only) is amended by inserting “et au ministre de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” after “Sport” in paragraph 12.

REGULATION RESPECTING UNIVERSITY INVESTMENTS

198. Section 1 of the Regulation respecting university investments (chapter I-17, r. 1) is amended by striking out “of Education, Recreation and Sports” in the introductory clause.

REGULATION RESPECTING THE DELEGATIONS OF POWERS
AND DUTIES OF THE MINISTER OF EDUCATION, RECREATION
AND SPORTS

199. Paragraph 3 of section 1 and sections 3, 7 and 8 of the Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1) are repealed.

OTHER AMENDING PROVISIONS

200. The expression “Minister of Economic Development, Innovation and Export Trade” is replaced by “Minister of Higher Education, Research, Science and Technology” in the following legislative provisions:

(1) section 42 of the Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);

(2) the second paragraph of section 1 of the Act respecting artistic, literary and scientific competitions (chapter C-51).

201. The expressions “Minister of Education, Recreation and Sports” and “Ministère de l’Éducation, du Loisir et du Sport” are replaced by “Minister of Higher Education, Research, Science and Technology” and “Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie”, respectively, wherever they appear in the following legislative provisions:

(1) section 64 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01);

(2) section 88.3 of the Charter of the French language (chapter C-11);

(3) sections 16.1, 51 and 72 of the General and Vocational Colleges Act (chapter C-29);

(4) section 47 of the Act respecting the Commission d’évaluation de l’enseignement collégial (chapter C-32.2);

(5) subparagraph 2 of the first paragraph of section 4 and sections 21 and 22 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1);

(6) section 10 of the Act respecting educational institutions at the university level (chapter E-14.1);

(7) section 24 of the Act respecting university foundations (chapter F-3.2.0.1);

(8) section 27 of the Court Bailiffs Act (chapter H-4.1);

(9) section 7 of the Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);

(10) paragraph *c* of section 1 of the University Investments Act (chapter I-17);

(11) subparagraph *b* of the first paragraph of section 29 of the Medical Act (chapter M-9);

(12) section 2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);

(13) paragraph *b* of section 15 of the Pharmacy Act (chapter P-10);

(14) section 15 and subparagraph 5 of the second paragraph of section 18 of the Police Act (chapter P-13.1);

(15) section 63 of the Act respecting pre-hospital emergency services (chapter S-6.2);

(16) paragraph *f* of section 1 and section 59 of the Act respecting the Université du Québec (chapter U-1).

The expression “Minister of Education, Recreation and Sports” is replaced by “Minister” in the following legislative provisions:

(1) sections 19, 34, 37 and 63 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01);

(2) section 2 of the General and Vocational Colleges Act (chapter C-29);

(3) section 5, subparagraph 3 of the second paragraph of section 13 and section 22 of the Act respecting the Commission d’évaluation de l’enseignement collégial (chapter C-32.2);

(4) paragraph 13 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(5) section 6.1 of the University Investments Act (chapter I-17).

202. The following legislative provisions are amended by inserting, depending on the context, “, the Minister of Higher Education, Research, Science and Technology”, “, the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” or “, the Deputy Minister of Higher Education, Research, Science and Technology” after “Minister of Education, Recreation and Sports”, “Ministère de l’Éducation, du Loisir et du Sport” or “Deputy Minister of Education, Recreation and Sports”:

(1) the second paragraph of section 84 of the Individual and Family Assistance Act (chapter A-13.1.1);

(2) the sixth paragraph of section 65 of the Health Insurance Act (chapter A-29);

(3) the third paragraph of section 7 of the Act respecting the Conseil du statut de la femme (chapter C-59);

(4) section 6.1 and the second paragraph of section 63 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);

(5) paragraph *e* of section 23 of the Youth Protection Act (chapter P-34.1).

203. The following legislative provisions are amended by inserting, depending on the context, “or the Minister of Higher Education, Research, Science and Technology” or “or the Ministère de l’Enseignement supérieur,

de la Recherche, de la Science et de la Technologie”, with the necessary grammatical adjustments, after “Minister of Education, Recreation and Sports” or “Ministère de l’Éducation, du Loisir et du Sport” wherever they appear:

(1) subparagraph *o* of the second paragraph of section 69.1 of the Tax Administration Act (chapter A-6.002);

(2) subparagraph *d* of subparagraph 7 and subparagraph 7.1 of the third paragraph of section 12, subparagraph 3 of the first paragraph of section 16.10 and the second paragraph of section 95.0.1 of the Professional Code (chapter C-26);

(3) paragraph 1 of section 8 of the Pay Equity Act (chapter E-12.001);

(4) paragraph 5 of section 3 of the Act respecting labour standards (chapter N-1.1);

(5) the second paragraph of section 103 of the Act respecting the legal publicity of enterprises (chapter P-44.1);

(6) section 9 of Schedule I to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

(7) paragraphs 13 and 14 of section 167 of the Act respecting occupational health and safety (chapter S-2.1);

(8) section 125 of the Act respecting health services and social services for Cree Native persons (chapter S-5).

204. The expressions “Minister of Education, Recreation and Sports” or “Minister of Education”, “Ministère de l’Éducation, du Loisir et du Sport” or “Ministry of Education, Recreation and Sports”, and “Assistant Deputy Minister for Professional and Technical Training” are replaced wherever they appear in the following regulatory provisions by “Minister of Higher Education, Research, Science and Technology”, “Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” and “Assistant Deputy Minister for Higher Education”, respectively:

(1) any regulatory provision made under the Professional Code (chapter C-26) and any provision of a regulation respecting the committee on training of professionals of a professional order, except for the Regulation respecting the committee on training of nursing assistants (chapter C-26, r. 155) and the Regulation respecting the joint committee on training in medicine (chapter M-9, r. 18);

(2) the second occurrence of “Minister of Education, Recreation and Sports” in section 37 of the Regulation respecting hearing devices and insured services (chapter A-29, r. 2);

(3) the third paragraph of section 11.2 of the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);

(4) the fourth paragraph of section 26 of the Regulation respecting safety in public baths (chapter B-1.1, r. 11);

(5) the definition of “annual income” in the first paragraph of section 9 of the Regulation respecting the determination of child support payments (chapter C-25, r. 6), the second paragraph of that section and line 208 of Schedule I to that Regulation;

(6) section 14 of the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care (chapter M-9, r. 2.1);

(7) the second paragraph of section 3 of the Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d’assurances (chapter C-32.1.2, r. 1);

(8) subparagraph 2 of the first paragraph of section 9 and subparagraph 3 of the first paragraph of section 13 of the Regulation respecting the application of the Real Estate Brokerage Act (chapter C-73.1, r. 1);

(9) section 20 of the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec (chapter H-4.1, r. 7);

(10) subparagraph iii of paragraph *b* of subsection 2 of section 99, subparagraph *d* of the first paragraph of section 132, section 133 and the third paragraph of section 228 of the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1);

(11) subparagraphs 4 and 8 of the first paragraph of section 4 of the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4);

(12) section 18 of the Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);

(13) section 24 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(14) section 2 and paragraphs 2 and 3 of section 10 of the Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service (chapter S-3.4, r. 1);

(15) paragraph 2 of section 1 of the Regulation respecting the training required to obtain an agent licence to carry on private security activities (chapter S-3.5, r. 2);

(16) subparagraph 3 of the first paragraph of section 15 of the Reduced Contribution Regulation (chapter S-4.1.1, r. 1);

(17) subparagraph 1 of the first paragraph of section 1 of the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1);

(18) the definitions of “Minister” and “Ministry” in section 1 and section 95 of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202573 dated 21 June 2005 (2005, G.O. 2, 2423) as amended;

(19) the definitions of “Minister” and “Ministry” in section 1 of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202574 dated 21 June 2005 (2005, G.O. 2, 2449) as amended.

205. The following regulatory provisions are amended by inserting, depending on the context, “or the Minister of Higher Education, Research, Science and Technology” or “or the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie”, with the necessary grammatical adjustments, after “Minister of Education, Recreation and Sports”, “Ministère de l’Éducation, du Loisir et du Sport” or “Ministère de l’Éducation du Québec” wherever they appear:

(1) the first and last paragraphs of section 3 of the Regulation respecting legal aid (chapter A-14, r. 2);

(2) paragraph 2 of section 3, paragraph 3 of section 4.2, subparagraph *b* of subparagraph 3 of the first paragraph of section 15 and subparagraph 2 of the first paragraph of section 23 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1);

(3) paragraph 2 of the definition of “person with a hearing deficiency” in section 1 of the Regulation respecting hearing devices and insured services (chapter A-29, r. 2);

(4) subparagraph 1 of the first paragraph of section 26 of the Regulation respecting insured visual aids and related services (chapter A-29, r. 3);

(5) the third paragraphs of sections 16 and 50 of the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (chapter A-29, r. 4);

(6) the introductory clause of the first paragraph of section 6.1 of the Regulation respecting certificates of qualification and apprenticeship in

electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1);

(7) subparagraph *d* of paragraph 3 of section 25 of the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2);

(8) subparagraph *i* of paragraph *b.2* of subsection 1 of section 1 and subsection 5.2 of section 47 of the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);

(9) the second paragraph of section 2 of the Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons (chapter I-8, r. 4);

(10) sections 890.15R1 and 1086R97 of the Regulation respecting the Taxation Act (chapter I-3, r. 1);

(11) subparagraph 1 of the fourth paragraph of section 44 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(12) paragraph 3 of article 26 of Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium (chapter R-9, r. 11);

(13) paragraph 3 of article 15 of Schedule II to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Sweden (chapter R-9, r. 39);

(14) paragraph 2 of the definition of “personne à charge” in section 1 of the Règlement sur les régimes complémentaires d’avantages sociaux dans l’industrie de la construction (chapter R-20, r. 10);

(15) section 6 of the By-law respecting housing (chapter S-8, r. 7);

(16) subparagraph 2 of the first paragraph of section 4 of the Regulation respecting the disposition of certain surplus or confiscated properties (chapter T-8.1, r. 2).

CHAPTER VII

INCORPORATION INTO THIS ACT OF PROVISIONS FROM OTHER ACTS

206. Sections 13.1, 13.3, 13.4 and 13.7 of the Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15) become sections 17 to 20 of this Act, respectively, after replacing “Minister of Education, Recreation and Sports” in paragraph 3 of section 13.3 of that Act by “Minister” and

renumbering paragraphs 2 to 5 of section 13.3 of that Act as paragraphs 1 to 4 of the corresponding section of this Act.

