

Gazette
officielle
DU Québec

Part

2

No. 5

3 February 2016

Laws and Regulations

Volume 148

Summary

Table of Contents

Acts 2015

Regulations and other Acts

Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2016

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1). Partie 1, entitled “Avis juridiques”, is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 will be available on the Internet at noon each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

The *Gazette officielle du Québec* published on the website is available to all free of charge.

Contents

Part 2 contains:

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

French edition

In addition to the documents referred to in paragraphs 1 to 7 above, the French version of the *Gazette officielle du Québec* contains the orders in council of the Government.

Rates*

1. Annual subscription:

	Printed version
Partie 1 “Avis juridiques”:	\$494
Partie 2 “Lois et règlements”:	\$676
Part 2 “Laws and Regulations”:	\$676

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$10.57 per copy.

3. Publication of a notice in Partie 1: \$1.70 per agate line.

4. Publication of a notice in Part 2: \$1.12 per agate line. A minimum rate of \$247 is applied, however, in the case of a publication of fewer than 220 agate lines.

* **Taxes not included.**

General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: gazette.officielle@cspq.gouv.qc.ca

For information concerning the publication of notices, please call:

Gazette officielle du Québec
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 644-7794
Fax: 418 644-7813
Internet: gazette.officielle@cspq.gouv.qc.ca

Subscriptions

For a subscription to the *Gazette officielle du Québec* in paper form, contact the customer service.

Les Publications du Québec
Customer service – Subscriptions
1000, route de l’Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 643-5150
Toll free: 1 800 463-2100
Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents

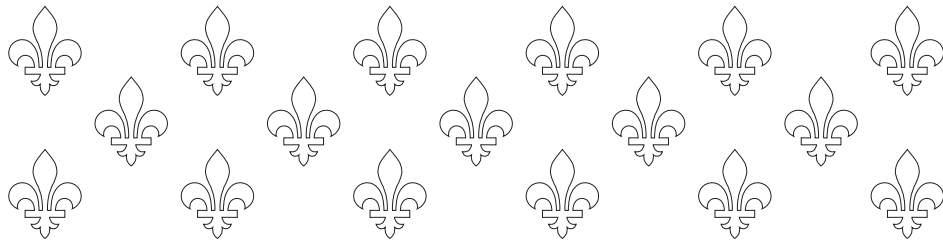
Page

Acts 2015

48	An Act to modernize the governance of Conservatoire de musique et d'art dramatique du Québec	757
55	An Act respecting transparency measures in the mining, oil and gas industries	775

Regulations and other Acts

6-2016	Approval of the schedule established by RecycleMédias for the 2014 contributions for the newspapers class	793
19-2016	Professional Code — Professional activity that may be engaged in by a medical imaging technologist	810



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 48
(2015, chapter 22)

**An Act to modernize the governance of
Conservatoire de musique et d'art
dramatique du Québec**

**Introduced 13 May 2015
Passed in principle 16 September 2015
Passed 8 October 2015
Assented to 21 October 2015**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

This Act proposes various amendments to the constituting Act of the Conservatoire de musique et d'art dramatique du Québec, mainly as regards the organization and operation of its governance bodies.

The proposed amendments concern, in particular, the composition of the board of directors. In addition, in keeping with more recent governance practices introduced in various bodies, the Act provides for the establishment, under the authority of the board, of an audit committee, a governance and ethics committee and a human resources committee. It also introduces new planning and reporting measures.

In addition to updating the Act in general, the Act includes transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1).

Bill 48

AN ACT TO MODERNIZE THE GOVERNANCE OF CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The heading of Chapter I of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1) is replaced by the following heading:

“ESTABLISHMENT”.

2. Sections 4 to 39 of the Act are replaced by the following:

“CHAPTER II

“OBJECTS AND POWERS

4. The objects of the Conservatoire are to administer and operate, in various regions of Québec, institutions providing instruction in music and institutions providing instruction in dramatic art for the professional training and continuing education of performing artists and creative artists.

In the pursuit of its objects, the Conservatoire shall take into account the specific characteristics of each of those institutions.

5. Within the scope of its mission, the Conservatoire shall consider, in particular,

(1) the importance of transmitting, according to the highest standards of excellence, the knowledge and expertise required to enhance the professional visibility of its students and allow them to aspire to a successful artistic career;

(2) the search for broad access to high-quality education for all young people with remarkable talent, regardless of their place of residence or socio-economic background;

(3) the benefits its various educational institutions provide to communities, including fostering and encouraging high standard initial training in the field of music, and their impact on the presence and vitality of bodies essential to the world of music and dramatic art;

(4) opportunities for teaching, material and artistic partnership and collaboration with other educational and artistic production institutions;

(5) the importance of academic freedom in teaching so as to encourage students' appropriation of knowledge and allow them to acquire esthetic techniques and principles and develop their artistic individuality; and

(6) the necessity of remaining aware of innovation, new trends, technological developments and evolving markets.

“6. The Conservatoire may offer training at different levels, including the college and university levels. It issues college- and university-level diplomas in accordance with sections 9 and 10 and with other applicable legislative and regulatory measures.

“7. The Conservatoire may establish any place of training useful to its mission.

It may also enter into any association or affiliation agreement, with or without consideration, with a body that offers training in the scenic arts field or audiovisual field.

“8. The Conservatoire shall establish, by by-law, education regulations applicable to instruction in music, and education regulations applicable to instruction in dramatic art.

These regulations must pertain, subject to section 9, to the general organizational framework for educational services, in particular as regards the admission and registration of students, regular student attendance, programs of study, the evaluation of learning achievement and the certification of studies.

“9. The College Education Regulations, established under section 18 of the General and Vocational Colleges Act (chapter C-29), apply to the college-level instruction that the Conservatoire may offer, with the authorization of the minister responsible for the administration of this Act, any reference to colleges being read as a reference to the Conservatoire.

Diplomas or other attestations relating to programs of college studies must be awarded pursuant to the College Education Regulations.

“10. The Conservatoire may award the degrees, diplomas, certificates or other attestations of university studies to which a program of study established and implemented by the Conservatoire with the authorization of the minister responsible for the administration of the Act respecting educational institutions at the university level (chapter E-14.1) leads.

“11. In the pursuit of its mission, the Conservatoire may, in particular,

(1) adopt programs of study;

(2) subject to sections 9 and 10, award degrees, diplomas, certificates or other attestations of studies, including the “Prix du Conservatoire”;

(3) create competitions for the awarding of prizes, and set the related conditions;

(4) form juries responsible for evaluating candidates for the “Prix du Conservatoire” and candidates participating in any other competition or examination, and determine their operating rules;

(5) establish the terms governing residency programs and bursaries programs or other forms of financial assistance to encourage excellency and to support, in particular, access to and attendance of the Conservatoire;

(6) establish rules of conduct and discipline applicable to its students, including the related sanctions;

(7) prescribe the payment of admission or registration fees and tuition fees for educational, professional training or continuing education services;

(8) set the terms of payment for the fees referred to in subparagraph 7 and determine the sanctions and penalties that apply, or may apply, in case of failure to pay or late payment; and

(9) determine the cases where withdrawal from a course gives entitlement to a refund of all or part of the tuition fees.

Fees may vary according to the category of students or the course or program of study involved, or apply only to certain categories of students or certain courses or programs of study.

The payability and amount of tuition fees are governed by the rules applicable on the date the Conservatoire registers a student for courses.

“**12.** The Conservatoire may also, in particular,

(1) enter into service agreements, with or without consideration, with any person or body;

(2) enter into agreements, in accordance with the law, with governments other than the Gouvernement du Québec, with a department or body of such a government or with an international organization or a body of such an organization; and

(3) solicit and receive gifts, legacies, subsidies and other contributions provided that any attached conditions are compatible with the objects of the Conservatoire.

“**13.** The Conservatoire may not acquire, build, enlarge, convert, hypothecate or alienate an immovable without the authorization of the Government.

“**14.** No person may, unless authorized by the Conservatoire, use a title or designation, or give a name to a diploma, prize, award, competition or course that gives the impression it is from the Conservatoire or one of its institutions, or is recognized by them.

“CHAPTER III

“GOVERNANCE BODIES

“DIVISION I

“BOARD OF DIRECTORS

“§1. — *Composition*

“**15.** The affairs of the Conservatoire are administered by a board of directors composed of 17 members, as follows:

(1) the chair of the board of directors;

(2) the director general;

(3) nine members appointed by the Government on the recommendation of the Minister and taking into consideration the expertise and experience profile established by the board. The members are appointed as follows, after consultation with bodies the Minister considers representative of the community concerned:

(a) two persons from the field of education, including one from the elementary or secondary education sector;

(b) two persons from the field of culture, with expertise as performing artists, creative artists, producers or promoters of artistic works; and

(c) five other persons;

(4) the academic director;

(5) one principal of a Conservatoire institution providing instruction in music and one principal of a Conservatoire institution providing instruction in dramatic art, elected, respectively, by a majority of the votes cast by their peers, in accordance with the Conservatoire’s by-laws;

(6) one teacher from a Conservatoire institution providing instruction in music and one teacher from a Conservatoire institution providing instruction

in dramatic art, elected, respectively, by a majority of the votes cast by their peers, in accordance with the Conservatoire's by-laws; and

(7) the president of the Conservatoire's student association accredited under the Act respecting the accreditation and financing of students' associations (chapter A-3.01) or, if there is no accredited association, the full-time student elected by a majority of the votes cast by the student's peers, in accordance with the Conservatoire's by-laws.

