

# Gazette

officielle

<sup>DU</sup> Québec

Part

2

No. 35

30 August 2017

## Laws and Regulations

Volume 149

### Summary

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

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- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 16 JUNE 2017

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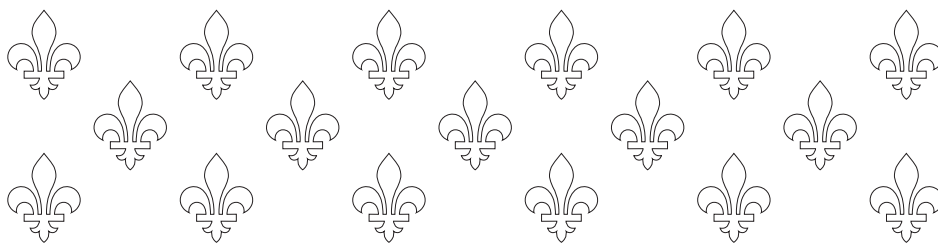
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 16 June 2017*

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

- 113     An Act to amend the Civil Code and other legislative provisions as regards adoption and the disclosure of information
- 122     An Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers
- 132     An Act respecting the conservation of wetlands and bodies of water
- 138     An Act to amend the Code of Penal Procedure and the Courts of Justice Act to promote access to justice and the reduction of case processing times in criminal and penal matters
- 226     An Act respecting La Société des éleveurs de porcs du Québec
- 228     An Act respecting the co-ownership Le 221 St-Sacrement
- 229     An Act respecting certain alienations involving the Unity Building

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





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 113  
(2017, chapter 12)

**An Act to amend the Civil Code and  
other legislative provisions as regards  
adoption and the disclosure of  
information**

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**Introduced 6 October 2016  
Passed in principle 2 December 2016  
Passed 16 June 2017  
Assented to 16 June 2017**

## EXPLANATORY NOTES

*The Act amends mainly the Civil Code and the Youth Protection Act by introducing, among other changes, a new form of tutorship to a minor as well as changes to the adoption regime and to the adoption file confidentiality regime.*

*The Act establishes suppletive tutorship, which offers an alternative to adoption in cases where the interest of the child only requires that a member of the child's extended family act as a parent would by providing the child with the day-to-day protection and care necessary for the child's well-being. This measure therefore allows parents who find themselves unable to fully exercise their duties as legal tutors and as persons having parental authority to designate, with the court's authorization, a person from among the child's extended family to whom these duties may be delegated. In cases where one parent exercises these duties alone, the provisions relating to suppletive tutorship also allow the parent to share those duties with a close relative of the child. The Act also recognizes the effects of Aboriginal customary tutorship, subject to compliance with certain requirements as attested by a competent Aboriginal authority, if those effects are the same as the effects established for suppletive tutorship.*

*The Act allows adoption to be coupled with recognition of pre-existing bonds of filiation in cases where it is in the interest of the child to protect a meaningful identification with the parent of origin while nonetheless terminating their respective rights and obligations. It also allows the effects of Aboriginal customary adoption, when carried out according to a custom that is in harmony with the principles of the interest of the child, the protection of the child's rights and the consent of the persons concerned, to be recognized. Furthermore, an Aboriginal customary adoption that recognizes a pre-existing bond of filiation may also, according to custom, allow rights and obligations to subsist between the adoptee and his or her family of origin. The Act also introduces new provisions to clarify the rules applicable to the adoption of children domiciled outside Québec, including the rule prescribing that any person domiciled in Québec who wishes to adopt a child domiciled outside Québec must comply with the rules of the Civil Code, regardless of the person's nationality or of whether the person has a residence in the State of the child's domicile or otherwise has a right to act abroad.*

*Furthermore, new rules are prescribed for the disclosure of adoption-related information, except in the case of Aboriginal customary adoptions or international adoptions, which are governed by their own rules. The new rules allow an adoptee and his or her parents of origin to find out each other's identity or to contact each other, provided there is no identity disclosure veto or contact veto, as applicable. They also allow an adoptee and a brother or sister of origin of the adoptee who so request to find out each other's identity or to contact each other unless the parents of origin have registered an identity disclosure veto. However, the confidentiality of an adopted minor's identifying information will be preserved until the minor reaches full age, unless he or she decides otherwise. As regards adoptions that took place before the reform, previously expressed vetoes are maintained, parents of origin who have not already registered an identity disclosure veto will be granted a specified period for doing so, and the identity of adoptees, whether minors or adults, is protected by operation of law, unless they consent to the disclosure. The Act provides that all of these measures apply to persons who are eligible for adoption but have never been adopted.*

*Lastly, the Act allows the adopter and members of the family of origin to enter into an agreement to facilitate the disclosure of information about the child or to facilitate interpersonal relationships. Support services provided by the director of youth protection or by a mediator who is certified in family matters, depending on whether the agreement is entered into before or after the order of placement is made, may be made available to the parties to the agreement if they so desire.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Civil Code of Québec;
- Health Insurance Act (chapter A-29);
- Code of Civil Procedure (chapter C-25.01);
- Youth Protection Act (chapter P-34.1);
- Act respecting health services and social services (chapter S-4.2).

**LEGISLATION REPEALED BY THIS ACT:**

- Act respecting adoptions of children domiciled in the People's Republic of China (chapter A-7.01).

**MINISTERIAL ORDERS AMENDED BY THIS ACT:**

- Ministerial Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec (chapter P-34.1, r. 2);
- Ministerial Order respecting the certification of intercountry adoption bodies (chapter P-34.1, r. 3).

## Bill 113

### AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS ADOPTION AND THE DISCLOSURE OF INFORMATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CIVIL CODE OF QUÉBEC

**1.** Article 129 of the Civil Code of Québec is amended by inserting the following paragraph after the first paragraph:

“The authority that issues an Aboriginal customary adoption certificate notifies it to the registrar of civil status within 30 days after it was issued.”

**2.** Article 132 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “The same applies where an Aboriginal customary adoption certificate has been notified to the registrar of civil status.”;

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

“The new act is substituted for the original act; it repeats all the statements and particulars that are not affected by the alterations and, in the case of an adoption with recognition of a pre-existing bond of filiation, those relating to that bond, specifying their antecedence. In the case of an Aboriginal customary adoption, the new act in addition makes mention, where applicable, of the rights and obligations that subsist between the adoptee and a parent of origin, with a reference to the altering act. Finally, the substitution is noted in the original act.”

**3.** The Code is amended by inserting the following article after article 132:

**“132.0.1.** An Aboriginal customary adoption certificate states the name and sex of the child, the place, date and time of birth, the date of the adoption, the names, dates of birth and places of domicile of the father and mother of origin and of the adopters and, where applicable, the new name given to the child.

It mentions that the adoption took place in accordance with applicable Aboriginal custom and, where applicable, mentions the recognition of a

pre-existing bond of filiation, and specifies any rights and obligations that subsist between the adoptee and his parent of origin.

The certificate states the date on which it was made and the name, capacity and domicile of its author, and bears the latter's signature."

**4.** Article 132.1 of the Code is amended

- (1) by striking out the third paragraph;
- (2) by adding the following paragraph at the end:

"The authority that issues an act recognizing an Aboriginal customary adoption notifies it to the registrar of civil status within 30 days after it was issued and attaches the act recognized."

**5.** Article 140 of the Code is amended by adding the following paragraph at the end:

"The same applies to Aboriginal customary adoption certificates and to acts recognizing such adoptions drawn up in a language other than French or English."

**6.** The Code is amended by inserting the following article after article 149:

**"149.1.** In the case of an Aboriginal customary adoption with subsisting rights and obligations between the adoptee and a parent of origin, the copy of an Aboriginal customary adoption certificate may only be issued to persons named in the certificate and to persons who establish their interest."

**7.** The Code is amended by inserting the following division after article 152:

**"DIVISION VII**

**"AUTHORITIES COMPETENT TO ISSUE ABORIGINAL CUSTOMARY ADOPTION CERTIFICATES**

**"152.1.** The authority that is competent to issue an Aboriginal customary adoption certificate is a person or body domiciled in Québec and designated by the Aboriginal community or nation. The competent authority may not, when called on to act, be a party to the adoption.

The act designating such an authority must be notified to the registrar of civil status within 30 days after the designation and, where applicable, the latter must be notified within that same time of the date on which the authority ceases to be competent."



**8.** Article 178 of the Code is amended

(1) by inserting “, suppletive” after “legal” in the first paragraph;

(2) by replacing “; tutorship conferred by the father and mother or by the court is dative” at the end of the second paragraph by “. Tutorship for which the father or mother designates a tutor is suppletive or dative; in the case of dative tutorship, the tutor may also be designated by the court”.

**9.** Article 187 of the Code is amended by adding the following paragraph at the end:

“However, in the case of a suppletive tutorship, two tutors to the person may be appointed.”

**10.** The Code is amended by inserting the following division after article 199:

**“DIVISION II.1**

**“SUPPLETIVE TUTORSHIP**

**“199.1.** The father or mother of a minor child may designate a person to whom may be delegated or with whom may be shared the offices of legal tutor and of person having parental authority where it is impossible for one or both of the parents to fully assume those offices.

Only the spouse of the father or mother, an ascendant of the child, a relative in the collateral line to the third degree or a spouse of that ascendant or relative may be so designated as tutor.

**“199.2.** Such a designation must be authorized by the court on the application of the father or mother.

If the father and mother are prevented from expressing their wishes, any person who may be designated as tutor and who, in fact or by law, has custody of the child may apply to the court to be entrusted with the offices of legal tutor and of person having parental authority.

**“199.3.** The court authorizes the designation with the consent of the father or mother. If the court fails to obtain such consent for any reason or if the refusal expressed by either the father or the mother is not justified by the interest of the child, the court may authorize the designation.

**“199.4.** If the child is 10 years of age or over, the designation may not take place without the child’s consent, unless he is unable to express his will.

However, the court may authorize the designation despite the child’s refusal, unless the child is 14 years of age or over.

**“199.5.** Any interested person may contest the delegation or sharing of the offices of legal tutor and of person having parental authority as well as the designation of the tutor. However, another person may not be substituted for the tutor designated by the father or mother without the father’s or mother’s consent, unless the father or mother is prevented from expressing his or her wishes.

**“199.6.** The designation of a suppletive tutor entails, for the father or mother who is unable to fully assume the offices of legal tutor and of person having parental authority, the suspension of those offices.

**“199.7.** Any provision relating to tutorship and parental authority that applies to the father or mother also applies, with the necessary modifications, to the suppletive tutor, except provisions relating to the appointment of a dative tutor and to deprivation of parental authority.

**“199.8.** The father or mother may, if new facts arise, be reinstated by the court as legal tutor and as person having parental authority on the application of either of them, the tutor, or the child if he is 10 years of age or over.

**“199.9.** Except in the cases provided for in this chapter, the office of tutor ceases when the rules for the institution of a dative tutorship begin to apply.

In addition, the tutor may apply to the court to be relieved of his duties provided notice of the application has been given to the father or mother, and to the child if he is 10 years of age or over.

**“199.10.** Conditions under any Québec Aboriginal custom that is in harmony with the principles of the interest of the child, respect for the child’s rights and the consent of the persons concerned may be substituted for conditions of suppletive tutorship. In such cases, the provisions of this division, except articles 199.6 and 199.7, do not apply.

Such a tutorship is, on the application of the child or the tutor, attested by the authority that is competent for the Aboriginal community or nation of either the child or the tutor. However, if the child and the tutor are members of different nations, the tutorship is attested by the authority that is competent for the child’s nation or community.

The competent authority issues a certificate attesting the tutorship after making sure that it was carried out according to custom, in particular that the required consents were validly given and that the child is in the care of the tutor; the authority also makes sure that the tutorship is in the interest of the child.

The authority is a person or body domiciled in Québec and designated by the Aboriginal community or nation. The competent authority may not, when called on to act, be a party to the tutorship.”

**11.** Article 542 of the Code is amended by striking out both occurrences of “seriously” in the second paragraph.

**12.** The heading of Chapter II after article 542 of the Code is replaced by the following heading:

“FILIACTION BY ADOPTION”.

**13.** The Code is amended by inserting the following article after article 543:

“**543.1.** Conditions of adoption under any Québec Aboriginal custom that is in harmony with the principles of the interest of the child, respect for the child’s rights and the consent of the persons concerned may be substituted for conditions prescribed by law. In such cases, unless otherwise provided, the provisions of this chapter that follow, except Division III, do not apply to an adoption made in accordance with such a custom.

Such an adoption which, according to custom, creates a bond of filiation between the child and the adopter is, on the application of either of them, attested by the authority that is competent for the Aboriginal community or nation of either the child or the adopter. However, if the child and the adopter are members of different nations, the adoption is attested by the authority that is competent for the child’s nation or community.

The competent authority issues a certificate attesting the adoption after making sure that it was carried out according to custom, in particular that the required consents were validly given and that the child is in the care of the adopter; the authority also makes sure that the adoption is in the interest of the child.”

**14.** The Code is amended by inserting the following article after article 544:

“**544.1.** Consents to adoption are given for an adoption with recognition of the pre-existing bond or bonds of filiation, an adoption without such recognition or, indiscriminately, for either.”

**15.** Article 545 of the Code is amended by inserting “, taking into consideration, among other things, the quality, duration and continuity of relations between the adopter and the person of full age” at the end of the second paragraph.

**16.** The Code is amended by inserting the following article after article 547:

“**547.1.** Every person wishing to adopt a minor child shall undergo a psychosocial assessment made in accordance with the conditions provided in the Youth Protection Act (chapter P-34.1), unless the adoption is based on a special consent, in which case the assessment is at the discretion of the court.”

**17.** Article 552 of the Code is amended by inserting “and must be given separately for each of the child’s bonds of filiation” at the end.

**18.** Article 553 of the Code is amended by adding the following sentence at the end: “The tutor’s consent must be given separately for each of the child’s bonds of filiation.”

**19.** The Code is amended by inserting the following articles before article 563:

“**562.1.** Every person domiciled in Québec wishing to adopt a child domiciled outside Québec shall comply with the provisions of this chapter that concern such an adoption, regardless of the person’s nationality or of whether the person has a residence in the State of the child’s domicile or otherwise has a right to act in a foreign State under the applicable law in that State, and regardless of whether the adoption is to take place in Québec or in a foreign State.

“**562.2.** A person domiciled in Québec may not adopt a child who is in Québec unless that child is authorized to remain permanently in Canada.”

**20.** Article 563 of the Code is amended

(1) by inserting “minor” before “child”;

(2) by inserting “, even if the person is related to the child,” after “shall”.

**21.** Article 564 of the Code is amended

(1) by replacing “The adoption arrangements are made” by “Arrangements for the adoption of a minor child must be made”;

(2) by replacing “unless an order of the Minister published in the *Gazette officielle du Québec* provides otherwise” by “unless that minister prescribes otherwise by regulation”.

**22.** The Code is amended by inserting the following articles after article 565:

“**565.1.** The adoption of a child domiciled outside Québec granted or recognized in Québec results in the dissolution of the pre-existing bond of filiation between the child and his family of origin. The court must make sure, where applicable, that the consents have been given to that effect.

“**565.2.** An Aboriginal customary adoption of a child domiciled outside Québec, but in Canada, which creates a bond of filiation between the child and an adopter domiciled in Québec may be recognized in Québec if the adoption is confirmed by an act issued under the applicable law in the State of the child’s domicile. The adoption may be recognized either by the court or by the authority that is competent to issue a customary adoption certificate for the adopter’s community or nation.”

**23.** Article 568 of the Code is amended by replacing “have been complied with and, particularly, that the required consents have been validly given for the purposes of an adoption resulting in the dissolution of the pre-existing bond of filiation between the child and the child’s family of origin” in the first paragraph by “have been complied with”.

**24.** The Code is amended by inserting the following article after article 568:

**“568.1.** The court grants an order of placement for the purposes of an adoption in accordance with the application filed and with the consents given, if any were required.

The court may not grant an order of placement for the purposes of an adoption with recognition of a pre-existing bond of filiation unless it is in the interest of the child to recognize the bond in order to protect a meaningful identification of the child with the parent of origin.”

**25.** Article 569 of the Code is amended by replacing “the surname and given names chosen by the adopter, which are recorded in the order” in the first paragraph by “the surname and given names that the court may assign to the child under article 576, which, if assigned, are recorded in the order”.

**26.** Article 573 of the Code is amended by adding the following paragraph at the end:

“The adoption must be granted in accordance with the provisions of the order of placement as to whether a pre-existing bond of filiation is recognized or, in the case of an adoption of a person of full age, in accordance with the person’s consent and the application filed.”