207. Sections 46 to 83 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01) become sections 21 to 63 of this Act, respectively, after renumbering paragraph 5 of section 61 of that Act as paragraph 4 of the corresponding section of this Act and renumbering Divisions I to V of Chapter V of that Act as subdivisions 1 to 5 of Division II of Chapter III of this Act and after replacing

(1) the reference to sections 50, 50.1, 50.2 and 50.3 in section 54 of that Act by a reference to sections 25 to 28 of this Act;

(2) the reference to section 57 in section 60 of that Act by a reference to section 35 of this Act;

(3) the reference to section 75 in section 76.1 of that Act by a reference to section 54 of this Act;

(4) the reference to section 64 in section 78 of that Act by a reference to section 42 of this Act;

(5) the expression “this Chapter” in section 81 of that Act by “Division II”;

(6) the reference to section 81 in section 82 of that Act by a reference to section 61 of this Act;

(7) the reference to sections 81 and 82 in section 83 of that Act by a reference to sections 61 and 62 of this Act.

208. Sections 45.1 to 45.14 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation become sections 64 to 77 of this Act, respectively, after renumbering Divisions I and II of Chapter IV.1 of that Act as Divisions I and II of Chapter IV of this Act and replacing the reference to section 45.3 in section 45.5 of that Act by a reference to section 66.

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

209. Unless the context indicates otherwise, in any document other than an Act or a regulation, including in any order, order in council, policy, budget rule, permit, certificate, proclamation, administrative document, judicial pleading or contract,

(1) a reference to the Minister or Deputy Minister of Education, Recreation and Sports or the Ministère de l'Éducation, du Loisir et du Sport, or to the Minister or Deputy Minister of Economic Development, Innovation and Export

Trade or the Ministère du Développement économique, de l'Innovation et de l'Exportation is, if the matter is under the responsibility of the Minister of Higher Education, Research, Science and Technology, a reference to the Minister or Deputy Minister of Higher Education, Research, Science and Technology or the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie; and

(2) a reference to the Act respecting the Ministère de l'Éducation, du Loisir et du Sport or the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation, or to any of their provisions, concerning a matter within the jurisdiction of the Minister of Higher Education, Research, Science and Technology is a reference to this Act or to the corresponding provision of this Act.

210. The Regulation respecting private educational institutions at the college level (chapter E-9.1, r. 4) is deemed to have been made by the Minister of Higher Education, Research, Science and Technology.

211. A person or body referred to in section 8 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) that provides services for levels of instruction under the responsibility of the Minister of Higher Education, Research, Science and Technology and the Minister of Education, Recreation and Sports may, despite section 9 of that Regulation as amended by section 196, maintain a single security guarantee until 30 June 2014.

212. The records and other documents of the Ministère du Développement économique, de l'Innovation et de l'Exportation and of the Ministère de l'Éducation, du Loisir et du Sport are transferred to the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, to the extent that they pertain to matters within the jurisdiction of the Minister.

213. Any proceeding relating to higher education, research, science, innovation or technology or to any other matter devolving upon the Minister of Higher Education, Research, Science and Technology to which the Minister of Education, Recreation and Sports or the Minister of Economic Development, Innovation and Export Trade is a party is continued by the Minister of Higher Education, Research, Science and Technology without continuance of suit.

214. The members of the councils, committees or commissions whose composition is modified or in respect of which the authority responsible for appointments is changed by this Act continue in office on the same terms, until they are replaced or reappointed.

215. Until the coming into force of the by-laws of the advisory committee on the financial accessibility of education adopted under section 84, the committee is governed by the rules of internal management adopted under section 23.6 of the Act respecting the Conseil supérieur de l'éducation (chapter C-60), with the necessary modifications.

In addition, until that coming into force, any unexplained absence from four consecutive meetings constitutes a vacancy for the purposes of section 82.

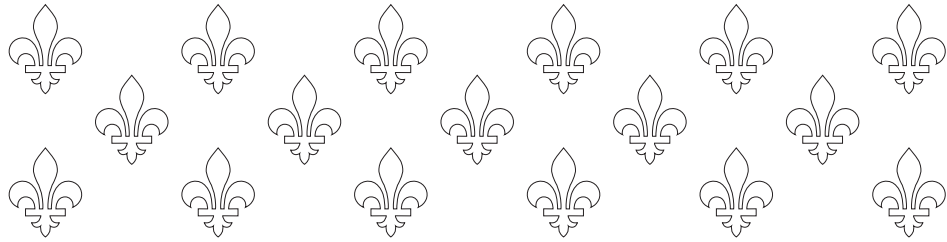
216. The members of the personnel of the Ministère de l'Éducation, du Loisir et du Sport and the Ministère du Développement économique, de l'Innovation et de l'Exportation who exercise functions relating to matters within the jurisdiction of the Minister of Higher Education, Research, Science and Technology become members of the personnel of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie.

217. The Conseil du trésor may, after consultation with the ministers concerned and to the extent it determines, transfer appropriations between the Ministère de l'Éducation, du Loisir et du Sport and the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie or between the latter and the Ministère des Finances et de l'Économie, for the fiscal year 2013-2014, to reflect the sharing of responsibilities among the ministers.

218. The Government may, by regulation, prescribe any other consequential or transitional provision necessary for the carrying out of this Act.

Such a regulation is not subject to the publication requirement or the requirement as regards its date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1) and may, once published and if it so provides, apply from any date not prior to 5 January 2014.

219. This Act comes into force on 5 January 2014.



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 51
(2013, chapter 29)

An Act to amend the Territorial Division Act and other legislative provisions

Introduced 13 June 2013
Passed in principle 6 November 2013
Passed 6 December 2013
Assented to 6 December 2013

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This Act replaces the name of the judicial district of Hull and the name of its chief place by the name Gatineau.

It makes changes to the description of the areas located within the boundaries of the district, in particular, to the list of municipalities situated within it and to the description of the territory over which concurrent jurisdiction is exercised in the district and another district.

As well, it transfers the list of the places situated within the limits of the judicial districts from section 9 of the Territorial Division Act to a schedule to that Act.

Lastly, it gives the Government the regulatory power to change the name of any judicial district or to update the name of any chief place or the description of the places located within the boundaries of a district.

LEGISLATION AMENDED BY THIS ACT:

- Territorial Division Act (chapter D-11);
- Courts of Justice Act (chapter T-16).

Bill 51

AN ACT TO AMEND THE TERRITORIAL DIVISION ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TERRITORIAL DIVISION ACT

1. Section 9 of the Territorial Division Act (chapter D-11) is amended

(1) by replacing “and composed” in the introductory clause by “and bounded”;

(2) by moving the second paragraph or the second and third paragraphs, as the case may be, of subsections 1 to 9, with a reference to the number and name of the district, to Schedule 1, which is added to the Act and entitled “List of places situated within the boundaries of judicial districts” and by replacing “within the above described perimeter” wherever they appear in those paragraphs by “within the boundaries of the district”;

(3) in paragraph 11,

(a) by replacing “**Hull**” and “Hull” in the heading by “**Gatineau**” and “Gatineau”;

(b) by replacing “Hull” in the first paragraph by “Gatineau”;

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

“This judicial district includes the following local municipalities: the towns of Gatineau, Gracefield and Thurso; the municipalities of L’Ange-Gardien, Boileau, Cantley, Chelsea, Chénéville, Denholm, Fassett, Kazabazua, Lac-Sainte-Marie, Lac-Simon, Mayo, Montebello, Montpellier, Mulgrave-et-Derry, Namur, Notre-Dame-de-Bonsecours, Notre-Dame-de-la-Paix, Notre-Dame-de-la-Salette, Papineauville, Plaisance, Ripon, Saint-André-Avellin, Saint-Émile-de-Suffolk, Saint-Sixte, Val-des-Bois and Val-des-Monts; the township municipalities of Lochaber, Lochaber-Partie-Ouest and Low; that part of Municipalité de Bouchette situated in the township of Northfield, that part of Municipalité de Bowman situated in the township of Bowman, that part of Municipalité de Blue Sea situated in the township of Wright, that part of Municipalité de Duhamel situated in the townships of Papineau and Preston, that part of Municipalité de Lac-des-Plages situated in the township of Addington, that part of Municipalité de Notre-Dame-du-Laus situated in the

township of Blake, that part of Municipalité de La Pêche situated in the townships of Masham and Wakefield, that part of Municipalité de Pontiac situated in the township of Eardley and, finally, the parts of Municipalité du canton d'Amherst situated in the townships of Addington and Ponsonby.”;

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

“It also comprises the unorganized territory situated within the boundaries of the district.”;

(e) by moving the second and third paragraphs so replaced to the new Schedule 1;

(4) by moving the second paragraph or the second and third paragraphs, as the case may be, of subsections 12 to 32, with a reference to the number and name of the district, to Schedule 1 and by replacing “within the above described perimeter” wherever they appear in those paragraphs by “within the boundaries of the district”.

2. The Act is amended by inserting the following section after section 9:

“9.1. The Government may, by regulation, change the name of judicial districts or update the name of chief places. It may also update Schedule 1 as regards the description of the areas located within the boundaries of districts, including the list of municipalities situated within them.

Such a regulation may also contain any necessary transitional or concordance provision, including amendments to any other Act or regulation.”

COURTS OF JUSTICE ACT

3. Section 24 of the Courts of Justice Act (chapter T-16) is amended by replacing “Hull” by “Gatineau”.

4. Section 32 of the Act is amended

(1) by replacing “Hull” wherever it appears in subparagraph 1 of the first paragraph by “Gatineau”;

(2) by replacing “for the districts of Hull, Labelle and Pontiac, with residence at Hull” in subparagraph 7 of the first paragraph by “for the districts of Gatineau, Labelle and Pontiac, with residence at Gatineau”.

5. Schedule I to the Act is amended

(1) by replacing, in the column listing the judicial districts, “Hull and Labelle” by “Gatineau and Labelle”, “Hull and Pontiac” by “Gatineau and Pontiac” and “Hull and Terrebonne” by “Gatineau and Terrebonne”;

(2) by replacing “Over the townships of Wright, Aylwin, Northfield, Blake, McGill, Wells, Bigelow and over that part of the territory of the municipality of Duhamel situated in the township of Gagnon.” in the column describing the territory over which concurrent jurisdiction is exercised for the districts of Hull and Labelle by “Over the territory of the municipalities of Blue Sea, Bouchette, Bowman, Duhamel and Notre-Dame-du-Laus and over the territory of Municipalité du canton d’Amherst.”;

(3) by replacing “over that part of the municipality of Lac-des-Plages situated in the township of Amherst” in the column describing the territory over which concurrent jurisdiction is exercised for the districts of Hull and Terrebonne by “over the territory of Municipalité de Lac-des-Plages”.

AMENDING AND FINAL PROVISIONS

6. In any other Act and in any regulation, “Hull” is replaced by “Gatineau” when in reference to the judicial district or to the chief place of the district.

In legal situations existing on the day of coming into force of the Act, unless the context indicates otherwise, in any act or document, a reference to the district of Hull is a reference to the district of Gatineau and a reference to Hull as chief place of the district is a reference to Gatineau.