“16. At least 10 board members, including its chair, must, in the opinion of the Government, qualify as independent directors within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 of that Act apply, with the necessary modifications.

“17. One of the board members must be a member of the professional order of accountants mentioned in the Professional Code (chapter C-26).

At least eight members must come from outside the Montréal and Québec regions.

“18. The Government must tend towards gender parity when appointing board members. The appointments must also be consistent with the government policy established under subparagraph 1 of the first paragraph of section 43 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

“19. The chair of the board and the director general are appointed by the Government; those offices may not be held concurrently.

The director general is appointed on the recommendation of the board, taking into consideration the expertise and experience profile established by the board.

If the board does not recommend a candidate for the position of director general within a reasonable time, the Government may appoint the director general after notifying the board members.

“20. The chair of the board and the director general are appointed for a term of up to five years.

The term of the board members referred to in paragraphs 3 and 5 of section 15 is up to four years and that of a teacher referred to in paragraph 6 is up to two years.

“21. Board members may be reappointed twice to serve in that capacity only for a consecutive or non-consecutive term.

In addition to terms served as a board member, the chair of the board may be reappointed twice to serve in that capacity for a consecutive or non-consecutive term.

“22. At the end of their term, the board members shall remain in office until replaced, reappointed or re-elected.

“23. A vacancy on the board is filled in accordance with the rules governing the appointment of the member to be replaced.

Absence from a number of board meetings determined by the by-laws made under section 37 constitutes a vacancy.

“§2.— *Organization and operation*

“1. GENERAL PROVISIONS

“24. The director general and the academic director may not have a direct or indirect interest in a body, enterprise or association that places their personal interests in conflict with the Conservatoire’s interests. If such an interest devolves to them, including by succession or gift, it must be renounced or disposed of with dispatch.

Any other board member who has a direct or indirect interest in a body, enterprise or association that places the member’s personal interests in conflict with the Conservatoire’s interests must disclose it in writing to the chair of the board and abstain from participating in any discussion or decision involving that body, enterprise or association. The member must also withdraw from the meeting while the matter is discussed or voted on.

“25. A board member who is a Conservatoire personnel member must, on pain of forfeiture of office, abstain from voting on any matter concerning the board member’s employment status, remuneration, employee benefits and other conditions of employment, or those of the category of employees to which the member belongs. The member must also, after having been given an opportunity to submit observations, withdraw from the meeting while the matter is discussed or voted on.

The first paragraph applies in the same manner to every board member who is a personnel member, except the director general and the principals of Conservatoire institutions, with respect to any matter concerning the remuneration, employee benefits and other conditions of employment of other categories of employees.

Despite the first paragraph, the director general may vote on any matter concerning the employment status, remuneration, employee benefits or other conditions of employment of the academic director.

“26. If a board member is sued by a third party for an act done in the exercise of the functions of office, the Conservatoire shall assume the member’s defence and pay any damages awarded as compensation for the injury resulting from that act, unless the member committed a gross fault or a personal fault separable from those functions.

In penal or criminal proceedings, however, the Conservatoire shall pay the member's defence costs only if the member was discharged or acquitted, or if it judges that the member acted in good faith.

“27. If the Conservatoire sues a board member for an act done in the exercise of the functions of office and loses its case, it shall pay the member's defence costs if the court so decides.

If the Conservatoire wins its case only in part, the court may determine the amount of the defence costs it must pay.

“28. Board members receive no remuneration except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“2. CHAIR

“29. The chair of the board of directors shall preside at board meetings and see to the proper operation of the board.

The chair shall also see to the proper operation of the board committees.

At the written request of a majority of the board members in office, the chair shall call an extraordinary board meeting.

“30. The chair of the board shall evaluate the performance of the other board members according to criteria established by the board.

The chair shall assume any other function assigned by the board.

“31. The board shall designate the chair of one of the committees established under section 34 as vice-chair to temporarily replace the chair of the board when the chair of the board is absent or unable to act.

“3. RESPONSIBILITIES AND FUNCTIONS

“32. The board of directors shall determine the Conservatoire's strategic directions, see to their implementation and inquire into any matter it considers important.

The board is accountable to the Government, and its chair is answerable to the Minister, for the Conservatoire's decisions.

“33. The board exercises the functions described in sections 15 to 18 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), including, with the necessary modifications,

- (1) adopting the strategic plan;
- (2) approving the Conservatoire's financial statements, annual activity report and annual budget;
- (3) approving the expertise and experience profiles to be used in appointing board members, and the profiles recommended for the office of director general and the selection of an academic director;
- (4) adopting the Conservatoire's education regulations and programs of study; and
- (5) if applicable, adopting a policy framework concerning the criteria for associations, affiliations or other partnerships.

“34. The board must establish an audit committee, a governance and ethics committee and a human resources committee.

The governance and ethics committee and the human resources committee must be composed, in the majority, of independent members and be chaired by an independent member. The director general may not be a member of those committees.

The audit committee must be composed solely of independent members.

The responsibilities and rules applicable to the committees are those set out in sections 22 to 27 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), with the necessary modifications.

“35. The board may establish other committees than those provided for by this Act to examine specific matters or facilitate the proper operation of the Conservatoire.

The board shall determine the composition, functions, duties and powers of the committees, the rules governing the administration of their affairs and any other measure useful for the proper operation of the committees.

“36. The chair of the board may take part in any committee meeting.

“37. The board may make by-laws to govern the internal management of the Conservatoire.

The internal management by-laws may provide that absence from the number of meetings they determine constitutes a vacancy in the cases and circumstances they specify.

“38. The quorum at board meetings is the majority of its members, including the chair of the board or the director general.

Board decisions are made by a majority of the votes cast by the members present.

In the case of a tie vote, the person presiding at the meeting has a casting vote.

“39. No deed, document or writing binds the Conservatoire, unless it is signed by its director general or, to the extent and on the conditions determined by a by-law of the Conservatoire, by another person authorized to do so.

The by-law may also, subject to the conditions it determines, allow a required 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 such documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair of the board or the director general.

“39.1. The minutes of board meetings, approved by the board and certified true by the chair of the board or any other person authorized to do so by the Conservatoire, are authentic, as are the documents and copies emanating from the Conservatoire or forming part of its records, provided they are signed or certified true by one of those persons.

“4. DIRECTOR GENERAL

“39.2. The director general is responsible for the direction and management of the Conservatoire within the framework of its by-laws and policies.

The director general shall propose strategic directions to the board of directors, as well as a capital plan and an operating plan for the Conservatoire.

The director general shall also assume any other function assigned by the board.

“39.3. The director general must make sure that the board of directors is given, at its request, adequate human, material and financial resources to enable it and its committees to perform their functions.

“39.4. The office of director general is a full-time position.

“39.5. The Government shall determine the remuneration, employee benefits and other conditions of employment of the director general.

“39.6. If the director general is absent or unable to act, the board may designate a member of the Conservatoire’s personnel to temporarily exercise the functions of that office.

“5. ACADEMIC DIRECTOR AND OTHER PERSONNEL MEMBERS

“**39.7.** After obtaining the opinion of the academic councils, the board of directors shall appoint an academic director.

Under the authority of the director general, the academic director shall deal with academic matters.

“**39.8.** The Conservatoire’s other personnel members are appointed in accordance with the staffing plan and standards established by the Conservatoire.

“**39.9.** Subject to the provisions of a collective agreement, the Conservatoire shall determine the standards and scales of remuneration, employee benefits and other conditions of employment of its personnel members in accordance with the conditions defined by the Government.

“DIVISION II

“ACADEMIC COUNCILS

“**39.10.** A music academic council and a dramatic art academic council are hereby established at the Conservatoire.

“**39.11.** The function of the academic councils, in their respective fields, is to advise the Conservatoire on any matter concerning the education regulations, the programs of study offered by the Conservatoire and the evaluation of learning achievement, including the procedures for the certification of studies.

“**39.12.** The academic councils shall give the board of directors their opinion on any question submitted by the board in matters within their jurisdiction, and they may make recommendations to the board and refer any question to the director general that the academic councils believe requires the board’s attention.

The following must be submitted to the competent academic council before being decided on by the board:

- (1) draft by-laws relating to the education regulations;
- (2) proposed programs of study of the Conservatoire;
- (3) proposals concerning the “Prix du Conservatoire” and Conservatoire competitions;
- (4) proposals concerning bursaries or other forms of financial assistance to encourage excellency;

(5) proposed policy frameworks on criteria for association and affiliation with a body that offers training in the scenic arts field or audiovisual field;

(6) the proposed strategic plan for matters within the jurisdiction of the academic councils; and

(7) the selection criteria for and the appointment of the academic director.

“39.13. Subject to the measures set out in this division, the operating rules of the academic councils are determined by by-law of the Conservatoire.