**27.** Article 574 of the Code is amended by striking out “and that the consents have been given for the purposes of an adoption resulting in the dissolution of the pre-existing bond of filiation between the child and the child’s family of origin” at the end of the first paragraph.

**28.** The Code is amended by inserting the following article after article 574:

**“574.1.** The authority called on to recognize an act evidencing an Aboriginal customary adoption other than a judgment verifies that the act meets the conditions for recognition of foreign decisions. If such is the case, the authority enters on the act the same statements and notations as an Aboriginal customary adoption certificate and signs the act.

The same provisions apply to the court when called on to recognize an act evidencing an Aboriginal customary adoption.”

**29.** Article 576 of the Code is amended by inserting “or assigns him a surname consisting of not more than two parts taken from those forming the

adopter's surname or the surnames of the child's father and mother with whom a pre-existing bond of filiation has been recognized" at the end.

**30.** Article 577 of the Code is replaced by the following articles:

**"577.** Adoption confers on the adoptee a filiation which succeeds the person's pre-existing filiations.

However, in the case of an adoption by the spouse of the child's father or mother, the new filiation only succeeds the established filiation, if any, with the child's other parent.

Although there may be recognition of the adoptee's pre-existing bonds of filiation, he ceases to belong to his family of origin, subject to impediments to marriage or civil union.

**"577.1.** When an adoption is granted, the effects of the pre-existing filiation cease. The adoptee and the parent of origin lose all rights and are released from all obligations with respect to each other. The tutor, if any, loses all rights and is released from all obligations with respect to the adoptee, except the obligation to render accounts. The same applies when an Aboriginal customary adoption certificate is notified to the registrar of civil status, subject to any provisions to the contrary that are in accordance with Aboriginal custom and specified in the certificate."

**31.** Article 578.1 of the Code is amended by replacing "the rights and obligations of each parent are determined in the adoption judgment" at the end of the second paragraph by "the rights and obligations of each parent are determined in the adoption judgment or in any act which, under the law, produces the effects of adoption in Québec".

**32.** Article 579 of the Code is replaced by the following article:

**"579.** The adopter and members of the family of origin may enter into an agreement in writing to facilitate the exchange of information or to facilitate interpersonal relationships.

The agreement may only be entered into in the interest of the child. If the child is 10 years of age or over, the child must consent to it and may put an end to it at any time, unless he is unable to express his will."

**33.** Article 581 of the Code is amended by adding the following paragraph at the end:

"Recognition of an Aboriginal customary adoption that took place outside Québec, but in Canada, produces, from the date on which the adoption took effect in the child's State of origin, the same effects as an Aboriginal customary adoption certificate."

**34.** Article 582 of the Code is amended by inserting “of origin, of the tutor” after “of the parents” in the second paragraph.

**35.** Article 583 of the Code is replaced by the following articles:

**“583.** An adoptee, including one under 14 years of age who has obtained the prior approval of his father and mother or tutor, has the right to obtain, from the authorities responsible under the law for disclosing such information, his original surname and given names, those of his parents of origin and information allowing him to contact them.

Likewise, once the adoptee has reached full age, his parents of origin have the right to obtain the surname and given name assigned to him and information allowing them to contact him.

No such information may be disclosed, however, if an identity disclosure veto or a contact veto, as the case may be, bars their disclosure.

**“583.1.** An identity disclosure veto by a parent of origin, in addition to barring disclosure of that parent’s name, bars disclosure of the adoptee’s original name if it reveals that parent’s identity.

**“583.2.** When only contact is barred, or when it is authorized on conditions, the name of the person sought or the adoptee’s original name is disclosed on the condition that the contact veto or the conditions on which contact is authorized be complied with.

An adoptee or a parent of origin who obtains the information on that condition but violates the condition is liable toward the other person and may also be required to pay punitive damages.

**“583.3.** If the adoptee or the parent of origin is unable to express his will concerning disclosure of information, his mandatary, tutor or curator may do so in his place. If the adoptee or parent is not so represented, his spouse, a close relative or another person who has shown a special interest in him may do so in his place.

**“583.4.** A parent of origin may register an identity disclosure veto in the year following the birth of the child. In such a case, the child’s identity is protected, by operation of law, from that parent.

When the first request for information about the parent of origin is made, the parent of origin must be informed of it so as to have the opportunity to maintain or withdraw the veto.

**“583.5.** In the case of an adoption that took place before (*insert the date of coming into force of this article*), if the adoptee has not yet expressed his will concerning disclosure of information about him to the authorities responsible under the law for disclosing such information, his identity is

protected by operation of law and the parent of origin may register an identity disclosure veto until a first request for information about him is made.

**“583.6.** An adoptee or a parent of origin may, at any time before his identity is disclosed, register a contact veto barring any contact between them or allowing contact subject to conditions he determines.

**“583.7.** Before the identity of the person sought is disclosed, he must be informed of the request for information about him and given the opportunity to register a contact veto. The same applies in the case of a parent of origin whose identity would be revealed if the adoptee’s original name were disclosed to the adoptee.

If the person sought is untraceable, disclosure of his identity entails, by operation of law, a contact veto. In the event the person sought is found, he must be given the opportunity to maintain or withdraw the veto.

**“583.8.** If a veto is registered by operation of law or by a third person, the person in whose behalf the veto is registered must, at the time the first request for information about him is made, be informed of the request and given the opportunity to maintain or withdraw the veto.

If withdrawal of a veto is requested by such a third person, the person in whose behalf the veto is registered must be informed of the withdrawal request and given the opportunity to oppose it.

**“583.9.** An identity disclosure veto or a contact veto may be withdrawn at any time.

An identity disclosure veto ceases to have effect on the first anniversary of the death of the person in whose behalf it was registered.

**“583.10.** To the extent that the adoptee and a brother or sister of origin of the adoptee so request, information about the identity of both of them and information making it possible to establish contact between them may be communicated to them, unless disclosure of that information would reveal the identity of the parent of origin although the parent of origin has registered an identity disclosure veto.

**“583.11.** It is the adopter’s responsibility to inform the child that he was adopted.

It is also the adopter’s responsibility to inform the child of the rules concerning identity disclosure and the rules for establishing contact.

**“583.12.** In the case of an adoption of a child domiciled outside Québec, disclosure of information relating to identity or to establishing contact is subject to the consent of the person sought or parent of origin whose name would be revealed if the child’s original name were disclosed to the child, unless the law of the child’s State of origin provides otherwise.”



**36.** Article 584 of the Code is replaced by the following article:

**“584.** Where a physician concludes that harm could be caused to the adoptee’s health or to that of a parent of origin or any close relatives genetically linked to them if any of them were deprived of the information the physician requires, the latter may obtain the medical information required from the medical authorities concerned, subject to the consent of the person whose information is requested. In the absence of such consent, court authorization is required to obtain such information.

The anonymity of the persons concerned must be preserved.”

**37.** The Code is amended by inserting the following article after article 584:

**“584.1.** This division applies to children who are eligible for adoption because consent to their adoption has been given, to children who are eligible for adoption because they have been judicially declared eligible for adoption, and to their parents, even if the children have never been adopted.”

#### ACT RESPECTING ADOPTIONS OF CHILDREN DOMICILED IN THE PEOPLE’S REPUBLIC OF CHINA

**38.** The Act respecting adoptions of children domiciled in the People’s Republic of China (chapter A-7.01) is repealed.

#### HEALTH INSURANCE ACT

**39.** Section 65 of the Health Insurance Act (chapter A-29) is amended by replacing the tenth paragraph by the following paragraph:

“The Board is bound, on request and in order to make it possible to identify or locate an adopted person or his parents of origin for the purposes of article 583 or 584 of the Civil Code, to transmit to any health and social services institution operating a child and youth protection centre or to the Minister of Health and Social Services the name, date of birth, sex, address or phone numbers of a person entered in its register of insured persons as well as, if applicable, the person’s date of death and his address at the time of death. The name of the spouse of a person entered in its register may also be transmitted if the other information does not make it possible to locate the adoptee or his parents of origin.”

#### CODE OF CIVIL PROCEDURE

**40.** Article 16 of the Code of Civil Procedure (chapter C-25.01) is amended

- (1) by striking out the second sentence of the second paragraph;
- (2) by inserting the following paragraphs after the second paragraph:

“In adoption matters, access to the court records is restricted to the parties, their representatives and any person having proven a legitimate interest, and is subject to the authorization of the court and to the conditions and procedure it determines.

The Minister of Justice is considered, by virtue of office, to have a legitimate interest to access records or documents for research, reform or procedure evaluation purposes.”

**41.** Article 37 of the Code is amended by replacing “or tutorship” in the third paragraph by “, suppletive tutorship or tutorship”.

**42.** Article 312 of the Code is amended by inserting “, except those relating to suppletive tutorship, and” after “minor” in the first paragraph.

**43.** Article 336 of the Code is amended

(1) by inserting “, except a judgment authorizing the designation of a suppletive tutor where the value of the minor’s property does not exceed \$25,000” after “Curator” in the second paragraph;

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

“In a case relating to adoption, the judgment is notified to the parties or their representatives in compliance with the rules governing publication of judgments in family matters.”

**44.** Article 393 of the Code is amended by inserting the following paragraph after the first paragraph:

“An application relating to suppletive tutorship must be served on the minor if the minor is 10 years of age or over.”

**45.** Article 394 of the Code is amended by inserting “except applications relating to suppletive tutorship where the value of the minor’s property does not exceed \$25,000,” after “tutorship to a minor,” in the first paragraph.

**46.** The Code is amended by inserting the following article after article 403:

**“403.1.** An application for authorization of the designation of a suppletive tutor must be served on the youth protection director having jurisdiction in the place where the minor resides if the minor is the subject of a report. The director may intervene as of right as regards such an application.”

**47.** The Code is amended by inserting the following article before article 432:

**“431.1.** Applications relating to the adoption of a child must state the child’s name, date and place of birth, place of residence and domicile,

nationality and status as a Canadian citizen, permanent resident or person authorized to stay or settle permanently in Canada.

Such applications must also state, if known, the names of the child's parents of origin, their place of residence and domicile and, if the parents are domiciled outside Québec, their nationality and their status as Canadian citizens, permanent residents or persons authorized to stay or settle permanently in Canada, if applicable."

**48.** Article 432 of the Code is amended, in the first paragraph,

(1) by replacing "to the child's adoption" by " , by special consent if the child is the subject of a report, or by a declaration of eligibility for adoption";

(2) by replacing the last sentence by the following sentences: "In the latter case, the application is also notified to the Minister of Health and Social Services. The director or the Minister may intervene as of right as regards such applications."

**49.** Article 433 of the Code is amended by inserting "or on a declaration of eligibility for adoption" after "general consent to the child's adoption".

**50.** Article 437 of the Code is amended by striking out "or if a declaration of eligibility for adoption was granted" in the second paragraph.

**51.** The Code is amended by inserting the following article after article 442:

**"442.1.** The parties to an agreement referred to in article 579 of the Civil Code may, without presenting an application to the courts, call on a mediator who is certified in accordance with the regulations made under article 619 to assist them in negotiating or reviewing such an agreement following the order of placement or whenever a dispute arises on how the agreement is to be applied. Articles 617 to 619 apply."

**52.** The Code is amended by inserting the following article after article 456:

**"456.1.** The court clerk notifies every judgment concerning the adoption of a minor child to the youth protection director having jurisdiction in the place where the child resides. In addition, if the child or the adopter is domiciled outside Québec, the clerk notifies the judgment, together with, if applicable, the certificate issued under article 573.1 of the Civil Code, to the Minister of Health and Social Services."

## YOUTH PROTECTION ACT

**53.** Section 2 of the Youth Protection Act (chapter P-34.1) is amended

(1) by replacing "This Act applies to any child" by "The purpose of this Act is to protect children";

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

“In addition, it supplements the provisions of the Civil Code that concern the adoption of children domiciled in Québec or outside Québec.”

**54.** Section 2.4 of the Act is amended by inserting “, including Aboriginal customary tutorship and adoption” at the end of subparagraph *c* of paragraph 5.

**55.** Section 11.2 of the Act is amended by inserting “or, if the information concerns the adoption of a child, to the extent provided for in Chapter IV.0.1” at the end.

**56.** Section 32 of the Act is amended, in the first paragraph,

(1) by inserting “and the consents referred to in section 3 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3)” at the end of subparagraph *g*;

(2) by inserting the following subparagraph after subparagraph *h*:

“(h.1) to give the authority that is competent to issue an Aboriginal customary tutorship or adoption certificate the opinion required under section 71.3.2;”.

**57.** Section 34 of the Act is amended by inserting “, except those mentioned in Chapter IV.0.1,” after “centre”.

**58.** The Act is amended by striking out the following before section 71:

“§1.—*Provisions relating to the adoption of a child domiciled in Québec*”.

**59.** Section 71 of the Act is amended

(1) by replacing “to ensure that children’s rights are respected” in the introductory clause by “to ensure the interest of children and the respect of their rights”;

(2) by inserting “in accordance with subdivision 1 of Division I of Chapter IV.0.1 or seeing to obtaining an order of transfer under section 7 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3) with a view to their adoption” at the end of paragraph 5.

**60.** Sections 71.1 and 71.2 of the Act are repealed.

**61.** The Act is amended by inserting the following after section 71.3:

**“DIVISION VII.1****“SPECIAL PROVISIONS**

**“71.3.1.** The director shall consider Aboriginal customary tutorship or adoption contemplated in article 199.10 or 543.1, as applicable, of the Civil Code if he considers that either of those measures is likely to ensure the interest of the child and the respect of his rights.

**“71.3.2.** From the time the child becomes the subject of a report and until the end of the director’s intervention, no Aboriginal customary tutorship or adoption certificate may be issued in accordance with article 199.10 or 543.1, as applicable, of the Civil Code without the opinion of the director regarding the interest of the child and the respect of his rights.

To that end, the director and the competent authority shall exchange the information needed to enable the director to give an opinion. The director must disclose the information in accordance with section 72.6.1.

The director’s opinion must be in writing and give reasons.

**“71.3.3.** Financial assistance may, in the cases and on the terms and conditions prescribed by regulation, be granted by an institution operating a child and youth protection centre to facilitate Aboriginal customary tutorship to or adoption of a child whose situation is taken in charge by the director of youth protection.

**“CHAPTER IV.0.1****“ADOPTION****“DIVISION I****“PROVISIONS REGARDING THE ADOPTION OF A CHILD  
DOMICILED IN QUÉBEC**

*“§1. — Director of Youth Protection’s special responsibilities as regards the adoption of a child he places*

**“71.3.4.** Before filing an application for an order of placement, the director must inform the child, the parents or tutor and the adopters

(1) of the characteristics of adoptions made with or without recognition of a pre-existing bond of filiation;

(2) of the possibility of entering into an agreement under article 579 of the Civil Code for the term of the placement and after the adoption; and

(3) of the rules relating to research into family and medical antecedents and to reunions.

In addition, the director must offer support services to the adopter, child and persons important to the child wishing to enter into an agreement referred to in article 579 of the Civil Code before the order of placement is made.

Where such an agreement is entered into and only concerns the exchange of information, the director shall facilitate the exchange, at the request of the parties to the agreement, until the adoptee reaches full age. However, the director shall cease to act at the request of one of the parties.

**“71.3.5.** The director must, for every application he files for an order of placement, conduct the psychosocial assessment of the adopters prescribed by article 547.1 of the Civil Code. This assessment must evaluate, among other things, the person’s capacity to meet the child’s physical, psychological and social needs.

In the case of procedures for an adoption with recognition of a pre-existing bond of filiation, the director must also give an opinion as to whether it is in the interest of the child to recognize such a bond.

**“71.3.6.** As soon as an order of placement is granted, the director shall give the adopter, or the child if 14 years of age or over, a summary of the child’s family and medical antecedents on request. He shall also give a parent a summary of the adopter’s antecedents on request.

If the director is convinced that it will not be possible for a child 14 years of age or over who is eligible for adoption because consent to his adoption has been given or because he has been judicially declared eligible for adoption to be the subject of an application for an order for placement within a reasonable time, the director shall give him a summary of his family and medical antecedents on request.

Subject to article 583 of the Civil Code, every summary must preserve the anonymity of the parents or the adopter, as applicable.

**“71.3.7.** The information to be included in a summary of a child’s or adopter’s family and medical antecedents is determined by regulation of the Minister.

*“§2.— Special provisions applicable to the adoption of a child by a person domiciled outside Québec*

**“71.3.8.** The Minister shall exercise the following responsibilities:

(1) intervene in all cases of adoption of a child domiciled in Québec by a person domiciled outside Québec in order, among other things, to administer the procedure set out in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and ensure compliance with the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3);

(2) retain the files for such adoptions and grant requests for research into family and medical antecedents and requests for reunions, to the extent provided for in the Civil Code and in cooperation with the persons having responsibilities in matters of adoption in Québec and outside Québec; and

(3) give the adopter, or the child if he is 14 years of age or over, a summary of the child's family and medical antecedents on request, and give the parent a summary of the adopter's antecedents on request.