7. This Act comes into force on 5 January 2014.

Coming into force of Acts

Gouvernement du Québec

O.C. 145-2014, 19 February 2014

An Act to promote access to justice in family matters (2012, chapter 20)
— Coming into force of sections 1 to 28, 42, 45, 51, 53 and 56 of the Act

COMING INTO FORCE of sections 1 to 28, 42, 45, 51, 53 and 56 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 Order in Council 865-2013 dated 22 August 2013 set 18 September 2013 as the date of coming into force of sections 29 to 41 of the Act;

WHEREAS it is expedient to set the date of coming into force of sections 1 to 28, 42, 45, 51, 53 and 56 of the Act to promote access to justice in family matters;

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

THAT 1 April 2014 be set as the date of coming into force of sections 1 to 28, 42, 45, 51, 53 and 56 of the Act to promote access to justice in family matters (2012, chapter 20);

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

3258

Gouvernement du Québec

O.C. 155-2014, 19 February 2014

An Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act (2011, chapter 35)
— Coming into force of section 11 of the Act

COMING INTO FORCE of section 11 of the Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act

WHEREAS the Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act (2011, chapter 35) was assented to on 9 December 2011;

WHEREAS section 68 of the Act provides that the Act comes into force on 9 December 2011, except sections 11 to 13, 22, 29 and 30, which come into force on the date or dates to be set by the Government, sections 42 to 45, which come into force on the same date as that to be set by the Government for the coming into force of sections 41, 43, 44 and 46 of chapter 17 of the statutes of 2011, respectively, sections 46 to 55, which come into force on the same date as that to be set by the Government for the coming into force of section 49 of chapter 17 of the statutes of 2011, and section 60, which comes into force on the same date as that to be set by the Government for the coming into force of section 63 of chapter 17 of the statutes of 2011;

WHEREAS, under Order in Council 1363-2011 dated 14 December 2011, sections 22, 29 and 30 of the Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act (2011, chapter 35) came into force on 14 December 2011;

WHEREAS, under Order in Council 1086-2013 dated 23 October 2013, sections 12 and 13 of the Act came into force on 1 January 2014;

WHEREAS it is expedient to set 1 January 2015 as the date of coming into force of section 11 of the Act;

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

THAT section 11 of the Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act (2011, chapter 35) come into force on 1 January 2015.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

3259

Regulations and other Acts

Gouvernement du Québec

O.C. 144-2014, 19 February 2014

Professional Code
(chapter C-26)

Barreau du Québec — Compensation fund

Regulation respecting the compensation fund of the Barreau du Québec

WHEREAS, under section 89.1 of the Professional Code (chapter C-26), the board of directors of a professional order that authorizes the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the Règlement sur la comptabilité et les normes d'exercice professionnel des avocats (chapter B-1, r. 5) authorizes the members to hold funds or property;

WHEREAS the General Council of the Barreau du Québec adopted the Regulation respecting the compensation fund of the Barreau du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the indemnity fund of the Barreau du Québec was published in Part 2 of the *Gazette officielle du Québec* of 3 July 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the compensation fund of the Barreau du Québec, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the compensation fund of the Barreau du Québec

Professionnal Code
(chapter C-26, s. 89.1)

DIVISION I CONSTITUTION OF A COMPENSATION FUND

1. The General Council of the Barreau du Québec establishes a compensation fund to be used to compensate a claimant following the use by an advocate of funds or property for purposes other than those for which the claimant had entrusted them to the advocate in the practice of his or her profession.

2. The compensation fund is maintained at a minimum amount of \$2,000,000.

It consists of

- (1) sums allocated to the fund by the General Council;
- (2) assessments fixed for that purpose by the General Council;
- (3) funds or property or sums recovered from an advocate by subrogation pursuant to section 89.1 or 159 of the Professional Code (chapter C-26) following a payment made from the fund;
- (4) income earned on the funds and property constituting the fund; and
- (5) sums which may be paid by an insurer under a group insurance policy subscribed by the Bar for all its members.

DIVISION II
RULES FOR THE ADMINISTRATION
AND INVESTMENT OF THE SUMS OF
THE COMPENSATION FUND

3. The executive committee of the Barreau du Québec administers the compensation fund and withdraws therefrom administration fees. The committee is authorized to enter into any insurance contract for the purposes of the fund and to pay the premiums from the fund.

4. The accounting for the fund must be kept separate from the accounting of the other funds of the Bar.

The sums constituting the fund are invested by the executive committee as follows:

(1) the portion of the sums the executive committee intends to use on a short-term basis is deposited in a financial institution governed by the Act respecting trust companies and savings companies (chapter S-29.01), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (chapter C-67.3) or the Trust and Loan Companies Act (S.C. 1991, c. 45);

(2) the other portion is constituted of investments presumed sound, within the meaning of article 1339 of the Civil Code, made in accordance with the investment policy of the executive committee and principles of the Civil Code applicable to such investments.

DIVISION III
COMPENSATION FUND COMMITTEE

5. The compensation fund committee, formed by the General Council under paragraph 2 of section 86.0.1 of the Professional Code, examines the claims against the fund, makes recommendations to the executive committee for claims exceeding \$50,000 and decide claims not exceeding \$50,000.

6. The committee is composed of at least 10 members appointed by the General Council, 9 of whom are chosen from among advocates practising in accordance with the eligibility criteria of members of statutory committees established by the General Council, and 1 chosen from among the directors appointed to the General Council by the Office des professions du Québec pursuant to section 78 of the Professional Code.

The chair and the secretary of the committee are appointed by the General Council. The secretary is by virtue of office a member of the committee.

At least 7 members are a quorum of the committee.

7. The committee may sit in divisions consisting of 3 members, including the chair or a member of the committee designated by the chair to chair the division.

The decisions are made by a majority of members of the division.

Two members designated by the chair may sit to decide a claim not exceeding \$50,000, where the claim is not subject to representations by the parties concerned.

DIVISION IV
COMPENSATION PROCEDURE

8. A claim against the compensation fund must

(1) be submitted in writing;

(2) state all facts in support of the claim and be accompanied by all relevant documents;

(3) indicate the amount claimed; and

(4) be sworn and filed with the secretary of the compensation fund committee.

9. To be admissible, a claim against the fund must be filed within 12 months of the claimant becoming aware that the funds or property have been used for purposes other than those for which they were entrusted to the advocate in the practice of his or her profession.

The period provided for in the first paragraph may be extended by the executive committee or, where applicable, by the compensation fund committee if the claimant shows that, for a reason beyond the claimant's control, he or she was unable to fill the claim within the prescribed period.

10. A request made by any person to the Bar with regard to facts likely to give rise to a claim against the fund is deemed to be a claim against the fund if the request is submitted within the period referred to in section 9.

The examination of the claim begins only when the terms and conditions provided for in section 8 are met.

11. A decision of the disciplinary council which obliges an advocate to remit a sum of money under the first paragraph of subparagraph *d* of section 156 of the Professional Code is deemed to be a claim against the fund, if the request for an inquiry under section 122 of the Professional Code was filed with the office of the syndic within the period prescribed in section 9.

12. The compensation fund committee, when making an inquiry regarding a claim, must allow the parties concerned to make representations when so requested.

13. The maximum compensation payable from the fund is established to \$500,000 for all claims concerning an advocate and \$100,000 by claimant in respect of such advocate.

Where the total of the claims filed against an advocate and accepted by the executive committee or the compensation fund committee exceeds the maximum compensation provided for in the first paragraph, the maximum compensation is paid to the claimants in proportion to the amount of the claims accepted.

14. Where the executive committee believes that claims in excess of \$500,000 may be filed against an advocate, it must suspend the payment of compensations until it has reviewed all claims concerning the advocate. The executive committee must

(1) publish, in a newspaper of the region where the professional domicile of the advocate is or was located, a notice in which the Bar invites any persons to inform the Bar of claims for which a compensation is likely to be paid in accordance with this Regulation; or

(2) draw an inventory of the funds or property entrusted to the advocate and notify in writing the persons likely to file a claim.

15. The secretary of the compensation fund committee informs members of the compensation fund committee of any claim against the fund at the first meeting after a claim is filed. The secretary also informs the executive committee when the amount of the claim exceeds \$50,000.

16. The compensation fund committee decides, with regard to any claim against the fund not exceeding \$50,000, whether it is expedient to accept the claim, in whole or in part, and, where applicable, it determines the compensation.

Its substantiated decision is final.

17. The executive committee, upon the duly motivated recommendation of the compensation fund committee, decides, with regard to any claim against the fund exceeding \$50,000, whether it is expedient to accept the claim, in whole or in part, and, where applicable, it determines the compensation.

Its substantiated decision is final.

18. Where the compensation fund committee and the executive committee are each seized of one or more claims against the same advocate and that the claims are related, the compensation fund committee reserves its decision until the executive committee decides which claim or claims it is seized, unless the executive committee delegates the claim or claims to the compensation fund committee for decision.

19. Upon recommendation of the executive committee, the General Council may pay compensation in excess of the amount prescribed in section 13 under special circumstances justified by humanitarian considerations.

20. To receive the compensation determined by the executive committee or, where applicable, by the compensation fund committee, the claimant must sign an acquittance in favour of the Barreau du Québec with subrogation of all rights in respect of the claim against the offending member, the member's successors, or any person, partnership or company or legal person that is bound or may be bound to make the payment, up to the amount of the compensation.

DIVISION V TRANSITORY AND FINAL

21. This Regulation replaces the Regulation respecting the indemnity fund of the Barreau du Québec (chapter B-1, r. 11), which continues to apply to claims filed before 20 March 2014.

22. The compensation fund referred to in section 1 consists of the funds and property allocated to the fund on 20 March 2014.

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

3260

Gouvernement du Québec

O.C. 146-2014, 19 February 2014

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

Regulation

Regulation respecting the application 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 sections 2, 4, 5, 8 to 11, 16 and 19 of the Act confer on the Government the power to 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 respecting the application of the Act to promote access to justice in family matters was published in Part 2 of the *Gazette officielle du Québec* of 13 November 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting the application of the Act to promote access to justice in family matters, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the application of the Act to promote access to justice in family matters

An Act to promote access to justice in family matters (2012, chapter 20, ss. 2, 4, 5, 8 to 11, 16 and 19)

CHAPTER I PRELIMINARY PROVISIONS

1. In this Regulation, “SARPA” refers to the Service administratif de rajustement des pensions alimentaires pour enfants established within the Commission des services juridiques pursuant to the Act to promote access to justice in family matters (2012, chapter 20).

2. For the purposes of this Regulation, “child care expenses”, “post-secondary education expenses”, “special expenses”, “annual income”, “disposable income” and “custody time” have the meaning given in the Regulation respecting the determination of child support payments (chapter C-25, r. 6).

In addition, the child support determination form referred to in this Regulation is the form in Schedule I to the Regulation respecting the determination of child support payments.