“39.14. The music academic council is composed of the following members:

(1) the Conservatoire’s academic director, who acts as chair;

(2) one principal of a Conservatoire institution providing instruction in music, appointed by the Conservatoire;

(3) one teacher from each of the Conservatoire institutions providing instruction in music, elected by a majority of the votes cast by their peers, in accordance with the Conservatoire’s by-laws;

(4) two full-time music students of the Conservatoire, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01) or, where that provision cannot be applied, elected by a majority of the votes cast by their peers, in accordance with the Conservatoire’s by-laws;

(5) a former music student of the Conservatoire or of the Conservatoire de musique et d’art dramatique de la province de Québec established by the Act respecting the Conservatoire de musique et d’art dramatique (chapter C-62), appointed by the Conservatoire; and

(6) one person appointed by the other members of the academic council in office.

The student representatives must be from different institutions.

“39.15. The dramatic art academic council is composed of the following members:

(1) the Conservatoire’s academic director, who acts as chair;

(2) two principals of Conservatoire institutions providing instruction in dramatic art, appointed by the Conservatoire;

(3) four teachers from Conservatoire institutions providing instruction in dramatic art, including two from the Montréal institution and two from the

Québec City institution, elected, respectively, by a majority of the votes cast by their peers, in accordance with the Conservatoire's by-laws;

(4) two full-time dramatic art students of the Conservatoire, one studying in Montréal and the other in Québec City, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (chapter A-3.01) or, where that provision cannot be applied, elected by a majority of the votes cast by their peers, in accordance with the Conservatoire's by-laws;

(5) a former dramatic art student of the Conservatoire or of the Conservatoire de musique et d'art dramatique de la province de Québec established by the Act respecting the Conservatoire de musique et d'art dramatique (chapter C-62), appointed by the Conservatoire; and

(6) one person appointed by the other members of the academic council in office.

“39.16. The secretary of the Conservatoire acts as secretary of the academic councils, but may delegate all or part of that function to another person designated by the secretary.

“39.17. The members of the academic councils are not remunerated. However, they are entitled, on the presentation of vouchers, to the reimbursement of reasonable expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Conservatoire.

“39.18. The person in charge of academic affairs at a Conservatoire institution may represent the principal of that institution, with full exercise of the principal's powers, on an academic council.

“39.19. The academic councils must each meet at least twice a year.

In addition, they may maintain a discussion mechanism or forum conducive to sharing problems and proposals related to student training.

They must hold a joint meeting at least once a year.

“39.20. Every year, the academic director must submit to the board of directors, according to the terms determined by the board, a report on the academic councils' activities for the previous year.”

3. The Act is amended by replacing **“DIVISION II”** in Chapter III by **“DIVISION III”**.

4. The Act is amended by inserting the following section after section 40:

“40.1. The orientation committee shall give its opinion on any matters submitted by the Conservatoire concerning the institution’s policy directions and the organization of the services it offers.

The orientation committee must be consulted by the Conservatoire concerning

- (1) the appointment of the principal of the institution;
- (2) the terms governing implementation of the education regulations at the institution;
- (3) the terms governing the organization of instruction at the institution;
- (4) draft by-laws concerning the conduct and discipline of students; and
- (5) the budget allotted to the institution.

The orientation committee may also, on its own initiative, advise the Conservatoire. Its recommendations may concern, in particular,

- (1) the objectives to be achieved in initial training in the field of music;
- (2) the adequacy of the training offered, taking into account labour market prospects for holders of diplomas, regional needs as regards music and dramatic art, and the presence and vitality of bodies essential to the world of music and dramatic art;
- (3) measures to improve the services provided by the institution;
- (4) in collaboration with schools, means to more accurately identify and to encourage students with remarkable talent; and
- (5) measures to encourage philanthropic endeavours benefiting the institution and its current students and recent graduates.”

5. Sections 49 and 50 of the Act are repealed.

6. The heading of Chapter IV of the Act is replaced by the following heading:
“PLANNING, AUDITING AND REPORTING”.

7. The Act is amended by inserting the following section after the heading of Chapter IV:

“51.1. The Conservatoire must prepare a strategic plan and submit it to the Government for approval. The plan must take into account the policy directions and objectives given by the Minister.

The plan must be submitted on or before the date set by the Minister and established in accordance with the form, content and intervals determined by the Minister.

The plan must include

- (1) the context in which the Conservatoire operates and the main challenges it faces;
- (2) the Conservatoire's objectives and strategic directions;
- (3) the results targeted over the period covered by the plan;
- (4) the performance indicators to be used in measuring results; and
- (5) any other element determined by the Minister."

8. Section 59 of the Act is amended by inserting the following paragraphs after the second paragraph:

"The report must include the information required under sections 36 to 39 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), with the necessary modifications.

The financial statements and the report must also include all other information required by the Minister."

9. The Act is amended by inserting the following chapter after section 65:

"CHAPTER IV.1

"POWERS AND RESPONSIBILITIES OF THE MINISTER

"65.1. The Minister may issue directives on the direction and general objectives to be pursued by the Conservatoire.

The directives must be approved by the Government and come into force on the day they are approved. Once approved, they are binding on the Conservatoire, which must comply with them.

The directives are tabled in the National Assembly within 15 days after they are approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

"65.2. At least once every 10 years, the Minister must report to the Government on the administration of this Act. The report must include recommendations concerning the updating of the Conservatoire's mission.

The Minister tables the report in the National Assembly."

10. Section 72 of the Act is amended by replacing “section 4” in paragraph 2 by “section 15”.

11. Sections 81, 82 and 82.1 of the Act are repealed, subject to any remaining practical effect being maintained with respect to any documents or persons that could still be concerned by those sections.

TRANSITIONAL AND FINAL PROVISIONS

12. The academic director of the Conservatoire de musique et d’art dramatique du Québec in office on (*insert the date of coming into force of section 15 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1) enacted by section 2*) continues in office on the same terms, for the unexpired portion of the academic director’s term, until that office is filled in accordance with section 39.7 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1) enacted by section 2.

The other members of the academic commissions in office on that date continue in office on the same terms, for the unexpired portion of their term, until they are replaced or reappointed in accordance with sections 39.14 and 39.15 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec, enacted by section 2 of this Act, and with the Conservatoire’s by-laws relating to the designation of persons forming those commissions.

13. The director general of the Conservatoire de musique et d’art dramatique du Québec in office on (*insert the date of coming into force of section 15 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1) enacted by section 2*) continues in office on the same terms, for the unexpired portion of the director general’s term, until that office is filled in accordance with section 19 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec enacted by section 2.

The term of the other members of the board of directors of the Conservatoire in office on (*insert the date preceding the date of coming into force of section 15 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1) enacted by section 2*) ends on that date.

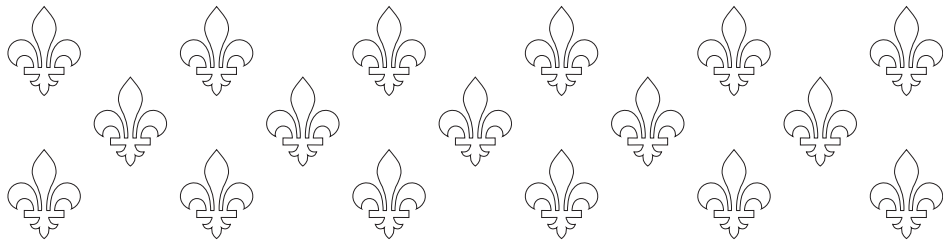
14. The Government may, in accordance with sections 4 to 8 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), determine that a member of the board of directors of the Conservatoire de musique et d’art dramatique du Québec, in office on (*insert the date of coming into force of section 15 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1) enacted by section 2*), has the status of independent director.

15. Persons and enterprises already using the expression “Conservatoire” in their name or corporate name or to describe their activities on (*insert the date of coming into force of section 14 of the Act respecting the Conservatoire*

de musique et d'art dramatique du Québec (chapter C-62.1) enacted by section 2) may continue to do so on the same conditions.

16. The first fiscal year covered by the strategic plan prepared under section 51.1 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec, enacted by section 7 of this Act, is the 2017–2018 fiscal year.

17. The provisions of this Act come into force on the date or dates to be determined by the Government, which may not be later than 1 April 2016.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 55
(2015, chapter 23)

**An Act respecting transparency
measures in the mining, oil and gas
industries**

**Introduced 11 June 2015
Passed in principle 17 September 2015
Passed 21 October 2015
Assented to 21 October 2015**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

The purpose of this Act is to impose transparency measures in the mining, oil and gas industries making it mandatory for mining, oil and gas enterprises to declare the monetary payments or payments in kind that they make in the course of their natural resource exploration and development projects. These measures are aimed at discouraging and detecting corruption, as well as fostering the social acceptability of such projects.

The Act provides that every entity that engages in exploration for or development of mineral substances or hydrocarbons is subject to this Act if

(1) it is listed on a stock exchange in Canada and has its head office in Québec; or

(2) it has an establishment in Québec, exercises activities or has assets in Québec and, based on its consolidated financial statements, meets at least two of the following conditions for at least one of its two most recent fiscal years:

(a) it has at least \$20 million in assets;

(b) it has generated at least \$40 million in revenue;

(c) it employs an average of at least 250 employees.

Such entities will be required to file a statement declaring all payments made to the same payee in a fiscal year, if those payments total \$100,000 or more.