Subject to article 583 of the Civil Code, every summary referred to in subparagraph 3 of the first paragraph must preserve the anonymity of the parents or the adopter, as applicable, and contain the information determined by regulation of the Minister.

**“71.3.9.** Psychosocial support services are to be offered to a parent of origin of a child referred to in subparagraph 1 of the first paragraph of section 71.3.8 and to any other person domiciled in Québec who, undertaking research into family and medical antecedents or steps toward a reunion or being the subject of such an undertaking or steps, need such services.

The services are to be offered by the person or institution designated by the Minister for that purpose.

**“71.3.10.** As soon as the director proposes to entrust a child domiciled in Québec to a person domiciled outside Québec with a view to the child's adoption, or as soon as the director receives an application from a person domiciled outside Québec for the adoption of a child domiciled in Québec, he must inform the Minister without delay. Likewise, the Minister shall inform the director when he receives such an application.

The director and the Minister shall ensure the orderly conduct of the adoption according to their respective jurisdictions. The Minister shall coordinate their respective actions.

**“71.3.11.** The Government may, by regulation, prescribe the terms and conditions of the adoption process in the case of an adoption of a child domiciled in Québec by a person domiciled outside Québec.

*“§3.— Rules governing disclosure of adoption-related information and documents*

**“71.3.12.** Every institution operating a child and youth protection centre is bound to inform a person 14 years of age or over who so requests of whether he was adopted and, if he was, of the rules relating to research into family and medical antecedents and to reunions.

**“71.3.13.** Every institution operating a child and youth protection centre is responsible for disclosing to any adoptee or parent of origin who so requests the information they are entitled to obtain under article 583 of the Civil Code.

The institution shall also disclose to the adoptee and a brother or sister of origin of the adoptee the information referred to in article 583.10 of that Code if the conditions set out in that article are met.

In addition, such an institution must, if the adoptee or parent of origin sought consents to it, disclose to a physician who has provided a written statement attesting the risk of harm referred to in article 584 of the Civil Code information making it possible to identify the adoptee or parent of origin as well as information making it possible to establish contact with him or his physician.

Any physician who receives the information referred to in the second paragraph must take the safety measures necessary to make sure the information remains confidential. The information may only be disclosed or used for the purposes set out in article 584 of the Civil Code.

**“71.3.14.** Psychosocial support services are to be offered to a child 14 years of age or over who undertakes research into family and medical antecedents or steps toward a reunion. They are also to be offered to any other person who, undertaking research into family and medical antecedents or steps toward a reunion or being the subject of such an undertaking or steps, needs such services.

The services are to be offered by an institution operating a child and youth protection centre.

**“71.3.15.** Identity disclosure vetoes and contact vetoes under the third paragraph of article 583 of the Civil Code must be registered with an institution operating a child and youth protection centre.

Applications for registration of a veto must be made using the form prescribed by the Minister.

**“71.3.16.** For the purposes of section 71.3.12 or 71.3.13, any institution to which those sections apply may require the information or documents needed either to confirm a person’s adoptee status or to identify or locate an adoptee or his parents of origin, including

(1) information contained in the judicial records concerning the child’s adoption and the adoption judgment in the possession of the courts, despite article 582 of the Civil Code and article 16 of the Code of Civil Procedure (chapter C-25.01);

(2) the adoption notice in the possession of the Ministère de la Santé et des Services sociaux;

(3) information contained in the register of civil status, including, despite article 149 of the Civil Code, information contained in the adoptee’s original act of birth in the possession of the registrar of civil status;



(4) the parent of origin's signature contained in the user record in the possession of an institution; and

(5) from documents in the possession of government departments and public bodies and user records in the possession of institutions, the recent or former name and contact information of the person known or presumed by the institution to be the adoptee or his parent or ascendant of origin, and those of the person's spouse, as well as their sex, date and place of birth and, if applicable, date and place of marriage or civil union and death."

**62.** The heading of the subdivision before section 71.4 of the Act is replaced by the following heading:

**"DIVISION II**

**"PROVISIONS REGARDING THE ADOPTION OF A CHILD  
DOMICILED OUTSIDE QUÉBEC".**

**63.** The Act is amended by inserting the following heading before section 71.4:

**"§1. — *Adoption-related procedures*".**

**64.** Section 71.4 of the Act is amended

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

"(2.1) administer the procedure set out in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and ensure compliance with the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3);";

(2) by replacing "exercising authority" in paragraph 3 by "having responsibilities".

**65.** Section 71.6 of the Act is amended

(1) by inserting "in the case of an adoption of a child domiciled outside Québec by a person domiciled in Québec" at the end of the first paragraph;

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

"If the Minister provides, in accordance with article 564 of the Civil Code, that adoption arrangements need not be made by a certified body, the Minister may make regulations prescribing the applicable terms and conditions."

**66.** Section 71.8 of the Act is amended by adding the following paragraph at the end:

“The Minister shall also issue the statement provided for in the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29) regarding the adoption’s compliance if, in the Minister’s opinion, the adoption granted meets the requirements of Québec law.”

**67.** The Act is amended by inserting the following section after section 71.8:

**“71.8.1.** As soon as the child arrives in Québec, the adopter shall undertake the necessary steps to obtain an adoption judgment or the judicial recognition of an adoption decision rendered outside Québec, as prescribed by article 565 of the Civil Code.

If the adoption process or adoption recognition process concerning a minor child is not undertaken and completed within a reasonable time, the director may, at the Minister’s request, take, in the adopter’s place and stead, all necessary steps to undertake, complete or put an end to the process.

The adopter must send the status reports attesting to the child’s development and integration into his new environment, in accordance with the undertakings given and the requirements of each of the States of origin.”

**68.** Section 71.9 of the Act is amended by adding the following paragraph at the end:

“Where the director takes charge of a child after the child’s adoption, whether granted in Québec or outside Québec, he must inform the Minister and, on request, send him all the information necessary for the exercise of his responsibilities.”

**69.** Sections 71.12 and 71.13 of the Act are repealed.

**70.** Section 71.14 of the Act is amended

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

“The Minister shall give the adopter, or the child if 14 years of age or over, a summary of the child’s family and medical antecedents on request.”;

(2) by replacing “the parents” in the second paragraph by “the parent”;

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

“Subject to article 583.12 of the Civil Code, every summary must preserve the anonymity of the parents or the adopter, as applicable.”

**71.** Section 71.15 of the Act is replaced by the following section:

**“71.15.** The information to be included in a summary of a child’s or adopter’s family and medical antecedents is determined by regulation of the Minister.”

**72.** The Act is amended by inserting the following subdivision after section 71.15:

*“§2.— Rules governing disclosure of adoption-related information and documents*

**“71.15.1.** The Minister is bound to inform a person 14 years of age or over who so requests of whether he was adopted and, if he was, of the rules governing disclosure of his identity or that of his parent of origin as well as the rules for establishing contact between them.

**“71.15.2.** The Minister is responsible for disclosing to any adoptee and to a parent, brother or sister of origin of the adoptee the information they may obtain under article 583.12 of the Civil Code.

In addition, the Minister must, if the adoptee or parent of origin sought consents to it and if the law of the adoptee’s State of origin does not prohibit it, disclose to a physician who has provided a written statement attesting the risk of harm referred to in article 584 of the Civil Code information making it possible to identify the adoptee or parent of origin as well as information making it possible to establish contact with him or his physician.

Any physician who receives the information referred to in the second paragraph must take the safety measures necessary to make sure the information remains confidential. The information may only be disclosed or used for the purposes set out in article 584 of the Civil Code.

**“71.15.3.** The persons and the courts having responsibilities under the law in matters of adoption of children domiciled outside Québec may, to the extent necessary for the exercise of their responsibilities, exchange, communicate or obtain confidential information relating to adoption, to family and medical antecedents and to reunions.

**“71.15.4.** For the purposes of section 71.15.1 or 71.15.2, the Minister may require the information or documents needed either to confirm a person’s adoptee status or to identify or locate an adoptee or his parents of origin, including

(1) information contained in the judicial records concerning the child’s adoption and the adoption judgment or recognition judgment in the possession of the courts, despite article 582 of the Civil Code and article 16 of the Code of Civil Procedure (chapter C-25.01);

(2) information contained in the register of civil status, including, despite article 149 of the Civil Code, information contained in the adoptee's original act of birth in the possession of the registrar of civil status; and

(3) from documents in the possession of government departments and public bodies and user records in the possession of institutions, the recent or former name and contact information of the person known or presumed by the Minister to be the adoptee or his parent or ascendant of origin, and those of the person's spouse, as well as their sex, date and place of birth and, if applicable, date and place of marriage or civil union and death.

The documents and information obtained under section 71.15.3 and this section form part of the records concerning the adoption.

**“71.15.5.** Psychosocial support services are to be offered to a child 14 years of age or over who undertakes research into family and medical antecedents or steps toward a reunion. They are also to be offered to any other adoptee who undertakes or is the subject of such research or steps and needs such services.

The services are to be offered by the person or institution designated for that purpose by the Minister.”

**73.** Section 71.17 of the Act is amended

(1) by replacing “and managed” in the first paragraph by “, managed and administered”;

(2) by replacing “by an order published in the *Gazette officielle du Québec*” in the second paragraph by “by regulation”.

**74.** Section 71.20 of the Act is amended by replacing “by an order of the Minister published in the *Gazette officielle du Québec*” in the first paragraph by “by regulation of the Minister”.

**75.** Section 71.21 of the Act is amended by replacing “by an order published in the *Gazette officielle du Québec*” by “by regulation”.

**76.** Section 71.23 of the Act is amended, in the first paragraph,

(1) by replacing “or a regulation or a ministerial order under this Act” in subparagraph 5 by “or the regulations”;

(2) by replacing “ministerial order” in subparagraph 6 by “regulation”.

**77.** Section 71.27 of the Act is amended by inserting the following paragraph after the first paragraph:

“Where the certified body must, more than two years after the arrival of the child, provide the authorities of the child’s State of origin with a report on the child’s post-adoption situation, it must also, once the record has been given to the Minister, send the Minister without delay all copies of any report it has in its possession.”

**78.** Section 71.28 of the Act is amended by replacing “, the regulations and any ministerial order” in the first paragraph by “and the regulations”.

**79.** Section 72 of the Act is amended by striking out “, a regulation or a ministerial order”.

**80.** The Act is amended by inserting the following section after section 72.6:

“**72.6.1.** Despite section 72.5, when the director gives an opinion in accordance with section 71.3.2, he shall disclose to the competent authority the confidential information on which the opinion is based. Such information may concern the child’s situation and living conditions or his tutors, adopters or parents of origin.

The director may also disclose such information to a competent authority at the latter’s request.

Disclosure of such information does not require the consent of the person concerned or an order from the tribunal.”

**81.** Section 95.0.1 of the Act is amended by adding the following paragraph at the end:

“In the case of an Aboriginal customary adoption for which a new act of birth has been drawn up by the registrar of civil status under article 132 of the Civil Code, any inconsistent conclusions of an order aimed at protecting the child become inoperative on a decision of the tribunal following an application by the director, and the director shall act under section 95 on receiving a copy of the new act of birth from the registrar of civil status.”

**82.** Section 132 of the Act is amended

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

(2) by inserting the following subparagraph after subparagraph *e* of the first paragraph:

“(e.1) to determine the cases in which and the terms and conditions on which financial assistance may be granted to facilitate Aboriginal customary tutorship to or adoption of a child whose situation is taken in charge by the director;”;

(3) by striking out the second paragraph.

**83.** Section 133 of the Act is repealed.

**84.** Section 134 of the Act is amended by inserting “or the provisions of the Civil Code that relate to the confidentiality of adoption files” at the end of subparagraph *g* of the first paragraph.

**85.** Section 135.1.1 of the Act is amended by replacing “in sections 71.7 and 71.8” by “in section 71.7 and in the first paragraph of section 71.8”.

**86.** Section 156 of the Act is amended by inserting “, except with respect to the director’s intervention under section 95.0.1” at the end of the first sentence.

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**87.** Section 19 of the Act respecting health services and social services (chapter S-4.2) is amended by adding the following paragraph at the end:

“(16) to an institution operating a child and youth protection centre or to the Minister of Health and Social Services, in accordance with section 71.3.16 or section 71.15.4 of the Youth Protection Act (chapter P-34.1), if the information is needed to confirm a person’s adoptee status or to identify or locate an adoptee or a parent of origin.”

**88.** The Act is amended by inserting the following section after section 19.0.1:

**“19.0.1.1.** The Minister or the director of youth protection may, on request, obtain communication of the medical information that was entered in the record of a user’s biological mother at the user’s birth and that pertains specifically to the user, for the purpose of compiling a summary of the user’s family and medical antecedents under the Youth Protection Act (chapter P-34.1). Such information may also be communicated to a user 14 years of age or over on request.

Such communication does not require the consent of the user’s mother. However, the restriction provided for in section 17 applies.”

**89.** Section 82 of the Act is amended by replacing “and biological history” at the end of the first paragraph by “, research into family and medical antecedents, and reunions”.

#### MINISTERIAL ORDER RESPECTING THE ADOPTION WITHOUT A CERTIFIED BODY OF A CHILD DOMICILED OUTSIDE QUÉBEC BY A PERSON DOMICILED IN QUÉBEC

**90.** The title of the Ministerial Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec (chapter P-34.1, r. 2) is amended by replacing “Ministerial Order” by “Regulation”.

**91.** Section 2 of the Order is amended by replacing “rencontrent les” in the French text by “satisfont aux”, and by replacing “Order” by “Regulation”.

**92.** Section 3 of the Order is amended by replacing “rencontre les” in the French text by “satisfait aux”, and by replacing “Order” by “Regulation”.

**93.** Section 7 of the Order is amended by replacing “or of the person’s spouse” in paragraph 1 by “or of the person’s spouse, or is of the child of the person’s spouse,”.

**94.** Section 23 of the Order is amended

(1) by replacing “a full adoption, as prescribed by articles 568 and 574 of the Civil Code” in the first paragraph by “an adoption that severs the child’s pre-existing bonds of filiation”;

(2) by replacing “Order” in the second paragraph by “Regulation”.

**95.** Section 30 of the Order is repealed.

**96.** The Order is amended by replacing all occurrences of “Order” in sections 1, 5, 10 and 24 by “Regulation”.

#### MINISTERIAL ORDER RESPECTING THE CERTIFICATION OF INTERCOUNTRY ADOPTION BODIES

**97.** The title of the Ministerial Order respecting the certification of intercountry adoption bodies (chapter P-34.1, r. 3) is amended by replacing “Ministerial Order” by “Regulation”.

**98.** Section 1 of the Order is amended by replacing “Order” by “Regulation”.

**99.** Section 2 of the Order is amended by replacing “biological parents” in paragraph 6 by “parents of origin”.

**100.** Section 7 of the Order is amended by replacing “Order, completed” by “Regulation, issued”.

**101.** The Order is amended by replacing all occurrences of “Order” in sections 9, 25 and 28 by “Regulation”, except in the title of the Order in section 28.

#### TRANSITIONAL AND FINAL PROVISIONS

**102.** In the case of an adoption that took place before the date of coming into force of section 35, information regarding a parent of origin may not be disclosed until 12 months have elapsed since that date, unless the parent of origin consents to such disclosure. However, if the parent of origin dies before

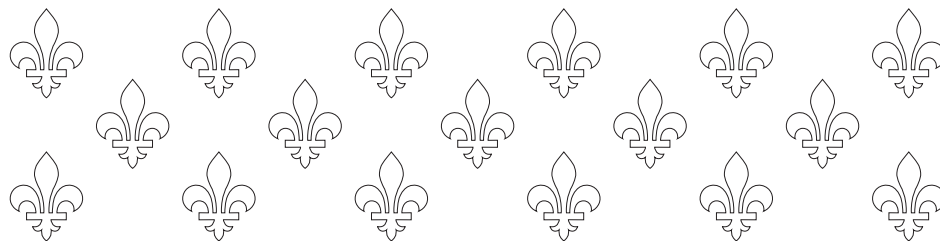
the expiry of that time, the information may not be disclosed before the first anniversary of his or her death.

**103.** Birth certificates drawn up following an Inuit customary adoption that took place before the date of coming into force of section 13 may not be declared invalid on the ground that they were not drawn up on the basis of a legislative provision.