CHAPTER II APPLICATION FOR RECALCULATION

DIVISION I ELIGIBILITY

3. An application for the recalculation of child support may be made to SARPA provided that

- (1) the child support is payable for a minor child;
- (2) the child support was granted by way of a judgment;

(3) the child support was determined pursuant to the guidelines applicable in Québec under the Order Designating the Province of Quebec for the Purposes of the Definition “applicable guidelines” in Subsection 2(1) of the Divorce Act (SOR/97-237);

(4) the child support has not been increased or reduced by a court pursuant to article 587.2 of the Civil Code to take account of the value of either parent’s assets or the extent of the resources available to the child, or to take account of the hardship that the payment of support would entail for either parent;

(5) the child’s parents ordinarily reside in Québec;

(6) the disposable income of the child’s parents does not exceed \$200,000;

(7) the income of either of the child’s parents has not been established by the court pursuant to article 825.12 of the Code of Civil Procedure (chapter C-25);

(8) the annual income of either of the child’s parents is not below the annual income taken into account to determine the child support to be recalculated because of maternity or paternity leave, adoption leave, sabbatical leave, leave without pay, leave with deferred pay, an alternative work schedule, a resumption of studies, retirement, a change of career, or a voluntary relinquishment of employment occurring since the last judgment determining child support or, if more recent, since the last recalculation;

(9) an agreement has been reached or, when the application is made by only one of the child’s parents, will be reached between the parents in the cases and in accordance with the procedure set out in this Regulation;

(10) no pending case between the parties could have an impact on the child support; and

(11) no judgment has suspended the payment of child support.

4. An application for recalculation may be made by only one of the child’s parents, subject to the information and documents obtained from the other parent by SARPA.

DIVISION II PROCEDURE FOR MAKING AN APPLICATION

5. An application for recalculation is made to SARPA on the date or dates determined by the court. In the absence of such a date, the application may be made, each year, on the anniversary date of the last judgment determining child support or, if more recent, on the anniversary

date of the last recalculation. An application may also be made, within one year, in response to a recalculation notice containing a clerical error or calculation error, or in response to a change in the situation of the parents or of their child.

6. The application for recalculation must be made in writing and sent to SARPA via its website or filed with a legal aid office, by both of the child's parents or by the parent making the application.

The application is deemed to be made on the date on which SARPA receives the application and all the information and documents that must be provided in support of the application.

DIVISION III INFORMATION AND DOCUMENTS REQUIRED FOR RECALCULATION

7. The information that must be provided in support of an application for recalculation and the information that may be required from the other parent by SARPA, when the application is made by only one parent, is

- (1) the name and address of the child's parents;
- (2) the name and date of birth of the child; and

(3) the information needed to complete the child support determination form for the year during which the application for recalculation is made and for the preceding year if the income of either of the child's parents increased during that year.

The documents that must be provided and the documents that may be required, except if they are already in SARPA's possession, are

(1) the documents that must be provided with the child support determination form for the year during which the application for recalculation is made and for the preceding year if the income of either of the child's parents increased during that year;

(2) the statement in respect of applications relating to an obligation of support that each party is required to provide pursuant to article 827.5 of the Code of Civil Procedure;

(3) the last judgment determining child support and the child support determination form used by the court to determine child support, unless the judgment was made before 1 December 2012 and the form is not available; and

(4) the agreement between the parents, if such an agreement is required pursuant to this Regulation.

8. The information and documents needed for the recalculation is sent to SARPA using any means of communication.

9. SARPA may verify, with a parent's employer, the Ministère de l'Emploi et de la Solidarité sociale, the Agence du revenu du Québec, the Société de l'assurance automobile du Québec, the Régie de l'assurance maladie du Québec or the Commission de la santé et de la sécurité du travail, as the case may be, the accuracy of the information or documents provided by a parent for the recalculation.

DIVISION IV ANNUAL INCOME OF A PARENT WHO FAILS TO PROVIDE INFORMATION OR DOCUMENTS

10. For the purposes of the recalculation, the annual income of a parent who fails to provide SARPA with the information or documents needed to determine annual income is the higher of the amounts obtained

(1) by increasing by 15% the annual income of the parent taken into account to determine the child support for which the recalculation is requested or, if more recent, the annual income reported to the other parent during an exchange of information under article 596.1 of the Civil Code; or

(2) by indexing annually the most recent of the incomes referred to in paragraph 1 by twice the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan (chapter R-9), from 1 January of the year following the year to which the income relates to 1 January of the year during which the application for recalculation is made.

DIVISION V RECALCULATION BY AGREEMENT

11. SARPA may not recalculate child support if the income of either of the child's parents is below the income taken into account to determine the child support for which the recalculation is requested by reason of a strike or lock-out occurring since the last judgment determining the child support or, if more recent, since the last recalculation, except if the parents agree on the income resulting from the decrease.

12. SARPA may not recalculate child support if the income of either of the child's parents includes benefits granted under a statutory pension plan that have decreased since the last judgment determining child support or, if more recent, since the last recalculation, except if the parents agree on the amount of the benefits.

13. SARPA may not recalculate child support if the income of either of the child's parents includes a salary from an enterprise, partnership, association or trust of which the parent is a director, senior officer, partner, trustee or majority shareholder, except if the parents agree on the amount of the salary.

The same applies if the parent's spouse, or a person who is a relative or allied of the parent or spouse, including a de facto union, up to the degree of cousin-german inclusively, is a director, senior officer, partner, trustee or the majority shareholder.

14. SARPA may not recalculate child support if the income of either of the child's parents includes income other than a salary, support paid by a third party and received for one's own needs, employment insurance benefits, parental insurance benefits or other benefits granted under a statutory pension or compensation plan, except if the parents agree on the amount of the income.

15. SARPA may not recalculate child support if, at the time of the judgment determining support, the parents agreed on a level of child support that departs from the level which would be required to be provided under the rules provided for in the Regulation respecting the determination of child support payments, except if the parents agree to allow SARPA to recalculate the child support on the basis of those rules.

DIVISION VI APPLICATION FOR WITHDRAWAL

16. An application for withdrawal must be made in writing and sent to SARPA via its website or filed with a legal aid office, by both of a child's parents or by the parent making the application.

CHAPTER III RECALCULATION

DIVISION I RECALCULATION TERMS

17. SARPA recalculates child support taking into account the expenses granted by the court for the child or, if more recent, the expenses taken into account by SARPA at the last recalculation. However, if there is an agreement between the parents to change the amount of the expenses or if the amount of the expenses must be changed because of the withdrawal, addition or modification of an advantage, subsidy, deduction or tax credit having an impact on the expenses, SARPA adjusts the child support taking into account the amount of the expenses as agreed on by the parents or as changed.

SARPA also recalculates the child support for a child taking into account the custody time granted by the court to each parent or, if more recent, the custody time taken into account by SARPA at the last recalculation. However, if there is an agreement between the parents to change the custody time, SARPA recalculates the child support taking into account the custody time agreed on by the parents, provided that the agreement between the parents does not change the type of custody and that the determination or last change of custody time is based on an agreement between the parents that was the subject of a judgment or that was taken into account by SARPA at the last recalculation following such a judgment.

DIVISION II RECALCULATION NOTICE

18. The recalculation notice from SARPA contains the following information:

- (1) the name of the child's parents;
- (2) the number allocated by SARPA to the application for recalculation;
- (3) the number of the court record;
- (4) the date of the notice;
- (5) the amount of child support following the recalculation, including, where applicable, the expenses for the child taken into account by SARPA in making the recalculation; and
- (6) the date on which the recalculation takes effect.

The child support determination form used by SARPA to recalculate child support must be attached to the notice.

CHAPTER IV FEES PAYABLE, EXEMPTIONS AND REIMBURSEMENTS

19. Subject to the exemptions provided for in section 16 of the Act and section 20 of this Regulation, the fees payable for the recalculation of child support are \$275. The fees are charged by SARPA in equal shares to both parents of the child when both parents apply for recalculation.

The fees are payable as of the day on which the parents are notified by SARPA that it can proceed with the recalculation of child support, or, when the application is made by only one parent, as of the day the parent is notified by SARPA that it can proceed with the recalculation subject to the information and documents obtained from the other parent. The fees must be paid within 20 days of the notice, failing which a new application must be made to SARPA, according to the procedure prescribed by this Regulation.

20. No fee is payable under this Regulation when the application for recalculation is made in response to a recalculation notice containing a clerical error or calculation error that is not rectified within 30 days of the date of the notice, provided that the application is made within 90 days of the date of the notice.

21. The Commission des services juridiques reimburses half of the fees paid by a parent when the application is made by only one parent and SARPA notes, after examining the information and documents obtained from the other parent, that it cannot recalculate the child support because the recalculation applied for requires a judicial assessment.

The Commission also reimburses half of the fees paid by a parent when SARPA notes, following a change in the situation of the parents or of their child, that it cannot recalculate the child support because the recalculation applied for requires a judicial assessment.

CHAPTER V FINAL

22. This Regulation comes into force on 1 April 2014.

3261

Gouvernement du Québec

O.C. 147-2014, 19 February 2014

Courts of Justice Act
(chapter T-16)

Tariff of Court Costs in Civil Matters and Court Office Fees — Amendment

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees

WHEREAS, under section 224 of the Courts of Justice Act (chapter T-16), the Government fixes the tariff of court costs and court office fees;

WHEREAS, under the provision, the Government made the Tariff of Court Costs in Civil Matters and Court Office Fees (chapter T-16, r. 9);

WHEREAS it is necessary to amend the tariff to provide that, where the registration or filing of a recalculation notice is required for the purposes of the Act to promote access to justice in family matters (2012, chapter 20), the tariff is exempt from the payment of office fees;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees was published in Part 2 of the *Gazette officielle du Québec* of 13 November 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees

Courts of Justice Act
(chapter T-16, s. 224)

1. The Tariff of Court Costs in Civil Matters and Court Office Fees (chapter T-16, r. 9) is amended in section 23 by adding “Subparagraph 1 of the first paragraph does not apply either where the registration or filing of a recalculation notice is required for the purposes of the Act to promote access to justice in family matters (2012, chapter 20).” at the end of the second paragraph.