The Act defines a payee as a government, a body established by two or more governments, a municipality or a Native community, and certain entities that exercise powers or duties of government for such payees.

The Act covers any monetary payment or payment in kind in relation to exploration for or development of mineral substances or hydrocarbons that is made to a payee in the form of, among other things, taxes and income tax, royalties, rental fees, regulatory charges, production entitlements and contributions for infrastructure construction or improvement.

The statement must be made public for five years.

A statement filed in accordance with the requirements of a competent authority other than Québec may be substituted for the statement required under Québec law if the Government has determined by regulation that the requirements of that authority are an acceptable substitute and if the entity subject to this Act sent a copy of the statement.

The Act grants the Autorité des marchés financiers the powers necessary to administer it, in addition to powers of investigation, and sets out monetary administrative sanctions and penal provisions.

The Minister may enter into an agreement with another competent authority or one of its bodies that is responsible for implementing similar requirements, including regarding information sharing.

The Authority must report every year to the Minister on its activities with regard to the administration of this Act. The Minister then tables the report in the National Assembly.

Lastly, transitional provisions are introduced to defer the application of the Act for payments made for the benefit of a Native community. Likewise, an entity subject to this Act will not be required to file a statement for its fiscal year in progress on the date of coming into force of the Act.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Autorité des marchés financiers (chapter A-33.2);
- Act respecting administrative justice (chapter J-3);
- Mining Act (chapter M-13.1).

Bill 55

AN ACT RESPECTING TRANSPARENCY MEASURES IN THE MINING, OIL AND GAS INDUSTRIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

DIVISION I

PURPOSE

- 1.** The purpose of this Act is to impose transparency measures with regard to monetary payments or payments in kind made by mining, oil and gas enterprises, with a view to discouraging and detecting corruption, as well as fostering the social acceptability of natural resource exploration and development projects.
- 2.** This Act is binding on the Government, on government departments and on bodies that are mandataries of the State.

DIVISION II

DEFINITIONS

- 3.** For the purposes of this Act,

“**payee**” means

- (1) a government;
- (2) a body established by two or more governments;
- (3) a municipality or the Kativik Regional Government;
- (4) a Native nation represented by all the band councils, or councils in the case of northern villages, of the communities forming the Native nation, the Makivik Corporation, the Cree Nation Government, a Native community represented by its band council, a group of communities so represented or, in the absence of such councils, any other Native group;

(5) any board, commission, trust or corporation or other body that exercises, or is established to exercise, powers or duties of government for a payee referred to in paragraphs 1 to 4; or

(6) any other payee the Government designates by regulation;

“**payment**” means a monetary payment or a payment in kind that is made to a payee in relation to exploration for or development of mineral substances or hydrocarbons and that falls within any of the following categories:

(1) taxes and income tax, other than consumption taxes and personal income taxes;

(2) royalties;

(3) fees, including rental fees, entry fees, regulatory charges and any other consideration for licences, permits or concessions;

(4) production entitlements;

(5) dividends other than those paid as an ordinary shareholder of a person subject to this Act;

(6) bonuses, including signature, discovery and production bonuses;

(7) contributions for infrastructure construction or improvement; or

(8) any other payment the Government determines by regulation.

DIVISION III

SCOPE

4. Every legal person, corporation, trust or other organization that engages in exploration for or development of mineral substances or hydrocarbons, that holds a permit, right, licence, lease or other authorization for either of those activities or controls such a legal person, corporation, trust or organization and that meets one of the following requirements is an entity that is subject to this Act if

(1) it is listed on a stock exchange in Canada and has its head office in Québec; or

(2) it has an establishment in Québec, exercises activities or has assets in Québec and, based on its consolidated financial statements, meets at least two of the following conditions for at least one of its two most recent fiscal years:

(a) it has at least \$20 million in assets;

- (b) it has generated at least \$40 million in revenue;
- (c) it employs an average of at least 250 employees.

For the purposes of the first paragraph, the Government may determine, by regulation, any other activity relating to mineral substances or hydrocarbons or any other requirement.

5. Subject to what the Government may determine by regulation, a legal person, corporation, trust or organization controls another legal person, corporation, trust or organization if it controls it, directly or indirectly, in any manner.

A legal person, corporation, trust or organization that controls another legal person, corporation, trust or organization is deemed to control any other organization that the other legal person, corporation, trust or organization controls or is deemed to control.

CHAPTER II

ANNUAL STATEMENT

6. Entities subject to this Act must, not later than the 150th day following the end of their fiscal year, provide the Autorité des marchés financiers (Authority) with a statement declaring all payments within a category of payment listed in the definition of “payment” in section 3 that are made to the same payee in that fiscal year, if the total value of those payments is equal to or greater than \$100,000.

The statement must be accompanied by a certificate made by one of the entity’s directors or officers, or by an independent auditor, attesting that the information in the statement is true, accurate and complete.

The Government determines, by regulation, the form of the statement, including the manner in which the payments must be presented or broken down, for instance by project, and the procedure for sending the statement.

7. For the purposes of the first paragraph of section 6,

(1) a payment that is made to an employee or public office holder of a payee is deemed to have been made to the payee;

(2) a payment that is due to a payee and is received on the payee’s behalf by a body that is not itself a payee is deemed to have been made to the payee to whom the payment is due;

(3) a payment made by a legal person, corporation, trust or organization that is not subject to this Act but is controlled by an entity that is subject to it is deemed to have been made by that entity;

(4) a payment made by any intermediary on behalf of an entity that is subject to this Act, or on behalf of a legal person, corporation, trust or organization that engages in exploration for or development of mineral substances or hydrocarbons or holds a permit, right, licence, lease or other authorization to engage in either of those activities, is deemed to have been made by that entity or by that legal person, corporation, trust or organization;

(5) a payment made to a payee referred to in paragraph 5 of the definition of “payee” in section 3 is deemed to have been made to the payee for whom that payee exercises, or is established to exercise, powers or duties of government; and

(6) the value of a payment in kind is the cost to the entity subject to this Act of the property or services it provided or, if the cost cannot be determined, the fair market value of the property or services.

8. On sending a statement, entities subject to this Act must make the statement public, in the manner the Government determines, for five years.

9. A statement filed in accordance with the requirements of another competent authority may be substituted for the statement required under the first paragraph of section 6 if the Government has determined by regulation that the requirements of that authority are an acceptable substitute because they achieve the same purposes as those of this Act. The Government determines by regulation the conditions under which such a substitution can be made.

10. If a wholly-owned subsidiary of an entity subject to this Act is also subject to this Act, the subsidiary is deemed to have filed the statement required under the first paragraph of section 6 for the fiscal year if

(1) the entity has sent a statement to the Authority in accordance with section 6 and the statement includes the payments made by the subsidiary in the subsidiary’s fiscal year or any part of that fiscal year;

(2) the subsidiary has notified the Authority in writing, before the 150th day following the end of its fiscal year, that the entity has filed the statement; and

(3) the subsidiary has complied with sections 6, 7 and 8 for any part of its fiscal year that is not covered by the entity’s statement, if applicable.

11. Entities subject to this Act must keep records of all payments they made in a fiscal year for seven years following the date they sent the statement in accordance with this chapter.

CHAPTER III

OVERSIGHT

12. In addition to exercising its powers of investigation under Chapter III of Title I of the Act respecting the Autorité des marchés financiers (chapter A-33.2), the Authority may require an entity subject to this Act to provide, within the time specified by the Authority, any document or information considered useful for the purposes of this Act, including

(1) a list of the mining, oil or gas exploration or development projects in which the entity has an interest and the nature of that interest;

(2) an explanation of how a payment was calculated for the purpose of preparing the statement referred to in section 6; and

(3) a statement of any policies that the entity has implemented for the purpose of meeting its obligations under this Act.

13. The Authority may require that the statement of an entity subject to this Act, or the documents or information provided to the Authority under section 12, be audited by an independent auditor.

The entity must, within the time specified by the Authority, provide the Authority with the results of any such audit.

The Government may, by regulation, determine the requirements to be met by an independent auditor conducting such an audit, as well as the generally accepted auditing standards that apply to such an audit.

14. The Minister or the Authority may order an entity subject to this Act to take, within a specified time, the measures required to comply with this Act.

CHAPTER IV

AGREEMENT AND INFORMATION SHARING

15. The Minister may enter into an agreement with the government of another competent authority or one of its bodies concerning the implementation of this Act or concerning the requirements pertaining to the statements required by that authority or body.

Such an agreement must provide, among other things, for the sharing, between the Minister or the Authority and that government or body, of the information needed for the purposes of the requirements referred to in the first paragraph.

CHAPTER V

AUTHORITY'S REPORT

16. Not later than 31 July of each year, the Authority must report to the Minister, for the preceding year, on its activities with regard to the administration of this Act.

The report must contain all the information required by the Minister.

17. The Minister tables the report obtained under section 16 in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER VI

REGULATIONS

18. The Government may, by regulation, determine

(1) the cases in which this Act does not apply to entities subject to it or to payees or payments;

(2) the applicable rate of exchange for the conversion of payments into Canadian dollars;

(3) the fees payable for completing any formality conducive to the application of this Act; and

(4) the provisions of a regulation whose contravention constitutes an offence.