**104.** The director of youth protection must, in the year following the year in which section 71.3.8 of the Youth Protection Act (chapter P-34.1), enacted by section 61, comes into force, send the Minister of Health and Social Services all the records in the director's possession concerning the adoption of children domiciled in Québec by persons domiciled outside Québec.

**105.** The provisions of this Act come into force on the date or dates to be set by the Government, but not later than 16 June 2018, except paragraph 1 of section 4, sections 8 and 9, section 10 except to the extent that it enacts article 199.10 of the Civil Code, sections 12, 15, 16 and 19 to 21, section 22 to the extent that it enacts article 565.1 of the Civil Code, sections 23, 27, 31, 34, 38, 40 to 53 and 55, paragraph 1 of section 56, sections 57 to 60, section 61 to the extent that it enacts the first paragraph of section 71.3.5 and sections 71.3.6 to 71.3.8, 71.3.10, 71.3.11 and 71.3.14 of the Youth Protection Act, sections 62 to 67, 70, 71 and 73 to 79, paragraphs 1 and 3 of section 82 and sections 83 to 85 and 88 to 101, which come into force on 16 June 2017.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 122  
(2017, chapter 13)

**An Act mainly to recognize that  
municipalities are local governments and  
to increase their autonomy and powers**

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**Introduced 6 December 2016  
Passed in principle 16 May 2017  
Passed 15 June 2017  
Assented to 16 June 2017**

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**Québec Official Publisher  
2017**

## EXPLANATORY NOTES

*This Act mainly proposes various amendments to municipal laws to increase the autonomy and powers of municipalities and to recognize that they are local governments.*

*The Act recognizes the role of the Table Québec-municipalités as the preferred forum for consultation between the Government and the municipal sector, and modifies its composition.*

*The Act gives local municipalities broader powers over urban planning, including zoning, over regulation of contributions for parks and over proper maintenance of immovable assets.*

*The Act makes it possible for municipalities to adopt a policy on public participation in urban planning. It empowers the Minister to adopt a regulation setting the requirements for such public participation. It also provides that no instrument of a municipality will be subject to approval by way of referendum if its public participation policy complies with the requirements of the ministerial regulation. The Act also makes certain amendments to the referendum process.*

*The Act introduces measures to promote the construction of affordable, social or family housing units and allows municipalities to establish rules or standards for the characteristics of these units.*

*The Act stipulates that the Government has a formal obligation to consult the municipal sector when developing its government policy directions regarding land use planning.*

*The Act amends the Act respecting the preservation of agricultural land and agricultural activities in order to relax the rules concerning the construction of a residence in an agricultural zone. It makes amendments to that Act to expedite the processing of certain applications and modifies some of the assessment criteria that must be taken into consideration by the Commission de protection du territoire agricole du Québec. It also allows the Government to prescribe, by regulation, certain cases where the authorization of the commission is not required.*

*The Act removes the obligation to obtain certain ministerial authorizations or approvals and relaxes the requirements regarding*

*financial management. It sets out new obligations regarding the mandatory content of certain financial documents and gives the Minister certain powers concerning that content. It amends the deadline for sending financial reports to the Minister. It also replaces the mayor's report on the municipality's financial position by a new report made by the mayor at a regular sitting of the council held in June, and introduces an equivalent change for metropolitan communities.*

*The Act gives the municipalities the power to permit free play in the streets.*

*The Act provides that the passing of a by-law must be preceded by the tabling of a draft by-law and makes various amendments to improve the transparency of decision-making. It allows municipalities, on certain conditions, to modify the way their public notices are disseminated.*

*The Act introduces new procedures concerning the rules governing the awarding of contracts applicable to municipalities and makes contracts entered into by various bodies related to them subject to those rules.*

*Under the Act, local municipalities are granted a general taxation power and the power to charge regulatory dues. The Act also amends certain taxation powers held by local municipalities, reduces certain procedural requirements concerning municipal finances and modifies duties on transfers of immovables.*

*The Act grants municipalities new powers over local and regional development and business assistance. It also contains certain amendments concerning liquor permit applications, highway safety and the preservation of agricultural land.*

*Lastly, the Act amends the rules that apply to the remuneration of elected municipal officers.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Act respecting land use planning and development (chapter A-19.1);
- Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);

- Charter of Ville de Gatineau (chapter C-11.1);
- Charter of Ville de Lévis (chapter C-11.2);
- Charter of Ville de Longueuil (chapter C-11.3);
- Charter of Ville de Montréal (chapter C-11.4);
- Charter of Ville de Québec, national capital of Québec (chapter C-11.5);
- Cities and Towns Act (chapter C-19);
- Highway Safety Code (chapter C-24.2);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Municipal Powers Act (chapter C-47.1);
- Act respecting duties on transfers of immovables (chapter D-15.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001);
- Act respecting municipal taxation (chapter F-2.1);
- Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04);
- Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (chapter M-22.1);
- Act respecting the Ministère du Conseil exécutif (chapter M-30);
- Cultural Heritage Act (chapter P-9.002);
- Act respecting liquor permits (chapter P-9.1);

- Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);
- Act respecting the Réseau de transport métropolitain (chapter R-25.01);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting the remuneration of elected municipal officers (chapter T-11.001);
- Transport Act (chapter T-12);
- Act respecting off-highway vehicles (chapter V-1.2);
- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

#### **REGULATION AMENDED BY THIS ACT:**

- Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5).

#### **ORDERS IN COUNCIL AMENDED BY THIS ACT:**

- Order in Council 846-2005 dated 14 September 2005 (2005, G.O. 2, 4316), concerning the urban agglomeration of Mont-Tremblant;
- Order in Council 1055-2005 dated 9 November 2005 (2005, G.O. 2, 4958), concerning the urban agglomeration of La Tuque;
- Order in Council 1059-2005 dated 9 November 2005 (2005, G.O. 2, 4973), concerning the urban agglomeration of Sainte-Agathe-des-Monts;
- Order in Council 1062-2005 dated 9 November 2005 (2005, G.O. 2, 4986), concerning the urban agglomeration of Mont-Laurier;

- Order in Council 1065-2005 dated 9 November 2005 (2005, G.O. 2, 4999), concerning the urban agglomeration of Sainte-Marguerite-Estérel;
- Order in Council 1068-2005 dated 9 November 2005 (2005, G.O. 2, 5011), concerning the urban agglomeration of Cookshire-Eaton;
- Order in Council 1072-2005 dated 9 November 2005 (2005, G.O. 2, 5023), concerning the urban agglomeration of Rivière-Rouge;
- Order in Council 1130-2005 dated 23 November 2005 (2005, G.O. 2, 5133), concerning the urban agglomeration of Îles-de-la-Madeleine;
- Order in Council 1211-2005 dated 7 December 2005 (2005, G.O. 2, 5134A), concerning the urban agglomeration of Québec;
- Order in Council 1214-2005 dated 7 December 2005 (2005, G.O. 2, 5159A), concerning the urban agglomeration of Longueuil;
- Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A), concerning the urban agglomeration of Montréal.

## Bill 122

### AN ACT MAINLY TO RECOGNIZE THAT MUNICIPALITIES ARE LOCAL GOVERNMENTS AND TO INCREASE THEIR AUTONOMY AND POWERS

AS the National Assembly recognizes that municipalities are, in the exercise of their powers, local governments that are an integral part of the Québec State;

AS elected municipal officers have the necessary legitimacy, from a representative democracy perspective, to govern according to their powers and responsibilities;

AS municipalities exercise essential functions and offer their population services that contribute to maintaining a high-quality, safe and healthy living environment, including in a context of sustainable development, reducing greenhouse gas emissions, and adapting to climate change;

AS, within local governments, the participation and commitment of citizens and citizens' groups, and access to information, are needed to define a concerted vision of development and to ensure its environmental, social and economic sustainability;

AS it is advisable to amend certain Acts to increase the autonomy and powers of municipalities and to improve certain aspects of their operation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**1.** The Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following section after section 1.1:

**“1.2.** In this Act, “government policy directions” means

(1) the objectives and policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing with respect to land use development, as defined in any document adopted by the Government after consultation, by the Minister, with the authorities representing the municipal sector and with any other civil society organization the Minister considers relevant, and the equipment, infrastructure and land use development projects they intend to carry out in the territory; and

(2) any land use plan prepared under section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1).

Any document adopted by the Government under subparagraph 1 of the first paragraph must be published in the *Gazette officielle du Québec*.”

**2.** Section 6 of the Act is amended by adding the following subparagraph after subparagraph 8 of the first paragraph:

“(9) determine any other element relating to sustainable land use and development planning for the territory.”

**3.** Sections 47.2, 53.16 and 61.1 of the Act are repealed.

**4.** The Act is amended by inserting the following chapter before Chapter III of Title I:

## “CHAPTER II.2

### “PUBLIC PARTICIPATION

“**80.1.** Every local municipality may adopt a public participation policy that contains measures complementary to those provided for in this Act and that promotes dissemination of information, and consultation and active participation of citizens in land use planning and development decision-making.

“**80.2.** If the public participation policy of the municipality complies with the requirements of the regulation made under section 80.3, no instrument adopted by the council of the municipality under this Act is subject to approval by way of referendum.

The first paragraph does not apply to a referendum and approval process that is under way at the time of the coming into force of the policy; inversely, the repeal of the policy has no effect on such a process that is under way at the time the policy is repealed. For the purposes of this paragraph, a process is under way as of the adoption of a draft by-law under section 124.

“**80.3.** The Minister shall, by regulation, set any requirement relating to public participation for the purposes of this Act and to the content of a public participation policy.

The regulation must be aimed at ensuring that

- (1) the decision-making process is transparent;
- (2) citizens are consulted before decisions are made;
- (3) the information disseminated is complete, coherent and adapted to the circumstances;
- (4) citizens are given a real opportunity to influence the process;



- (5) elected municipal officers are actively present in the consultation process;
- (6) deadlines are adapted to the circumstances and allow citizens sufficient time to assimilate the information;
- (7) procedures are put in place to allow all points of view to be expressed and foster reconciliation of the various interests;
- (8) rules are adapted according to, in particular, the purpose of the amendment, the participation of citizens or the nature of the comments made; and
- (9) a reporting mechanism is put in place at the end of the process.

In its policy, the local municipality must state whether it deems the policy to be compliant with the regulation made under this section and whether it avails itself of section 80.2.

The Minister may, in exercising that power, establish different rules on the basis of any relevant criterion or for any group of municipalities.

**“80.4.** The public participation policy is adopted by by-law.

The first paragraph of section 124 and sections 125 to 127 and 134 apply, with the necessary modifications, to any by-law by which a municipality adopts, amends or repeals a public participation policy.

**“80.5.** Every municipality must permanently publish its public participation policy on its website. If the municipality does not have a website, the policy must be published on the website of the regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality gives public notice of the address at least once a year.”

**5.** Section 84 of the Act is amended by adding the following paragraph at the end:

“(8) any other element aimed at fostering sustainable urban planning.”

**6.** Section 113 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(23) to prescribe any other additional measure to distribute the various uses, activities, structures and works across its territory and make them subject to standards; such a measure may not however have the effect of restricting agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) in an agricultural zone established under that Act.”

**7.** Section 115 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(12) to prescribe any other additional measure to govern division of the land as well as the dimensions of and development standards for public and private thoroughfares.”

**8.** Section 117.1 of the Act is amended by adding the following subparagraph at the end:

“(3) the building permit relates to work that will make it possible to carry on new activities, as defined by the by-law, on the immovable or to intensify, within the meaning of the by-law, existing activities on the immovable.”

**9.** Section 117.3 of the Act is amended by replacing the second sentence of the third paragraph by the following sentence: “The rules must also take into account, in favour of the owner, any transfer or payment made previously in respect of all or part of the site.”

**10.** Section 117.4 of the Act is amended by adding the following paragraphs at the end:

“Despite the two preceding paragraphs, the municipality may require the transfer of land whose area is greater than 10% of the area of the site if the land in respect of which the subdivision or building permit is applied for is situated within a central sector of the municipality and if all or part of the immovable is green space.

If the municipality requires both the transfer of land and the payment of a sum, the amount paid must not exceed 10% of the value of the site.

The council shall, by by-law, determine the boundaries of the central sectors of the municipality and define what constitutes green space for the purposes of the third paragraph.”

**11.** Section 123 of the Act is amended by replacing “22” in subparagraph 1 of the third paragraph by “23”.

**12.** The Act is amended by inserting the following section after section 123:

**“123.1.** Despite the third and fourth paragraphs of section 123, a provision to enable the carrying out of a project relating to the following objects does not make a by-law subject to approval by way of referendum:

(1) collective equipment within the meaning of the second paragraph; and

(2) housing intended for persons in need of help, protection, care or shelter, in particular under a social housing program implemented under the Act respecting the Société d’habitation du Québec (chapter S-8).

Collective equipment consists of buildings and facilities that are public property intended for collective use in the health, education, culture, sports and recreation sectors.”

**13.** The Act is amended by inserting the following division after section 145.30:

**“DIVISION IX.1**

**“AFFORDABLE, SOCIAL OR FAMILY HOUSING**

**“145.30.1.** Every municipality may, by by-law and in accordance with the policy directions defined for that purpose in the planning program, make the issue of a building permit for the construction of residential units subject to the making of an agreement between the applicant and the municipality to increase the supply of affordable, social or family housing.

The agreement may, in accordance with the rules set out in the by-law, stipulate the construction of affordable, social or family housing units, the payment of a sum of money or the transfer of an immovable in favour of the municipality.

All sums and immovables obtained in this manner must be used by the municipality for the implementation of an affordable, social or family housing program.

**“145.30.2.** The by-law must establish the rules for determining the number and type of affordable, social or family housing units that may be required, the method for calculating the sum of money to be paid or the characteristics of the immovable to be transferred.

It may also prescribe minimum standards for the particulars of the agreement listed in the first paragraph of section 145.30.3.

**“145.30.3.** The agreement may cover the dimensions of the affordable, social or family housing units concerned, the number of rooms they comprise, their location in the housing project or elsewhere in the territory of the municipality and their design and construction.

The agreement may also establish rules to ensure the affordability of the housing units for the time it determines.”

**14.** The Act is amended by inserting the following sections after section 145.41:

**“145.41.1.** If the owner of a building does not comply with the notice sent under the second paragraph of section 145.41, the council may require a notice of deterioration containing the following information to be registered in the land register:

- (1) the designation of the immovable concerned and the name and address of the owner;
- (2) the name of the municipality and the address of its office, and the title, number and date of the resolution by which the council requires the notice to be registered;
- (3) the title and number of the by-law made under the first paragraph of section 145.41; and
- (4) a description of the work to be carried out.

No notice of deterioration may be registered in respect of an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

**“145.41.2.** If the municipality ascertains that the work prescribed in the notice of deterioration has been carried out, the council shall, within 60 days after that fact is ascertained, require that a notice of regularization be registered in the land register; the notice of regularization must contain, in addition to the information in the notice of deterioration, the registration number of the notice of deterioration and an entry that the work described in that notice has been carried out.

**“145.41.3.** Within 20 days after the registration of any notice of deterioration or notice of regularization, the municipality shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

**“145.41.4.** The municipality shall keep a list of the immovables for which a notice of deterioration has been registered in the land register. It shall publish this list on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.

The list must contain, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the municipality shall withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.

**“145.41.5.** A municipality may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, on which the work required in the notice has not been carried out and whose dilapidated state entails a risk for the health or safety of persons. Such an immovable may then be alienated to any person by onerous title, to any person or to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19) by gratuitous title.”

**15.** Section 148.0.4 of the Act is amended by inserting the following paragraph after the first paragraph:

“The by-law may prescribe that a preliminary program for the utilization of the vacated land be submitted after the committee has rendered an affirmative decision on the application for authorization to demolish, rather than before the application is considered. In that case, authorization to demolish is conditional on the program receiving the committee’s approval.”

**16.** Section 148.0.11 of the Act is repealed.

**17.** Section 148.0.22 of the Act is amended by replacing “\$5,000” and “\$25,000” in the first paragraph by “\$10,000” and “\$250,000”, respectively.

**18.** The Act is amended by inserting the following section after section 264.0.8:

**“264.0.9.** Ville de Gatineau, Ville de Laval, Ville de Lévis, Ville de Mirabel, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke and Ville de Trois-Rivières may maintain in force a single document that contains both provisions specific to the content of a land use and development plan and provisions specific to the content of a planning program. In such a case, sections 47 to 53.11, 53.11.5 to 56.12, 56.12.3 to 56.12.5, 56.12.8 to 57, 57.3, 58, 59 to 61.1, 61.3 to 71 and 71.0.3 to 72, rather than sections 88 to 100 and 102 to 112.8, apply, with the necessary modifications, to the provisions specific to the content of a planning program.

