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Summary

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Table of Contents

Page

Acts 2015

Regulations and other Acts

Draft Regulations

Notices

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 57
(2015, chapter 29)

An Act to amend the Supplemental Pension Plans Act mainly with respect to the funding of defined benefit pension plans

Introduced 11 June 2015
Passed in principle 4 November 2015
Passed 26 November 2015
Assented to 26 November 2015

Québec Official Publisher
2015

EXPLANATORY NOTES

This Act amends the Supplemental Pension Plans Act mainly to establish a new method for funding defined benefit pension plans by replacing the solvency method by one based on funding.

It provides for the establishment of a stabilization provision whose level will be determined in the manner prescribed by regulation, including by using a scale to be applied in accordance with, in particular, the investment policy of the pension plan. The provision will be composed of actuarial gains, special current service contributions and special amortization payments.

Pension plans will be required to adopt a funding policy that meets the requirements prescribed by regulation.

The Act amends the rules for appropriating and allocating surplus assets during the life of a plan and in the event of termination of the plan. Surplus assets may not be appropriated to the payment of contributions or of additional obligations arising from an amendment to the plan nor be transferred to the employer unless the plan is funded, the target level of the stabilization provision has been exceeded by five percentage points and the degree of solvency of the plan is at least 105%. The surplus assets must first be appropriated to the payment of employer and member current service contributions. Up to 20% of any remaining surplus assets may, in accordance with the plan's provisions, be appropriated to the payment of the additional obligations arising from an amendment to the plan or the payment of member contributions or be transferred to the employer.

Employer contributions that are technical amortization payments or stabilization amortization payments, except those paid by letter of credit, must be monitored separately. These amounts will be used to determine, in the event of surplus assets, the maximum amount of the surplus that can be appropriated to the payment of employer contributions.

Under the Act, an actuarial valuation must be carried out every three years. However, if the funding level determined in an actuarial valuation is less than 90%, the plan must be the subject of annual actuarial valuations until the funding level reaches at least 90%. Furthermore, an annual notice on the financial position of the plan

must be sent to the Régie des rentes du Québec within four months after the end of every fiscal year of the plan.

Asset smoothing is allowed, but the averaging period cannot exceed five years.

Additional obligations arising from an amendment to a pension plan will be payable in a lump sum if the plan's funding level is below 90%. Otherwise, such obligations may be funded over a maximum period of five years.

The test for minimum employer contributions is amended by making it possible to distinguish between current service contributions and amortization payments if part of the latter is assumed by the members; however, a member's current service contributions may not be used to fund more than 50% of the value of the member's pension benefits.

The requirement to include the additional pension benefit is removed for all pension plans.

The benefits of members whose active membership ends, except in the case of members and beneficiaries who are required to transfer their benefits without having the option of maintaining them in the plan, are paid according to the degree of solvency of the plan, without residual benefits. For pension plans with an annuity purchasing policy that meets the requirements prescribed by regulation, payment of all or part of the pension benefit in accordance with that policy can constitute final payment of the benefits paid.

The Act allows variable benefits to be paid, as for a life income fund, under a plan's defined contribution provisions.

The Act also contains miscellaneous, consequential and transitional provisions to facilitate the implementation of the measures it proposes.

LEGISLATION AMENDED BY THIS ACT:

– Supplemental Pension Plans Act (chapter R-15.1).

Bill 57

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT MAINLY WITH RESPECT TO THE FUNDING OF DEFINED BENEFIT PENSION PLANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

SUPPLEMENTAL PENSION PLANS ACT

1. Section 14 of the Supplemental Pension Plans Act (chapter R-15.1) is amended

(1) by inserting the following subparagraph after subparagraph 9 of the second paragraph:

"(9.1) whether or not the members contribute to amortization payments and, if applicable, the method for calculating them;";

(2) by inserting the following subparagraph after subparagraph 12 of the second paragraph:

"(12.1) if applicable, the powers under which the pension committee is authorized to make the final payment of all or part of the benefits of a member or beneficiary by purchasing an annuity from an insurer under the conditions provided for by the plan's annuity purchasing policy, and the rules applicable to such a payment;";

(3) by replacing subparagraphs 16, 16.1 and 17 of the second paragraph by the following subparagraphs:

"(16) the conditions and procedure for allocating surplus assets or, in the case of a pension plan to which Chapter X applies, the balance of surplus assets referred to in the third paragraph of section 230.2, in the event of termination of the plan;

"(17) in the case of a pension plan to which Chapter X applies, the conditions and procedure for appropriating all or part of the balance of surplus assets referred to in the third paragraph of section 146.8, either to the payment of the value of the additional obligations arising from an amendment to the plan, to the refund of member contributions or to the transfer of amounts to the employer or to a combination of those appropriation methods and, if applicable, the nature of the amendments that may be the object of such an appropriation;

"(18) in the cases referred to in section 146.9.2, the conditions and procedure for appropriating all or part of the surplus assets, either to the payment of employer contributions, to the payment of the value of additional obligations arising from an amendment to the plan or to a combination of these appropriation methods and, if applicable, the nature of the amendments that may be the object of such an appropriation."

2. Sections 21.1 to 21.3 of the Act are repealed.

3. Section 26 of the Act is amended

(1) by replacing the second item of the list in subparagraph 2 of the first paragraph by the following item:

"— an amendment to the plan pertaining to the appropriation or allocation of surplus assets;";

(2) by striking out the first sentence of the third paragraph;

(3) by replacing "In addition, where" in the third paragraph by "Where";

(4) by replacing "il" in the third paragraph in the French text by "le présent article".

4. Section 33 of the Act is amended by inserting "or to the plan's annuity purchasing policy established in accordance with Division II.1 of Chapter XI" after "section 98" in the third paragraph.

5. The Act is amended by inserting the following before section 37:

"**DIVISION I**

"TYPE OF CONTRIBUTIONS".

6. Section 38 of the Act is amended

(1) by adding, at the end, "and, in the case of a plan to which Chapter X applies, to establish a stabilization provision, determined in accordance with section 125, in respect of those obligations";

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

"The part of the current service contribution intended to establish the stabilization provision is to be called a current service stabilization contribution."

7. The Act is amended by inserting the following sections after section 38:

"**38.1.** The following are amortization payments:

(1) the technical amortization payment, intended to amortize the unfunded actuarial liability determined in accordance with section 131;

(2) the stabilization amortization payment, intended to amortize the unfunded actuarial liability determined in accordance with section 132; and

(3) improvement amortization payments, intended to amortize any unfunded actuarial liability determined in accordance with section 134.

"**38.2.** The special improvement payment is a payment that, in respect of the additional obligations arising from an amendment to the pension plan, must be paid in accordance with section 139.

"**38.3.** The special annuity purchasing payment is a payment that may be required on a payment of benefits made in accordance with the annuity purchasing policy and that, if applicable, must be calculated and paid in accordance with the provisions provided for in section 142.4."

8. The Act is amended by inserting the following before section 39:

"**DIVISION II**

"PAYMENT OF CONTRIBUTIONS".

9. Section 39 of the Act is amended by replacing subparagraphs *a* and *b* of subparagraph 2 of the first paragraph by the following subparagraphs:

"(*a*) the current service contribution determined in accordance with sections 128 and 129;

"(*b*) the sum of the amortization payments determined for the fiscal year and the special improvement payments payable during the fiscal year."

10. Section 39.1 of the Act is amended by adding the following paragraph at the end:

"The agreement referred to in subparagraph 3 of the first paragraph is not required if the contribution reduction is less than or equal to the sum of the current service stabilization contribution and the stabilization amortization payment."

11. Section 41 of the Act is amended by replacing "a special amortization payment" in the first paragraph by "a special improvement payment".

12. Section 42 of the Act is amended by adding "in relation to that liability" after "the amortization payment determined".

13. Section 42.1 of the Act is replaced by the following sections:

"**42.1.** Under the conditions prescribed by regulation, an employer may, on providing the pension committee with a letter of credit established in accordance with the regulation, be relieved of paying all or part of the portion of the employer contribution determined for the current fiscal year of the pension plan in respect of the stabilization amortization payment payable during the year.

The total amount of such letters of credit may not exceed 15% of the liabilities of the plan, determined on a funding basis.

"**42.2.** Employer contributions that are technical amortization payments or stabilization amortization payments, except those paid by letter of credit, must be the subject of special monitoring. Employer contributions paid in excess of the contributions required must be included as well.

Member contributions that are technical amortization payments or stabilization amortization payments must also be the subject of special monitoring.

Interest on those contributions, at the rate of return obtained on the investment of the plan assets, reduced by the investment and administration fees, must be included as well."

14. Section 60 of the Act is amended

(1) by inserting "described in section 38" in the first paragraph after "member contributions";

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

"In addition, if the member contributes to amortization payments, the member's member contributions, with accrued interest, reduced by the excess contributions calculated in accordance with the first paragraph may not be used to pay more than the value referred to in that paragraph.";

(3) by striking out subparagraph 7 of the second paragraph.

15. Section 60.1 of the Act is repealed.

16. Section 61 of the Act is amended by replacing "sections 60 and 60.1 apply" in the first paragraph by "section 60 applies".

17. Section 86 of the Act is amended by striking out "as well as the value of the additional pension under section 60.1" in subparagraph 1 of the second paragraph.

18. The Act is amended by inserting the following division after section 90:

"**DIVISION III.1**

"VARIABLE BENEFITS

"**90.1.** A pension plan that includes defined contribution provisions may allow a member who has ceased to be an active member or, on the death of such a member, the member's spouse to elect to receive variable benefits from the funds the member or spouse holds under the defined contribution provisions, on the conditions and within the time prescribed by regulation."

19. Section 118 of the Act is replaced by the following section:

"**118.** Every pension plan must be the subject of an actuarial valuation

(1) at the date on which it becomes effective;

(2) no later than at the date of the end of the last fiscal year of the plan occurring within three years after the date of the last complete actuarial valuation of the plan;

(3) at the date of the agreement with the insurer for the purposes of a payment of benefits made in accordance with the plan's annuity purchasing policy;

(4) in the case of an amendment having an impact on the funding of the plan, at the date determined under section 121;

(5) at the date of the end of the fiscal year of the plan that precedes a fiscal year in which surplus assets are appropriated to the payment of employer contributions under section 146.8; or

(6) whenever required by the Régie, at the date set by the Régie.

If an actuarial valuation referred to in subparagraph 2 of the first paragraph determines that the degree of solvency of the plan is less than 90%, the plan must be the subject of a complete actuarial valuation not later than the end date of the following fiscal year and the end date of each subsequent fiscal year, until the degree of solvency reaches at least 90%.

An actuarial valuation required under the first or second paragraph must be complete. However, the valuations required under subparagraphs 3, 4 and 5 of the first paragraph may be partial, but only if, in the case of a valuation referred to in subparagraph 4 or 5, the date of the valuation corresponds to the date of the end of the fiscal year of the plan and no complete actuarial valuation is required under this Act or by the Régie at that date."

20. Section 119 of the Act is amended

(1) by inserting the following subparagraph before subparagraph 1 of the first paragraph:

"(0.1) not later than the expiry of the time granted under section 25 for filing the application for registration of the plan in the case of an actuarial valuation required under subparagraph 1 of the first paragraph of section 118;";

(2) by replacing "subparagraph 2 of the first paragraph" in subparagraph 1 of the first paragraph by "subparagraph 2, 4 or 5 of the first paragraph or the second paragraph";

(3) by inserting the following subparagraph after subparagraph 1 of the first paragraph:

"(1.1) within four months after the date of the actuarial valuation in the case of an actuarial valuation required under subparagraph 3 of the first paragraph of that section;";

(4) by replacing "subparagraph 3" in subparagraph 2 of the first paragraph by "subparagraph 6".

21. The Act is amended by inserting the following section after section 119:

"**119.1.** If, at the date of the end of a fiscal year of the pension plan, no actuarial valuation is required under subparagraph 2 of the first paragraph of section 118, the pension committee must send the Régie, no later than four months after that date, a notice informing it of the financial position of the pension plan at that date.