19. Any regulation made under this Act is on the recommendation of the Minister and the Minister of Finance.

CHAPTER VII

MONETARY ADMINISTRATIVE PENALTIES

20. Persons within the Authority who are designated by the Minister may impose monetary administrative penalties on any entity subject to this Act that fails to comply with this Act or the regulations, in the cases and under the conditions set out in them.

For the purposes of the first paragraph, the Minister develops and makes public a general framework for applying such administrative penalties in connection with penal proceedings, specifying the following elements:

(1) the purpose of the penalties, such as urging the entities subject to this Act to take rapid measures to remedy the failure and deter its repetition;

(2) the categories of functions held by the persons designated to impose penalties;

(3) the criteria that must guide designated persons when a failure to comply has occurred, such as the type of failure, its repetitive nature, the seriousness of the effects or potential effects, and the measures taken by the entity subject to this Act to remedy the failure;

(4) the circumstances in which a penal proceeding is deemed to have priority; and

(5) the other procedures connected with such a penalty, such as the fact that it must be preceded by notification of a notice of non-compliance.

The general framework must give the categories of administrative or penal sanctions as defined by the Act or the regulations.

21. No decision to impose a monetary administrative penalty may be notified to an entity subject to this Act for a failure to comply with this Act or the regulations if a statement of offence has already been served for a failure to comply with the same provision on the same day, based on the same facts.

22. In the event of a failure to comply with this Act or the regulations, a notice of non-compliance may be notified to the entity concerned urging that the necessary measures be taken immediately to remedy the failure. Such a notice must mention that the failure may give rise to a monetary administrative penalty and penal proceedings.

23. When a person designated by the Minister imposes a monetary administrative penalty on an entity subject to this Act, the designated person must notify the decision by a notice of claim that complies with section 33.

No accumulation of monetary administrative penalties may be imposed on the same entity subject to this Act for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the person imposing the penalty decides which one is most appropriate in light of the circumstances and the purpose of the penalties.

24. The entity subject to this Act may apply in writing for a review of the decision within 30 days after notification of the notice of claim.

25. The Minister designates persons within the Authority to be responsible for reviewing decisions on monetary administrative penalties. They must not come under the same administrative authority as the persons who impose such penalties.

26. After giving the entity subject to this Act an opportunity to submit observations and produce any documents to complete the record, the person

responsible for reviewing the decision renders a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner. That person may confirm, quash or vary the decision under review.

27. The application for review must be dealt with promptly. The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state that the applicant has the right to contest the decision before the Administrative Tribunal of Québec within the time prescribed for that purpose.

If the review decision is not rendered within 30 days after receipt of the application or, as applicable, after the expiry of the time required by the entity subject to this Act to submit observations or produce documents, the interest provided for in the fourth paragraph of section 33 on the amount owed ceases to accrue until the decision is rendered.

28. The imposition of a monetary administrative penalty for failure to comply with the Act or the regulations is prescribed two years after the date of the failure to comply.

However, if false representations have been made to the Minister or the Authority, the monetary administrative penalty may be imposed within two years after the date on which the investigation that led to the discovery of the failure to comply was begun.

In the absence of evidence to the contrary, the certificate of the Minister or the Authority constitutes conclusive proof of the date on which the investigation was begun.

29. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

30. A monetary administrative penalty of \$1,000 may be imposed on any entity subject to this Act that, in contravention of this Act, refuses or neglects to provide information, studies, research findings, expert evaluations, reports, plans or other documents, or fails to file them in the prescribed time, in cases where no other monetary administrative penalties are provided for by this Act or the regulations.

31. A monetary administrative penalty of \$10,000 may be imposed on any entity subject to this Act that refuses or neglects to comply with an order imposed under this Act, or in any manner hinders or prevents the enforcement of such an order.

32. The Government may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty. The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may

vary according to the degree to which the standards have been infringed, without exceeding the maximum amount set out in section 31.

33. The person designated by the Minister under section 23 may, by notification of a notice of claim, claim from an entity subject to this Act the payment of the amount of any monetary administrative penalty imposed under this chapter.

In addition to stating the entity's right to obtain a review of the decision under section 24 and the time limit specified in that section, the notice of claim must include

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which it bears interest; and
- (4) the right to contest the claim or, if applicable, the review decision before the Administrative Tribunal of Québec and the time limit for doing so.

The notice must also include information on the procedure for recovery of the amount claimed, in particular with regard to the issue of a recovery certificate under section 36 and its effects. The entity concerned must also be advised that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

34. A notice of claim or, as applicable, a review decision that confirms the imposition of a monetary administrative penalty may be contested before the Administrative Tribunal of Québec by the entity concerned, within 60 days after notification of the notice or review decision.

When rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to interest accrued on the penalty while the matter was pending.

35. The directors and officers of an entity subject to this Act that has defaulted on payment of an amount owed under this chapter are solidarily liable, with the entity, for the payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

36. If the amount owing is not paid in its entirety, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision, on the expiry of the time for contesting the review decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the Authority's decision or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

37. Once a recovery certificate has been issued, the Minister of Revenue applies, in accordance with section 31 of the Tax Administration Act, a refund due to a person under a fiscal law to the payment of an amount owed by that person under this Act.

Such application interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owed.

38. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

39. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation.

40. The amounts received by the Authority under this chapter belong to it and, despite section 38.2 of the Act respecting the Autorité des marchés financiers, are not paid into the Education and Good Governance Fund.

CHAPTER VIII

PENAL PROVISIONS

41. Whoever

(1) fails to comply with sections 6, 8, 11, 12 and 14,

(2) makes a false or misleading statement or provides false or misleading information to the Minister or the Authority,

(3) wilfully and in any manner evades or attempts to evade the application of this Act,

(4) hinders the action of a person who exercises powers or duties for the purposes of this Act, or

(5) contravenes a provision of a regulation whose contravention constitutes an offence,

commits an offence and is liable to a fine of \$250,000.

42. If an offence under section 41 continues for more than one day, it constitutes a separate offence for each day it continues.

43. Penal proceedings for an offence under this Act are prescribed five years after the date the offence was committed.

44. The Authority may institute penal proceedings with regard to offences under this Act. In such a case, the fine imposed by the court is remitted to the Authority and, despite section 38.2 of the Act respecting the Autorité des marchés financiers, is not paid into the Education and Good Governance Fund.

45. The Authority may recover its investigation costs from any person found guilty of an offence under this Act.

The Authority prepares a statement of costs and presents it to a judge of the Court of Québec so that the costs may be taxed, after giving the interested parties five days' prior notice of the date of presentation.

CHAPTER IX

AMENDING PROVISIONS

ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

46. Section 9 of the Act respecting the Autorité des marchés financiers (chapter A-33.2) is amended by inserting “and the Act respecting transparency measures in the mining, oil and gas industries (2015, chapter 23),” after “(chapter C-65.1)” in the first paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

47. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraph at the end:

“(32) section 34 of the Act respecting transparency measures in the mining, oil and gas industries (2015, chapter 23).”

MINING ACT

48. Section 120 of the Mining Act (chapter M-13.1) is replaced by the following section:

“120. Every lessee and grantee shall prepare a report showing, for each mine, the quantity of ore extracted during the previous year, its value, the duties paid under the Mining Tax Act (chapter I-0.4) during that period, the overall contributions paid by the lessee and grantee and any other information determined by regulation and send it either

(1) to the Minister, not later than the 150th day following the end of their fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Authority at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (2015, chapter 23).

The Authority shall, without delay, send the Minister the report received under subparagraph 2 of the first paragraph.”

49. Section 155 of the Act is amended by replacing “and the quantity of those” in the first paragraph by “, its value, and the quantity of mineral substances”.

50. Section 215 of the Act is amended

(1) by replacing “mining lease, mining concession and” in the introductory clause of the third paragraph by “mine and for each”;

(2) by striking out the fifth paragraph.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

51. The Minister must, not later than 21 October 2020 and subsequently every five years, report to the Government on the implementation of this Act and the advisability of amending it.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

52. Entities subject to this Act are not required to report a payment that is made to any of the following payees before 1 June 2017:

(1) the Kativik Regional Government;

(2) a Native nation represented by all the band councils, or councils in the case of northern villages, of the communities forming the Native nation, the Makivik Corporation, the Cree Nation Government, a Native community represented by its band council, a group of communities so represented or, in the absence of such councils, any other Native group;

(3) a body established by at least two Native groups referred to in paragraph 2; and

(4) any board, commission, trust or corporation or other body that exercises, or is established to exercise, powers or duties of government for any body referred to in any of paragraphs 1 to 3.

53. Entities subject to this Act are not required to file the statement required under section 6 for the fiscal year in progress on 21 October 2015.