To replace its zoning or subdivision by-law, every municipality listed in the first paragraph must comply with the rules applicable to a by-law referred to in section 110.10.1, with the necessary modifications.”

#### ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

**19.** Section 98 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is replaced by the following section:

**“98.** At the end of the fiscal year, the Authority’s treasurer draws up the financial report for that fiscal year and certifies that it is accurate. The report must include the Authority’s financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy.

The treasurer must also produce any other document or information required by that minister.

That minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

**20.** The Act is amended by inserting the following section after section 101:

**“101.1.** If, after the transmission referred to in section 101, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the correction as soon as possible. The treasurer must table any corrected report before the Authority’s board of directors and the Authority must send it to the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy, and the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 98.”

#### CHARTER OF VILLE DE GATINEAU

**21.** Section 3 of Schedule B to the Charter of Ville de Gatineau (chapter C-11.1) is amended

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

“The leader of the governing party and the leader of the Opposition for the city council are designated in accordance with this section.”;

(2) by striking out the second paragraph;

(3) by replacing “third and fourth” in the fifth paragraph by “second and third”.

#### CHARTER OF VILLE DE LÉVIS

**22.** Section 19 of the Charter of Ville de Lévis (chapter C-11.2) is repealed.

#### CHARTER OF VILLE DE LONGUEUIL

**23.** Section 21 of the Charter of Ville de Longueuil (chapter C-11.3) is repealed.

**24.** The Charter is amended by inserting the following section after section 58.3.1:

**“58.3.2.** The city council shall adopt, for its whole territory, the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

If the city’s public participation policy complies with the requirements of the regulation made under section 80.3 of that Act, no instrument of the city adopted by the council under that Act is subject to approval by way of referendum.”

**25.** Section 2 of Schedule C to the Charter is amended by striking out “, but is not entitled to the additional remuneration provided for in a by-law adopted under the Act respecting the remuneration of elected municipal officers (chapter T-11.001)”.

**26.** Section 4 of Schedule C to the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “For the purposes of this section, the opposition leader” in the second paragraph by “The leader of the opposition for the city council”.

**27.** Section 27.1 of Schedule C to the Charter is repealed.

#### CHARTER OF VILLE DE MONTRÉAL

**28.** Section 43 of the Charter of Ville de Montréal (chapter C-11.4) is amended by striking out the second and third paragraphs.

**29.** Section 83 of the Charter is amended

(1) by inserting the following subparagraph after subparagraph 2.1 of the first paragraph:

“(2.2) to hold a public consultation on the draft by-law enacting the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1), despite section 80.4 of that Act;”;

(2) by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) to hold a public consultation on any element designated for that purpose in the public participation policy adopted under section 80.1 of the Act respecting land use planning and development.”

**30.** The Charter is amended by inserting the following section after section 89.1.1:

**“89.1.2.** The city council shall adopt, for its whole territory, the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

If the city’s public participation policy complies with the requirements of the regulation made under section 80.3 of that Act, no instrument of the city adopted by the council under that Act is subject to approval by way of referendum.”

**31.** Divisions III and IV of Chapter IV of the Charter, comprising sections 151.8 to 151.18, are repealed.

**32.** Section 16 of Schedule C to the Charter is amended

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

“The majority floor leader, leader of the opposition and opposition floor leader for the city council are designated in accordance with this section.”;

(2) by striking out the second paragraph;

(3) by replacing “third and fourth” in the fifth paragraph by “second and third”.

**33.** Section 50.1 of Schedule C to the Charter is amended by replacing “If the deterioration of a building endangers the health or safety of the occupants of the building” in the first paragraph by “If a building is decrepit or dilapidated”.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

**34.** Section 19 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is repealed.

**35.** The Charter is amended by inserting the following section after section 74.5.1:

**“74.5.2.** The city council shall adopt, for its whole territory, the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

If the city’s public participation policy complies with the requirements of the regulation made under section 80.3 of that Act, no instrument of the city adopted by the council under that Act is subject to approval by way of referendum.”

**36.** Divisions III and IV of Chapter IV of the Charter, comprising sections 131.8 to 131.18, are repealed.

**37.** Section 2 of Schedule C to the Charter is amended by striking out “, except the entitlement to additional remuneration provided for in a by-law under the Act respecting the remuneration of elected municipal officers (chapter T-11.001)”.

**38.** Section 8 of Schedule C to the Charter is amended

(1) by striking out the first paragraph;

(2) by replacing “For the purposes of this section, the opposition leader” in the second paragraph by “The leader of the opposition for the city council”.



**39.** Section 96 of Schedule C to the Charter is amended by adding the following paragraph at the end:

“The by-law may require that a program for the re-utilization of vacated land be submitted after an affirmative decision is made regarding an application for authorization to demolish, instead of before the application is considered. In such a case, the authorization is subject to the program being approved.”

**40.** Section 99.1 of Schedule C to the Charter is repealed.

**41.** Section 105.1 of Schedule C to the Charter is amended by replacing “If the deterioration of a building endangers the health or safety of the occupants of the building and if” in the first paragraph by “If a building’s dilapidated state is likely to endanger the health or safety of persons and if”.

**42.** Section 105.6 of Schedule C to the Charter is amended

(1) by replacing “and” by a comma;

(2) by inserting “, and whose dilapidated state entails a risk for the health or safety of persons” after “carried out”.

#### CITIES AND TOWNS ACT

**43.** Section 28 of the Cities and Towns Act (chapter C-19) is amended by adding the following sentence at the end of the first paragraph of subsection 3: “A municipality may also become surety for a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

**44.** Section 29.3 of the Act is replaced by the following section:

**“29.3.** Every by-law or resolution that authorizes a municipality to enter into a contract, other than a construction contract or an intermunicipal agreement, under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for the other contracting party to build, enlarge or substantially modify a building or infrastructure used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws.”

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

**“105.** At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include

the municipality's financial statements and any other document or information required by the Minister.

The treasurer shall also produce a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

**46.** Section 105.1 of the Act is amended by replacing the first paragraph by the following paragraph:

"The treasurer shall, at a sitting of the council, table the financial report, the chief auditor's report referred to in the first paragraph of section 107.14, the external auditor's report referred to in the first paragraph of section 108.2 or the first paragraph of section 108.2.1 and any other document whose tabling is prescribed by the Minister."

**47.** Section 105.2 of the Act is replaced by the following section:

**"105.2.** After the tabling referred to in section 105.1 and not later than 15 May, the clerk shall transmit the financial report, the chief auditor's report and the external auditor's report to the Minister.

The clerk shall also transmit the documents and information referred to in the second paragraph of section 105 to the Minister within the time prescribed by the Minister.

If the financial report or the other documents and information referred to in the second paragraph are not transmitted to the Minister within the prescribed time, the Minister may cause them to be prepared, for any period and at the municipality's expense, by an officer of his department or by a person authorized to act as external auditor for a municipality. If the financial report or the other documents and information are prepared by a person other than an officer of the department, the person's fees are paid by the municipality unless the Minister decides to make the payment, in which case he may require reimbursement from the municipality."

**48.** The Act is amended by inserting the following sections after section 105.2:

**"105.2.1.** If, after the transmission referred to in section 105.2, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible.

The treasurer shall table any corrected report at the next regular sitting of the council, and the clerk shall give public notice of the tabling at least five days before the sitting.

The clerk shall send the corrected report to the Minister as soon as possible.

The first and third paragraphs apply, with the necessary modifications, to the documents and information referred to in the second paragraph of section 105.

**“105.2.2.** At a regular sitting of the council held in June, the mayor shall make a report to the citizens on the highlights of the financial report, the chief auditor’s report and the external auditor’s report.

The mayor’s report shall be disseminated in the territory of the municipality in the manner determined by the council.”

**49.** Section 105.4 of the Act is amended

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

“The treasurer shall table two comparative statements at the last regular sitting of the council held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted. During a year in which a general election is held in the municipality, the two comparative statements shall be tabled not later than at the last regular sitting held before the council ceases sitting in accordance with section 314.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”;

(2) by striking out the fourth paragraph.

**50.** Section 107.14 of the Act is replaced by the following section:

**“107.14.** The chief auditor shall report to the council on the audit of the municipality’s financial statements.

In the report, which must be transmitted to the treasurer, the chief auditor shall state, in particular, whether the financial statements faithfully represent the municipality’s financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The chief auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the chief auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1).”

**51.** Section 108.2 of the Act is replaced by the following section:

**“108.2.** Subject to section 108.2.1, the external auditor shall audit the municipality’s financial statements for the fiscal year for which he was appointed and report to the council on the audit.

In the report, which must be transmitted to the treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality’s financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the external auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1).”

**52.** Section 108.2.1 of the Act is replaced by the following section:

**“108.2.1.** In the case of a municipality with a population of 100,000 or more, the external auditor shall audit, for the fiscal year for which the external auditor was appointed, the accounts relating to the chief auditor and the financial statements of the municipality and shall report to the council on the audit.

In the report on the financial statements, which must be transmitted to the treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality’s financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy.”

**53.** Section 108.3 of the Act is repealed.

**54.** Section 319 of the Act is amended by adding the following sentence at the end of the second paragraph: “Any documents useful in making decisions must, barring exceptional situations, be available to the members of the council not later than 72 hours before the time set for the commencement of the sitting.”

**55.** The Act is amended by inserting the following sections after section 345:

**“345.1.** Subject to the second paragraph of section 345.3, a municipality may, by by-law, determine the terms governing publication of its public notices. These terms may differ according to the type of notice, but the by-law must prescribe their publication on the Internet.

Where such a by-law is in force, the mode of publication that it prescribes has precedence over the mode of publication prescribed by section 345 or by any other provision of a general law or special Act.

**“345.2.** A by-law adopted under section 345.1 may not be repealed, but it may be amended.

**“345.3.** The Government may, by regulation, set minimum standards relating to publication of municipal public notices. Different standards may be set for any group of municipalities.

The regulation must prescribe measures that promote dissemination of information that is complete, that citizens find coherent and that is adapted to the circumstances.

The regulation may also prescribe that the municipalities or any group of municipalities the Government identifies must adopt a by-law under section 345.1 within the prescribed time.

**“345.4.** The Minister may make a regulation in the place of any municipality that fails to comply with the time prescribed under section 345.3; the regulation made by the Minister is deemed to be a by-law adopted by the council of the municipality.”

**56.** Section 356 of the Act is replaced by the following section:

**“356.** The passing of every by-law must be preceded by the tabling of a draft by-law at a sitting of the council and a notice of motion must be given at the same sitting or at a separate sitting.

Every draft by-law may be amended after it has been tabled before the council, without it being necessary to table it again.

The by-law must be passed at a separate sitting from those mentioned in the first paragraph. Not later than two days before that separate sitting, any person may obtain a copy from the person in charge of access to documents for the municipality. That person must make copies available to the public at the beginning of the sitting.

Before the by-law is passed, the clerk or the person presiding at the sitting must mention the object, scope and cost of the by-law and, where applicable, the mode of financing and the mode of payment and repayment.”

**57.** Section 468.26 of the Act is amended by striking out “, except the provisions relating to the minimum amount of remuneration thus fixed,”.

**58.** Section 468.51 of the Act is amended by inserting “, 105.2.1” after “105.2” in the first paragraph.

**59.** Section 474.1 of the Act is repealed.

**60.** Section 474.2 of the Act is amended by adding the following sentence at the end of the first paragraph: “The draft budget and the draft three-year program of capital expenditures must be available to members of the council as soon as the public notice is given.”

**61.** Section 477.5 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph, and is made under a provision of the by-law on contract management adopted under the fourth paragraph of section 573.3.1.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

**62.** Section 477.6 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The municipality must also publish on its website,

(1) on a permanent basis, a statement concerning the publication requirement under the first paragraph and a hyperlink to the list described in section 477.5; and

(2) not later than 31 January each year, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.

If the municipality does not have a website, the statement, hyperlink and list whose publication is required under the second paragraph must be published on the website of the regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality shall give public notice of the address at least once a year.”

**63.** Section 487.1 of the Act is amended

(1) by inserting “or subcategories” after “certain categories” in the first paragraph;

(2) by inserting the following at the end of the first paragraph: “or subcategories. It may also, in respect of the special tax, fix specific rates for the property tax on the category of non-residential immovables based on the property assessment for the same categories or subcategories of immovables for which it has chosen to apply the measure in respect of the general property tax”;

(3) by replacing “4 and 5” in subparagraph 1 of the third paragraph by “4, 5, 6 and 7”.

**64.** The Act is amended by inserting the following after section 500:

“II.1. — *General taxation power*

“**500.1.** Every municipality may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The municipality is not authorized to impose the following taxes:

- (1) a tax in respect of the supply of a property or a service;
- (2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;
- (3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;
- (4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;
- (5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;
- (6) a tax on wealth, including an inheritance tax;
- (7) a tax on an individual because the latter is present or resides in the territory of the municipality;
- (8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- (9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);

(10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);

(11) a tax in respect of a natural resource;

(12) a tax in respect of energy, in particular electric power; or

(13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

(1) the subject of the tax to be imposed;

(2) the tax rate or the amount of tax payable; and

(3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the municipality.

The by-law referred to in the first paragraph may prescribe

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;

(3) collection fees and fees for insufficient funds;

(4) interest and specific interest rates on outstanding taxes, penalties or fees;

(5) assessment, audit, inspection and inquiry powers;

(6) refunds and remittances;

(7) the keeping of registers;

(8) the establishment and use of dispute resolution mechanisms;

(9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;



(10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and

(11) criteria according to which the rate and the amount of the tax payable may vary.

**“500.2.** The municipality is not authorized to impose a tax under section 500.1 in respect of

(1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act;

(6) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(7) any other person determined by a regulation of the Government.

A tax imposed under section 500.1 does not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).

**“500.3.** Section 500.1 does not limit any other taxation power granted to the municipality by law.

**“500.4.** The use of an enforcement measure established by a by-law adopted under section 500.1 does not prevent the municipality from using any other remedy provided by law to recover the amounts owing under that by-law.

**“500.5.** The municipality may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under section 500.1 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the municipality’s behalf.

**“II.2. — Dues**

**“500.6.** Every municipality may charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction. Dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens’ behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

The first paragraph applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are collected from an applicant referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act and that the dues are used to finance an expense referred to in that subparagraph.

**“500.7.** The decision to charge dues is made by a by-law that must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The municipality shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

**“500.8.** The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

**“500.9.** The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of section 500.1, with the necessary modifications, or on the basis of residency in the municipality’s territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

**“500.10.** The municipality may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

**“500.11.** The municipality is not authorized to charge dues under section 500.6 to a person mentioned in any of subparagraphs 1 to 7 of the first paragraph of section 500.2.

The Government may prohibit the collection of dues under section 500.6 or impose restrictions with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government’s decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.

Dues charged under section 500.6 do not give entitlement to payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation.”

**65.** Section 547 of the Act is amended by striking out the fourth paragraph.

**66.** Section 556 of the Act is amended by inserting the following paragraphs after the second paragraph:

“Likewise, a loan by-law requires only the approval of the Minister if

(1) the object of the by-law is to carry out road construction, drinking water supply or waste water disposal work, work to eliminate a risk for the health or safety of persons, work required to comply with an obligation under an Act or regulation, or any incidental expenditure; and

(2) the repayment of the loan is assured by the general revenues of the municipality or is entirely borne by the owners of immovables in the entire territory of the municipality.

A loan by-law also requires only the approval of the Minister if a subsidy has been granted for at least 50% of the expenditure to be incurred and payment of the subsidy is assured by the Government or one of its ministers or bodies. In such a case, the Minister may, however, require that the loan by-law be submitted for approval to the qualified voters.”

**67.** Section 557 of the Act is amended

(1) by replacing “the following proportion of the qualified voters domiciled in the territory of the municipality:” in the first paragraph by “10% of the number of qualified voters in the territory of the municipality, up to a maximum of 30,000.”;

(2) by striking out subparagraphs 1 to 3 of the first paragraph.

**68.** Section 567 of the Act is amended by replacing subsection 3 by the following subsection:

“(3) A municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan for an amount not exceeding the amount of a subsidy of which payment is assured by the Government or one of its ministers or bodies and for a term corresponding to the payment period of the subsidy.

The by-law’s sole object may be a loan for an amount corresponding to the subsidy and, despite section 544.1, the sums borrowed may be used, in whole or in part, to repay the general fund of the municipality.

For the purposes of the two preceding paragraphs, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% of the subsidy and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued.”