The information to be contained in the notice and the attestations and documents to be included with it are prescribed by regulation.

Any certification required for the purposes of the notice must be carried out in accordance with the first paragraph of section 122, which applies with the necessary modifications."

22. Section 121 of the Act is amended

(1) by replacing "last actuarial valuation" in subparagraphs 1 and 2 of the first paragraph by "end of the last fiscal year";

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

"However, an amendment resulting in a reduction of the obligations of the plan must be considered for the first time at the date it becomes effective."

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

"**122.1.** For the purposes of this chapter, the assets and liabilities of a pension plan are both reduced by an amount corresponding to the sum of the following values:

(1) the value of any additional voluntary contributions paid into the pension fund, with accrued interest;

(2) the value of the contributions paid into the pension fund under provisions which, in a defined benefit plan, are identical to those of a defined contribution plan, with accrued interest;

(3) the value of amounts received by the pension plan following a transfer, even otherwise than under Chapter VII, with accrued interest.

However, in the case of a floor plan, the assets and liabilities of a plan are not to be reduced by the value referred to in subparagraph 2.

"**122.2.** For the purposes of this chapter, the letters of credit provided by the employer under section 42.1 that may be considered in the plan's assets cannot exceed 15% of the liabilities of the plan."

24. The Act is amended by replacing Divisions II, III and IV of Chapter X, comprising sections 123 to 142, by the following:

"**DIVISION II**

"FUNDING

"§1. — *Determination of funding*

"**123.** For the purpose of determining the funding level of a pension plan at the date of an actuarial valuation, the plan's liabilities must be equal to the value of the obligations arising from the plan taking into account the service credited to the members.

A pension plan is funded if, at the date of the actuarial valuation, the plan's assets are equal to or greater than its liabilities.

"**124.** For the sole purpose of establishing the level of funding of a pension plan at the date of an actuarial valuation,

(1) the plan's assets must be increased by the special improvement payment prescribed in section 139; and

(2) the plan's liabilities must be increased by the value of the additional obligations arising from any amendment to the plan considered for the first time at the date of the valuation, calculated on the assumption that the effective date of the amendment is the valuation date.

The funding level of a pension plan at the date of the actuarial valuation is the percentage that the plan's assets are of its liabilities.

"**125.** Every pension plan must provide for the establishment of a stabilization provision whose target level is determined in the manner prescribed by regulation, in particular by using a scale that is to be applied according to certain criteria, including the target set out in the plan's investment policy in effect at the date of each actuarial valuation required under section 118.

"**126.** The funding method used in an actuarial valuation must be consistent with generally accepted actuarial principles and be based on the assumption that the pension plan is perpetual.

The actuarial assumptions and methods used to determine the funding level of a plan must be suited, in particular, to the type of plan concerned, its obligations and the position of the pension fund.

"**127.** The method for smoothing the market value of the assets of the pension plan may not level the short-term fluctuations in that value over a period exceeding five years.

"**128.** The current service contribution must be equal to or greater than the sum of

(1) the value of the obligations arising from the pension plan in respect of credited service completed over the course of the fiscal year or the part of the fiscal year referred to in paragraph 1 of section 140; and

(2) the value of the stabilization provision in respect of those obligations, according to the target level determined in accordance with section 125.

The contribution may, however, be less if it is determined using a method which, at all times, keeps the plan partially funded or fully funded at the required funding level by adding the plan stabilization provision target level less five percentage points.

"**129.** The value of the obligations referred to in sections 123, 124 and 128 which, under the plan, are to increase according, in particular, to the progression of the members' remuneration must include the estimated amount of those obligations when they become payable, assuming that contingencies based on actuarial assumptions as to survival, morbidity, mortality, employee turnover, eligibility for benefits or other factors will occur.

Furthermore, any pension benefit increase provided for by the plan which becomes effective after the benefits begin to be paid must be taken into account in determining that value.

"§2. — *Funding deficiencies*

"**130.** There are three types of funding deficiencies: the technical actuarial deficiency, the stabilization actuarial deficiency and the improvement unfunded actuarial liability.

"**131.** The technical actuarial deficiency corresponds, at the date of an actuarial valuation, to the amount by which the plan's liabilities exceed its assets, increased by the value of any amortization payments remaining to be paid to amortize any improvement unfunded actuarial liability determined in a prior actuarial valuation.

"**132.** The actuarial stabilization deficiency corresponds, at the date of an actuarial valuation, to the amount by which the plan's liabilities, reduced by the technical actuarial deficiency determined in accordance with section 131 and increased by the value of the stabilization provision target level less five percentage points, exceed its assets, increased by the value of the amortization payments remaining to be paid to amortize any improvement unfunded actuarial liability determined in a prior actuarial valuation.

"**133.** The interest rate used to establish the value of the improvement amortization payments referred to in sections 131 and 132 is the same as the one used to establish the liabilities of the plan.

"**134.** An improvement unfunded actuarial liability corresponds, at the date of an actuarial valuation, to the value of the additional obligations arising from any amendment to the plan, except for the amendment referred to in section 139, considered for the first time in the valuation, increased by the value of the stabilization provision target level in respect of those obligations and reduced, if applicable, by the amount corresponding to the part of the value of those obligations that is paid for by appropriation of the plan's surplus assets.

"**135.** The amortization payments that, if applicable, remain to be paid in relation to any improvement unfunded actuarial liability determined in a prior actuarial valuation may only be eliminated if, at the date of the actuarial valuation, the assets of the pension plan are equal to or greater than its liabilities, increased by the value of the stabilization provision target level less five percentage points.

"§3.—*Amortization of funding deficiencies*

"**136.** Every funding deficiency must be amortized by dividing it into as many amounts as there are full months included in the amortization period.

"**137.** The monthly amortization payable for any fiscal year of the pension plan, and any part of such a fiscal year, included in the amortization period must be established as a set amount at the date the unfunded actuarial liability is determined. However, if the members contribute to amortization payments, the monthly payments may represent an hourly rate or a rate of the remuneration of or a percentage of the total payroll for the active members; the rate or percentage must be uniform unless it is established by reference to a variable authorized by the Régie.

"**138.** The amortization period for an unfunded actuarial liability begins at the date of the actuarial valuation in which the unfunded liability is determined. It expires at the end of a fiscal year of the pension plan that ends

(1) no later than 10 years after the date of the valuation, if the liability is a technical actuarial deficiency;

(2) no later than 10 years after the date of the valuation, if the liability is a stabilization actuarial deficiency; or

(3) no later than five years after the date of the valuation, if the liability is an improvement unfunded actuarial liability.

"§4. — *Special improvement payment*

"**139.** If the actuarial valuation used to determine the value of the additional obligations arising from an amendment to the pension plan shows that the plan's funding level, determined without reference to the amendment, is less than 90%, a special improvement payment equal to the value of the additional obligations, at the date of the valuation, increased by the value of the stabilization provision target level in respect of those obligations, must be paid into the pension fund.

The special improvement payment is payable in full as of the day following the date of the valuation.

"§5. — *Miscellaneous provisions*

"**140.** In addition to the other elements prescribed by regulation, an actuarial valuation must determine

(1) the current service contribution, expressed in currency or as a rate or percentage of the remuneration of active members, for the fiscal year or the part of the fiscal year of the pension plan that immediately follows the date of the valuation and for every fiscal year that follows until the date of the next actuarial valuation to which it is subject under subparagraph 2 of the first paragraph of section 118;

(2) the total amount of the current service contribution and the amount of the part of that contribution referred to in subparagraph 2 of the first paragraph of section 128;

(3) the plan's assets and liabilities;

(4) the amount of each deficiency and that of the related amortization payment; and

(5) the amounts recorded under section 42.2.

"**DIVISION III**

"SOLVENCY

"**141.** For the purpose of determining the solvency of a pension plan at the date of an actuarial valuation, the plan's assets must be established according to their liquidation value, or an estimate of that value, and be reduced by the estimated amount of the administration costs to be paid out of the pension fund, assuming that the pension plan is terminated on the valuation date.

The pension plan's liabilities must be equal to the value of the obligations arising from the plan, assuming that the plan is terminated on the valuation date.

A pension plan is solvent if its assets are equal to or greater than its liabilities.

"**142.** For the sole purpose of establishing the degree of solvency of a pension plan at the date of an actuarial valuation,

(1) the plan's assets must be increased by the special improvement payment prescribed in section 139; and

(2) the plan's liabilities must be increased by the value of the additional obligations arising from any amendment to the plan considered for the first time on the date of the valuation, calculated on the assumption that the effective date of the amendment is the valuation date.

The degree of solvency of a pension plan at the date of an actuarial valuation is the percentage that the plan's assets are of its liabilities.

"**142.1.** If the plan expressly provides that the amount of a member's pension is to be established with reference to the progression of the member's remuneration after termination, the value of the pension must be established assuming that the plan is terminated in such circumstances that the benefits accrued to the member in respect of the pension must be estimated at their maximum value. If the plan provides for other obligations whose value depends on the circumstances in which the plan is terminated, they must be included in the liabilities to the extent provided in the scenario used for that purpose by the actuary in charge of the valuation.

If the liabilities established in accordance with subparagraph 2 of the first paragraph of section 142 and with the first paragraph of this section are less than the value of the obligations arising from the pension plan, assuming that the plan is terminated on the valuation date in such circumstances that the benefits accrued to the members must be estimated at their maximum value, the valuation report must also indicate the latter value.

"**142.2.** The liabilities of a pension plan under which refunds or benefits are guaranteed by an insurer must, for the purpose of determining the plan's

solvency, include the value corresponding to those benefits, and the plan's assets must include an amount equal to that value.

"**142.3.** The values referred to in subparagraph 2 of the first paragraph of section 142 and in section 142.1 are determined by applying sections 211 and 212 and subparagraph 1 of the second paragraph of section 212.1, with the necessary modifications. In the case of pensions already in payment, inasmuch as they are not guaranteed by an insurer at the valuation date, those values must be determined according to an estimation of the premium that an insurer would charge to guarantee the pensions at the valuation date.

"**DIVISION III.1**

"FUNDING RELATING TO ANNUITY PURCHASING POLICY

"**142.4.** A payment of benefits made in accordance with the annuity purchasing policy of a pension plan must meet the funding requirements prescribed by regulation.

If those requirements are not met, a special annuity purchasing payment, calculated in the manner determined by regulation, must be paid as prescribed in that regulation.

"**DIVISION IV**

"FUNDING POLICY

"**142.5.** The person or body who may amend the pension plan must establish a written funding policy that meets the requirements prescribed by regulation, review it regularly and send it to the pension committee without delay."

25. Section 143 of the Act is amended by replacing "Régie." at the end by "Régie or, if the degree of solvency is more recent, in the notice prescribed by section 119.1 sent to the Régie. A pension plan may however provide that the 100% limit does not apply or establish a limit of more than 100%."

26. Section 146 of the Act is amended by adding, at the end, ", in the following cases:

(1) the member or beneficiary does not have the option of maintaining his benefits in the pension plan;

(2) the plan provides for the payment of the value of members' and beneficiaries' benefits in a proportion that is greater than the degree of solvency of the plan".

27. The Act is amended by replacing Divisions I and II of Chapter X.1, comprising sections 146.1 to 146.9, by the following:

"**DIVISION I**

"PROVISIONS OF THE PENSION PLAN

"**146.1.** Surplus assets may, during the life of a pension plan, be appropriated to the refund or payment of benefits or the payment of the value of the additional obligations arising from an amendment to the plan, but only in accordance with this chapter and in compliance with the plan provisions required under subparagraph 17 or 18 of the second paragraph of section 14.

"**146.2.** All provisions concerning the appropriation of surplus assets during the life of a pension plan must be grouped in an easily identifiable section of the plan.

The same applies to any provision concerning the allocation of surplus assets in the event of termination of the plan.

"**146.3.** The members and beneficiaries must be informed and consulted before any amendment to the plan under section 146.2.

"**146.4.** For the purposes of the consultation, the pension committee shall send every member and beneficiary of the plan a written notice which, in addition to containing the information required under subparagraph 1 of the first paragraph of section 26, indicates

(1) the plan provisions relating to the allocation or appropriation of surplus assets in force on the date of the notice;

(2) the text of the plan provisions arising from the amendment; and

(3) any other information prescribed by regulation.