54. The Government designates the Minister responsible for the application of this Act.

55. This Act comes into force on 21 October 2015.

Regulations and other Acts

Gouvernement du Québec

O.C. 6-2016, 19 January 2016

Environment Quality Act
(chapter Q-2)

Approval of the schedule established by RecycleMédias for the 2014 contributions for the newspapers class

WHEREAS, under section 53.31.1 of the Environment Quality Act (chapter Q-2), the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required, to the extent and on the conditions set out in sections 53.31.2 to 53.31.20, to compensate the municipalities for the services provided by the municipalities to ensure that the materials designated by the Government under section 53.31.2 of the Act are recovered and reclaimed;

WHEREAS, under the first paragraph of section 53.31.12.1 of the Act, the Government may determine on what conditions the amount of the annual compensation owed to the municipalities that is allotted to the newspapers class may be paid in whole or in part through a contribution in goods or services;

WHEREAS RecycleMédias is a body certified by Recyc-Québec for the newspapers class to represent the persons subject to the obligation to pay compensation pursuant to sections 53.31.1 to 53.31.20 of the Act;

WHEREAS, under the first paragraph of section 53.31.13 of the Act, a certified body may collect from its members and from persons who, without being members, carry on activities similar to those carried on by the members where the designated classes of materials are concerned, the contributions necessary to remit the full amount of compensation, including any interest or other applicable penalties, and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

WHEREAS, under the first paragraph of section 53.31.14 of the Act, the contributions payable must be established on the basis of a schedule of contributions that has been the subject of a special consultation of the persons concerned;

WHEREAS RecycleMédias has conducted such consultation before establishing the schedule of contributions applicable to contributions for 2014 for the newspapers class;

WHEREAS, under the third paragraph of section 53.31.14 of the Act, the schedule of contributions may provide for exemptions or exclusions and may specify the terms according to which the contributions are to be paid to the certified body;

WHEREAS, under the fifth paragraph of section 53.31.14 of the Act, the schedule of contributions must be submitted to the Government, which may approve it with or without modification;

WHEREAS, under subparagraph 4 of the first paragraph of section 8.9 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10), the amount of the annual compensation owed to the municipalities that is allotted to the newspapers class may not exceed, for the year 2014, \$6,840,000;

WHEREAS sections 8.12 and 8.12.1 of the Regulation provide that the amount of such compensation may be paid through a contribution in goods or services, provided that the certified body proposed to Recyc-Québec, in accordance with sections 53.31.14 and 53.31.15 of the Environment Quality Act, the schedule of contributions determining the contributions payable and the manner in which payment may be made, without exceeding \$3,420,000 for the year 2014;

WHEREAS, under section 53.31.15 of the Act, Recyc-Québec gives the Government its opinion on the schedule proposed by a certified body and a favourable opinion was given by Recyc-Québec on the schedule established by RecycleMédias for the 2014 contributions for the newspapers class;

WHEREAS, under Order in Council 135-2007 dated 14 February 2007, the Regulations Act (chapter R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act;

WHEREAS it is expedient to approve the schedule established by RecycleMédias for the 2014 contributions for the newspapers class, without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the schedule established by RecycleMédias for the 2014 contributions for the newspapers class, attached to this Order in Council, be approved without amendment.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

2014 Schedule of Contributions for “Newspapers”

1. Definitions
 - 1.1. Definitions
2. Interpretation
 - 2.1. Explanatory note
 - 2.2. Continuance of the Schedule
3. Designation of prescribed persons
 - 3.1. Prescribed persons
 - 3.2. Exempted persons
 - 3.3. Voluntary contributor
 - 3.4. Publication of the names of prescribed persons
4. Compensation regime
 - 4.1. Annual compensation payable
 - 4.2. Costs
5. Contribution in ad placements
 - 5.1. Determination of contribution in ad placements
 - 5.2. Foreign publication
 - 5.3. Terms and conditions
 - 5.4. Conversion into additional cash contribution
 - 5.5. Terms of the 2013 contribution in ad placements
6. Cash contribution
 - 6.1. Determination of cash contribution
 - 6.2. Date, place and form of payment
 - 6.3. Penalties, interest and recovery
 - 6.4. Form of payment
7. Registration and reporting by prescribed persons
 - 7.1. Registration of prescribed persons
 - 7.2. Reporting of materials
 - 7.3. Changes and amendments
 - 7.4. Transmission medium and format
 - 7.5. Billing
 - 7.6. Verification of reports
8. Conservation of files
 - 8.1. Conservation of files
 - 8.2. Confidentiality
9. Dispute resolution
 - 9.1. Procedure
10. Adjustment
 - 10.1. Adjustment clause
11. Effective date and duration
 - 11.1. Effective date
 - 11.2. Duration

Definitions

1.1. Definitions

In the Schedule, unless the context indicates a different meaning, the following words and expressions mean or designate:

- a) “brand”: a mark that is used by a person for the purpose of distinguishing, or so as to distinguish, newspapers marketed by the person from newspapers marketed by others;
- b) “cash contribution”: the amount that must be paid in cash to RecycleMédias by a person prescribed under the Schedule;
- c) “class of materials”: a class of materials covered by the compensation regime, i.e. the class “newspapers” marketed in Québec;
- d) “compensation regime”: the compensation regime for municipalities established by sub-section 4.1 of Division VII of Chapter I of the Act and by the Regulation, as amended from time to time;
- e) “contribution in ad placements”: the amount that may be paid in the form of ad placements by a prescribed person under the Schedule. Such contributions in ad placements must consist of publishing, at the national, regional and local levels, messages intended to inform, educate or raise awareness about environmental matters, particularly in terms of promoting the recycling and recovery of residual materials, and may be made either in newspapers or through digital products;
- f) “costs of RecycleMédias”: the management costs and other expenses of RecycleMédias incidental to the compensation regime that may be collected by RecycleMédias under section 53.31.13 of the Act;
- g) “costs of RECYC-QUÉBEC”: the management costs and other expenses of RECYC-QUÉBEC incidental to the compensation regime and payable to RECYC-QUÉBEC by RecycleMédias under section 53.31.18 of the Act and section 8.14 of the Regulation;

- h) “digital products”: websites (including portals) and other digital products devoted primarily to current events, that are owned by the prescribed person or another member of the person’s corporate group, or through which a contribution in ad placements may be made;
- i) “distinguishing guise”: the format of a newspaper, the appearance of which is used by a person for the purpose of distinguishing, or so as to distinguish, newspapers marketed by the person from newspapers marketed by others;
- j) “first supplier”: a person who is domiciled or has an establishment in Québec and who is the first to take title, possession or control, in Québec, of a newspaper covered by the Schedule;
- k) “foreign publication”: a newspaper that markets less than 25% of its total materials in Québec;
- l) “materials”: paper and other cellulosic fibres belonging to the class of materials concerned here. Quantities of marketed materials are measured in metric tons;
- m) “name”: the name under which any business is carried on, whether or not it is the name of a legal body, a partnership or an individual;
- n) “newspapers”: as set forth in section 2 of the Regulation, this class includes paper and other cellulosic fibres used as a medium for written current affairs periodicals published on newsprint, particularly dailies and weeklies, as well as containers and packaging used to deliver newspapers directly to the ultimate consumer or recipient;
- o) “prescribed person”: a person subject to the compensation regime, as designated in Chapter 3 of the Schedule;
- p) “RecycleMédias”: an organization accredited by RECYC-QUÉBEC that represents newspapers;
- q) “RECYC-QUÉBEC”: the Société québécoise de récupération et de recyclage, as designated in section 1 of the Act respecting the Société québécoise de récupération et de recyclage, (Chapter S-22.01);

- r) “the Act”: the Environment Quality Act, (Chapter Q-2), as amended from time to time;
- s) “the Regulation”: the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, (Chapter Q-2, r. 10), as amended from time to time;
- t) “the Schedule”: the present Schedule of Contributions, including appendices.

2. Interpretation

2.1. Explanatory note

2.1.1. RecycleMédias may publish an explanatory notice or interpretation guide on its website at www.recyclemedias.com to explain its interpretation of the Schedule and how it will be administered.

2.2. Continuance of the Schedule

2.2.1. If any provision of the Schedule is deemed invalid or unenforceable by a competent court or for any other reason, it shall not affect the validity of the other provisions of the Schedule, which shall be interpreted as if the invalid provision were omitted.

3. Designation of prescribed persons

3.1. Prescribed persons

3.1.1. Only the person who is the owner of the brand, name or distinguishing guise that identifies a material subject to contributions under the Schedule shall be required to pay a contribution with regard to that material.

3.1.2. However, if the owner has neither a domicile nor an establishment in Québec, payment of contributions may be required of the first supplier in Québec, whether or not it is the importer of that material.

3.1.3. Any person who marketed materials during 2013 remains fully responsible for any contribution and other amounts provided under the Schedule in respect of these materials, and shall pay, according to the terms provided in the Schedule, notwithstanding the fact that at the time the Schedule came into force or thereafter (i) the person is no longer the owner of the brand, name or distinguishing guise that identifies a material subject to contributions under the Schedule, or (ii) the person no longer markets materials, or (iii) the person no longer is the first supplier of this material in Quebec. Such a person is considered to be a prescribed person for the purposes of the Schedule.

3.2. Exempted persons

3.2.1. Prescribed persons who demonstrate to RecycleMédias that the contributions prescribed in Chapters 5 and 6 of the Schedule have been paid in full, on their behalf, by a third party recognized by RecycleMédias as a voluntary contributor under section 3.3, are exempted from those contributions.

3.2.2. Prescribed persons who own the brand, name or distinguishing guise which identifies a material subject to contributions pursuant to the Schedule and who, in 2013, marketed materials weighing less than a total of fifteen (15) metric tons, are also exempted from the contributions prescribed in Chapters 5 and 6 of the Schedule.