**69.** Section 573.1.0.1 of the Act is amended

(1) by striking out “Subject to section 573.1.0.1.1,” in the first paragraph;

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

“The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

**70.** Section 573.1.0.1.1 of the Act is amended

(1) by replacing “Where a contract for professional services is to be awarded, the council must” in the introductory clause of the first paragraph by “The council may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

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

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

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

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

**71.** The Act is amended by inserting the following section after section 573.1.0.1.1:

**“573.1.0.1.2.** Where a contract for professional services is to be awarded, the council must use the system of bid weighting and evaluating provided for in section 573.1.0.1 or 573.1.0.1.1.”

**72.** Section 573.1.0.5 of the Act is amended

(1) by striking out “to award a contract described in the second paragraph” in the first paragraph;

(2) by striking out the second paragraph;

(3) by replacing “council shall establish a selection committee consisting of at least three members, other than council members; the committee” in the fourth paragraph by “selection committee”;

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

“The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the council to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.”

**73.** Section 573.3 of the Act is amended by replacing the last paragraph by the following paragraph:

“Section 573.1 does not apply to a contract

(1) covered by the regulation in force made under section 573.3.0.1; or

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

**74.** Section 573.3.1.2 of the Act is replaced by the following section:

**“573.3.1.2.** Every municipality must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of subsection 1 of section 573 or in section 573.3.0.2.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, section 573.1 does not apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract on behalf of the municipality, must be permanently published on the website on which the municipality posts the statement and hyperlink required under the second paragraph of section 477.6.

Not later than 30 days after the day on which a by-law is adopted under this section, the clerk must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The municipality shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, section 573.3.4 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law.”

**75.** The Act is amended by inserting the following section after section 573.3.4:

**“573.3.5.** Sections 573 to 573.3.4 apply, with the necessary modifications, to any body that meets one of the following conditions:

(1) it is a body declared by law to be a mandatory or agent of a municipality;

(2) the majority of the members of its board of directors must, under the rules applicable to it, be members of a council of a municipality or be appointed by a municipality;

(3) its budget is adopted or approved by a municipality;

(4) more than half of its financing is assured by funds from a municipality and its annual income is equal to or greater than \$1,000,000; or

(5) it is designated by the Minister as a body subject to those provisions.

In addition, the body that meets one of the conditions set out in the first paragraph is deemed to be a local municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1.

Where, under any of sections 573 to 573.3.4, a municipality is authorized to make by-laws, a body that is not generally authorized to prescribe that a penalty may be imposed for non-compliance with a regulatory provision under its jurisdiction shall adopt, by resolution or by any means it usually employs to make decisions, the measures or provisions covered by the municipality's authorization.

This section does not apply

(1) to a body that an Act makes subject to sections 573 to 573.3.4 of this Act, articles 934 to 938.4 of the *Municipal Code of Québec* (chapter C-27.1), sections 106 to 118.2 of the Act respecting the *Communauté métropolitaine de Montréal* (chapter C-37.01), sections 99 to 111.2 of the Act respecting the *Communauté métropolitaine de Québec* (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01);

(2) to a mixed enterprise company; or

(3) to a body that is similar to a mixed enterprise company and is constituted under a private Act, including the legal persons constituted under chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004.”

**76.** The Act is amended by inserting the following division after section 573.20:

## “DIVISION XI.2

### “DISSEMINATION OF CERTAIN INFORMATION

“**573.20.1.** The Government may, by regulation, determine the information that every municipality is required to disseminate in an open document format on a storage medium so that it can be reused.



The regulation must set out the terms governing the dissemination of such information, which terms may vary according to the different classes of municipalities.”

#### HIGHWAY SAFETY CODE

**77.** Section 329 of the Highway Safety Code (chapter C-24.2) is amended by replacing “, the second paragraph of section 628 or of section 628.1” in the third paragraph by “or the second paragraph of section 628”.

**78.** The Code is amended by inserting the following section after section 500.1:

“**500.2.** Despite sections 499 and 500 of this Code, a municipality may, by by-law, permit free play on a public highway under its management.

The by-law must prescribe

- (1) the zones where free play is permitted;
- (2) any applicable restrictions on traffic and any applicable safety rules;
- (3) the prohibitions respecting free play, if applicable;
- (4) any other condition related to the exercise of that permission.

The municipality must indicate, by means of proper signs or signals, the zones where free play is permitted under the by-law.

The municipality may determine the provisions of the by-law the violation of which constitutes an offence and determine the applicable fines, up to a maximum of \$120.”

**79.** Section 626 of the Code is amended by replacing the third, fourth and fifth paragraphs by the following paragraph:

“Any by-law or ordinance passed under subparagraph 14 of the first paragraph shall, within 15 days after it is passed, be sent to the Minister of Transport. The Minister of Transport may disallow all or part of the by-law or ordinance at any time. In such a case, the by-law or ordinance or the part of either that is disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister shall notify the municipality of his decision as soon as possible.”

**80.** Section 628.1 of the Code is repealed.

**81.** Section 647 of the Code is amended by replacing “paragraphs 4, 5 and 8” in the first paragraph by “subparagraphs 4, 5 and 8 of the first paragraph”.

## MUNICIPAL CODE OF QUÉBEC

**82.** Article 9 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following sentence at the end of the first paragraph: “A municipality may also become surety for a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

**83.** Article 14.1 of the Code is replaced by the following article:

“**14.1.** Every by-law or resolution that authorizes a municipality to enter into a contract, other than a construction contract or an intermunicipal agreement, under which the municipality makes a financial commitment and from which arises, either explicitly or implicitly, an obligation for the other contracting party to build, enlarge or substantially modify a building or infrastructure used for municipal purposes must, on pain of nullity, be submitted to the approval of the qualified voters according to the procedure provided for loan by-laws.”

**84.** The Code is amended by inserting the following article after article 142:

“**142.1.** The council may, by by-law, grant the head of the council the right, at any time, to suspend any officer or employee of the municipality until the next sitting of the council. If the head of the council avails himself of such right, he must report the suspension to the council at that sitting and state the reasons in writing.

The suspended officer or employee is not to receive any salary for the period during which he is suspended, unless the council decides otherwise.”

**85.** Article 148 of the Code is amended by adding the following sentence at the end of the second paragraph: “Any documents useful in making decisions must, barring exceptional situations, be available to the members of the council not later than 72 hours before the time set for the beginning of the sitting.”

**86.** Article 176 of the Code is replaced by the following article:

“**176.** At the end of the fiscal year, the secretary-treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the municipality’s financial statements and any other document or information required by the Minister.

The secretary-treasurer shall also produce a statement fixing the effective aggregate taxation rate of the municipality, in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1), and any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

**87.** Article 176.1 of the Code is amended by replacing the first paragraph by the following paragraph:

“The secretary-treasurer shall, at a sitting of the council, table the financial report, the external auditor’s report referred to in the first paragraph of article 966.2 and any other document whose tabling is prescribed by the Minister.”

**88.** Article 176.2 of the Code is replaced by the following article:

**“176.2.** After the tabling referred to in article 176.1 and not later than 15 May, the secretary-treasurer shall transmit the financial report and the external auditor’s report to the Minister.

The secretary-treasurer shall also transmit the documents and information referred to in the second paragraph of article 176 to the Minister within the time prescribed by the Minister.

If the financial report or the other documents and information referred to in the second paragraph are not transmitted to the Minister within the prescribed time, the Minister may cause them to be prepared, for any period and at the municipality’s expense, by an officer of his department or by a person authorized to act as external auditor for a municipality. If the financial report or the other documents and information are prepared by a person other than an officer of the department, the person’s fees are paid by the municipality unless the Minister decides to make the payment, in which case he may require reimbursement from the municipality.”

**89.** The Code is amended by inserting the following articles after article 176.2:

**“176.2.1.** If, after the transmission referred to in article 176.2, an error is found in the financial report, the secretary-treasurer may make the necessary correction. If the correction is required by the Minister, the secretary-treasurer shall make the correction as soon as possible.

The secretary-treasurer shall table any corrected report at the next regular sitting of the council, and the secretary-treasurer shall give public notice of the tabling at least five days before the sitting.

The secretary-treasurer shall send the corrected report to the Minister as soon as possible.

The first and third paragraphs apply, with the necessary modifications, to the documents and information referred to in the second paragraph of article 176.”

**“176.2.2.** At a regular sitting of the council held in June, the mayor shall make a report to the citizens on the highlights of the financial report and the external auditor’s report.

The mayor’s report shall be disseminated in the territory of the municipality in the manner determined by the council.”

**90.** Article 176.4 of the Code is amended

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

“The secretary-treasurer shall table two comparative statements at the last regular sitting of the council held at least four weeks before the sitting at which the budget for the following fiscal year is to be adopted. During a year in which a general election is held in the municipality, the two comparative statements shall be tabled not later than at the last regular sitting held before the council ceases sitting in accordance with section 314.2 of the Act respecting elections and referendums in municipalities (chapter E-2.2).”;

(2) by striking out the fourth paragraph.

**91.** The Code is amended by inserting the following articles after article 433:

**“433.1.** Subject to the second paragraph of article 433.3, a municipality may, by by-law, determine the terms governing publication of its public notices. These terms may differ according to the type of notice, but the by-law must prescribe their publication on the Internet.

Where such a by-law is in force, the mode of publication that it prescribes has precedence over the mode of publication prescribed by articles 431 to 433 or by any other provision of a general law or special Act.

**“433.2.** A by-law adopted under article 433.1 may not be repealed, but it may be amended.

**“433.3.** The Government may, by regulation, set minimum standards relating to publication of municipal public notices. Different standards may be set for any group of municipalities.

The regulation must prescribe measures that promote the dissemination of information that is complete, that citizens find coherent and that is adapted to the circumstances.

The regulation may also prescribe that the municipalities or any group of municipalities the Government identifies must adopt a by-law under section 433.1 within the prescribed time.

**“433.4.** The Minister may make a regulation in the place of any municipality that fails to comply with the time prescribed in accordance with article 433.3; the regulation made by the Minister is deemed to be a by-law passed by the council of the municipality.”

**92.** Article 445 of the Code is replaced by the following article:

**“445.** The passing of every by-law must be preceded by the tabling of a draft by-law at a sitting of the council and a notice of motion must be given at the same sitting or at a separate sitting.

Every draft by-law may be amended after it has been tabled before the council, without it being necessary to table it again.

However, in the case of a by-law passed by the council of a regional county municipality, the notice of motion and draft by-law may be replaced by a notice given by registered mail to the members of that council. The secretary-treasurer of the regional county municipality shall transmit the notice to the council members at least 10 days before the date of the sitting at which the by-law mentioned in the notice will be considered. He shall post the notice within the same time at the office of the regional county municipality.

The preceding paragraph applies, with the necessary modifications, to by-laws passed by a board of delegates.

The by-law must be passed at a separate sitting from those mentioned in the first paragraph. Not later than two days before that separate sitting, any person may obtain a copy from the person in charge of access to documents for the municipality. That person must make copies available to the public at the beginning of the sitting.

Before the by-law is passed, the secretary-treasurer or the person presiding at the sitting must mention the object, scope and cost of the by-law and, where applicable, the mode of financing and the mode of payment and repayment.”

**93.** Article 595 of the Code is amended by striking out “, except the provisions relating to the minimum amount of remuneration thus fixed,”.

**94.** Article 620 of the Code is amended by inserting “, 105.2.1” after “105.2” in the first paragraph.

**95.** Article 936.0.1 of the Code is amended

- (1) by striking out “Subject to article 936.0.1.1,” in the first paragraph;
- (2) by inserting the following paragraph after the second paragraph:

“The council shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

**96.** Article 936.0.1.1 of the Code is amended

(1) by replacing “Where a contract for professional services is to be awarded, the council must” in the introductory clause of the first paragraph by “The council may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

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

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

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

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

**97.** The Code is amended by inserting the following article after article 936.0.1.1:

**“936.0.1.2.** Where a contract for professional services is to be awarded, the council must use the system of bid weighting and evaluating provided for in article 936.0.1 or 936.0.1.1.”

**98.** Article 936.0.5 of the Code is amended

(1) by striking out “to award a contract described in the second paragraph” in the first paragraph;

(2) by striking out the second paragraph;

(3) by replacing “council shall establish a selection committee consisting of at least three members, other than council members; the committee” in the fourth paragraph by “selection committee”;

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

“The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the council to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.”

**99.** Article 938 of the Code is amended by replacing the last paragraph by the following paragraph:

“Article 936 does not apply to a contract

(1) covered by the regulation in force made under article 938.0.1; or

(2) whose object is the supply of insurance, equipment, materials or services and that is entered into with a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

**100.** Article 938.1.2 of the Code is replaced by the following section:

**“938.1.2.** Every municipality must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of subarticle 1 of article 935 or in article 938.0.2.

The by-law must include

- (1) measures to ensure compliance with any applicable anti-bid-rigging legislation;
- (2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;
- (3) measures to prevent intimidation, influence peddling and corruption;
- (4) measures to prevent conflict of interest situations;
- (5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;
- (6) measures to govern the making of decisions authorizing the amendment of a contract; and
- (7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, article 936 does not apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract on behalf of the municipality, must be permanently published on the website on which the municipality posts the statement and hyperlink required under the second paragraph of article 961.4.

Not later than 30 days after the day on which a by-law is adopted under this article, the secretary-treasurer must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The municipality shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, article 938.4 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law.”



**101.** Article 955 of the Code is repealed.

**102.** Article 956 of the Code is amended by adding the following sentence at the end of the first paragraph: “The draft budget and the draft three-year program of capital expenditures must be available to members of the council as soon as the public notice is given.”

**103.** Article 961.3 of the Code is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph, and is made under a provision of the by-law on contract management adopted under the fourth paragraph of article 938.1.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

**104.** Article 961.4 of the Code is amended by replacing the second paragraph by the following paragraphs:

“The municipality must also publish on its website,

(1) on a permanent basis, a statement concerning the publication requirement under the first paragraph and a hyperlink to the list described in article 961.3; and

(2) not later than 31 January each year, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list shall indicate, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.

If the municipality does not have a website, the statement, hyperlink and list whose publication is required under the second paragraph must be published on the website of the regional county municipality whose territory includes that of the municipality or, if the regional county municipality does not have a website, on another website of which the municipality shall give public notice of the address at least once a year.”

**105.** Article 966.2 of the Code is replaced by the following article:

**“966.2.** The external auditor shall audit, for the fiscal year for which he was appointed, the municipality’s financial statements and report to the council on the audit.

In the report, which shall be transmitted to the secretary-treasurer, the external auditor shall state, in particular, whether the financial statements faithfully represent the municipality's financial position as at 31 December and the results of its operations for the fiscal year ending on that date.

The external auditor shall report to the secretary-treasurer on the audit of any document determined by the Minister of Municipal Affairs, Regions and Land Occupancy and on the audit of the statement fixing the aggregate taxation rate, in respect of which the chief auditor shall declare whether the effective rate was fixed in accordance with Division III of Chapter XVIII.1 of the Act respecting municipal taxation (chapter F-2.1)."

**106.** Article 966.3 of the Code is repealed.

**107.** Article 979.1 of the Code is amended

(1) by inserting "or subcategories" after "certain categories" in the first paragraph;

(2) by inserting the following at the end of the first paragraph: "or subcategories. It may also, in respect of the special tax, fix specific rates for the property tax on the category of non-residential immovables based on the property assessment for the same categories or subcategories of immovables for which it has chosen to apply the measure in respect of the general property tax";

(3) by replacing "4 and 5" in subparagraph 1 of the third paragraph by "4, 5, 6 and 7".

**108.** The Code is amended by inserting the following chapters after article 1000:

#### **"CHAPTER II.1**

#### **"GENERAL TAXATION POWER**

**"1000.1.** Every local municipality may, by by-law, impose a municipal tax in its territory, provided it is a direct tax and the by-law meets the criteria set out in the fourth paragraph.

The municipality is not authorized to impose the following taxes:

(1) a tax in respect of the supply of a property or a service;

(2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;

(3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;

(4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;

(5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;

(6) a tax on wealth, including an inheritance tax;

(7) a tax on an individual because the latter is present or resides in the territory of the municipality;

(8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);

(9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);

(10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);

(11) a tax in respect of a natural resource;

(12) a tax in respect of energy, in particular electric power; or

(13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must state

(1) the subject of the tax to be imposed;

(2) the tax rate or the amount of tax payable; and

(3) how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the municipality.

The by-law referred to in the first paragraph may prescribe

(1) exemptions from the tax;

(2) penalties for failing to comply with the by-law;

- (3) collection fees and fees for insufficient funds;
- (4) interest and specific interest rates on outstanding taxes, penalties or fees;
- (5) assessment, audit, inspection and inquiry powers;
- (6) refunds and remittances;
- (7) the keeping of registers;
- (8) the establishment and use of dispute resolution mechanisms;
- (9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;
- (10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and
- (11) criteria according to which the rate and the amount of the tax payable may vary.