2. This Regulation comes into force on 1 April 2014.

3262

Gouvernement du Québec

O.C. 148-2014, 19 February 2014

Code of Civil Procedure
(chapter C-25)

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

Determination of child support payments — Amendment

Regulation to amend the Regulation respecting the determination of child support payments

WHEREAS, under article 825.8 of the Code of Civil Procedure (chapter C-25), the Government, by regulation, establishes standards for the determination of the child support payments to be made by a parent, on the basis of the basic parental contribution determined in respect of the child, of the child care expenses, post-secondary education expenses and special expenses relating to the child and of the parents' custodial arrangement in respect of the child;

WHEREAS, under the article, the Government prescribes the use of a form and of a related table determining, on the basis of the parents' disposable income and the number of children, the basic parental contribution, as well as the production of evidentiary documents;

WHEREAS, in accordance with the article, the Government made the Regulation respecting the determination of child support payments (chapter C-25, r. 6);

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

WHEREAS, under section 5 of the Act, the Government may, by regulation, prescribe rules determining the parent's annual income, for the application of the Act, if the parent fails to provide to the Service administratif de rajustement des pensions alimentaires pour enfants (SARPA) the information or documents to determine the income;

WHEREAS it is expedient to amend the Regulation;

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 the determination of child support payments was published in Part 2 of the *Gazette officielle du Québec* of 13 November 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the determination of child support payments, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the determination of child support payments

Code of Civil Procedure
(chapter C-25, art. 825.8)

An Act to promote access to justice in family matters
(2012, chapter 20, s. 5)

1. The Regulation respecting the determination of child support payments (chapter C-25, r. 6) is amended by replacing section 9 by the following:

“**9.** For the purposes of these Rules, including the related form and table,

(1) “expenses” means

— child care expenses, in addition to the annual child care expenses required to fulfil the child's needs, the child care expenses that the custodial parent must incur in particular to hold employment or to receive training or by reason of the parent's health condition;

— post-secondary education expenses, that is, the annual expenses incurred so that a child may pursue post-secondary studies, including in particular, in addition to tuition fees and expenses for required pedagogical materials, transportation or accommodation expenses incurred for that purpose;

— special expenses, that is, annual expenses other than child care expenses and post-secondary educational expenses, such as medical expenses, expenses for primary or secondary studies or for any other educational program and expenses related to extracurricular activities, where those expenses are linked to the needs required by the particular situation experienced by the child.

The child care expenses, post-secondary education expenses and special expenses are reduced, where applicable, by any related advantage, subsidy, deduction or tax credit, including any sum granted by the Minister of Education, Recreation and Sports and received by the child under a financial assistance program for education expenses and the annual amount received as a benefit under section 4 of the Universal Child Care Benefit Act, made by section 168 of the Budget Implementation Act, 2006 (S.C. 2006, c. 4), less the related tax burden, where applicable. The amount of each of the expenses thus reduced is deemed to be equal to zero when the amount is negative;

(2) “annual income” means income from any source, in particular wages, salaries and other remuneration, support paid by a third party and received for one’s own needs, employment insurance benefits, parental insurance benefits and other benefits granted under a statutory pension or compensation plan, taxable amounts of dividends, interest and other investment income, net income from rental activities and net income from the operation of a business or from self-employment; despite the foregoing, this definition excludes government family transfers, last-resort financial assistance and any sums granted by the Minister of Education, Recreation and Sports and received under a financial assistance program for education expenses.

Non-taxable income is converted into a taxable equivalent.

The income considered is that of the current year, unless the use of that reference period is not advisable given the circumstances, in which case the income is the income foreseeable for 12 months following the filing of the application.

If a parent, under section 5 of the Act to promote access to justice in family matters (2012, chapter 20), fails to provide to the Service administratif de rajustement des pensions alimentaires pour enfants (SARPA) information or the documents that would allow his or her annual income to be determined, that income is then determined, under that section, in accordance with the rules prescribed by government regulation;

(3) “disposable income” means the annual income, less the amounts mentioned in Part 3 of the form as the basic deduction and deductions for union and professional dues;

(4) “custody time” means the time during which a parent has the custody of a child or exercises visiting and outing rights in respect of a child, whether or not the child is in the care of a third person during that time.

2. Schedule I is amended

(1) by replacing the text before Part 1 by the following:

“SCHEDULE I

(s. 3)

CANADA	CHILD SUPPORT
Province of Québec	DETERMINATION FORM
District of _____	
File No. _____	FORM: father <input type="checkbox"/>
	mother <input type="checkbox"/>
	produced jointly <input type="checkbox"/>
	established by the court <input type="checkbox"/>
	prepared on _____
	Year Month Day

Please complete in block letters

The parents may complete the form together and must provide all required documents. If they do not complete the form together, the parent who completes the form must provide all information and documents in respect of himself or herself. That parent may also indicate any known information about the other parent.

DO NOT STAPLE DOCUMENTS TO THE FORM”;

(2) by replacing the instructions under the heading of Part 2 and before line 200 by the following:

“Indicate income for the current year or foreseeable income for the next 12 months, as the case may be. Provide a copy of the provincial income tax return filed in accordance with the Taxation Act (chapter I-3) and the provincial assessment notice of the Minister of Revenue for the last fiscal year _____ or, if the income tax return has not been filed or the notice has not been sent, provide a copy of the federal income tax return filed in accordance with the Income Tax Act (R.S.C., 1985, c. 1 (5th Supp.)) and the federal assessment notice of the Minister of National Revenue for the last fiscal year _____. Also provide the requested documents and any other document used to establish income.”;

(3) by replacing “Attach pay slip” at line 200 under “Gross salary” by “Provide the last three pay slips”;

(4) by replacing “Attach” at line 202 under “(Gross income less expenses relating to the business or self-employment)” by “(Provide”;

(5) by adding “(Write taxable amount of dividends filed in the provincial income tax return or, where applicable, in the federal income tax return)” at line 206 under “Interest, dividends, and other investment income”;

(6) by replacing “Attach” at line 207 under “(Gross rental income less expenses associated with the rental of immovables)” by “Provide”;

(7) by replacing “pour fin” in the title of Part 3 by “aux fins” in the French text;

(8) by adding “verified by the Court” at the end of the heading of Part 7;

(9) by adding “, in accordance with article 587.3 of the Civil Code,” after “if the parents agree” in Part 7;

(10) by replacing “attach” in Part 9 under “FATHER’S ASSETS” by “provide”;

(11) by replacing “attach” in Part 9 under “FATHER’S LIABILITIES” by “provide”;

(12) by replacing “attach” in Part 9 under “MOTHER’S ASSETS” by “provide”;

(13) by replacing “attach” in Part 9 under “MOTHER’S LIABILITIES” by “provide”.

3. The child support determination form filed during the hearing before the coming into force of this Regulation must contain, where applicable, information to establish child support in accordance with the rules prescribed in section 1 and paragraph 2 of section 2 of this Regulation.

4. This Regulation comes into force on 1 April 2014.

3263

Gouvernement du Québec

O.C. 149-2014, 19 February 2014

Chartered Professional Accountants Act
(chapter C-48.1)

Determination of the date on which two regulations respecting chartered professional accountants cease to have effect

WHEREAS, under paragraphs 6 and 11 of section 35 of the Chartered Professional Accountants Act (chapter C-48.1), the Règlement sur la délivrance du permis de l’Ordre des comptables généraux accrédités du Québec pour donner effet à l’arrangement conclu par l’Ordre en vertu de l’Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 14) and the Règlement sur la délivrance d’un permis de l’Ordre des comptables agréés

du Québec pour donner effet à l’arrangement conclu par l’Ordre en vertu de l’entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 13) are deemed to have been adopted by the board of directors of the Ordre des comptables professionnels agréés du Québec and remain in force, unless they are replaced before then by the board of directors, until 16 May 2014 or any other later date determined by the Government;

WHEREAS it is expedient that the regulations remain in force until a date later than 16 May 2014;

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

THAT the Règlement sur la délivrance du permis de l’Ordre des comptables généraux accrédités du Québec pour donner effet à l’arrangement conclu par l’Ordre en vertu de l’Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 14) and the Règlement sur la délivrance d’un permis de l’Ordre des comptables agréés du Québec pour donner effet à l’arrangement conclu par l’Ordre en vertu de l’entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 13) remain in force, unless they are replaced before then by the board of directors of the Ordre des comptables professionnels agréés du Québec, until 16 May 2016.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

3264

Gouvernement du Québec

O.C. 156-2014, 19 February 2014

Building Act
(chapter B-1.1)

Guarantee plan for new residential buildings — Amendment

Regulation to amend the Regulation respecting the guarantee plan for new residential buildings

WHEREAS, under paragraphs 17, 19.3 to 19.6, 20 and 38 of section 185 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec may make a regulation regarding financial guarantees in the new residential buildings sector;

WHEREAS, under section 192 of the Act, the contents of the regulation may vary according to the classes of persons or contractors and buildings to which the regulation applies;

WHEREAS the Board made the Regulation to amend the Regulation respecting the guarantee plan for new residential buildings on 10 September 2013;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the guarantee plan for new residential buildings was published in Part 2 of the *Gazette officielle du Québec* of 4 December 2013 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the guarantee plan for new residential buildings, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the guarantee plan for new residential buildings

Building Act
(chapter B-1.1, s. 185, pars. 17, 19.3 to 19.6, 20 and 38, and s. 192)

1. The Regulation respecting the guarantee plan for new residential buildings (chapter B-1.1, r. 8) is amended in section 1

(1) by inserting “non-profit” before “legal person” in the definition of “manager”;

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

““officer” means a person deemed to be an officer within the meaning of section 45 of the Building Act (chapter B-1.1). (*dirigeant*)”.

2. Section 2 is amended

(1) by striking out subparagraph *c* of subparagraph 1 of the first paragraph;

(2) by replacing “of combustible construction” in subparagraph *b* of subparagraph 2 of the first paragraph by “comprising no more than 4 private portions stacked one above the other without taking into account, in calculating those 4 portions, the private spaces used for parking or storage” and by striking out subparagraph *c*;

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

“Despite the foregoing, this Regulation does not apply where the contractor’s client is a non-profit organization, a housing cooperative or bureau constituted under the Act respecting the Société d’habitation du Québec (chapter S-8) and the client receives for the purchase or construction of a new building financial assistance under a housing program implemented by the Société d’habitation du Québec under its constituting act.”

3. Section 9 is amended

(1) by replacing subparagraph *b* of paragraph 1 by the following:

“(b) completion of the work, where the beneficiary holds the ownership titles provided that no unjustified profit for the latter results therefrom;”;

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

“(b) completion of the work provided that no unjustified profit for the latter results therefrom;”.

4. Section 10 is amended

(1) by adding the following after “following acceptance” at the end of paragraph 1:

“: For the implementation of the guarantee of completion of the work related to the building, the beneficiary sends the claim in writing to the contractor and sends a copy to the manager within a reasonable time after the date of the work agreed upon at the inspection prior to acceptance”;

(2) by adding the following after “following acceptance” at the end of paragraph 2:

“For the implementation of the guarantee for repairs to apparent defects or poor workmanship of the building, the beneficiary sends the claim in writing to the contractor and sends a copy to the manager within a reasonable time after the date of the end of the work agreed upon at the inspection prior to acceptance”;

(3) by striking out “not to exceed 6 months” after “time” in paragraphs 3, 4 and 5 and by replacing “manifestation.” at the end of paragraph 5 by “significant manifestation.”;

(4) by adding the following after paragraph 5:

“(6) the relocation, moving and storage of the beneficiary’s property, where, during corrective work, the building is no longer inhabitable; and

(7) the restoration of the building and repairs to material damage caused by the corrective work.”.