The notice must also inform the members and beneficiaries that they may notify the pension committee in writing of their opposition to the proposed amendment to the plan provisions within 60 days after the notice is sent or, as applicable, after the date on which the notice required under the third paragraph is published, whichever is later.

Unless all members and beneficiaries have been personally advised, the pension committee must also publish a notice of the proposed amendment in a daily newspaper circulated in the region in Québec where the greatest number of active members reside. The notice must also specify that persons who have not received a personal notice but believe they must be consulted may declare their status to the pension committee within 60 days after the notice is published and that, if they are able to establish their status, they are entitled to receive a

copy of the notice required under the second paragraph and, if applicable, to notify the committee in writing of their opposition to the proposed amendment.

The notice given under this section is considered to be the notice referred to in section 26.

"**146.5.** On the expiry of the time for expressing opposition, the pension committee shall count the notices of opposition received.

If 30% or more of the members and beneficiaries are opposed to the proposed amendment, it is deemed rejected and cannot be made.

The pension committee shall immediately inform the employer concerned, as well as each of the plan members and beneficiaries and the person or body who may amend the pension plan, of the results.

"**DIVISION II**

"PLANS TO WHICH CHAPTER X APPLIES

"**146.6.** The appropriation, under this division, of the surplus assets of a pension plan to which Chapter X applies, determined without reference to the portion of the assets and that of the liabilities described in section 122.1, is only permitted if, according to the actuarial valuation of the plan, the following conditions are met:

(1) on a funding basis, the plan's assets are equal to or greater than its liabilities, increased by the value of the stabilization provision target level plus five percentage points; and

(2) on a solvency basis, the plan's assets are equal to or greater than 105% of its liabilities.

"**146.7.** The maximum amount of surplus assets that may be used is equal to the lesser of the following amounts, determined at the date of the actuarial valuation:

(1) the amount by which the surplus assets determined on a funding basis exceed the minimum set under paragraph 1 of section 146.6; and

(2) the amount by which the surplus assets determined on a solvency basis exceed the minimum set under paragraph 2 of that section.

In the case of a partial actuarial valuation, the maximum amount of surplus assets is equal to the lesser of the amounts given by the actuary who certifies that a complete actuarial valuation carried out at the date of the valuation would have allowed the determination, in accordance with the first paragraph, of amounts equal to or greater than the amounts given.

"**146.8.** The amount of surplus assets that may be used over the course of a fiscal year must first be appropriated to the payment of the employer and member current service contributions, up to the lesser of the amount of the employer or member contributions recorded, respectively, under the first and second paragraphs of section 42.2 and the amount of the employer or member current service contributions.

If the amount of surplus assets that may be used is less than the total amount of employer and member contributions recorded under section 42.2, the appropriation under the first paragraph must be proportional to the contributions recorded, respectively, under the first and second paragraphs of that section.

If there is a balance of surplus assets, up to 20% of the balance may, per fiscal year of the plan and in accordance with its provisions, be appropriated to the payment of the value of the additional obligations arising from an amendment to the plan or to the payment of member contributions or be transferred to the employer.

Any amount appropriated to the payment of the employer current service contributions or to the payment of the value of the additional obligations arising from an amendment or transferred to the employer must be deducted from the amounts recorded under section 42.2. The same applies to any amount appropriated to the payment of member current service contributions.

"**146.9.** The pension plan may provide that the appropriation of surplus assets to the payment of current service contributions may, despite the caps provided for in the first paragraph of section 146.8, apply beyond the amount of the contributions recorded under section 42.2.

"**146.9.1.** The appropriation of surplus assets to the payment of employer contributions and, if applicable, member contributions ceases on the date of the end of a fiscal year for which an actuarial valuation or a notice referred to in section 119.1 shows that the conditions set out in section 146.6 are no longer met.

"**DIVISION III**

"OTHER PLANS

"**146.9.2.** This division concerns the pension plans to which Chapter X does not apply.

It also concerns the portion of the assets and that of the liabilities of a pension plan to which Chapter X applies that are excluded under section 122.1.

"**146.9.3.** The surplus assets of a pension plan may be appropriated to the payment of the value of the additional obligations arising from an amendment to the plan, provided that the amount applied for that purpose is limited to the part of the assets that exceeds the value of the obligations arising

from the plan, established without reference to the additional obligations arising from the amendment, assuming that the plan is terminated.

"**146.9.4.** The portion of the assets of the pension plan that exceeds the value of the obligations arising from the plan, assuming that the plan is terminated, may be appropriated to the payment of employer contributions.

The appropriation of the surplus assets of a pension plan to the payment of employer contributions ceases as soon as the condition set out in the first paragraph is no longer met."

28. Section 146.12 of the Act is amended

(1) by replacing "sections 138 and 139" in paragraph 1 by "sections 128 and 129";

(2) by replacing paragraph 3 by the following paragraph:

"(3) the sum of the amortization payments determined for the fiscal year and the special improvement payments payable during the fiscal year."

29. Section 146.14 of the Act is repealed.

30. Section 146.15 of the Act is amended by replacing "Sections 60 and 60.1" by "Section 60".

31. Section 146.16 of the Act is replaced by the following section:

"**146.16.** Despite subparagraph 2 of the first paragraph of section 118 and subparagraph 1 of the first paragraph of section 119, a negotiated contribution plan must be the subject of an actuarial valuation at the date of the end of each fiscal year and the valuation report must be sent to the Régie within six months after the date of the valuation."

32. Section 146.18 of the Act is amended

(1) by replacing "128" by "125";

(2) by replacing "reserve" by "stabilization provision".

33. Section 146.19 of the Act is replaced by the following sections:

"**146.18.1.** Section 134, except the exception it provides for, applies to all plan amendments considered for the first time.

Section 139 applies on a solvency basis.

"**146.19.** Despite section 138, the maximum amortization period of any actuarial deficiency is 12 years."

34. Section 146.35 of the Act is amended by replacing "146.3.1" in the third paragraph by "146.4".

35. Section 146.41 of the Act is amended by replacing the second paragraph by the following paragraph:

"The notice referred to in section 200 must not include the information required under paragraph 2 of that section. However, it must mention, if applicable, the cap referred to in the third paragraph."

36. Section 146.45 of the Act is repealed.

37. Section 151.2 of the Act is amended by replacing "to ensure risk management" in subparagraph 6 of the second paragraph by "to quantify and manage risks".

38. Section 166 of the Act is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by replacing "in subparagraph 2 or 3" in the second paragraph by "in subparagraph 2".

39. Section 166.1 of the Act is repealed.

40. Section 169 of the Act is amended by replacing ", its characteristics and its financial obligations" by "and its characteristics, financial obligations and funding policy".

41. The Act is amended by inserting the following after section 182:

"**DIVISION II.1**

"ANNUITY PURCHASING POLICY

"**182.1.** If a pension plan has an annuity purchasing policy that meets the requirements prescribed by regulation, payment of all or part of a pension benefit in accordance with that policy constitutes, on the date of the first payment by the insurer, as stipulated in the agreement entered into for that purpose, final payment of the benefits of the members and beneficiaries covered by that agreement.

The annuity purchasing policy only applies to pensions if, on the date of the agreement with the insurer, they are in payment or an application for payment of benefits has been filed.

"**182.2.** The members and beneficiaries whose benefits have been paid in accordance with section 182.1 retain, for three years, their status as a member

or beneficiary under the plan for the purposes of the provisions relating to the allocation of surplus assets in the event of termination of the plan. They also retain their status, for the same period, in the event of the employer's bankruptcy or insolvency which, following the employer's withdrawal from the plan or the termination of the plan, results in a reduction of the members' or beneficiaries' benefits.

Whenever the first paragraph must be applied, the notice required under section 207.4 must also state the rules set out in this section."

42. Section 195 of the Act is amended

(1) by replacing "Division III of Chapter X" in the second paragraph by "Division II of Chapter X";

(2) by replacing "and the employer's right to appropriate all or part of the surplus assets to the payment of the value of the additional obligations arising from any amendment to the plan or to the payment of employer contributions but, in the latter case, only if the plan from which the assets are to be transferred is a plan to which subparagraph 16.1 or 17 of the second paragraph of section 14 applies or which was amended in that respect under section 146.5" in the fourth paragraph by "and to their appropriation during the life of the plan".

43. The Act is amended by inserting the following section after section 195:

"**195.0.1.** In the event of division of a pension plan, the amounts recorded under section 42.2 are distributed among the pension plans resulting from the division proportionately to their respective liabilities."

44. Section 196 of the Act is amended

(1) by inserting the following paragraph before the first paragraph:

"**196.** The Régie may only authorize the merger of all or part of the assets and liabilities of several plans if the degree of solvency of the absorbing plan after the merger

(1) is at least 85% or, in the case of the merger of plans to which the same employer is a party, at least 100%; or

(2) is not more than five percentage points below the degree of solvency, before the merger, of the absorbing plan or the absorbed plan.";

(2) by replacing "The Régie shall not authorize the merger of all or part of the assets and liabilities of several plans unless" in the first paragraph by "In addition, the Régie may only authorize the merger if";

(3) by replacing "ou que si les effets" in the first paragraph in the French text by "ou que les effets";

(4) by inserting the following sentence after the first sentence of the first paragraph: "Nor shall the Régie authorize the merger unless all the plans include terms which, in relation to the appropriation of surplus assets during the life of the plan, have identical effects.";

(5) by striking out "only containing the information prescribed by regulation" in the second paragraph;

(6) by replacing "230.4 and 230.6" in the second paragraph by "146.4 and 146.5";

(7) by striking out the fourth paragraph.

45. Section 198 of the Act is amended by adding the following sentence at the end of the second paragraph: "If the amendment is made because the employer no longer has active members in its employ, the amendment becomes effective not later than on the end date of the fiscal year in which the last member ceases to accumulate benefits."

46. The Act is amended by inserting the following section after section 199:

"**199.1.** If an employer that is a party to a multi-employer pension plan no longer has active members in its employ, the plan must be amended to allow for the withdrawal of the employer. If the person authorized under the plan to make such an amendment fails to do so within 30 days after the pension committee is informed of the fact that the employer no longer has active members in its employ, the pension committee shall proceed with the amendment.

In the case of an employer all of whose employees covered by the plan are hired on an ad hoc, fixed term basis, the plan need only be amended if 12 months have elapsed since the employer ceased to have active members in its employ."

47. Section 200 of the Act is amended

(1) by adding "or, if more recent, in the notice sent to the Régie under section 119.1" at the end of paragraph 1;

(2) by replacing "of the second paragraph of section 230.1 and" in paragraph 2 by "of the plan provisions required under subparagraph 16 of the second paragraph of section 14 and, if applicable,";

(3) by replacing paragraphs 3 and 4 by the following paragraphs:

"(3) that the benefits of non-active members and beneficiaries affected by the withdrawal and whose pension is in payment at the date of withdrawal will be paid by means of a pension paid, as prescribed by regulation, by an insurer selected by the pension committee; and

"(4) that the benefits of members and beneficiaries affected by the withdrawal, other than those to whom paragraph 3 applies, will be paid by means of a transfer under section 98, which applies with the necessary modifications, or, as applicable, by means of the payment in a lump sum or the transfer into a registered retirement savings plan of the portion of their accrued benefits that is refundable."

48. Section 207.2 of the Act is amended by replacing the third and fourth paragraphs by the following paragraph:

"If applicable, the copy of the report sent to the employer must be accompanied by a notice, a copy of which must be sent to the Régie, indicating that any amount due by the employer according to the report must be paid into the pension fund or to the insurer, as applicable."

49. Section 207.5 of the Act is repealed.

50. Section 207.6 of the Act is amended by replacing the first paragraph by the following paragraph:

"**207.6.** A pension plan may not be amended after the date of termination, except to allow any increase in pension benefits resulting from the allocation of surplus assets."

51. Section 210.1 of the Act is amended

(1) by striking out the first paragraph;

(2) by adding "de retraite" at the end of the second paragraph in the French text;

(3) by striking out the third paragraph.