3.3. Voluntary contributor

3.3.1. A third party whose domicile or establishment is outside of Québec, and who is the owner of a brand, name or distinguishing guise, may be accepted by RecycleMédias as a voluntary contributor, notably if the person satisfies the conditions stipulated below.

3.3.2. A voluntary contributor may only act to fulfill the obligations that would be the responsibility of the first supplier of materials identified by a brand, name or distinguishing guise that is owned by the voluntary contributor. The latter may not act to fulfill the obligations of persons prescribed under section 3.1.1.

3.3.3. A third party may be recognized as a voluntary contributor if it concludes an agreement to that effect with RecycleMédias, which agreement shall include the following provisions:

- that it agrees to fulfill the obligations related to contribution in ad placements under the Schedule;
- that it agrees to pay the cash contribution under the Schedule;
- that it agrees to produce the reports required in Chapter 7 of the Schedule, under the terms set out in that Chapter;
- that it agrees to the foregoing with regard to all of its first suppliers in Québec;
- that it agrees to respect the laws of Québec, and accepts that any legal proceedings will take place in Québec, under the laws of Québec.

A third party recognized as a voluntary contributor thus becomes a prescribed person with respect to both cash contribution and contribution in ad placements.

3.3.4. RecycleMédias may decide to conclude an agreement such as that described in section 3.3.3 with a third party whose domicile or establishment is in Canada but outside of Québec, and which, without being the owner of a brand, name or distinguishing guise, is its principal distributor in Québec. Section 3.3.2 also applies to such a third party, which for the purposes of the Schedule is considered as a voluntary contributor.

3.3.5. The first supplier and the voluntary contributor are solidarily liable for their obligations under the Schedule.

3.4. Publication of the names of prescribed persons

3.4.1. RecycleMédias may publish on its website the name of any person that, in RecycleMédias' view, meets the criteria for a prescribed person in section 3.1 of the Schedule.

4. Compensation regime

4.1. Annual compensation payable

For the year covered by the Schedule, the amount of the annual compensation payable for the class “newspapers”, under the Act and the Regulation, will be \$6,840,000. This amount will be paid through contributions in ad placements in the amount of \$3,420,000 and cash contributions in the amount of \$3,420,000.

4.2. Costs

As well, the amounts corresponding to the costs of RECYC-QUÉBEC and RecycleMédias will be paid by the prescribed persons through cash contributions.

5. Contribution in ad placements

5.1. Determination of contribution in ad placements

5.1.1. For 2014, the contribution in ad placements by a prescribed person corresponds to the quantity of materials marketed by that person in 2013 multiplied by the applicable rate, i.e. \$30.73 per metric ton.

5.2. Foreign publication

5.2.1. For newspapers qualified as foreign publications, the contribution in ad placements is converted into cash contribution that is additional to that provided in Chapter 6. This additional cash contribution is paid to RECYC-QUÉBEC as partial payment of compensation due to municipalities under the Regulation by prescribed persons in the “newspaper” class.

5.2.2. The payment rules for cash contributions set out in Chapter 6 of the Schedule also apply, with the necessary modifications, to the additional cash contribution.

5.3. Terms and conditions

- 5.3.1. Ad placements for a maximum value corresponding to the amount of each prescribed person's contribution in ad placements will be requested from such prescribed person by no later than January 31, 2016 (or, if a new advertising campaign has to be realized further to a decision of the "Comité journaux", at a later date not exceeding June 30, 2016) for publication by no later than June 30, 2016 (or, if a new advertising campaign has to be realized further to a decision of the "Comité journaux", at a later date not exceeding November 30, 2016) in respect of contributions in ad placements for 2014.
- 5.3.2. To determine the value of each ad placement and the terms and conditions under which it is provided, the customary government rate card (or national rate card) of the prescribed person (or member of the person's corporate group, as the case may be) shall be applied. Furthermore, in order to avoid that part of its contribution in ad placements be converted into an additional cash contribution as provided under section 5.4 of the Schedule, a prescribed person may choose to make a contribution in ad placements for a value higher than the required value. In such case, the prescribed person will not be entitled to any credit for the additional value thus contributed.
- 5.3.3. For the purpose of making its contribution in ad placements, each prescribed person must collaborate with RecycleMédias, RECYC-QUÉBEC and any advertising agency retained by RECYC-QUÉBEC. RECYC-QUÉBEC and any advertising agency it retains must provide RecycleMédias with the information required for RecycleMédias to ensure that the contributions in ad placements payable pursuant to the Schedule are made according to the terms of the Schedule.

5.4. Conversion into additional cash contribution

- 5.4.1. A prescribed person who has not fulfilled the contribution in ad placements, in whole or in part, by the date set in the Schedule and after receiving a proper request therefor will be liable to pay an additional cash contribution corresponding to the value of the owing unpaid contribution in ad placements.
- 5.4.2. The payment rules for the cash contribution set out Chapter 6 also apply, with the necessary modifications, to the additional cash contribution.

5.5. Terms of the 2013 contribution in ad placements

The 2013 Schedule for “Newspapers”, which came into force on April 24, 2014 further to Order-in-council 284-2014 which approved it, provides in its section 5.3.1 that the 2013 contribution in ad placements shall be requested from each prescribed person no later than September 30, 2014 for publication no later than December 31, 2014. The Schedule amends such provision in such a way as to provide that these contributions in ad placements shall be requested no later than December 31, 2014 for publication no later than May 31, 2015. The other provisions of the 2013 Schedule remain unchanged.

6. Cash contribution

6.1. Determination of cash contribution

6.1.1. For 2014, the cash contribution by a prescribed person corresponds to the quantity of materials marketed by that person in 2013 multiplied by the applicable rate, i.e. \$34.57 per metric ton.

6.2. Date, place and form of payment

6.2.1. The cash contribution must be paid to RecycleMédias within ninety (90) days after the invoice is received. Unless otherwise decided by RecycleMédias, payment must be in full, in a single instalment.

6.2.2. RecycleMédias may specify a different deadline for payment of the cash contribution.

6.3. Penalties, interest and recovery

6.3.1. Cash contributions that are due and unpaid to RecycleMédias bear interest as set out in section 53.31.16 of the Act, i.e. at the rate determined under the first paragraph of section 28 of the *Tax Administration Act*, (Chapter A-6.002). Such interest will be calculated daily on the unpaid amount of the cash contribution, starting from the date when the cash contribution became due and ending on the date of payment, at the rate mentioned above. Any change to that rate automatically changes the interest rate applying under the present section.

6.3.2. In addition to the interest applied under section 6.3.1, a prescribed person who has not paid the cash contribution within two hundred and ten (210) days after receipt of the invoice in respect of the contribution for 2014, will be liable to a penalty equal to 10% of the cash contributions owing.

6.3.3. Pursuant to section 53.31.16 of the Act, when RecycleMédias exercises a remedy to claim a sum that it is owed, a penalty equal to 20% of the amount of the cash contribution will be applied.

6.4. Form of payment

6.4.1. Payment of cash contributions under Chapter 6 of the Schedule must be made in the legal tender of Canada.

7. Registration and reporting by prescribed persons

7.1. Registration of prescribed persons

7.1.1. Any prescribed person (including a prescribed person exempted from contributions under section 3.2.2 of the Schedule) must register with RecycleMédias by sending it the information specified in Appendix A of the Schedule by no later than the thirtieth (30th) day after the prescribed person becomes subject to the Schedule.

7.2. Reporting of materials

7.2.1. Any prescribed person (including a prescribed person exempted from contributions under section 3.2.2 of the Schedule) must produce a report on the materials marketed by sending to RecycleMédias the information specified in Appendix B of the Schedule, notably:

- a) A list of the brands, names and distinguishing guises covered by the materials report;
- b) A list and description of any excluded materials that were omitted from the materials report;
- c) A statement certifying that the content of the materials report is true and accurate.

7.2.2. The materials report for 2013 must be submitted by no later than the thirtieth (30th) day following the date on which the Schedule came into force.

7.2.3. The materials report for 2014 must be made by the prescribed person on the later of March 31, 2015 or the fifteenth (15th) day following the date on which the Schedule came into force.

7.3. Changes and amendments

- 7.3.1. Any change in the content of documents submitted by a prescribed person, including any change to the information provided pursuant to Appendice A, must be reported in a modification notice sent to RecycleMédias within thirty (30) days after the change occurs.

7.4. Transmission medium and format

- 7.4.1. Documents and modification notices must be transmitted to RecycleMédias using digital media. They must be submitted using the forms provided on the website of RecycleMédias, using the procedure described on the site.

7.5. Billing

- 7.5.1. RecycleMédias sends each prescribed person a statement of the contribution owing in ad placements and an invoice for the cash contribution owing (and additional cash contribution if any).
- 7.5.2. If a person fails to register under section 7.1 of the Schedule, or fails to send to RecycleMédias a materials report required under section 7.2 of the Schedule, the amounts of the contribution in ad placements and the cash contribution and additional cash contribution (if any) will be determined and billed based on an estimate by RecycleMédias.