5. Section 12 is amended by adding “, except the negative slope of the land” at the end of subparagraph 9 of the first paragraph.

6. Section 13 is amended

(1) by replacing “\$39,000” in paragraph 1 by “\$50,000”;

(2) by replacing “\$5,500” in paragraph 2 by “\$6,000” and “\$85” by “\$95”, “\$110” by “\$125”, “\$140” by “\$160” and “\$170” by “\$190” in subparagraph *b* of paragraph 2;

(3) by replacing “\$260,000” in paragraph 3 by “\$300,000”.

7. Section 14 is amended

(1) by replacing “\$39,000” in paragraph 1 by “\$50,000”;

(2) by replacing “\$5,500” in paragraph 2 by “\$6,000” and “\$85” by “\$95”, “\$110” by “\$125”, “\$140” by “\$160” and “\$170” by “\$190” in subparagraph *b* of paragraph 2;

(3) by replacing “\$130,000” in subparagraph *b* of paragraph 3 by “\$200,000” and by striking out “without ever exceeding \$1,900,000”.

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

“During the inspection, the beneficiary and the contractor identify the work that remains to be completed and the apparent defects and poor workmanship to be corrected. The beneficiary and the contractor agree during that inspection on a period that may not exceed 6 months for the performance of the completion and corrective work.

Where there is no known beneficiary at the end of the work, the inspection must be deferred.”.

9. Section 17.1 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) not later than within 6 months following acceptance of the building, the beneficiary must send to the contractor in writing a claim for reimbursement of expenses relating to relocation, moving and storage of the beneficiary’s property, along with vouchers, and send a copy to the manager. If the claim has not been settled within 15 days after the claim has been sent, the beneficiary notifies the manager in writing who must decide the claim within 30 days following receipt of the notice.”.

10. Section 18 is amended

(1) by striking out “within the guarantee period of 1, 3 or 5 years, as the case may be,” in paragraph 1;

(2) by replacing “20” in paragraph 5 by “30”, by inserting “If the 30-day period cannot be complied with for valid reasons, the manager must so inform the beneficiary, the contractor and the Board in writing; the manager must also provide reasons for the delay and indicate when the decision will be rendered.” after “concerned.” and by replacing “within the period the manager indicates” at the end of that paragraph by “within the reasonable time the manager indicates”;

(3) by adding the following at the end of paragraph 6:

“Within 30 days following the expiry of the time period agreed upon with the beneficiary under paragraph 5, the manager must communicate to the beneficiary in writing the planned schedule of the various steps to be carried out to ensure that the corrective work is performed.”.

11. Section 19.1 is amended by adding the following paragraph:

“Non-compliance with a period cannot be set up against the beneficiary if the circumstances make it possible to establish that the beneficiary was made to exceed the period following representations by the contractor or the manager.”.

12. Section 22 is amended by adding the following paragraph:

“The arbitrator must decide, if applicable, the amount of reasonable fees for a relevant expert’s report that the manager and contractor must jointly reimburse to the beneficiary even when the beneficiary is not the plaintiff.”.

13. Section 25 is amended by adding “when it is formed and no longer under the control of the contractor. The acceptance and declaration are made at the end of the work of each building that is subject to co-ownership in phases.” at the end of the definition of “acceptance of the common portions”.

14. Section 25.1 is amended by replacing paragraph 3 by the following:

“(3) the notice of the end of work sent to the syndicate by the contractor, at the time the syndicate was no longer controlled by the contractor, informed the syndicate of the end of the work and obligations with respect to acceptance;”.

15. Section 26 is amended

(1) by replacing subparagraph *b* of paragraph 1 by the following:

“(b) completion of the work, where the beneficiary holds the ownership titles, provided that no unjustified profit for the latter results therefrom;”;

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

“(b) completion of the work, provided that no unjustified profit for the latter results therefrom;”.

16. Section 27 is amended

(1) by adding the following at the end of subparagraph *b* of paragraph 1 after “common portions”:

“. For the implementation of the guarantee of completion of the work of the building, the beneficiary sends the claim in writing to the contractor and sends a copy to the manager within a reasonable time after the date of the end of the work agreed upon at the time of acceptance;”;

(2) by adding the following at the end of paragraph 2 after “following acceptance”:

“. For the implementation of the guarantee for repairs to apparent defects or poor workmanship of the building, the beneficiary sends the claim in writing to the contractor and sends a copy to the manager within a reasonable time after the date of the end of the work agreed upon at the time of acceptance;”;

(3) by striking out “not to exceed 6 months” in paragraphs 3, 4 and 5 after “reasonable time” and by replacing “manifestation.” at the end of paragraph 5 by “significant manifestation;”;

(4) by adding the following after paragraph 5:

“(6) the relocation, moving and storage of the beneficiary’s property, where, during corrective work, the building is no longer inhabitable; and

(7) the restoration of the building and repairs to material damage caused by corrective work.”.

17. Section 29 is amended by adding “, except the negative slope of the land” at the end of subparagraph 9 of the first paragraph.

18. Section 30 is amended

(1) by replacing “\$39,000” in paragraph 1 by “\$50,000”;

(2) by replacing “\$5,500” in paragraph 2 by “\$6,000” and “\$85” by “\$95”, “\$110” by “\$125”, “\$140” by “\$160” and “\$170” by “\$190” in subparagraph *b* of paragraph 2;

(3) by replacing “\$260,000” in paragraph 3 by “\$300,000” and “\$2,600,000” by “\$3,000,000”;

(4) by replacing “\$130,000” in paragraph 4 by “\$200,000” and “\$2,600,000” by “\$3,000,000”.

19. Section 33 is amended by replacing the second paragraph by the following:

“If there is no known beneficiary at the end of the work of a private portion, the inspection of the private portion may be deferred.”.

20. Section 33.1 is amended by replacing subparagraph 1 of the first paragraph by the following:

“(1) not later than within 6 months following acceptance of the building, the beneficiary must send to the contractor, in writing, a claim for reimbursement of expenses relating to relocation, moving and storage of the beneficiary’s property, along with vouchers, and send a copy to the manager. If the claim has not been settled within 15 days after the claim has been sent, the beneficiary notifies the manager in writing who must decide the claim within 30 days following receipt of the notice;”.

21. Section 34 is amended

(1) by striking out “within the guarantee period of 1, 3 or 5 years, as the case may be,” in paragraph 1;

(2) by replacing “20” in paragraph 5 by “30”, by inserting “If the 30-day period cannot be complied with for valid reasons, the manager must so inform the beneficiary, the contractor and the Board in writing; the manager must also provide the reasons for the delay and indicate when

the decision will be rendered.” after “concerned.” and by replacing “within the period the manager indicates” at the end of that paragraph by “within a reasonable time the manager indicates”;

(3) by adding the following at the end of paragraph 6:

“Within 30 days following the expiry of the period agreed upon with the beneficiary under paragraph 5, the manager must communicate to the beneficiary in writing the planned schedule of the various steps to be carried out to ensure that the corrective work is performed.”

22. Section 35.1 is amended by adding the following paragraph:

“Non-compliance with a period cannot be set up against the beneficiary if the circumstances make it possible to establish that the beneficiary was made to exceed the period following representations by the contractor or the manager.”

23. Section 38 is amended by adding the following:

“The arbitrator must decide, if applicable, the amount of reasonable fees for a relevant expert’s report that the manager and contractor must jointly reimburse to the beneficiary even when the beneficiary is not the plaintiff.”

24. Section 41 is amended by inserting “non-profit” before “legal person”.

25. Section 42 is amended

(1) by inserting “non-profit” before “legal person” in the part preceding paragraph 1;

(2) by replacing paragraph 4 by the following:

“(4) neither it nor any of its officers has, in the 5 years preceding the application, been convicted of an offence under a fiscal law or an indictable offence connected with the activity of manager or the activities that the person carried on in the construction, insurance or security industry, or an indictable offence under sections 467.11 to 467.13 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if convicted of such an offence, a pardon was granted;”;

(3) by replacing paragraph 5 by the following:

“(5) none of its officers has been an officer of a partnership or legal person which has, in the 5 years preceding the application, been convicted of an offence under a fiscal law or an indictable offence connected with the activity of manager or the activities that the person carried

on in the construction, insurance or security industry, or an indictable offence under sections 467.11 to 467.13 of the Criminal Code or, if convicted of such an offence, a pardon was granted;”;

(4) by striking out paragraphs 8 and 9.

26. The following is inserted after section 42:

42.1. The board of directors of the non-profit legal person must be composed of 13 persons likely, because of their activities and competence, to contribute specifically to the management of a guarantee plan.

Among the 13 persons, 6 are appointed by the members of the non-profit legal person, including 3 identified with building contractors associations representing general contractors in the new residential sector and 3 identified with consumer associations, including at least 1 representing consumers in the co-ownership sector.

The remaining 7 persons are appointed by the Board, 2 persons who are building professionals, 1 person who is a law professional, 1 person from the financial sector and 3 persons from the government sector.

The building and law professionals and the persons from the financial and government sectors must not have been an officer or in the employment of a construction firm or a building contractors association during the last 3 years. In addition, no member of the board of directors of the non-profit legal person may be in the employment of a contractors’ association, a consumer association or a professional order. A member of the board of directors of the non-profit legal person may not be the director general of the non-profit legal person.

The term of the members of the board of directors is at least 2 years and may be renewed for a maximum of 6 years. At the end of their terms, the directors remain in office until reappointed or replaced.

The board of directors must establish a governance and ethics committee and an audit committee composed of members of the board of directors.

42.2. The internal by-law adopted by the non-profit legal person and any subsequent amendments must be approved by the Board. The internal by-law must include provisions on conflict of interest equivalent to the provisions made by articles 1310 and following of the Civil Code, and the rules governing the term and functions of the governance and ethics committee and the audit committee. The rules stipulate, among other things, that no contractor may have access, at any time, to personal information of a financial nature or to other information contained in the file of a peer.

42.3. The non-profit legal person must file with the Board, 1 year after its authorization by the Board, the code of ethics applicable to the members of its board of directors.

42.4. The non-profit legal person must submit to the Board any change in its internal by-law and meet at all times the conditions related to its authorization. It must also inform the Board of any change involving a change to the documents filed with the Board.”.

27. Section 43 is amended

(1) by inserting “non-profit” before “legal person” in the first paragraph;

(2) by replacing “principal establishment” in subparagraph 1 of the first paragraph by “head office”, by adding “and its letters patent” after “register”, by striking out “, social insurance number” and by adding “, managers” after “officers”;

(3) by striking out what follows “plan” in subparagraph 7 of the first paragraph;

(4) by replacing “règles de régie interne” in subparagraph 8 of the first paragraph of the French text by “règlements intérieurs”;

(5) by inserting “non-profit” before “legal person” in subparagraphs 1, 2 and 3 of the second paragraph.