52. Section 226 of the Act is repealed.

53. Section 230.0.0.1 of the Act is amended by striking out paragraph 2.1.

54. Section 230.0.0.2 of the Act is repealed.

55. Section 230.0.0.3 of the Act is amended by replacing everything that follows "by an insurer" by "or choose a pension paid out of the assets administered by the Régie under section 230.0.0.4".

56. Section 230.0.0.4 of the Act is amended

(1) by replacing "stipulated under paragraph 2 of section 230.0.0.2 or paragraph 2 of section 230.0.0.3" in the first paragraph by "provided for in section 230.0.0.3";

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

"The Régie may administer all or some of the plans together. In such a case, the plans administered together are deemed, for that purpose, to constitute a single plan."

57. Section 230.0.0.9 of the Act is amended

(1) by replacing "fifth" in the first sentence of the first paragraph by "tenth";

(2) by striking out the second sentence of the first paragraph;

(3) by striking out the third paragraph.

58. Section 230.0.0.10 of the Act is amended by replacing "the Government shall pay the required sums to the Régie out of the Consolidated Revenue Fund" by "the Régie may reduce the pensions of the members and beneficiaries".

59. Section 230.0.0.11 of the Act is amended by adding the following paragraph after paragraph 2:

"(3) prescribe the terms and conditions for reducing the pensions paid by the Régie."

60. Section 230.0.0.12 of the Act is repealed.

61. Section 230.0.1 of the Act is renumbered "230.1".

62. Sections 230.1 to 230.8 of the Act are replaced by the following section:

"**230.2.** Any surplus assets of a terminated pension plan are first allocated concurrently to the employer and to the members and beneficiaries with benefits under defined benefit provisions, up to the amount of the contributions recorded, respectively, under the first and second paragraphs of section 42.2.

If the amount of surplus assets is less than the total amount of employer and employee contributions recorded under section 42.2, they must be allocated proportionately to the contributions recorded, respectively, under the first and second paragraphs of that section.

Any remaining surplus assets must be allocated in accordance with the conditions and procedure set out in the plan.

The portion allocated to the members and beneficiaries is apportioned among them proportionately to the value of their accrued benefits or according to another method set out in the plan."

63. Section 237 of the Act is amended by inserting "and the variable benefits provided for in section 90.1" after "section 67.2" in the first paragraph.

64. Section 240.2 of the Act is amended by replacing the second paragraph by the following paragraph:

"Whenever the first paragraph must be applied, the notice required under section 207.4 must also state the rules set out in this section."

65. Section 240.3 of the Act is amended by inserting "or a pension plan that is amended to allow for the withdrawal of an employer" after "pension plan".

66. Section 240.4 of the Act is amended by striking out the second paragraph.

67. Chapter XIV.1 of the Act, comprising sections 243.1 to 243.19, is repealed.

68. Section 244 of the Act is amended, in the first paragraph,

(1) by striking out subparagraph 3.0.1;

(2) by inserting the following subparagraph after subparagraph 3.1:

"(3.1.1) determine, for the purposes of section 90.1, the conditions and time limits applicable to the payment of the variable benefits;";

(3) by replacing subparagraph 8.0.1 by the following subparagraphs:

"(8.0.1) determine the information to be contained in the notice required under section 119.1 and the attestations and documents to be included with it;

"(8.0.2) determine the manner for setting the target level of the stabilization provision required under section 125, and the criteria according to which any scale established is to be applied;

"(8.0.3) for the purposes of section 142.4, determine the funding requirements to be met by a payment of benefits in accordance with the annuity purchasing policy and the method for calculating and paying the special annuity purchasing payment;

"(8.0.4) prescribe the requirements regarding the funding policy required under section 142.5;";

(4) by inserting the following subparagraph after subparagraph 10:

"(10.1) prescribe the requirements regarding the annuity purchasing policy referred to in section 182.1;";

(5) by replacing "of Chapters XIII and XIV.1" in subparagraph 12 by "of Chapter XIII";

(6) by striking out subparagraph 12.1.

69. Section 248 of the Act is amended by striking out "or Chapter XIV.1" in subparagraph 5 of the first paragraph.

70. Section 257 of the Act is amended by inserting ", 119.1, 142.5" after "119" in paragraph 1.

71. Section 258 of the Act is amended

(1) by replacing "207.5" in paragraph 1 by "207.4";

(2) by striking out "230.4, 230.6, 243.8," in paragraph 1.

72. The Act is amended by replacing sections 288.1 to 288.3 by the following sections:

"**288.1.** The provisions of any defined contribution pension plan that are in force on 31 December 2015 and that pertain to the allocation or appropriation of surplus assets apply, as of 1 January 2016, to the balance of surplus assets referred to in subparagraphs 16 and 17 of the second paragraph of section 14.

"**288.2.** The letters of credit provided in accordance with section 42.1 before 1 January 2016 are, as of that date, considered to be provided under that section as it applies from that date.

"**288.3.** If contributions paid before 1 January 2016 were, in accordance with the plan, the subject of special monitoring to allow for the subsequent appropriation or allocation of surplus assets, those contributions must be recorded in accordance with section 42.2 as of that date. The special monitoring must be shown in the actuarial valuation of the plan as at 31 December 2015.

"**288.4.** The conditions set out in section 20 do not apply to an amendment to a pension plan made before 1 January 2017 to remove the additional pension benefit referred to in section 60.1 or the equivalent benefit or portion of benefit offered by the plan to replace the additional pension benefit."

73. Section 290.1 of the Act is repealed.

74. The Act is amended by inserting the following sections after section 318.1:

"**318.2.** Any pension plan to which Chapter X applies must be the subject of a complete actuarial valuation on 31 December 2015 in accordance with the provisions in force on 1 January 2016.

For the purposes of the valuation, the amortization payments required, on a solvency basis and a funding basis, for an unfunded actuarial liability determined in a prior actuarial valuation, are eliminated.

"**318.3.** Despite paragraphs 1 and 2 of section 138, the amortization period of any technical actuarial deficiency or any stabilization actuarial deficiency that begins on the date of an actuarial valuation prior to 31 December 2016 expires on the date of the end of the fiscal year of a pension plan that ends no later than 15 years after the date of the valuation. The maximum amortization period of such an actuarial deficiency beginning after 30 December 2016 is reduced by one year for every full year of deviation between 31 December 2015 and the date on which the amortization period of the deficiency begins.

The amortization period of any technical actuarial deficiency or any stabilization actuarial deficiency that begins after 30 December 2020 is determined in accordance with section 138.

"**318.4.** If the employer contributions that are determined in the actuarial valuation required under section 318.2 or a subsequent actuarial valuation and that are payable for every fiscal year or part of a fiscal year after the valuation date are greater than those that would have been payable from 1 January 2016 to 31 December 2016 under the provisions in force on 31 December 2015, the difference is only payable at a rate of one third per 12-month period as of 1 January 2017.

For the purposes of the first paragraph, the employer current service contributions corresponding to the value of the obligations arising from the pension plan in relation to credited service completed during the fiscal year are to be excluded.

To determine the contributions that would have been payable, any instruction given in relation to the period including the pension plan's fiscal year in progress on 31 December 2015 under the Regulation providing new relief measures for the funding of solvency deficiencies of pension plans in the private sector (chapter R-15.1, r. 4.1) and applied on that date must be taken into account.

If applicable, section 42.1 applies taking into account only the portion of the stabilization amortization payment payable under the first paragraph.

This section ceases to apply on 31 December 2018.

"**318.5.** A pension plan that is exempted, under a regulation made under section 2, from the application of the funding rules set out in this Act is subject to the provisions of this Act that are in force on 1 January 2016 but only to the extent prescribed by the regulation applicable to the plan.

Section 142.5 applies, however, to a plan referred to in the first paragraph.

If such a regulation ceases to apply to a pension plan, sections 318.2 to 318.4 apply to such a plan, and in applying those sections, the date of 1 January 2016 is replaced by the date following the date on which the regulation ceases to apply and the other dates mentioned in those sections are replaced accordingly.

The provisions of Chapter X, as they read on 31 December 2015, continue to apply to any pension plan administered by the Régie under subdivision 4.0.1 of Division II of Chapter XIII.

"**318.6.** The fact that the Regulation respecting supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies' Creditors Arrangement Act (chapter R-15.1, r. 6.1) ceases to apply before 31 December 2020 does not cause Division IV of the Regulation to cease to apply.

"**318.7.** The provisions of subdivision 4.0.1 of Division II of Chapter XIII that are in force on 31 December 2015 continue to apply to pensions being paid by the Régie under those provisions at 31 December 2015.

In addition, a pension plan to which Chapter X applies and that meets all the conditions set out in section 230.0.0.1, as it read on 31 December 2015, is subject to the provisions mentioned in the first paragraph, unless it was liquidated before 1 January 2016.

"**318.8.** If the termination report regarding a pension plan referred to in the provisions of subdivision 4.0.1 of Division II of Chapter XIII that come in force on 1 January 2016 was sent to the Régie before that date, the rights of the members and beneficiaries are established based on that report."

75. The Act is amended by inserting the following section after section 319.10:

"**319.11.** For the sole purpose of allocating the assets of a pension plan under the Agreement Respecting Multi-Jurisdictional Pension Plans, which came into force on 1 July 2011, the members' benefits accrued before 1 January 2016 are included in the benefits funded on a solvency basis."

TRANSITIONAL AND FINAL PROVISIONS

76. The regulations made for the purposes of the provisions enacted by this Act may have retroactive effect from a date not prior to 1 January 2016.

77. Unless the parties agree otherwise, an agreement entered into before 1 January 2016 regarding the sharing of the current service contribution is considered to apply as well to the current service stabilization contribution as of 1 January 2016 or a later date stipulated in the agreement.

78. This Act comes into force on 1 January 2016.

Regulations and other Acts

Gouvernement du Québec

O.C. 124-2016, 24 February 2016

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

Special provisions in respect of classes of employees designated under section 23 of the Act —Amendments

Amendments to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), notwithstanding any inconsistent provision of the Act, except the provisions of Chapter VIII, the Government may establish special provisions with respect to classes of employees it designates;

WHEREAS the Government made the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 2);

WHEREAS it is expedient to amend the provisions;

WHEREAS, under the second paragraph of section 23 of the Act, an order under the first paragraph may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor:

THAT the amendments to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel, attached hereto, be made;

THAT sections 1 and 2 of the amendments have effect from 20 November 2015;

THAT section 3 of the amendments have effect from 1 April 2015.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Amendments to the Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel

An Act respecting the Pension Plan
of Management Personnel
(chapter R-12.1, s. 23, 1st par.)

1. The Special provisions in respect of classes of employees designated under section 23 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 2) are amended in section 34 by replacing "section 180" by "each of sections 180 and 181".

2. The following is inserted after section 35:

"**35.1.** The sums representing the actuarial value of the additional benefits pertaining to the benefits referred to in section 184 or 185 of the Act, in respect of an employee referred to in section 35, are also transferred from the employees' contribution fund under the plan to the Consolidated Revenue Fund. The actuarial value of the additional benefits is established on 1 January of the year in which the employee became covered by this Order in Council and on the basis of the assumptions used in the actuarial valuation referred to in section 171 of the Act and available before the end of the year following the year in which the employee became covered.

The sums representing the actuarial value of the additional benefits bear interest, compounded annually, at the rates in Schedule VII to the Act, and computed from 1 January of the year in which the employee became covered by this Order in Council to the date of transfer of the sums to the Consolidated Revenue Fund.

The sums representing the actuarial value of the additional benefits, including the interest thereon, are transferred not later than 31 December of the year occurring 3 years after the year in which the actuarial valuation whose assumptions served as the basis for establishing the value of the benefits is filed.

Despite the third paragraph, the sums representing the actuarial value of the additional benefits pertaining to the benefits referred to in section 184 or 185 of the Act that were acquired by an employee while the employee was not covered by this Order in Council and who, before 1 January 2015, became covered, including the interest thereon, are transferred not later than 31 December 2016.".