7.6. Verification of reports

- 7.6.1. Besides the information and documents that must be produced for the purposes of Appendice B of the Schedule, RecycleMédias reserves the right to ask for additional information, such as tables of data, audit reports, or any other information used in preparing the reports.
- 7.6.2. RecycleMédias may review the materials report and require that corrections be made by the prescribed person. RecycleMédias may also choose to make the necessary corrections itself, after notifying the prescribed person. Following such corrections, the prescribed person will be sent a revised statement adjusting the contribution in ad placements and a revised invoice adjusting the cash contribution and, where applicable, the additional cash contribution.

- 7.6.3. A prescribed person that has not followed through on an adjusted contribution in ad placements, in whole or in part, or that has not concluded an agreement with RecycleMédias within sixty (60) days after the revised statement was issued, will be liable to a penalty, payable in cash, of an amount corresponding to the value of the unpaid contributions in ad placements.

The payment rules for the cash contribution set out in Chapter 6 of the Schedule also apply, with the necessary modifications, to such penalties. In the case of a credit, RecycleMédias will apply the value of the credit to the next statement.

- 7.6.4. An adjustment made to the cash contribution must be paid in full, in a single instalment, to RecycleMédias within thirty (30) days after the revised invoice is issued. In the case of a credit, RecycleMédias will apply the value of the credit to the next invoice.

The payment rules for the cash contribution set out in Chapter 6 of the Schedule also apply, with the necessary modifications, to such adjustments.

8. Conservation of files

8.1. Conservation of files

- 8.1.1. A prescribed person must conserve all documents and other media used in preparing reports and all proofs of publication pertaining to its contributions in ad placements for a period of five (5) years after the reports were transmitted or from the date of publication, as the case may be. Such information must be made available for consultation and copying by RecycleMédias, during normal business hours, following prior notice to that effect by RecycleMédias.

8.2. Confidentiality

- 8.2.1. During the period in which RecycleMédias conserves information it has received in connection with the compensation regime, RecycleMédias is bound to take appropriate measures to ensure its security, preserve its integrity, protect its confidentiality, and prohibit access to it by any unauthorized person. RecycleMédias must also ensure the respect of all other obligations prescribed by law with respect to the conservation of such information.

9. Dispute resolution

9.1. Procedure

- 9.1.1. In the event of dispute between a prescribed person and RecycleMédias concerning the materials or quantity of materials covered by contributions, or concerning the value of ad placements made by a prescribed person, both parties shall attempt to resolve the dispute through discussions between their respective representatives within thirty (30) days after a written notice of the dispute is issued, or by a common agreement, which will be consigned to writing.
- 9.1.2. If the dispute persists after the expiry of the period mentioned in section 9.1.1, it shall be definitely settled by arbitration other than the courts, pursuant to the provisions of the *Code of Civil Procedure*, (Chapter C-25).
- 9.1.3. Non-payment and failure by a prescribed person to submit a report are not subject to arbitration.

10. Adjustment

10.1. Adjustment clause

- 10.1.1. Amounts received as interest or penalties under the Schedule are applied to the costs of RECYC-QUÉBEC and RecycleMédias for the year after such amounts are received.
- 10.1.2. In the event that RecycleMédias, for 2014, collects an amount exceeding by 5% the amount necessary to pay a) the amount of the annual compensation set forth in section 4.1, including the applicable interest, administrative costs and penalties, if any, b) the costs of RECYC-QUÉBEC and c) the costs of RecycleMédias, RecycleMédias shall grant a credit to the prescribed persons who have paid their cash contributions for 2014. This credit shall correspond to the amount collected beyond the excess of 5% and shall be allocated *pro rata* to the cash contributions paid by the prescribed persons.

10.1.3. Notwithstanding the terms of section 6.1.1, in the event that RecycleMédias, for 2014, does not collect, or deems that it will not likely collect, the amount necessary to pay a) the amount of the annual compensation set forth in section 4.1, including the applicable interest, administrative costs and penalties, if any, b) the costs of RECYC-QUÉBEC and c) the costs of RecycleMédias, RecycleMédias may require from the prescribed persons the payment of the necessary amount to make up the shortfall. This amount shall be allocated *pro rata* to the cash contributions payable by each prescribed person. In such case, the prescribed persons shall pay the said amount to RecycleMédias within thirty (30) following the submission of an invoice to them for this purpose by RecycleMédias. Chapter 6 of the Schedule shall be applicable to this amount, with the necessary adjustments.

11. Effective date and duration

11.1. Effective date

11.1.1. The Schedule shall come into force on the fifteenth (15th) day after its publication in the *Gazette officielle du Québec*.

11.2. Duration

11.2.1. The Schedule is valid for the obligation year 2014.

Appendix A

Registration of a Prescribed Person

Name of enterprise

Nature of obligation

Address of headquarters and phone number

If the headquarters are not in Québec, address and phone number of the domicile or an establishment in Quebec

Business Website

Name and coordinates of the first respondent of the enterprise

Appendix B

Materials Report

Report year

Reference year

Quantity of newspapers marketed in Quebec, in metric tons (distinguishing between those subject to section 5.2 of the Schedule and those which are not)

A list of the brands, names and distinguishing guises covered by the materials report

A list and description of any excluded materials that were omitted from the materials report

A statement certifying that the content of the materials report is true and accurate

Notwithstanding the foregoing, as stipulated in section 7.6.1 of the Schedule RecycleMédias reserves the right to ask for any additional information that was used in preparing this report.

Gouvernement du Québec

O.C. 19-2016, 19 January 2016

Professional Code
(chapter C-26)

Medical imaging technologist — Professional activity that may be engaged in by a medical imaging technologist

Regulation respecting a professional activity that may be engaged in by a medical imaging technologist

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with that paragraph, the Collège des médecins du Québec consulted the Ordre des infirmières et infirmiers du Québec, the Ordre professionnel des technologistes médicaux du Québec and the Ordre des inhalothérapeutes du Québec before making the Regulation respecting a professional activity that may be engaged in by a medical imaging technologist;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, 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 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 Regulation respecting a professional activity that may be engaged in by a medical imaging technologist was published in Part 2 of the *Gazette officielle du Québec* of 12 February 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, on 9 October 2015, in accordance with section 95 of the Professional Code, the Office examined the Regulation and then 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 a professional activity that may be engaged in by a medical imaging technologist, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting a professional activity that may be engaged in by a medical imaging technologist

Professional Code
(chapter C-26, s. 94, par. *h*)

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, an activity that may be engaged in by a medical imaging technologist, holding a permit as a medical imaging technologist in the field of radiodiagnosis, as well as the terms and conditions on which such persons may engage in such an activity.

2. A technologist may proceed to the peripheral insertion of a central venous catheter that requires ultrasound or fluoroscopic guidance, further to an individual prescription and when a physician is present in the hospital center or in the medical imaging laboratory within the meaning of the Act Respecting Medical Laboratories, Organ and Tissue Conservation and the Disposal of Human Bodies (chapter L-0.2).

3. To engage in the activity described in section 2, the technologist must hold a training attestation issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec confirming the successful completion of a supplementary training containing the following two modules:

(1) theoretical training lasting a total of 50 hours on:

a) the anatomy of the vascular system and the deep and superficial venous system;

b) the indications and contra-indications for peripheral insertion of a central venous catheter;

c) the alternatives to the peripherally inserted central venous catheter technique;

- d) various vascular devices and their characteristics;
- e) the possible immediate complications during and after peripheral insertion of a central venous catheter;
- f) preventive measures;
- g) signs of respiratory distress and actions called for;
- h) preparation technique and catheter insertion procedure;
- i) catheter anchoring techniques;
- j) sterile disinfection;
- k) temporary bandage;
- l) indications and contra-indications for using a iodine contrast medium;
- m) actions required in case of iodine allergy and other reactions by the patient;
- n) patient record documentation;

(2) clinical training supervised by a physician or a technologist holding a training attestation issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec for this activity and involving:

- a) the observation of the peripheral insertion of 25 central venous catheters;
- b) the peripheral insertion of a minimum of 25 central venous catheters.

4. Before undertaking the supplementary training contemplated by section 3, the technologist must take 15 hours of training in ultrasound on the basic principles and technical parameters of ultrasound and surface ultrasound, in particular locating deep veins in the arm, or demonstrate equivalent experience that has allowed acquisition of the same competence in this sector of activity.

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

Index

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

	Page	Comments
Administrative justice, An Act respecting..., amended (2015, Bill 55)	775	
Autorité des marchés financiers, An Act respecting the..., amended (2015, Bill 55)	775	
Conservatoire de musique et d'art dramatique du Québec, An Act respecting the..., amended (2015, Bill 48)	757	
Environment Quality Act — RecycleMédias — Approval of the schedule established for the 2014 contributions for the newspapers class (chapter Q-2)	793	N
Governance of Conservatoire de musique et d'art dramatique du Québec, An Act to modernize the... (2015, Bill 48)	757	
Medical imaging technologist — Professional activity that may be engaged in by a medical imaging technologist. (Professional Code, chapter C-26)	810	N
Mining Act, amended. (2015, Bill 55)	775	
Professional Code — Medical imaging technologist — Professional activity that may be engaged in by a medical imaging technologist. (chapter C-26)	810	N
RecycleMédias — Approval of the schedule established for the 2014 contributions for the newspapers class (Environment Quality Act, chapter Q-2)	793	N
Transparency measures in the mining, oil and gas industries, An Act respecting... (2015, Bill 55)	775	