28. Section 44 is replaced by the following:

“44. If the authorized manager offers the financial guarantees provided for in Chapter V of the Building Act (chapter B-1.1) other than the guarantee plan of this Regulation, the manager must then manage the approved plan separately from his or her other business and, in particular, keep separate accounts and bank transactions.”.

29. Section 45 is amended by adding the following paragraph:

“The manager must also clearly identify in the financial statements the costs of the services rendered to related persons or received from them. Such services must be permitted by the contract management policy between the manager and a third person referred to in section 65.1.”.

30. Section 47 is amended by replacing “\$1,500,000” in the first paragraph by “\$8,500,000” and “\$500,000” by “\$7,500,000”.

31. Section 48 is amended

(1) by adding the following at the end of subparagraph 1 of the first paragraph after “47”:

“during the first year of operations, an amount of \$6,500,000 during the second year of operations, an amount of \$4,500,000 during the third year of operations, an amount of \$2,500,000 during the fourth year of operations and an amount of \$1,500,000 during the subsequent years of operations”;

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

“The maximum reduction granted under the 5% rate is \$1,000,000.”;

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

“The excess must be comprised of the funds deposited in a separate bank account or of investments in one of the form provided for in section 46.”.

32. Section 50 is replaced by the following:

“50. The amount collected by the manager of a guarantee plan for each guarantee certificate must be at least

(1) \$1,050 for each guarantee certificate corresponding to detached, semi-detached or row-type single-family dwelling held or not in divided co-ownership or for each guarantee certificate corresponding to a multifamily building, from a duplex to a quintuplex, not held in divided co-ownership;

(2) \$1,550 for each guarantee certificate of a multifamily building comprising no more than 4 private portions stacked one above the other held in divided co-ownership.

The amounts provided for in the first paragraph are thereafter indexed annually according to the percentage increase in the Consumer Price Index for Canada published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19), for the 12 months of the preceding year in relation to the 12 months of the year preceding that year.

If the amounts thus indexed have more than 2 decimals, only the first 2 decimals are retained and the second is increased by 1 unit if the third is equal to or greater than 5.

The Board publishes in the *Gazette officielle du Québec* the results of any indexation carried out under this section.

The manager must immediately deposit in the reserve account 60% of any sum collected in consideration of a guarantee certificate issued under the approved plan.

The manager must also collect for each guarantee certificate an amount of \$300 that is then paid directly into the guarantee fund administered by the Board. The amount of \$300 is not included in the calculation of the amount to be paid into the reserve account of this section or in the calculation of the excess required in section 48.

The investment income from the reserve account must be paid into the reserve account. Following a claim, the amounts recovered by the manager from the contractors, insurers or others must also be paid into the reserve account.”

33. Section 51 is amended by replacing the second paragraph by the following:

“However, where, at the end of each fiscal year, the reserve account exceeds the actuarial reserve referred to in section 56, 50% of the excess amount must remain therein.”

34. Section 58 is replaced by the following:

“**58.** The manager must furnish and maintain security in the amount of \$100,000. If the security is used in whole or in part, it must be replenished by the manager within 30 days or the manager must furnish a new security to the Board.”

35. Section 60 is amended by adding “, or to pay all or part of the cost of the provisional management of the manager whose authorization has been withdrawn by the Board” at the end of the first paragraph.

36. Section 64 is amended

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

“The financial statements must detail the entries referred to in sections 49 to 51 of this Regulation. The Board may issue guidelines relating to the presentation and content of the financial statements.”;

(2) by inserting “that must cover sections 47 to 57 regarding solvency” after “report” in the fourth paragraph;

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

“Each year, a dynamic capital adequacy testing that meets the standards of the Canadian Institute of Actuaries must be prepared by the actuary mandated by the manager of a guarantee plan and must be filed with the Board. The dynamic capital adequacy testing must correspond to the end of the fiscal year provided for in paragraph 10 of section 42.”

37. The following is inserted after section 64:

“**64.1.** The manager must provide interim financial statements to the Board not later than 30 days after 31 March, 30 June, 30 September and 31 December.

The manager must also offer his or her collaboration to the Board and provide all the documents and information required by the Board to ensure compliance with the Act and the Regulation.”

38. The following is inserted after the heading of subdivision 7 of Division II of Chapter III:

“**65.1.** The manager must, to ensure the application of the approved plan, comply with the following management policies prepared by the Board:

- (1) policy on inspection;
- (2) policy on tariffs and recognition of the quality of the construction;
- (3) policy on ethics;
- (4) policy on information to beneficiaries;
- (5) policy on the processing of claims and the establishment of a claims committee;
- (6) policy on contractor information;
- (7) policy on the management of reserve accounts;
- (8) contract management policy between the manager and a third person.

The policies are adopted by the board of directors of the Board. They are published on the Board’s website.”

39. Section 70 is amended by replacing “the issue, validity or renewal” by “the issue or validity “and by adding the following paragraph:

“The manager must immediately inform the Board when a contractor refuses to comply with a decision of the manager or an arbitration award.”

40. Section 84 is amended by replacing “\$35,000” in subparagraph 1 of the first paragraph by “\$70,000 or \$100,000 if the undertaking holds subclass licence 1.1.2 provided for in Schedule I to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9)”.

41. Section 85 is amended by replacing “\$40,000” in subparagraph 1 of the first paragraph by “\$55,000 or \$70,000 if the undertaking holds subclass licence 1.1.2”.

42. Subdivision 2 of Division I of Chapter IV is revoked.

43. Section 87 is amended by adding “and alterations to those plans if major alterations occur while in progress” after “municipality” in paragraph 2.

44. Section 89 is amended by striking out the second paragraph.

45. Section 97 is amended by adding the following paragraph:

“A beneficiary who has entered into a contract for the sale or construction of a building referred to in section 2 with a contractor who is a member of an approved plan and who has not registered the building does not lose the benefit of the guarantee applicable to that building.”

46. The following is inserted after section 117:

“**117.1.** Where the plaintiff is the contractor and the arbitration body requests a provision for costs, the provision must be paid within 30 days of the request for provision, failing which, the application for arbitration is considered abandoned by the contractor.”

47. Section 124 is amended by inserting the following after the first paragraph:

“The arbitrator must also decide, if applicable, on the amount of reasonable fees for a relevant expert’s opinion that the manager and contractor must jointly reimburse to the beneficiary even when the beneficiary is not the plaintiff.”

48. Section 127 is amended by striking out “entirely” after “devoted”.

49. Section 131 is replaced by the following:

“**131.** The arbitration body must make available on its website the integral text of arbitration awards made by its arbitrators within a period not exceeding 30 days.”

50. The following is inserted after section 140:

“DIVISION IV.1 TARIFF

140.1. For the purposes of the Act and the Regulation, managers pay to the Board fees in the amount of \$50 per certificate issued by a manager, which include an amount of \$20 per certificate for the purpose of subsidizing services or bodies intended to protect the beneficiaries of the guarantee plan. The fees must be paid to the Board on the last day of each quarter.

Managers may collect from contractors fees of \$50 per certificate provided for in the first paragraph. The sum collected is not included in the calculation of the amount to be paid into the reserve account provided for in section 50 or in the calculation of the excess required in section 48.

140.2. The Board may order that the costs related to its intervention to put a stop to the non-compliance of the Act or Regulation be reimbursed to the Board.

DIVISION IV.2 FINANCIAL PENALTIES

140.3. The Board may, where the manager fails to comply with the requirements of paragraphs 4, 5 and 6 of section 18 and paragraphs 4, 5 and 6 of section 34 and in the case of non-execution of an arbitration award within a reasonable time, after prior notice to the manager and failure by the manager to provide reasons, impose a maximum financial penalty of \$25,000.

140.4. The Board may, where the manager fails to comply with the requirements of section 64, 64.1, 70, 74.3 or 77.1, after prior notice to the manager and failure by the manager to provide reasons, impose a maximum financial penalty of \$25,000.

140.5. The Board may, during interventions required after the manager of a guarantee plan fails to comply with the management policies adopted by the board of directors of the Board, after prior notice to the manager and failure by the manager to provide reasons, impose a maximum financial penalty of \$25,000.

140.6. The Board may, where the manager fails to comply with the requirements of section 22 or 38, after prior notice to the manager and failure by the manager to provide reasons, impose a financial penalty equivalent to twice the amount set by the arbitrator.

140.7. The Board takes into account the frequency and seriousness of the failure of the manager to fulfil the manager’s obligations to establish the amount of the financial penalty.

140.8. The amounts of the financial penalties are paid into the guarantee fund.”

51. Sections 141 to 143 are struck out.

52. Schedule I is struck out.

53. This Regulation is amended by adding “and major alterations made to those plans and specifications while in progress and to authorize the transmission by the manager to the beneficiary syndicate” in paragraph 10 of Schedule II after “covered”.

TRANSITIONAL AND FINAL

54. This Regulation comes into force on 1 January 2015. The Board may initiate the authorization process of a non-profit legal person to act as manager as soon as this Regulation is published under section 15 of the Regulations Act (chapter R-18.1) and as soon as it is authorized, the manager may start the accreditation process of contractors.

The indexation of the limits of the guarantee provided for in sections 6, 7 and 18 of the Regulation only applies to buildings whose construction work began on or after 1 January 2015, to the extent where the preliminary contract or contract of enterprise between a beneficiary and an accredited contractor is signed as of that date.

55. For a non-profit legal person filing its application for authorization within 120 days after the Regulation is published under section 15 of the Regulations Act, the contribution required in section 31 of this Regulation and the amounts required for establishing and starting up the non-profit legal person may, during the first 8 years, be constituted of a loan or any other form of financing and the amount of the financing or its balance does not have to be considered in the calculation of the liabilities of the guarantee manager.

56. To benefit from an authorization on 1 January 2015, an application for authorization must be filed within 120 days after this Regulation is published under section 15 of the Regulations Act.

57. The licence subclass 1.1.1 provided for in Schedule I to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended by striking out “- a multifamily building of more than 5 units, held by a non-profit organization or a cooperative and not held in divided co-ownership.” in the first paragraph.

58. The licence subclass 1.1.2 provided for in Schedule I to the Regulation respecting the professional qualification of contractors and owner-builders is amended by replacing “of combustible construction or non-combustible construction, the latter comprising no more than 4 private portions stacked one above the other” in the first paragraph by “comprising no more than 4 private portions stacked one above the other, without taking into account, in calculating those 4 portions, the private spaces used for parking or storage” and by striking out the third paragraph.