3. Schedule II is amended by replacing paragraph 13 by the following:

"(13) for the health and social services network, the officers of public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) and within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) that are in salary class 24, HC6 or C, as the case may be, and the salary classes respectively higher than those classes, and the presidents and executive directors, the assistant presidents and executive directors and the assistant executive directors of integrated health and social services centres and -unamalgamated institutions, within the meaning of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2);".

102509

Gouvernement du Québec

O.C. 126-2016, 24 February 2016

An Act respecting municipal taxation
(chapter F-2.1)

Municipal tax for 9-1-1
— Amendment

Regulation to amend the Regulation governing the municipal tax for 9-1-1

WHEREAS, under subparagraph 13 of the first paragraph of section 262 of the Act respecting municipal taxation (chapter F-2.1), the Government may by regulation, for the purposes of section 244.68 of the Act, determine, for each telephone service, the amount of the tax referred to in that section or the rules to establish the tax and determine the date from which any amendment to the by-law is to take effect;

WHEREAS, under the third paragraph of section 262 of the Act, a regulation concerning a matter referred to in paragraph 13 may only be adopted by the Government after consultation by the Minister of Municipal Affairs and Land Occupancy with the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM), Ville de Montréal and various persons or bodies the Minister considers representative of telephone service providers and 9-1-1 emergency centre operators;

WHEREAS the consultations were held;

WHEREAS the Government made the Regulation governing the municipal tax for 9-1-1 (chapter F-2.1, r. 14);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the first paragraph of section 244.70 of the Act, where the Government amends the regulation made under paragraph 13 of section 262, it must determine a time limit before which a local municipality must pass a by-law to amend the by-law in force as required to bring it into conformity with the government regulation and send a copy of the amending by-law to the Minister;

WHEREAS it is expedient to determine 20 May 2016 as the time limit before which a local municipality must pass an amending by-law and send it to the Minister to bring its by-law into conformity with the government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation governing the municipal tax for 9-1-1 was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Land Occupancy:

THAT 20 May 2016 be determined as the time limit before which a local municipality must pass an amending by-law and send it to the Minister to bring its by-law into conformity with the government regulation;

THAT the Regulation to amend the Regulation governing the municipal tax for 9-1-1, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation governing the municipal tax for 9-1-1

An Act respecting municipal taxation
(chapter F-2.1, s. 262, 1st par., subpar. 13, and 3rd par.)

1. The Regulation governing the municipal tax for 9-1-1 (chapter F-2.1, r. 14) is amended in section 2 by replacing "$0.40 a month" by "$0.46 a month".

2. Section 1 of this Regulation has effect from 1 August 2016.

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

102510

Gouvernement du Québec

O.C. 127-2016, 24 February 2016

An Act respecting municipal territorial organization (chapter O-9)

Amalgamation of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault

Amalgamation of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault

WHEREAS, in accordance with the first paragraph of section 85 of the Act respecting municipal territorial organization (chapter O-9), each of the municipal councils of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault has adopted a by-law authorizing the filing of a joint application with the Government in order to constitute a town by amalgamating both municipalities;

WHEREAS the Government may, under sections 107 and 108 of the Act, grant the application, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS the joint application was forwarded to the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS it is expedient to grant the joint application for amalgamation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT the application be granted and a local municipality resulting from the amalgamation of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault be constituted, in accordance with the following provisions:

1. The name of the new town is "Ville de Daveluyville".

2. The description of the territory of the new town is that drawn up by the Minister of Energy and Natural Resources on 5 November 2015; that description appears as Schedule A to this Order in Council.

3. The new town is governed by the Cities and Towns Act (chapter C-19).

4. The territory of Municipalité régionale de comté d'Arthabaska includes the territory of the new town.

5. Until the term of the majority of candidates elected in the first general election begins, the new town shall be governed by a provisional council made up of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council.

As long as the provisional council governs the new town, no by-election is held to fill the vacant positions of members of the provisional council, unless there is less than one mayor or less than 6 councillors. The mayor acting as the deputy mayor is not counted in the number of councillors for the purposes of this section.

In the case of a by-election to a position of councillor, the only persons eligible shall be the persons who would be eligible under the Act respecting elections and referendums in municipalities (chapter E-2.2) if that election was an election of the members on the council of the former municipality with the greatest number of vacant positions on the provisional council. In the case of a by-election for the position of mayor, no particular eligibility requirement is established for the duration of the provisional council.

6. The mayor of the former Municipalité de Sainte-Anne-du-Sault and the mayor of the former Ville de Daveluyville act as mayor and deputy mayor, respectively, of the new town as of the coming into force of this Order in Council until the last day of the month of that coming into force, from which time the roles shall be reversed for the following month and so on every month in alternation, until the mayor elected in the first general election following the coming into force of this Order in Council takes office.

Between the coming into force of this Order in Council and the next general election, the mayors shall continue to sit on the council of Municipalité régionale de comté d'Arthabaska and shall have the same number of votes as they had before the coming into force of this Order in Council. In addition, they retain the quality required to sit on any committee and to fulfil any function.

7. A majority of the members in office shall constitute the quorum of the provisional council.

8. The first sitting of the provisional council takes place at the Centre communautaire de Daveluyville, located at 1, 9e avenue, in the territory of the former Municipalité de Sainte-Anne-du-Sault.

9. By-law 517 on the salary of elected officials of the former Ville de Daveluyville applies to the members of the provisional council until it is amended in accordance with the law. For the duration of the provisional council, the salary of each of the mayors of the former municipalities may not be less than the salary of the mayor of the former Ville de Daveluyville before the coming into force of this Order in Council.

10. The director general of the former Ville de Daveluyville acts as the first clerk of the new town.

11. The director general of the former Municipalité de Saint-Anne-du-Sault acts as director general of the new town.

12. The poll of the first general election is held on the first Sunday in November 2017, as provided for by the Act respecting elections and referendums in municipalities. The second general election is held on the first Sunday in November 2021.

13. In the first general election and any by-election held before the second general election, the only persons eligible for seats 1 and 2 are the persons who would be eligible under the Act respecting elections and referendums in municipalities if such election were an election of the council members of the former Municipalité de Sainte-Anne-du-Sault.

The only persons eligible for seats 3 and 4 are the persons who would be eligible under that Act if such election were an election of the council members of the former Ville de Daveluyville.

For seats 5 and 6, all persons meeting the eligibility requirements provided for in that Act are eligible.

14. The terms and conditions for apportioning the cost of shared services provided for in an intermunicipal agreement in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

15. The Régie intermunicipale des loisirs de Daveluyville ceases to exist from the coming into force of this Order in Council. The new Ville de Daveluyville succeeds to the rights and obligations of the board.

16. A municipal housing bureau is constituted under the name of "Office municipal d'habitation de la Ville de Daveluyville". The name of the bureau May initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau succeeds the municipal housing bureau of the former Ville de Daveluyville, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (chapter S-8) apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau is administered by a board of directors composed of seven members who are also directors. Three members are appointed by the municipal council of the new town, two elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec, and two members are appointed by the Minister of Municipal Affairs, Regions and Land Occupancy, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until the directors are designated in accordance with this section, the provisional directors of the new bureau shall be the members of the former municipal bureau which it will be succeeding.

The directors elect from among themselves a chair, vice-chair and any other officer they consider advisable to appoint.

The term of the board members is three years and is renewable. Despite the expiry of their term, the board members remain in office until reappointed or replaced.

The quorum at meetings shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

1° secure loans on behalf of the bureau;

2° issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

3° hypothecate or use as collateral the present or future immovables or movables of the bureau, to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

4° hypothecate the immovables and movables of the bureau or otherwise encumber them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau;

5° subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, make any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureau that has been dissolved become, without reduction in salary, employees of the new bureau, and retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The budget of the dissolved municipal bureau remains applicable for the remainder of the current fiscal year.

17. If a budget was adopted by a former municipality for the fiscal year during which this Order in Council comes into force,

5° the budget continues to be applied;

6° the expenditures and revenues of the new town, for the remainder of the fiscal year during which this Order in Council comes into force, continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place;

7° an expenditure recognized by the council of the new town as resulting from the amalgamation shall be charged to each of the former municipalities in proportion, for each municipality, to its standardized property value in comparison with the total of the standardized property values of the former municipalities, as they appear in the financial statements of those municipalities for the fiscal year preceding that during which this Order in Council comes into force;

8° the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph 3 and financed from that same amount, shall constitute a reserve to be paid into the general fund of the new town for the first fiscal year for which it adopts a budget with respect to all of its territory.

18. The time period provided for in section 474 of the Cities and Towns Act to prepare and adopt the budget of the new town for the next fiscal year and provide therein for revenues at least equal to the expenditures provided for therein will be extended until 31 January of the year following the year of coming into force of this Order in Council.

19. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year in which the new town or the former municipalities applied separate budgets will be paid into the general fund of the new town.

20. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be charged to all the taxable immovables of the sector made up of the territory of that former municipality.

21. The annual payment of the instalments for all loans contracted under by-laws adopted by a municipality before the coming into force of this Order in Council remains charged to the taxable immovables of the sector made up of the territory or part of the territory of the municipality that contracted them, in accordance with the sections of the by-laws that impose a special tax or that provide a mode of tariffing.

If the new town decides to amend the sections in accordance with the law, those amendments apply only to the taxable immovables located in the sector made up of the territory of the former municipality that had adopted the loan by-law.

22. The new town may, for the first fiscal year in which it adopts a budget for all of its territory, fix, for each category of immovables provided for in section 244.30 of the Act respecting municipal taxation (chapter F-2.1), different general property tax rates for each sector made up of the territory of a former municipality.

23. For the purposes of this section, the territory of each former municipality constitutes a sector.

The new town must, for the first fiscal year following the coming into force of the amalgamation, fix the general property tax rate for the residual category of immovables and the category of immovables consisting of six or more dwellings in such a manner that, compared to the preceding fiscal year, the variation in the tax burden resulting from the amalgamation and borne by all the units of assessment belonging to the residual category of immovables located in a sector is not greater than 3%. The tax burden of a sector is composed of

3° the revenues from the general property tax that applies to all the immovables belonging to the residual category of immovables and to the category of immovables consisting of six or more dwellings;

4° the portion of revenues from other taxes that apply to all the immovables belonging to the residual category of immovables and to the category of immovables consisting of six or more dwellings that are used to finance debt-related expenditures.

The new town must, for the first fiscal year following the coming into force of the amalgamation, fix the general property tax rate for the category of industrial immovables in such a manner that, compared to the preceding fiscal year, the variation in the tax burden resulting from the amalgamation and borne by all the units of assessment belonging to the category of industrial immovables located in a sector is not greater than 20%. The tax burden of a sector is composed of

3° the revenues from the general property tax that applies to all the immovables belonging to the category of industrial immovables;

4° the portion of revenues from other taxes that apply to all the immovables belonging to the category of industrial immovables that are used to finance debt-related expenditures.

The new town must, for the first fiscal year following the coming into force of the amalgamation, fix the general property tax rate for the category of non-residential immovables in such a manner that, compared to the preceding fiscal year, the variation in the tax burden resulting from the amalgamation and borne by all the units of assessment belonging to the category of non-residential immovables located in a sector is not greater than 10%. The tax burden of a sector is composed of

3° the revenues from the general property tax that applies to all the immovables belonging to the category of non-residential immovables;

4° the portion of revenues from other taxes that apply to all the immovables belonging to the category of non-residential immovables that are used to finance debt-related expenditures.

If a variation referred to in this section does not result solely from the amalgamation, the maximum variation applies only in respect of the portion of variation that results from the amalgamation.

The new town must take this section into account when adopting a by-law imposing a tax during the first fiscal year following the coming into force of this Order in Council. The new town must indicate, in such a by-law, whether the variation referred to in this section results solely from the amalgamation. If the variation is only partially attributable to the amalgamation, the new town must indicate the portion attributable to it.

If a by-law imposing a tax does not involve any variation attributable to the amalgamation, this section does not have to be considered.

24. The following sections of the Act respecting land use planning and development (chapter A-19.1) do not apply to a by-law adopted by the new town to replace the zoning by-laws and subdivision by-laws applicable in its territory:

6° the second sentence of the second paragraph and the third and fourth paragraphs of section 126;

7° the second paragraph of section 127;

8° sections 128 to 133;

9° the second and third paragraphs of section 134;

10° sections 135 to 137.

A by-law referred to in this section will have to be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of all the territory of the new town.

This section applies provided that the by-law referred to therein comes into force within four years of the coming into force of this Order in Council.

25. Subsidies granted under the Programme de la taxe sur l'essence et de la contribution du Québec 2014-2018 continue to be used for the exclusive benefit of the sectors formed by the boundaries of the former municipalities that were granted the subsidies.

26. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town.

27. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality before the coming into force of this Order in Council, shall be charged or credited to all the taxable immovables of the sector made up of the territory of the former municipality.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE DAVELUYVILLE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARTHABASKA

The territory of the new Ville de Daveluyville, in Municipalité régionale de comté d'Arthabaska, following the amalgamation of Ville de Daveluyville and Municipalité de Sainte-Anne-du-Sault, comprises on the date of this description and in reference to the cadastre of Québec, all the lots or parts of lots, their successor lots, the hydrographic and topographic entities, the places constructed or parts thereof, included in the perimeter starting at the intersection of the eastern limit of lot 4 442 509 with the left bank of rivière Bécancour and that follows the following lines and demarcations: southerly, the eastern limit of lots 4 442 509, 4 442 890 and 4 442 808; westerly, part of the southern limit of lot 4 442 808 to its intersection with the eastern limit of lot 4 442 511; southerly, the eastern limit of lots 4 442 511 and 4 442 882; westerly, the southern limit of lot 4 442 882; southerly, the eastern limit of lots 4 442 882 and 4 442 510; westerly, the southern limit of lots 4 442 510, 4 442 499, 4 442 498 and part of the southern limit of lot 4 442 497 to its intersection with the eastern limit of lot 4 477 510; successively, southerly, the eastern limit of lot 4 477 510, extended into lots 4 478 883 and 4 477 413, then, the eastern limit of lot 4 477 424; westerly, the southern limit of lot 4 477 424, extended into lot 4 478 416, then, the southern limit of lots 4 793 792, 4 793 791, 4 793 790, 4 442 569, 4 442 571, 4 442 573, 4 442 803, 4 442 802, 4 442 197, 4 442 196, 4 441 823, 4 441 822, 5 174 833, 4 442 884, 4 441 812, 4 441 636, 5 607 277, 4 441 626, 4 441 535, 4 442 416, 4 442 427 and 4 442 405; northerly, the western limit of lots 4 442 405, 4 442 888, 4 967 980, 4 442 438 and 4 967 990; northwesterly, part of the southwestern limit of lot 4 442 094 to its intersection with the southern limit of lot 4 967 989; easterly, the southern limit of lot 4 967 989; northerly, the western limit of lots 4 967 989, 4 442 760, 4 442 094, 4 442 105, 4 967 981 and part of the western limit of lot 4 442 869 to its intersection with the southern limit of lot 4 442 870; westerly, the southern limit of lot 4 442 870; northerly, the western limit of lots 4 442 870 and 4 441 895; westerly, the southern limit of lots 4 441 950, 4 441 939, 4 441 928, 4 441 917, 4 441 772, 4 442 746, 4 441 784, 4 441 706, 4 441 684, 4 442 585 and 4 441 001; northerly, the western limit of lots 4 441 001, 4 967 979, 4 442 613, 4 442 866, 4 442 602, 4 442 865, 4 441 002 and 5 468 617, the latter segment extended to the centre line of rivière Bécancour; in a general easterly direction, the centre line of rivière Bécancour, upstream to its intersection with the extension to the north of the eastern limit of lot 4 442 509, so as to skirt to the north île de la Grosse Île, to the south of the unnamed islands (lots 4 442 804 to 4 442 806), westerly île du Portage (lot 4 442 657), southeasterly île aux Pins and northeasterly île Côté, and to follow the northern and northeastern limits of lot 4 442 795, north of lot 4 442 794, northwest of lot 4 442 796, north of lots 4 442 789 and 4 442 784, northeast of lot 4 442 783, east of lots 4 442 782 and 4 442 780, north of lot 4 442 776, northeast of lot 4 442 568 and the northern and northwestern limits of lot 4 442 566; lastly, southerly, the extension to the north of the eastern limit of lot 4 442 509, up to the starting point.

Prepared in Québec, on 5 November 2015

Ministère de l'Énergie et des Ressources naturelles
Office of the Surveyor-General of Québec
Service des levés officiels et des limites administratives

Prepared by: _____
GENEVIÈVE TÉTREAULT,
Land surveyor

Record BAGQ: 532701

102511

Gouvernement du Québec

O.C. 134-2016, 24 February 2016

Professional Code
(chapter C-26)

Nursing assistants
— certain professional activities which may be engaged in by nursing assistants
— Amendment

Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants

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 paragraph *h* of section 94 of the Code, the board of directors of the Ordre des infirmières et infirmiers du Québec has consulted the Collège des médecins du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des inhalothérapeutes du Québec, the Ordre professionnel des technologistes médicaux du Québec, the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec and the Ordre des sages-femmes du Québec before making the Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants at its sittings of 11 and 12 December 2014;

WHEREAS, pursuant to section 95 of the Professional Code, 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 be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants was published in Part 2 of the *Gazette officielle du Québec* of 15 April 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 9 October 2015 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 to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants

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

1. The "Regulation respecting certain professional activities which may be engaged in by nursing assistants" (chapter I-8, r. 3) is amended by replacing paragraph (3) of section 1 with the following:

"(3) persons eligible by equivalence, that is, persons registered in a program of studies or a period of additional training required for purpose of obtaining training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec;

(4) candidates for the profession of nursing assistant, that is, persons who have successfully completed a program of studies leading to a diploma giving access to the permit of the Order or to whom the Order have granted a diploma equivalence or a training equivalence for purposes of issuing such a permit.".

2. This regulation is amended by inserting, after section 8, the following:

"**8.1.** Candidates for the profession of nursing assistant may perform the professional activities listed in section 4 if they meet the following conditions:

(1) these professional activities are performed in a centre operated by a public or private institution under agreement within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), except in pediatrics or neonatology;

(2) they perform these professionals activities under the supervision of a nurse or of a nursing assistant authorized to perform these activities who is present in the care unit concerned;

(3) when the supervision is performed by a nursing assistant, a nurse is present in the care unit or in the building in the case of a long term care unit, in order to intervene with the patient rapidly or to respond rapidly to the candidate's request;

(4) the patient falls under a therapeutic nursing plan.".

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

102512

Gouvernement du Québec

O.C. 135-2016, 24 February 2016

Professional Code
(chapter C-26)

Professional activities that may be engaged in by a clinical perfusionist — Amendment

Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist

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 board of directors of the Collège des médecins du Québec consulted the Ordre des infirmières et infirmiers du Québec and the Ordre des inhalothérapeutes du Québec before adopting, on 12 June 2015, the Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist;

WHEREAS, pursuant to section 95 of the Code, 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 be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist was published in Part 2 of the *Gazette officielle du Québec* of 7 October 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 10 December 2015 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendment;

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

THAT the Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist

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

1. The Regulation respecting the professional activities that may be engaged in by a clinical perfusionist (chapter M-9, r. 3.1) is amended by replacing, in section 7, "29 March 2016" by "1 April 2019".

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

102513

Gouvernement du Québec

O.C. 136-2016, 24 February 2016

An Act respecting collective agreement decrees
(chapter D-2)

Automotive services industry – Québec — Amendment

Decree to amend the Decree respecting the automotive services industry in the Québec region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government made the Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11);

WHEREAS, under sections 4 and 6.1 of the Act, the contracting parties designated in the Decree have applied to the minister for amendments to be made to the Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 5 of the Act respecting collective agreement decrees, a Decree to amend the Decree respecting the automotive services industry in the Québec region was published in Part 2 of the *Gazette officielle du Québec* of 16 September 2015 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, notwithstanding section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree without amendment;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Québec region, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Québec region

An Act respecting collective agreement decrees
(chapter D-2, ss. 4 and 6.1)

1. The Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11) is amended in section 1.02

(1) by replacing "Association des spécialistes du pneu du Québec inc." in paragraph 1 by "Association des spécialistes de pneu et mécanique du Québec (ASPMQ)";

(2) by replacing "La section locale 4511 du Syndicat national de l'automobile, de l'aérospatiale, du transport et des autres travailleurs et travailleuses" in paragraph 2 by "Unifor section locale 4511".

2. Section 3.02 is amended

(1) by striking out "Except for the pump attendant," in the first paragraph;

(2) by adding "Except for the pump attendant," at the beginning of the second paragraph.

3. Section 3.03 is revoked.

4. Section 7.09 is amended by adding the following at the end of the first paragraph: "Despite the foregoing, an employee who is entitled to more than one week of annual leave may request the employer that the indemnity related to that leave be paid to the employee at the same time the employee would have received it, had the employee not been on leave.".

5. Section 8.16 is amended by inserting the following before paragraph 1:

"(0.1) if the employee is absent owing to sickness, an organ or tissue donation for transplant or an accident;".

6. Section 9.01 is replaced by the following:

"**9.01** The minimum hourly wage rates are as follows:

Trades	As of 9 March 2016	As of 9 March 2017	As of 9 March 2018
1. Journeyman*			
Class A	$22.61	$23.12	$23.70
Class A/B	$20.62	$21.09	$21.62
Class B	$19.93	$20.38	$20.89
Class C	$17.74	$18.14	$18.59
Apprentice			
1st year	$13.24	$13.57	$13.91
2nd year	$14.08	$14.44	$14.80
3rd year	$14.83	$15.20	$15.58
4th year	$15.61	$16.00	$16.40
2. Parts Clerk			
Class A	$16.49	$16.86	$17.29
Class A/B	$15.99	$16.35	$16.76
Class B	$15.50	$15.85	$16.25
Class C	$15.03	$15.37	$15.76

Trades	As of 9 March 2016	As of 9 March 2017	As of 9 March 2018
Apprentice – Parts Clerk			
1st year	$11.67	$11.97	$12.27
2nd year	$12.40	$12.71	$13.03
3rd year	$13.23	$13.56	$13.90
4th year	$13.97	$14.32	$14.68
3. Messenger	$10.72	$10.96	$11.24
4. Dismantler			
1st year	$12.65	$12.93	$13.26
2nd year	$13.29	$13.59	$13.93
After 2 years	$13.93	$14.25	$14.60
5. Washer	$10.72	$10.96	$11.24
6. Service Attendant			
1st year	$11.79	$12.06	$12.36
2nd year	$12.86	$13.15	$13.48
After 2 years	$13.93	$14.25	$14.60
7. Service Salesperson			
1st year	$12.80	$13.09	$13.42
2nd year	$14.03	$14.34	$14.70
3rd year	$15.31	$15.65	$16.05
4th year	$16.50	$16.87	$17.30
5th year	$16.83	$17.21	$17.64
After 5 years	$17.18	$17.56	$18.00

* The notion of journeyman includes the trades of mechanic, diesel mechanic, welder, electrician, machinist, bodyworker, wheel aligner, automatic transmission specialist, painter, upholsterer and bodyman.

A pump attendant is entitled to the minimum hourly wage rate provided for in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3).".

7. Section 13.01 is amended by replacing "22 December 2013" and "June 2013" by "31 December 2018" and "June 2018", respectively.

8. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

102514

Gouvernement du Québec

O.C. 137-2016, 24 February 2016

An Act respecting collective agreement decrees (chapter D-2)

Automotive services industry – Lanaudière-Laurentides — Amendment

Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides regions

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government made the Decree respecting the automotive services industry in the Lanaudière-Laurentides regions (chapter D-2, r. 9);

WHEREAS, under sections 4 and 6.1 of the Act, the contracting parties designated in the Decree have submitted to the minister an application for amendments to the Decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and with section 5 of the Act respecting collective agreement decrees, a draft Decree was published in Part 2 of the *Gazette officielle du Québec* of 29 July 2015 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees and despite the provisions of section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS it is expedient to make the Decree without amendment;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides regions, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides regions

An Act respecting collective agreement decree (chapter D-2, ss. 4 and 6.1)

1. The Decree respecting the automotive services industry in the Lanaudière-Laurentides regions (chapter D-2, r. 9) is amended in section 1.02

(1) by replacing "Association des spécialistes du pneu du Québec inc." in paragraph 1 by "Association des spécialistes de pneu et mécanique du Québec (ASPMQ)";

(2) by replacing "National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), local 4511" in paragraph 2 by "Unifor local 4511".

2. Section 9.01 is replaced by the following:

"**9.01.** The minimum hourly wage rates are as follows:

Trades	As of 9 March 2016	As of 9 March 2017	As of 9 March 2018
1. Apprentice			
1st grade	$12.12	$12.42	$12.73
2nd grade	$12.83	$13.15	$13.48
3rd grade	$14.26	$14.61	$14.98
2. Journeyman			
A	$21.88	$22.43	$22.99
B	$18.89	$19.36	$19.85
C	$17.11	$17.53	$17.97
D	$14.98	$15.35	$15.73
3. Parts clerk			
1st grade	$11.24	$11.53	$11.81
2nd grade	$11.55	$11.84	$12.14
3rd grade	$12.43	$12.74	$13.06
4th grade	$13.17	$13.50	$13.84
4th class	$14.39	$14.75	$15.12
3rd class	$15.47	$15.85	$16.25
2nd class	$15.99	$16.39	$16.80
1st class	$16.47	$16.88	$17.31
4. Messenger	$10.95	$11.22	$11.50
5. Dismantler			
1st grade	$13.18	$13.51	$13.85
2nd grade	$13.57	$13.91	$14.26
3rd grade	$13.98	$14.33	$14.69
6. Washer	$10.73	$11.00	$11.28
7. Semiskilled worker			
1st grade	$13.18	$13.51	$13.85
2nd grade	$13.57	$13.91	$14.26
3rd grade	$13.98	$14.33	$14.69
8. Pump attendant	$10.60	$10.86	$11.13
9. Service attendant			
1st grade	$11.47	$11.76	$12.05
2nd grade	$12.21	$12.51	$12.83
3rd grade	$12.94	$13.26	$13.59
4th grade	$13.69	$14.04	$14.39

".

3. Section 9.01.1 is amended by replacing the third paragraph by the following:

"They are entitled to the following wage rates:

Trades	As of 9 March 2016	As of 9 March 2017	As of 9 March 2018
Service attendant			
2nd class	$14.80	$15.17	$15.55
1st class	$16.05	$16.45	$16.86

".

4. Section 11.02 is amended by replacing "1 apprentice" by "2 apprentices".

5. Section 13.01 is amended by replacing "22 December 2013" and "June 2013" by "31 December 2018" and "June 2018", respectively.

6. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

102515

M.O., 2016

Order number 2016-01 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 26 February 2016

Highway Safety Code
(chapter C-24.2)

Order to amend the Ministerial Order concerning the approval of weigh scales

In accordance with section 467 of the Highway Safety Code (chapter C-24.2), the Minister of Transport, designated Minister of Transport, Sustainable Mobility and Transport Electrification since 28 January 2016, approves the devices used to determine the axle load and the total loaded mass of road vehicles and combinations of road vehicles, and determines the manner in which they are to be used.

In accordance with sections 10 and 11 of the Regulations Act (chapter R18.1), a draft Order to amend the Ministerial Order concerning the approval of weigh scales was published in Part 2 of the *Gazette officielle du Québec* of 2 December 2015 with a notice that it could be made by the Minister of Transport on the expiry of 45 days following that publication.

Notice is hereby given that, under section 17 of the Regulations Act, Order 2015-15 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 18 November 2015, attached hereto, comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec.*

JACQUES DAOUST,
Minister of Transport, Sustainable Mobility and Transport Electrification

Order 2015-15 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 18 November 2015 to amend the Order of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 22 May 1990 concerning the approval of weigh scales

Highway Safety Code
(chapter C-24.2, s. 467)

1. Section 15.3 of the Order of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 22 May 1990 concerning the approval of weigh scales (chapter C-24.2, r. 4) is amended by inserting the following paragraph after the first paragraph:

"The operator may also weigh a category of axle in accordance with the manufacturer's instructions.".

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

102518

M.O., 2016

Order 2016-02 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 26 February 2016

Highway Safety Code
(chapter C-24.2)

Access to the driving of heavy vehicles

THE MINISTER OF TRANSPORT, SUSTAINABLE MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C- 24.2), which provides that the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety, and may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that, under that provision, the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to such an order;

CONSIDERING that the rules governing access to the driving of heavy vehicles hinder the learning process for young persons of 17 or 18 years of age;

CONSIDERING that holders of probationary licences authorizing the driving of passenger vehicles should be able, in conjunction with training and a special framework for the driving of a heavy vehicle, and provided that they have passed all the Société's proficiency examinations, to do some driving alone during the probationary period for the driving of a passenger vehicle;

CONSIDERING that, under the Ministerial Order concerning access to the driving of heavy vehicles (chapter C-24.2, r. 0.1), the application of section 99 of the Code and of sections 44 to 46 of the Regulation respecting licences (chapter C-24.2, r. 34) was suspended for 3 years until 16 July 2014 in respect of 40 students participating in the Programme enrichi d'accès à la conduite de véhicules lourds and that, during that 3-year period, rules were prescribed to ensure an equivalent level of safety;

CONSIDERING that the low number of young persons who were able to take part in the program and its short duration do not make it possible to draw conclusions that could lead to a permanent legislative solution;

CONSIDERING that the rules governing access to the driving of heavy vehicles still hinder the learning process for young persons of 17 or 18 years of age;

CONSIDERING that it is in the public interest to again suspend the application of section 99 of the Code and of sections 44 to 46 of the Regulation respecting licences for 4 years in respect of students who participate in the new Programme enrichi d'accès à la conduite de véhicules lourds and, during that 4-year period, to prescribe rules that ensure an equivalent level of safety;

CONSIDERING that such suspension and prescription of rules are not likely to compromise highway safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted;

ORDERS AS FOLOWS:

DIVISION I
PURPOSE

1. The application of section 99 of the Highway Safety Code (chapter C-24.2) and of sections 44 to 46 of the Regulation respecting licences (chapter C-24.2, r. 34) is suspended until (*insert the date occurring 4 years after the date of coming into force of this Order*) in respect of students of 17 or 18 years of age or older who participate, on the conditions prescribed by this Order, in the Programme enrichi d'accès à la conduite de véhicules lourds so that they have earlier access to the driving of road vehicles covered by Class 1, Class 2 or Class 3 driver's licences.

2. The Programme enrichi d'accès à la conduite de véhicules lourds refers to either of the 2 programs of study referred to in section 3 and offered by the Commission scolaire des Premières-Seigneuries and the Commission scolaire de la Rivière-du-Nord, followed by a training period in an undertaking that is to last until the student has completed 24 months as the holder of a Class 5 probationary licence. The aim of the program is the participation of approximately 300 students.

3. Two programs of study are offered: the Transport par camion program and the Conduite d'autobus program, both recognized by the Ministère de l'Éducation et de l'Enseignement supérieur.

4. The Transport par camion program is followed by a training period in an undertaking as an apprentice driver of road vehicles covered by Class 1 or Class 3 licences.

5. The Conduite d'autobus program is followed by a training period in an undertaking as an apprentice driver of road vehicles covered by Class 2 licences.

DIVISION II
ACCESS TO THE DRIVING OF ROAD VEHICLES COVERED BY CLASS 1, CLASS 2 OR CLASS 3 DRIVER'S LICENCES

6. To be admitted in the Programme enrichi d'accès à la conduite de véhicules lourds, a person must

(1) be 17 or 18 years of age;

(2) if the person is an unemancipated minor, obtain written authorization from the person having parental authority or, failing that, from the person who has legal custody of the minor for participation in the Programme enrichi d'accès à la conduite de véhicules lourds and for the communication and use of the personal information referred to in subparagraphs 11 and 12;

(3) hold a Class 5 probationary licence;

(4) not have seen his or her probationary licence or learner's licence suspended or revoked during the last 2 years;

(5) not have demerit points entered in his or her driver's record;

(6) be admitted to the Transport par camion program of study or the Conduite d'autobus program of study;

(7) in the case of admission to the Transport par camion program of study, have a training period promised by a participating undertaking as an apprentice driver of road vehicles covered by Class 1 or Class 3 licences;

(8) in the case of admission to the Conduite d'autobus program of study, have a training period promised by a participating undertaking as an apprentice driver of road vehicles covered by Class 2 licences;

(9) participate in at least 1 information session held by a school board referred to in section 2;

(10) provide a health examination or assessment report in accordance with section 73 of the Highway Safety Code (chapter C-24.2) and satisfy the medical requirements for a Class 1 or Class 3 learner's licence, in the case of admission to the Transport par camion program of study, or satisfy the medical requirements for a Class 2 learner's licence, in the case of admission to the Conduite d'autobus program;

(11) authorize in writing the communication of the personal information necessary for the administration of the Programme enrichi d'accès à la conduite de véhicules lourds between the school board where the person is registered, the participating undertaking where the person serves the training period, the Société de l'assurance automobile du Québec and the committees referred to in section 13; and

(12) authorize in writing the Société to consult and use the personal information related to the Programme enrichi d'accès à la conduite de véhicules lourds for all the duration of participation in that program, and for 4 years from the date of issue of the Class 1, Class 2 or Class 3 driver's licence, with a view to assessing the program.

7. Section 99 of the Highway Safety Code is suspended to the extent that all the requirements in paragraph 1 or 2 are met:

(1) the student has passed the proficiency examinations of the Société, holds an attestation to that effect issued by the Société and drives with the assistance of a teacher authorized by the Commission scolaire des Premières-Seigneuries or the Commission scolaire de la Rivière-du-Nord who is able to provide assistance and advice and who is seated beside the student or in an accompanying vehicle;

(2) the student is 18 years of age or older, has successfully completed all the stages of the program of study prior to going on the road without the assistance of an accompanying person and holds an attestation to that effect issued by the Société.

8. A student may not engage in transportation

(1) involving dangerous substances as defined in the Transportation of Dangerous Substances Regulation (chapter C-24.2, r. 43), when safety placards must be displayed on the road vehicle driven by the student in accordance with the provisions of Division IV of that Regulation;

(2) requiring the issue of a permit provided for in the Regulation respecting special permits (chapter C-24.2, r. 35), the Special Road Train Operating Permits Regulation (chapter C-24.2, r. 36) or section 633 of the Highway Safety Code;

(3) outside the territory of the province of Québec; or

(4) behind the wheel of a motorized road vehicle registered outside Québec.

9. The Société removes a student from the Programme enrichi d'accès à la conduite de véhicules lourds when

(1) the student fails to comply with the requirements of paragraphs 2, 6 to 8, 11 and 12 of section 6 and, if the student was 17 years of age upon admission, fails to provide the authorizations referred to in paragraphs 11 and 12 after reaching 18 years of age;

(2) the student's probationary licence or learner's licence is suspended or revoked;

(3) the student is the subject of an intervention under the Conduct Review Policy for Heavy Vehicle Drivers published on the Société's website and adopted under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3); or

(4) the student fails to comply with the requirements of section 8 during his or her participation in the Programme enrichi d'accès à la conduite de véhicules lourds.

10. To obtain a Class 1 and Class 3 driver's licence, a student must

(1) have successfully completed the Transport par camion program of study;

(2) have successfully completed, in a participating undertaking, a training period as a driver of road vehicles covered by Class 1 or Class 3 until the student has completed a 24-month period as the holder of a Class 5 probationary licence;

(3) have been the holder of a Class 1 and Class 3 learner's licence under the Programme enrichi d'accès à la conduite de véhicules lourds, as of the theoretical examination until the end of the 24-month period as the holder of a Class 5 probationary licence; and

(4) meet the conditions provided for in the Highway Safety Code for the issue of a licence.