3265

Agreement

Election Act
(chapter E-3.3)

CONCERNING THE TESTING OF NEW POLLING FORMALITIES

BETWEEN

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

AND

MR. PHILIPPE COUILLARD, LEADER OF THE QUEBEC LIBERAL PARTY, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. FRANÇOIS LEGAULT, LEADER OF COALITION AVENIR QUÉBEC-L'ÉQUIPE FRANÇOIS LEGAULT, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. PIERRE-PAUL ST-ONGE, LEADER OF QUÉBEC SOLIDAIRE, AN AUTHORIZED PARTY REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. JACQUES DROUIN, IN HIS CAPACITY AS THE CHIEF ELECTORAL OFFICER OF QUEBEC

WHEREAS pursuant to section 282 of the Election Act (chapter E-3.3), electors who leave Québec temporarily after being domiciled in Québec for 12 months may vote outside Québec for two years after the date of departure;

WHEREAS electors who wish to exercise their right to vote outside Québec must file a signed request containing the information prescribed by section 283 of the Election Act;

WHEREAS section 283 of the Election Act states that a declaration that the elector intends to return to Québec and a photocopy of the document or documents determined by regulation of the Chief Electoral Officer must be filed with the request in support of the information it contains;

WHEREAS pursuant to section 290 of the Election Act, electors who vote outside Québec place the ballot paper in an unidentified envelope, seal the envelope and place it in another envelope, bearing their signature, on which they write their name and last domiciliary address in Québec;

WHEREAS, pursuant to section 292 of the Election Act, the Chief Electoral Officer verifies the signature on the envelope filed by the elector, to ensure that it matches the signature on request filed by the elector pursuant to section 283;

WHEREAS increasing numbers of electors who register to vote outside Québec digitize their documents in order to file their request for registration;

WHEREAS the Chief Electoral Officer wishes to offer a more secure service for the filing of requests for registration to vote outside Québec, and hence provide better protection for the personal information of electors;

WHEREAS the Chief Electoral Officer wishes to avail himself of section 489 of the Election Act in order to recommend to the leaders of the authorized parties represented in the National Assembly that an online registration service be tested for electors wishing to register to vote outside Québec;

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

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

WHEREAS this agreement has force of law.

CONSEQUENTLY, THE PARTIES AGREE AS FOLLOWS:

1. PREAMBLE

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

2. PURPOSE OF THE AGREEMENT

The purpose of this agreement is to test a new method of exercising the right to vote, which will allow for online registration by electors wishing to vote outside Québec.

3. AMENDMENTS TO THE ELECTION ACT

3.1 Section 283 of the Election Act (chapter E-3.3) is amended by adding the following paragraph at the end:

“The request provided for in this section may be filed using the electronic form prescribed by the Chief Electoral Officer. In such a case, one of the documents stipulated in the second paragraph must bear the elector’s signature. The elector’s statement attesting that he or she is in fact the elector to whom the request for registration to vote outside Québec applies shall replace the signature provided for in the first paragraph.”

3.2 Section 292 of the Act is amended by replacing the first paragraph by the following paragraph:

“As soon as it is received, the Chief Electoral Officer verifies the signature on the envelope. If it matches the signature that appears on the request provided for in the first paragraph of section 283 or, in the case of a request contemplated in the fourth paragraph of this section, on the document accompanying the elector’s request, the envelope is kept without being opened.”

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

“This section applies to an agreement entered into by the leaders of the authorized parties represented in the National Assembly and the Chief Electoral Officer, pursuant to section 489.”

4. APPLICATION OF THE AGREEMENT

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

5. EVALUATION REPORT

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

—election preparations related to the present agreement;

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

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

6. EFFECT AND DURATION OF THE AGREEMENT

This agreement comes into force on the date of the last signature and shall be applicable during the next general election and during any by-election ordered before the next general election is held.

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

In Montréal, on 30 January 2014

PAULINE MAROIS,
Leader of the Parti québécois

In Québec, on 10 February 2014

PHILIPPE COUILLARD,
Leader of the Quebec Liberal Party

In Montréal, on 5 February 2014

FRANÇOIS LEGAULT,
*Leader of Coalition Avenir Québec
-Équipe François Legault*

In Montréal, on 13 February 2014

PIERRE-PAUL ST-ONGE,
Leader of Québec Solidaire

In Québec, on 17 February 2014

JACQUES DROUIN,
Chief Electoral Officer of Québec

Draft Regulations

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Commission de la construction du Québec — Issuance of competency certificates

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the issuance of competency certificates, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to recognize, according to certain criteria, the vocational qualifications issued by the Minister of Employment and Social Solidarity in electricity, plumbing, heating and refrigeration systems. The draft Regulation provides that a person qualified by the Minister will be allowed, if proof of work experience is provided, to be exempt from the qualification examination for the trade with which the person is paired. That measure will make it possible for qualified persons with experience to be issued a journeyman competency certificate for the trade concerned.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

AGNÈS MALTAIS,
Minister of Labour

Regulation to amend the Regulation respecting the issuance of competency certificates

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpar. 9)

1. The Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended by replacing section 1.3 by the following:

“**1.3.** A person who applies for an initial issuance of a journeyman competency certificate and who has held for at least 5 years a qualification certificate issued by the Minister of Employment and Social Solidarity or by an agency empowered to do so under the statutes of Québec must, in order to be issued a journeyman competency certificate, take a competency assessment examination in accordance with section 12 and, as the case may be, successfully complete the additional vocational training required under that section, unless the person proves to the Commission that the person is in one of the situations referred to in paragraphs 1 to 5 of section 11.

Despite the first paragraph, the Commission issues, upon application, a journeyman competency certificate corresponding to the trade of electrician or refrigeration mechanic, or to the specialty of plumber or heating systems installer, to a person who:

(1) holds a valid qualification certificate, issued by the Minister of Employment and Social Solidarity, recognizing the person's qualification in electricity (electrical installation), refrigeration system (refrigeration system of a capacity of 200 watts or more), plumbing (plumbing system) or heating (heating system);

(2) holds a school leaving certificate in vocational or technical studies awarded under the Education Act (chapter I-13.3) or the General and Vocational Colleges Act (chapter C-29) and recognized by the Commission for that trade or specialty;

(3) demonstrates, by means of supporting documents, that he or she has acquired at least 8,000 hours of experience in working hours and applicable training credits for that trade or specialty;

(4) has successfully completed the safety course required under the Safety Code for the construction industry (chapter S-2.1, r. 4).”.

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

3268

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Commission de la construction du Québec — Vocational training of the workforce

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purposes of the draft Regulation is to increase the number of periods of apprenticeship for the trade of resilient flooring layer from 1 to 3 periods and for the trade of roofer from 1 to 2 periods, to determine the transitional measures related to the qualification and wage rates of current apprentices and to amend the journeyman/apprentice ratio for the trade of roofer.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

AGNÈS MALTAIS,
Minister of Labour

Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpar. 10)

1. The Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8) is amended by inserting the following after section 33.13:

“**33.14.** The holder of an apprentice competency certificate as a resilient flooring layer who began a period of apprenticeship before (*insert the date of coming into force of this Regulation*) is eligible for the qualification examination for the trade of resilient flooring layer if the holder has accumulated at least 2,000 hours of apprenticeship relating to work pertaining to that trade.

33.15. The wage rate of the holder of an apprentice competency certificate as a resilient flooring layer who began a period of apprenticeship before (*insert the date of coming into force of this Regulation*), in relation to the wage rate for a journeyman, is the percentage prescribed for a trade with a period of apprenticeship, as set out in section 25.

33.16. The holder of an apprentice competency certificate as a roofer who began a period of apprenticeship before (*insert the date of coming into force of this Regulation*) is eligible for the qualification examination for the trade of roofer if the holder has accumulated at least 2,000 hours of apprenticeship relating to work pertaining to that trade.

33.17. The wage rate of the holder of an apprentice competency certificate as a roofer who began a period of apprenticeship before (*insert the date of coming into force of this Regulation*), in relation to the wage rate for a journeyman, is the percentage prescribed for a trade with a period of apprenticeship, as set out in section 25.”.

2. The number of periods of apprenticeship for the trade of resilient flooring layer in Schedule B to the Regulation is amended by replacing “1” by “3”.

3. The number of periods of apprenticeship for the trade of roofer in Schedule B to the Regulation is amended by replacing “1” by “2”.

4. The ratio of apprentice per qualified worker for the trade of roofer in Schedule B to the Regulation is amended by replacing “4” by “2” for the number of qualified worker.

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

3267

Draft Regulation

Professional Code
(chapter C-26)

Sexologists — Committee on training

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the committee on training of sexologists, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation fixes, in accordance with the second paragraph of section 184 of the Professional Code (chapter C-26), the terms and conditions of cooperation between the Ordre professionnel des sexologues du Québec, constituted by letters patent issued under Order in Council 941-2013 dated 11 September 2013, and the authorities of the educational institution that issue the diplomas giving access to the permit of the Order. The draft Regulation also provides for the creation of an advisory committee for sexologists.

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

The draft Regulation will be submitted to the Office des professions du Québec for consultation. The Office will send the results of the consultation with educational institutions and other bodies listed in the Professional Code to the Minister of Justice.

Further information may be obtained by contacting Isabelle Beaulieu, Director General and Secretary, Ordre professionnel des sexologues du Québec, 4126, rue Saint-Denis, bureau 300, Montréal (Québec) H2W 2M5; telephone: 438 386-6777, extension 222; email: isabelle.beaulieu@opsq.org

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

BERTRAND ST-ARNAUD,
Minister of Justice

Regulation respecting the committee on training of sexologists

Professional Code
(chapter C-26, s. 184, 2nd par.)

1. A committee on training is hereby established within the Ordre professionnel des sexologues du Québec.

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

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

In that respect, the committee is to consider

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

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

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

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

The Bureau de coopération interuniversitaire appoints 2 members.

The Minister of Higher Education, Research, Science and Technology or the Minister's representative appoints 1 member and, if necessary, 1 alternate.

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

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

4. The term of office of members of the committee is 3 years.

They remain in office until they are reappointed or replaced.

5. The functions of the committee are

(1) to review each year the quality of training, in the light of developments in knowledge and practice, particularly as regards protection of the public. Where applicable, the committee is to report to the board of directors; and

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

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

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

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

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

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

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

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

9. The quorum of the committee is 3 members, including 1 member appointed by the board of directors, 1 by the Bureau de coopération interuniversitaire and 1 by the Minister of Higher Education, Research, Science and Technology.

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

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

11. The board of directors must send a copy of the committee's report, where applicable, and the committee's opinion to the Bureau de coopération interuniversitaire, the Minister of Higher Education, Research, Science and Technology and the Office des professions du Québec.

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

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

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Notices

Notice

Environment Quality Act
(chapter Q-2)

**Issues raised by the exploration and
exploitation of shale gas in the Utica shale
of the Saint Lawrence Lowlands
— Inquiry and public hearings**

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 hold an inquiry and public hearings following the work done by the Strategic Environmental Assessment Committee on shale gas that resulted in the publication of a series of studies and a final report that includes the observations of the experts comprising the Committee.

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 March 31, 2014 with the report to be submitted to me, at the latest on November 28, 2014.

Prepared at Québec, on this 17th of February 2014.

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

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

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