11. To obtain a Class 2 driver's licence, a student must

(1) have successfully completed the Conduite d'autobus program of study;

(2) have successfully completed, in a participating undertaking, a training period as a driver of road vehicles covered by Class 2 until the student has completed a 24-month period as the holder of a Class 5 probationary licence;

(3) have been the holder of a Class 2 learner's licence under the Programme enrichi d'accès à la conduite de véhicules lourds, as of the theoretical examination until the end of the 24-month period as the holder of a Class 5 probationary licence; and

(4) meet the conditions provided for in the Highway Safety Code for the issue of a licence.

DIVISION III
CONTROL OF ACCESS TO THE DRIVING OF ROAD VEHICLES COVERED BY CLASS 1, CLASS 2 OR CLASS 3 DRIVER'S LICENCES

12. The Société is authorized, for the purposes of this Order, to enter into agreements with the school boards referred to therein with respect to

(1) the terms and conditions for the implementation of and compliance with the Programme enrichi d'accès à la conduite de véhicules lourds;

(2) the collection of information on the administration of the Programme enrichi d'accès à la conduite de véhicules lourds; and

(3) the forwarding of such information and of information on the management of the Programme enrichi d'accès à la conduite de véhicules lourds.

Those agreements are published on the Société's website.

13. The Société is advised about the implementation and follow-up of the Programme enrichi d'accès à la conduite de véhicules lourds by a committee composed of 1 representative from each of the following organizations:

(1) the Association du camionnage du Québec inc. (ACQ);

(2) the Fédération des transporteurs par autobus (FTA);

(3) the Association des propriétaires de machinerie lourde du Québec inc. (APMLQ);

(4) Camo-route inc.;

(5) the Commission scolaire des Premières-Seigneuries (Centre de formation en transport de Charlesbourg CFTC);

(6) the Commission scolaire de la Rivière-du-Nord (Centre de formation du transport routier Saint-Jérôme CFTR).

A representative of the Société also sits on the committee. The Société is in charge of the governance of the committee. The Société may set up a subcommittee to assist it in the follow-up of the records of the students in the Programme d'accès à la conduite de véhicules lourds.

14. The school boards referred to in section 2 are responsible for the application of section 6, except paragraphs 3 to 5 and 10, which fall under the Société's responsibility.

15. To participate in the Programme enrichi d'accès à la conduite de véhicules lourds, an undertaking must be approved by the Société. The Société's decision to approve must be based on the following requirements:

(1) the undertaking must be registered in the Registre des propriétaires et des exploitants de véhicules lourds with a "satisfactory" safety rating under the Act respecting owners, operators and drivers of heavy vehicles;

(2) the undertaking must not have been the subject of any intervention by the Société in the last 2 years under the Conduct Review Policy for Heavy Vehicle Owners and Operators adopted under that Act and published on the Société's website;

(3) the undertaking has an employee who received training on the Programme enrichi d'accès à la conduite de véhicules lourds provided by one of the school boards referred to in section 2;

(4) the undertaking must implement a gradual employment integration program for the students it supervises;

(5) the undertaking has an employee who

(a) is in charge of accompanying a student during the training periods forming part of his or her program of study;

(b) is 25 years of age or older;

(c) has been the holder of a Class 1, Class 2 or Class 3 driver's licence for 60 months or more; and

(d) has been the holder of a Class 1, Class 2 or Class 3 driver's licence for 24 months or more, in relation to the road vehicle the student has to operate;

(6) the undertaking has an employee who

(a) is in charge of accompanying a student during the training period that follows the student's program of study and that lasts until the student has completed his or her probationary period as the holder of a probationary licence; and

(b) satisfies the conditions in subparagraphs *b* to *d* of paragraph 5; and

(7) the undertaking must have sufficient resources available to supervise all the students it receives.

16. A participating undertaking must receive students in keeping with its gradual employment integration program, make assessments of the student on the road and within the undertaking and provide the Société with the assessment reports it requires.

17. An undertaking must comply with the requirements of sections 15 and 16 during its participation in the Programme enrichi d'accès à la conduite de véhicules lourds. In case of non-compliance, the Société may remove the undertaking from the program.

18. This Order comes into force on the thirtieth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on (*insert the date occurring 4 years after the date of coming into force of the Order*).

JACQUES DAOUST,
Minister of Transport, Sustainable Mobility and Transport Electrification

102519

Draft Regulations

Draft By-law

An Act respecting the Société des loteries du Québec (chapter S-13.1)

Electronic bingo

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the By-law respecting electronic bingo, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft By-law is to allow the operation of electronic bingo games while maintaining the principle of profit sharing with non-profit organizations.

Study of the matter has shown no significant impact on the public and on enterprises, including small and medium-sized businesses.

Further information on the draft By-law may be obtained by contacting Lynne Roiter, Director, Secretary General and Vice-President, Direction juridique, Société des loteries du Québec; telephone: 514 499-5190; fax: 514 873-8999.

Any person wishing to comment on the draft By-law is requested to submit written comments within the 45-day period to Lynne Roiter, Director, Secretary General and Vice-President, Direction juridique, Société des loteries du Québec, 500, rue Sherbrooke Ouest, 23e étage, Montréal (Québec) H3A 3G6.

The comments will be forwarded by the Société des loteries du Québec to the Minister of Finance responsible for the administration of the Act respecting the Société des loteries du Québec.

CARLOS LEITÃO,
Minister of Finance

By-law respecting electronic bingo

An Act respecting the Société des loteries du Québec (chapter S-13.1, s. 13)

1. This By-law governs the lottery scheme called "electronic bingo". The games offered by the scheme are of the pari-mutuel type, include a predetermined prize structure or combine both.

The games are played on paper cards or on cards appearing on the screen of an electronic bingo device and designated in this By-law as "electronic card".

2. Short additional games played only on an electronic bingo device may also be offered by the scheme.

3. Only the holder of a paper or electronic card may participate in electronic bingo.

4. A minor may not be present in the hall or on the premises where an electronic bingo is conducted and operated while the game is played, unless the minor works there.

5. To participate in an electronic bingo game, the player must obtain, on payment of the sum indicated, a paper card or any other means allowing the player to acquire one or more electronic cards.

6. No card may be sold at a price other than the price determined by the Société des loteries du Québec.

7. A player must see the amount available to play on the electronic bingo device used.

8. A player playing on an electronic bingo device must follow the instructions appearing on the screen of the device to acquire electronic cards or to play additional games.

9. No paper or electronic card may be bought once the first number of the electronic bingo game concerned is drawn, unless the game rules provide otherwise.

10. A card is valid only for the game for which it is bought.

11. Unless provided otherwise, a paper card must be marked using a bingo marker and an electronic card must be marked in accordance with the game instructions on the screen of the electronic bingo device.

12. There may only be 1 player per electronic bingo device.

13. The winning numbers are selected using a tumbler or blower that chooses them randomly or a computer that can generate numbers randomly.

14. The rules of the game, including the method of awarding prizes and the description of the prizes to be won, must be reproduced in a document available to the public in the halls offering electronic bingo.

15. The name of an additional game, the cost of the game, the prizes to be won and the method for awarding them must be available to the player on the screen of the electronic bingo device before the start of the game.

16. Where the player becomes aware that a card is a winning card, the player is responsible for declaring it out loud in the case of a paper card or for declaring it in accordance with the indications appearing on the screen of the electronic bingo device in the case of an electronic card, otherwise the player is not entitled to the prize.

17. When a card declared a winner is determined, after verification, a winning card, the prize corresponding to the winning card is awarded to the holder of the card.

If the card declared a winner in accordance with the first paragraph is determined, after verification, not to be a winning card, the prize cannot be paid to its holder and the game continues for that prize.

18. Winning cards must be confirmed by means of a control number.

19. The holder of a winning paper card must present the card for payment at the location and according to the indications on the card.

The holder of a winning electronic card or whose additional game is a winner, may add the amount of the prize won in the form of credit that may be used to participate in other games or claim the amount for payment using a redemption coupon issued by the device at the location and according to the indications on the coupon or on the screen of the electronic bingo device.

20. A prize awarded to a player cannot be claimed later by another player.

If, before awarding the prize, more than 1 player has declared their card a winning card, and, after verification, there is more than 1 winning card, the prize is divided equally among the players of valid winning cards, unless the rules provide otherwise.

21. Any card for which payment by the player was not made prior to the draw for which it is valid, is void and does not entitle to any prize.

The same applies to any paper card or redemption coupon that is illegible, mutilated, counterfeited, improperly cut, misprinted, incomplete, erroneously printed or otherwise defective, unless the control number makes it possible to determine that the card is really a winning card or that the coupon really entitles to the payment of the amount indicated on the coupon.

22. No prize is awarded for participating in a game on a defective electronic bingo device. Unless the defect or failure is attributable to the player, the sum paid by the player to participate in the game is refunded to the player.

23. In case of discrepancy between the redemption coupon and the data pertaining to that coupon recorded by the central computer of the company, the latter prevails.

24. For all the electronic bingo games referred to in this By-law, the annual payout rate may not be less than 35% or greater than 83%.

25. No symbol, acronym, name or other characteristic used to identify the electronic bingo may be used for advertising or any other purpose without the written authorization of the company.

26. The company awards to a charitable or religious organization referred to in paragraph *b* of subsection 1 of section 207 of the Criminal Code (R.S.C. 1985, c. C-46), holder of a bingo licence issued by the Régie des alcools des courses et des jeux, that it determines, a portion of the net income produced by the electronic bingo.

The company must make public the sharing of the income.

27. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102516

Notices

Notice

An Act respecting reserved designations
and added-value claims
(chapter A-20.03)

Notice of recognition of a reserved designation relating to specificity

Pursuant to the Act respecting reserved designations and added-value claims (chapter A-20.03), a number of persons have applied for the recognition of a reserved designation relating to specificity;

Compliance of their application with the criteria and requirements of the Act was verified particularly in that

(1) on the initiative of a group of interested persons, the Conseil des appellations réservées et des termes valorisants, established under sections 7 and following of the Act, assigned, in accordance with section 15 of the Act, competent committees to

— assess the specification manual on which depends the authenticity of the products designated by the designation applied for;

— assess, in light of the applicable accreditation manual and through such means as inspection plans designed to verify the compliance of a product with the specification manual, the capacity of certification bodies to administer a certification program for the products concerned;

(2) in accordance with section 30 of the Act, at least one certification body has demonstrated to the Board that it complies with the applicable accreditation manual;

(3) under the powers conferred on the Board by sections 49 and following of the Act, the Board satisfied itself that the certification body has the capacity to administer a certification program based on the specification manual concerning the designation applied for;

(4) the certification body submitted to the Board, among the documents required under the Act and regulations of the Minister, a list of the persons registered with the body and a list of the products that the body intends to certify;

(5) under paragraph 4 of section 9 of the Act, the Board held consultations prior to recommending the recognition of the reserved designation applied for;

(6) in accordance with paragraph 2 of section 9 and section 30 of the Act, the Board sent to the Minister its favourable recommendation for the recognition of the reserved designation applied for in keeping with the criteria and requirements prescribed by regulation of the Minister for the recognition of a reserved designation relating to specificity;

THEREFORE, be advised that I recognize as reserved designation relating to specificity "Fromage de vache de race Canadienne" and its English name "Canadian Cow Cheese"; the Act confers on the persons registered with a certification body, accredited to certify on the conditions it establishes the authenticity of products complying with the applicable specification manual, the exclusive right to designate those products by the reserved designation.

Interested persons may consult the specification manual concerning the products that may be designated by the reserved designation relating to specificity "Fromage de vache de race Canadienne" or its English name "Canadian Cow Cheese" and the name of the certification bodies accredited to certify the authenticity of the products it designates at the following address: Conseil des appellations réservées et des termes valorisants (CARTV), 201, boulevard Crémazie Est, bureau 4.03, Montréal (Québec) H2M 1L2 or on the website at http://www.cartv.gouv.qc.ca

PIERRE PARADIS,
Minister of Agriculture, Fisheries and Food

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Index

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