**“1000.2.** The municipality is not authorized to impose a tax under article 1000.1 in respect of

- (1) the State, the Crown in right of Canada or one of their mandataries;
- (2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;
- (3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);
- (4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2);

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act;

(6) a childcare centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(7) any other person determined by a regulation of the Government.

A tax imposed under article 1000.1 does not give entitlement to the payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1).

**“1000.3.** Article 1000.1 does not limit any other taxation power granted to the municipality by law.

**“1000.4.** The use of an enforcement measure established by a by-law adopted under article 1000.1 does not prevent the municipality from using any other remedy provided by law to recover the amounts owing under this chapter.

**“1000.5.** The municipality may enter into an agreement with another person, including the State, for the collection and recovery of a tax imposed under article 1000.1 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the municipality’s behalf.

## **“CHAPTER II.2**

### **“DUES**

**“1000.6.** Every local municipality may charge dues to help fund a regulatory regime applicable to a matter under its jurisdiction. Dues may also be charged with the main goal of furthering achievement of the objectives of the regime by influencing citizens’ behaviour.

Revenues from the dues must be paid into a fund established exclusively to receive them and help fund the regime.

The first paragraph applies subject to sections 145.21 to 145.30 of the Act respecting land use planning and development (chapter A-19.1), to the extent that the dues charged are collected from an applicant for a building or subdivision permit or for a certificate of authorization or occupancy and that the dues are used to finance an expense referred to in subparagraph 2 of the first paragraph of section 145.21 of that Act.

**“1000.7.** The decision to charge dues is made by a by-law that must

- (1) identify the regulatory regime and its objectives;
- (2) specify to whom the dues are to be charged;
- (3) determine the amount of the dues or a way of determining the amount, including any criteria according to which the amount may vary;
- (4) establish the reserve fund and expressly identify the purposes for which the sums paid into it may be used; and
- (5) state how the dues are to be collected.

The by-law may prescribe collection fees and fees for insufficient funds.

The municipality shall send an authenticated copy of the by-law to the Minister of Municipal Affairs, Regions and Land Occupancy within 15 days after its adoption.

**“1000.8.** The dues may be charged only to a person benefiting from the regulatory regime identified in the by-law or carrying on activities that require regulation.

**“1000.9.** The amount of the dues may not be determined on the basis of an element referred to in subparagraphs 2 to 6 or 8 to 12 of the second paragraph of article 1000.1, with the necessary modifications, or on the basis of residency in the municipality’s territory.

Any criterion according to which the amount of the dues may vary must be justified in relation to the objectives of the regulatory regime.

**“1000.10.** The municipality may enter into an agreement with another person, including the State, providing for the collection and recovery of dues and the administration and enforcement of the by-law under which dues are charged.

**“1000.11.** The municipality is not authorized to charge dues under article 1000.6 to a person mentioned in any of subparagraphs 1 to 7 of the first paragraph of article 1000.2.

The Government may prohibit the collection of dues under article 1000.6 or impose restrictions with respect to such collection if it considers that those dues conflict with or duplicate dues that are or may be charged by another public body within the meaning of section 1 of the Act respecting municipal taxation (chapter F-2.1).

The Government’s decision takes effect on the date of its publication in the *Gazette officielle du Québec* or any later date mentioned in the decision.

Dues charged under article 1000.6 do not give entitlement to the payment of an amount determined under Division V of Chapter XVIII of the Act respecting municipal taxation.”

**109.** Article 1061 of the Code is amended by inserting the following paragraphs after the third paragraph:

“Likewise, a loan by-law requires only the approval of the Minister if

(1) the object of the by-law is to carry out road construction, drinking water supply or waste water disposal work, work to eliminate a risk for the health or safety of persons, work required to comply with an obligation under an Act or regulation, or any incidental expenditure; and

(2) the repayment of the loan is assured by the general revenues of the municipality or is entirely borne by the owners of immovables in the entire territory of the municipality.

A loan by-law also requires only the approval of the Minister if a subsidy has been granted for at least 50% of the expenditure to be incurred and payment of the subsidy is assured by the Government or one of its ministers or bodies. In such a case, the Minister may, however, require that the loan by-law be submitted for approval to the qualified voters.”

**110.** The Code is amended by inserting the following article after article 1061:

“**1061.1.** A municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, order a loan for an amount not exceeding the amount of a subsidy of which payment is assured by the Government or one of its ministers or bodies and for a term corresponding to the payment period of the subsidy.

The by-law’s sole object may be a loan for an amount corresponding to the subsidy and, despite article 1063.1, the sums borrowed may be used, in whole or in part, to repay the general fund of the municipality.

For the purposes of the two preceding paragraphs, the amount of the loan is deemed not to exceed that of the subsidy if the amount by which the former exceeds the latter is not greater than 10% of the subsidy and corresponds to the amount needed to pay the interest on the temporary loan contracted and the financing expenses related to the securities issued.”

**111.** Article 1062 of the Code is amended

(1) by replacing “the following proportion of qualified voters domiciled in the territory of the municipality:” in the first paragraph by “10% of the number of qualified voters in the territory of the municipality, up to a maximum of 30,000.”;

(2) by striking out subparagraphs 1 to 3 of the first paragraph.

**112.** Article 1072 of the Code is amended by striking out the fourth paragraph.

**113.** Article 1093.1 of the Code is repealed.

**114.** The Code is amended by inserting the following title after article 1104.8:

**“TITLE XXVIII.2**

**“DISSEMINATION OF CERTAIN INFORMATION**

**“1104.9.** The Government may, by regulation, determine the information that every municipality is required to disseminate in an open document format on a storage medium so that it can be reused.

The regulation must set out the terms governing the dissemination of such information, which terms may vary according to the different classes of municipalities.”

**ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE  
MONTREAL**

**115.** Section 105.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph, and is made under a provision of the by-law on contract management adopted under the fourth paragraph of section 113.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

**116.** Section 105.3 of the Act is amended by adding the following paragraph at the end:

“The Community must also post on its website, not later than 31 January, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”



**117.** Section 109 of the Act is amended

- (1) by striking out “Subject to section 109.1,” in the first paragraph;
- (2) by inserting the following paragraph after the second paragraph:

“The Community shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

**118.** Section 109.1 of the Act is amended

- (1) by replacing “Where a contract for professional services is to be awarded, the Community must” in the introductory clause of the first paragraph by “The Community may”;

- (2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

- (3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

- (4) by replacing the second paragraph by the following paragraph:

“The call for tenders or a document to which it refers must

- (1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

- (2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

- (3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

- (5) by replacing the third paragraph by the following paragraph:

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received

the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

**119.** The Act is amended by inserting the following section after section 109.1:

**“109.2.** Where a contract for professional services is to be awarded, the Community must use the system of bid weighting and evaluating provided for in section 109 or 109.1.”

**120.** The Act is amended by inserting the following sections after section 112:

**“112.0.0.1.** If the Community uses a system of bid weighting and evaluating described in section 109, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the Community to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary’s report referred to in section 112.0.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the Community to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who has submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

**“112.0.0.2.** In addition to any publication required under subparagraph 1 of the second paragraph of section 108, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 112.0.0.1.

**“112.0.0.3.** In the case of a call for tenders described in section 112.0.0.1 or 112.0.0.2, the prohibition set out in the eighth paragraph of section 108 applies until the reports referred to in section 112.0.0.8 are tabled.

**“112.0.0.4.** The ninth paragraph of section 108 does not apply to a tender submitted following a call for tenders described in section 112.0.0.1 or 112.0.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the secretary’s report referred to in section 112.0.0.8.

**“112.0.0.5.** If the Community establishes a qualification process described in section 110 to award a single contract under section 112.0.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

**“112.0.0.6.** Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 112.0.0.1 and 112.0.0.2 and the basic elements of the tender.

**“112.0.0.7.** The discussions and negotiations described in sections 112.0.0.1 and 112.0.0.6 are, in the case of the Community, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in the person’s report referred to in section 112.0.0.8.

**“112.0.0.8.** The contract may not be entered into before the secretary of the selection committee and the person referred to in section 112.0.0.7 table their reports before the council.

The report of the person referred to in section 112.0.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

**121.** Section 113.2 of the Act is replaced by the following section:

**“113.2.** The Community must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of section 106 or in section 112.2.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, neither the second paragraph of section 106 nor section 107 apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract, must be permanently published on the Community's website.

Not later than 30 days after the day on which a by-law is adopted under this section, the secretary of the Community must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The Community shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, section 118.2 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law."

**122.** Section 162 of the Act is repealed.

**123.** Section 207 of the Act is replaced by the following section:

**“207.** At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the Community’s financial statements and any other document or information required by the Minister.

The treasurer shall also produce any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

**124.** Section 208 of the Act is replaced by the following section:

**“208.** The treasurer shall, at a meeting of the council, table the financial report, the auditor’s report transmitted under section 215 and any other document whose tabling is prescribed by the Minister.”

**125.** Section 209 of the Act is replaced by the following section:

**“209.** After the tabling referred to in section 208 and not later than 15 May, the secretary shall transmit the financial report and the auditor’s report to the Minister and to each municipality whose territory is situated within the territory of the Community.

The secretary shall also transmit the documents and information referred to in the second paragraph of section 207 to the Minister within the time prescribed by the Minister.”

**126.** The Act is amended by inserting the following section after section 209:

**“209.1.** If, after the transmission referred to in section 209, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible. The treasurer shall table any corrected report at the next sitting of the council and the secretary shall transmit it to the Minister and to each municipality referred to in section 209.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 207.”

**127.** Section 210 of the Act is amended by striking out the second paragraph.

**128.** The Act is amended by inserting the following section after section 210:

**“210.1.** At a regular sitting of the council held in June, the chair of the executive committee shall make a report to the citizens on the financial report and the auditor’s report.

The chair’s report shall be disseminated in the territory of the Community in the manner determined by the council.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE  
QUÉBEC

**129.** Section 98.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If the contract involves an expenditure of at least \$25,000 but less than \$100,000, is not referred to in the fourth paragraph and is made under a provision of the by-law on contract management adopted under the fourth paragraph of section 106.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

**130.** Section 98.3 of the Act is amended by adding the following paragraph at the end:

“The Community must also post on its website, not later than 31 January, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. The list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

**131.** Section 102 of the Act is amended

(1) by striking out “Subject to section 102.1,” in the first paragraph;

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

“The Community shall establish a selection committee consisting of at least three members, other than council members; the committee shall evaluate each tender and assign it a number of points for each criterion.”

**132.** Section 102.1 of the Act is amended

(1) by replacing “Where a contract for professional services is to be awarded, the Community must” in the introductory clause of the first paragraph by “The Community may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

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

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price; and

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to final tenders by the selection committee.”;

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

“The council may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender obtained the highest final score, the council shall award the contract to the person who submitted the tender respecting the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

**133.** The Act is amended by inserting the following section after section 102.1:

**“102.2.** Where a contract for professional services is to be awarded, the Community must use the system of bid weighting and evaluating provided for in section 102 or 102.1.”

**134.** The Act is amended by inserting the following sections after section 105:

**“105.0.0.1.** If the Community uses a system of bid weighting and evaluating described in section 102, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

A call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the Community to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents held by public bodies and the protection of personal information.

The selection committee shall evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 105.0.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the Community to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who has submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

**“105.0.0.2.** In addition to any publication required under subparagraph 1 of the second paragraph of section 101, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 105.0.0.1.

**“105.0.0.3.** In the case of a call for tenders described in section 105.0.0.1 or 105.0.0.2, the prohibition set out in the eighth paragraph of section 101 applies until the reports referred to in section 105.0.0.8 are tabled.



**“105.0.0.4.** The ninth paragraph of section 101 does not apply to a tender submitted following a call for tenders described in section 105.0.0.1 or 105.0.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the secretary’s report referred to in section 105.0.0.8.

**“105.0.0.5.** If the Community establishes a qualification process described in section 103 to award a single contract under section 105.0.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

**“105.0.0.6.** Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 105.0.0.1 and 105.0.0.2 and the basic elements of the tender.

**“105.0.0.7.** The discussions and negotiations described in sections 105.0.0.1 and 105.0.0.6 are, in the case of the Community, under the responsibility of a person identified in the call for tenders who may neither be a council member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in the person’s report referred to in section 105.0.0.8.

**“105.0.0.8.** The contract may not be entered into before the secretary of the selection committee and the person referred to in section 105.0.0.7 table their reports before the council.

The report of the person referred to in section 105.0.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

**135.** Section 106.2 of the Act is replaced by the following section:

**“106.2.** The Community must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of section 99 or in section 105.2.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, neither the second paragraph of section 99 nor section 100 apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract, must be permanently published on the Community's website.

Not later than 30 days after the day on which a by-law is adopted under this section, the secretary of the Community must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The Community shall table a report on the application of the by-law at least once a year at a sitting of the council.

As regards non-compliance with a measure included in the by-law, section 111.2 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law."

**136.** Section 154 of the Act is repealed.

**137.** Section 194 of the Act is replaced by the following section:

**"194.** At the end of the fiscal year, the treasurer shall draw up the financial report for that fiscal year and certify that it is accurate. The report must include the Community's financial statements and any other document or information required by the Minister.

The treasurer shall also produce any other document or information required by the Minister.

The Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs.”

**138.** Section 195 of the Act is replaced by the following section:

“**195.** The treasurer shall, at a meeting of the council, table the financial report, the auditor’s report transmitted under section 202 and any other document whose tabling is prescribed by the Minister.”

**139.** Section 196 of the Act is replaced by the following section:

“**196.** After the tabling referred to in section 195 and not later than 15 May, the secretary shall transmit the financial report and the auditor’s report to the Minister and to each municipality whose territory is situated within the territory of the Community.

The secretary shall also transmit the documents and information referred to in the second paragraph of section 194 to the Minister within the time prescribed by the Minister.”

**140.** The Act is amended by inserting the following section after section 196:

“**196.1.** If, after the transmission referred to in section 196, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister, the treasurer shall make the correction as soon as possible. The treasurer shall table any corrected report at the next sitting of the council and the secretary shall transmit it to the Minister and to each municipality referred to in section 196.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 194.”

**141.** The Act is amended by inserting the following section after section 197:

“**197.1.** At a regular sitting of the council held in June, the chair of the executive committee shall make a report to the citizens on the financial report and the auditor’s report.

The chair’s report shall be disseminated in the territory of the Community in the manner determined by the council.”

## MUNICIPAL POWERS ACT

**142.** The Municipal Powers Act (chapter C-47.1) is amended by inserting the following section after section 91:

**“91.1.** A local municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under the first paragraph.”

**143.** Section 92.1 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The value of the assistance that may be granted in this way for all of the beneficiaries may not exceed, per fiscal year, \$300,000 for Ville de Montréal and for Ville de Québec and \$250,000 for any other municipality.”

**144.** Section 92.2 of the Act is amended by replacing the first paragraph by the following paragraphs:

“Only a person that operates a private-sector enterprise for profit or a cooperative that owns or occupies an immovable included in a unit of assessment listed under one of the headings that the Minister, by regulation, determines from among those in the manual referred to in the Regulation respecting the real estate assessment roll made under paragraph 1 of section 263 of the Act respecting municipal taxation (chapter F-2.1) is eligible for the tax credit provided for in the first paragraph of section 92.1.

Any regulation made by the Minister under the first paragraph comes into force on 1 January of the year following the year it is made.

A person that, under the program adopted by the municipality under section 92.1, has an effective right to a tax credit for one or more particular municipal fiscal years does not lose that right, for those fiscal years, solely because a regulation of the Minister comes into force.”

**145.** The Act is amended by inserting the following section after section 123:

**“123.1.** A regional county municipality may grant assistance to any solidarity cooperative whose articles include a clause prohibiting the allotment of rebates or the payment of interest on any category of preferred shares unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

**146.** Section 125 of the Act is amended

- (1) by replacing the first two paragraphs by the following paragraphs:

“A regional county municipality may establish an investment fund intended to provide financial support to enterprises in a start-up or developmental phase and give or lend money to such a fund.

The fund must be administered by the regional county municipality or by a non-profit body established for that purpose.”;

(2) by adding the following sentences at the end of the third paragraph: “The regional county municipality may entrust to a committee it establishes for that purpose, composed of representatives of the business community and any other civil society stakeholder it deems relevant, the selection of beneficiaries of financial assistance that may be granted in accordance with the rules it determines. The regional county municipality establishes the committee’s mode of operation.”

**ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES****147.** Section 2 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended

(1) by replacing “to calculate the duties on the transfer of an immovable situated entirely within its territory, Ville de Montréal” in the third paragraph by “a municipality”;

(2) by adding the following sentence at the end of the third paragraph: “A rate set under this paragraph may not, except in the case of Ville de Montréal, exceed 3%.”;

- (3) by adding the following paragraph after the third paragraph:

“In the case of the transfer of an immovable situated in the territory of more than one municipality and in respect of which, under the third paragraph, different rates are applicable to a given part of the basis of imposition, the rate established by each municipality applies only to the portion of the part that corresponds to the portion of the basis of imposition attributable to the territory of each municipality.”

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

**“2.1.** Each of the amounts establishing the parts of the basis of imposition provided for in the first paragraph of section 2 shall be indexed annually. The indexation shall consist in increasing the amount applicable for the preceding fiscal year by a percentage corresponding to the rate of increase, according to the Institut de la statistique du Québec, of the all-items Consumer Price Index for Québec.

That rate is established by

(1) subtracting the index established for the third year preceding the fiscal year concerned from the index established for the second year preceding that fiscal year; and

(2) dividing the difference obtained under subparagraph 1 by the index established for the third year preceding the fiscal year concerned.

If the indexation results in a number that includes tens or units, those tens and units are not considered and, if those tens and units would have represented a number greater than 49, the result is rounded up to the nearest hundred.

If an increase is impossible for the fiscal year concerned, the amount applicable for that fiscal year shall be equal to the amount applicable for the preceding fiscal year.

Not later than 31 July before the beginning of the fiscal year concerned, the Minister of Municipal Affairs, Regions and Land Occupancy shall publish a notice in the *Gazette officielle du Québec*

(1) stating the percentage corresponding to the rate of increase used to establish any amount applicable for that fiscal year or, as the case may be, stating that an increase is impossible for that fiscal year; and

(2) stating any amount applicable for that fiscal year.”

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

(1) by inserting “, after the portion referred to in the second paragraph is deducted, if applicable,” after “shall be shared”;

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

“However, any portion of the duties resulting from the application of a rate in accordance with the third paragraph of section 2 belongs of right to the municipality in whose territory the rate is applicable.”

**ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES**

**150.** Section 305 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by inserting “a solidarity cooperative,” after “(chapter A-2.1),” in paragraph 2.1;

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

“For the purposes of subparagraph 2.1 of the first paragraph, a solidarity cooperative is a solidarity cooperative whose articles include a clause prohibiting the allotment of rebates and the payment of interest on any category of preferred shares, unless the rebate is allotted or the interest is paid to a municipality, the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales (FQM).”

**151.** Section 553 of the Act is amended by replacing subparagraphs 2 to 4 of the first paragraph by the following subparagraph:

“(2) the lesser of 30,000 and the number obtained by adding 13 to the number corresponding to 10% of the qualified voters beyond the first 25, where there are over 25.”

#### ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

**152.** Section 34 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) is amended by adding “and a draft by-law” at the end of the second paragraph.

**153.** Section 85 of the Act is amended by inserting “otherwise than under section 500.1 of the Cities and Towns Act (chapter C-19) or article 1000.1 of the Municipal Code of Québec (chapter C-27.1)” at the end of the first paragraph.

**154.** Section 97 of the Act is repealed.

**155.** The Act is amended by inserting the following section after section 99.1:

“**99.2.** The urban agglomeration may, by a by-law subject to the right of objection provided for in section 115, exercise the power granted under section 500.6 of the Cities and Towns Act (chapter C-19) or article 1000.6 of the Municipal Code of Québec (chapter C-27.1), as the case may be.”

**156.** Section 115 of the Act is amended

(1) by replacing “or 85” in the first paragraph by “, 85 or 99.2”;

(2) by inserting “and a draft by-law” after “motion” in the last paragraph.

**157.** Section 118.10 of the Act is amended by inserting “99.2,” after “69,”.

**158.** Section 118.12 of the Act is amended by inserting “99.2,” after “69,”.

**159.** Section 118.39 of the Act is amended by inserting “, 99.2” after “69”.

**160.** Section 118.95 of the Act is amended by inserting “99.2,” after “69,”.

**161.** Section 139 of the Act is amended by striking out “, including the application of the minimum and maximum set out in the Act respecting the remuneration of elected municipal officers (chapter T-11.001)” in subparagraph 1 of the first paragraph.

#### ACT RESPECTING MUNICIPAL TAXATION

**162.** The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 71:

“**71.1.** If a municipality, by resolution of its council adopted before the roll is deposited in accordance with section 70 and not later than 15 September, has expressed its intention to establish subcategories of immovables within the category of non-residential immovables in accordance with section 244.64.1 and following,

(1) the roll that the assessor deposits at the office of the clerk in accordance with section 70 is a preliminary roll;

(2) section 71 does not apply to the deposit of that preliminary roll;

(3) the resolution adopted under section 244.64.1 may only be adopted after the preliminary roll is deposited at the office of the clerk; and

(4) the definitive roll must be deposited at the office of the clerk not later than 1 November.

Only alterations to register subcategories in the roll may be made to the preliminary roll in order to establish the definitive roll.

A resolution referred to in the first paragraph and adopted after the roll is deposited in accordance with section 70 is without effect.”

**163.** Section 72 of the Act is amended by replacing all occurrences of “70 or 71” by “70, 71 or 71.1”.

**164.** Section 244.39 of the Act is amended by replacing “projected aggregate taxation” in the second paragraph by “basic”.

**165.** Section 244.40 of the Act is amended

(1) by replacing “3” in the first paragraph by “4.1 in the case of a municipality having a population of less than 5,000 inhabitants and whose territory is not included in an urban agglomeration, provided for in Title II of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), having a total population of more than 5,000 inhabitants, and 4.4 in all other cases”;



(2) by replacing “3.7” in subparagraphs 2 to 5 of the second paragraph by “4.8”;

(3) by replacing “3.4” in subparagraphs 6 to 9 of the second paragraph by “4.45”;

(4) by adding the following subparagraphs at the end of the second paragraph:

“(10) in the case of Ville de Terrebonne: 4.45; and

“(11) in the case of any municipality whose territory is included in the Communauté maritime des Îles-de-la-Madeleine: 4.8.”

**166.** Section 244.43 of the Act is amended

(1) by replacing “70” in the second paragraph by “66.6”;

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

“The rate specific to the category of industrial immovables shall not exceed 133.3% of the rate specific to the category of non-residential immovables nor the product obtained by multiplying the municipality’s basic rate by the coefficient applicable under section 244.44.”;

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

“For the purposes of the third paragraph, if subcategories are established in accordance with subdivision 6 of this division, a reference to the rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the reference subcategory.”

**167.** Section 244.44 of the Act is replaced by the following section:

**“244.44.** The applicable coefficient is 4.5 in the case of a municipality having a population of less than 5,000 inhabitants and whose territory is not included in an urban agglomeration, provided for in Title II of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), having a total population of more than 5,000 inhabitants, and 5 in all other cases.

However, a municipality whose territory is included in the urban agglomeration of Montréal provided for in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations may, by by-law, determine a coefficient that is greater than the one applicable to it under the first paragraph.”

**168.** Sections 244.45 to 244.45.4 of the Act are repealed.

**169.** Section 244.46 of the Act is amended by replacing the second paragraph by the following paragraph:

“It shall not exceed 133.3% of the basic rate.”

**170.** Sections 244.47 to 244.48.1 of the Act are repealed.

**171.** Section 244.49.0.1 of the Act is amended by replacing “the minimum rate specific to that category” in the second paragraph by “66.6% of that rate”.

**172.** Sections 244.49.0.2 to 244.49.0.4 of the Act are repealed.

**173.** The Act is amended by inserting the following subdivisions after section 244.64:

“§6. — *Rules relating to the establishment of subcategories of immovables within the category of non-residential immovables*

“**244.64.1.** For the purpose of setting, for a given fiscal year, two or more rates specific to the category of non-residential immovables, any local municipality may, in accordance with this subdivision, divide the composition of that category, as provided for in section 244.33, into up to a maximum of four subcategories of immovables, including a reference subcategory.

The resolution establishing the subcategories referred to in the first paragraph must be adopted before the deposit of the roll concerned and may not be amended or repealed after the deposit. It has effect for the purposes of the fiscal years to which the roll applies.

“**244.64.2.** Any criterion for determining the subcategories, other than the reference subcategory, must be based on a characteristic of the non-residential immovables entered on the roll.

The location of an immovable in the territory of a municipality may not be used as a determining criterion.

“**244.64.3.** The composition of the reference subcategory shall vary according to the various assumptions concerning the existence of rates specific to the other subcategories and to the category of industrial immovables.

On the assumption that a rate specific to one or more other subcategories exists, a unit of assessment belongs to the reference subcategory if it does not belong to the subcategory or one of the subcategories, as the case may be, in respect of which the assumption is made.

For the purposes of this subdivision, a unit of assessment that would belong to the category of industrial immovables, on the assumption that a rate specific to that category exists, belongs to the reference subcategory in the event that the assumption is not realized.

**“244.64.4.** Section 57.1.1 applies, with the necessary modifications, to the identification of the units of assessment that belong to the subcategories established by the resolution adopted under section 244.64.1 and the entry of the information required for the purposes of this subdivision. Among the modifications required for the purposes of section 57.1.1, the resolution that must, under the fourth paragraph of that section, be transmitted to the municipal body responsible for assessment is the resolution referred to in the first paragraph of section 71.1 rather than the one referred to in the second paragraph of section 57.1.1.

Any assessment notice sent to a person under this Act must, if applicable, specify the subcategory determined under this subdivision to which the unit of assessment belongs and provide any information required for the purposes of this subdivision regarding that unit.

**“244.64.5.** If a resolution adopted under section 244.64.1 is in force, the municipality may, for a fiscal year to which that resolution applies, set a rate specific to any subcategory determined by that resolution.

**“244.64.6.** The rules in section 244.39 for establishing the rate specific to the category of non-residential immovables apply, with the necessary modifications, to the rate specific to any subcategory.

The rate specific to any subcategory other than the reference subcategory must also be equal to or greater than 66.6% of the rate specific to the reference subcategory and may not exceed 133.3% of that rate.

**“244.64.7.** Section 244.32, the second paragraph of section 244.36.1 and sections 244.50 to 244.58 apply, with the necessary modifications, to the subcategories contemplated in this subdivision and the rates set in accordance with it.

For that application, a reference to a rate specific to the category of non-residential immovables is deemed to be a reference to the rate specific to the subcategory to which the unit of assessment concerned by the application belongs.

However, if a unit of assessment belongs to more than one subcategory or to a combination of more than one category and subcategories and the value of the unit or part of a unit associated with such a combination is less than 25 million dollars, the unit or part, as the case may be, is deemed to belong to the category or subcategory corresponding to the predominant part of its value.

If the value of the unit or part of a unit associated with such a combination is equal to or greater than 25 million dollars, that value shall be divided among the applicable categories and subcategories in proportion to the value of each part representing 30% or more of that value.

**“244.64.8.** If a provision of an Act refers to the category of non-residential immovables, that provision is deemed to refer, with the necessary modifications, to any subcategory established in accordance with this subdivision.

*“§7.—Rules relating to the establishment of separate property tax rates for the category of non-residential immovables based on the property assessment*

**“244.64.9.** The municipality may, rather than set a single rate specific to the category of non-residential immovables, to each subcategory of non-residential immovables or to the category of industrial immovables, set a second, higher rate, applicable beginning only at a certain level of taxable value specified by the municipality.

The second rate may not exceed 133.3% of the first and the product obtained by multiplying the municipality’s basic rate by, in the case of an immovable in the category or a subcategory of non-residential immovables, the coefficient applicable under section 244.40 or, in the case of an immovable within the category of industrial immovables, the coefficient applicable under section 244.44.

However, a second rate may only be applied to a category or subcategory of non-residential immovables if the municipality has adopted a strategy intended to reduce the difference in the tax burden applicable in respect of residential and non-residential immovables.”

**174.** Section 244.69 of the Act is amended by replacing “is” in the first paragraph by “and draft by-law are”.

**175.** Section 253.27 of the Act is amended by adding the following paragraphs at the end:

“The resolution may also specify that the averaging applies only to the units of assessment belonging to

- (1) the group described in section 244.31; or
- (2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the fourth paragraph,

(1) an immovable described in paragraph 13, 14, 15, 16 or 17 of section 204 is deemed to belong to the group described in subparagraph 2 of that paragraph; and

(2) if a unit belongs to both groups, the averaging applies only to the part of the value of the unit that can be attributed to any category of the group referred to in the resolution.”

**176.** Section 253.28 of the Act is amended by inserting “Subject to the power provided for in the fourth paragraph of section 253.27,” at the beginning of the first paragraph.

**177.** Section 253.37 of the Act is amended by adding the following paragraphs at the end:

“The municipality may, in the by-law, specify that the abatement applies only to the units of assessment belonging to

(1) the group described in section 244.31; or

(2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the fourth paragraph, if a unit belongs to both groups, the abatement shall apply only to the part of the tax associated with any category of the group referred to in the by-law.”

**178.** Section 253.53 of the Act is amended by adding the following at the end of the second paragraph: “It may, in particular, specify that the surcharge applies only to the units of assessment belonging to

(1) the group described in section 244.31; or

(2) the group comprised of all the units of assessment not included in the group referred to in subparagraph 1.

For the purposes of the second paragraph, if a unit belongs to both groups, the surcharge applies only to the part of the tax associated with any category of the group referred to in the by-law.”

**179.** Section 253.54 of the Act is amended by inserting “244.64.4, 244.64.8,” after “sections” in the third paragraph.

#### ACT ESTABLISHING THE EYYOU ISTCHEE JAMES BAY REGIONAL GOVERNMENT

**180.** Section 40 of the Act establishing the Eeyou Istchee James Bay Regional Government (chapter G-1.04) is amended by replacing “21 to 23” in the first paragraph by “19.1”.

#### ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES, DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

**181.** Section 21.1 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by adding the following paragraph at the end:

“It is the preferred forum for consultation between the Government and the municipal sector.”

**182.** Section 21.2 of the Act is replaced by the following section:

**“21.2.** The Table Québec-municipalités is composed of the Minister, the president of the Fédération québécoise des municipalités locales et régionales (FQM), the president of the Union des municipalités du Québec, the mayor of Ville de Montréal and the mayor of Ville de Québec.

It is chaired by the Minister or the Prime Minister, either of whom may invite any person to participate in the work of the Table.”

**183.** The Act is amended by inserting the following section after section 21.23.1:

**“21.23.2.** Despite sections 197, 201 and 202 of the Act respecting land use planning and development (chapter A-19.1), any decision of the council of a regional county municipality relating to the administration of the sums received from the Fund, including the decision to entrust that administration to the executive committee or a member of that committee or to the general manager, must be made by an affirmative vote of the majority of the members present, regardless of the number of votes granted to them in the order constituting the regional county municipality, and the total of the populations awarded to the representatives who cast the affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.”

#### ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

**184.** Section 3.41.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by replacing “National Capital and National Capital Region” and “national capital and its region” by “Capitale-Nationale Region” and “Capitale-Nationale region”, respectively.

**185.** Section 3.41.5 of the Act is amended by replacing “national capital and its region and help further their” in the first paragraph by “Capitale-Nationale region and help further its”.

#### CULTURAL HERITAGE ACT

**186.** Section 179.1 of the Cultural Heritage Act (chapter P-9.002) is amended

(1) by replacing “in relation to the division, subdivision, redivision or parcelling out of a lot or to the making of a construction, other than the building or erection of an immovable” in the first paragraph by “except those relating to the building or erection of a main building and the total demolition of a building”;

(2) by replacing “as regards the demolition of all or part of an immovable, the erection of a new construction and the excavation of ground, even inside a building, when it is incidental to such demolition or erection work” in the second paragraph by “those relating to the total demolition of a building, the erection of a new main building, the partial demolition of a building in connection with that erection, and the excavation of ground in connection with that erection or with either of those demolitions”;

(3) by inserting the following paragraph after the second paragraph:

“However, Ville de Québec exercises all the Minister’s powers under sections 49, 64 and 65 as regards an intervention it carries out on an immovable it owns.”

**187.** The Act is amended by inserting the following section after section 179.3:

“**179.3.1.** The Minister may make a regulation to define “building” and “main building” for the purposes of section 179.1.”

#### ACT RESPECTING LIQUOR PERMITS

**188.** Section 39 of the Act respecting liquor permits (chapter P-9.1) is amended by replacing “, where required by the municipality in whose territory the establishment is situated, a certificate of occupancy of the establishment issued by the municipality” in subparagraph 3 of the first paragraph by “a certificate issued by the clerk or the secretary-treasurer of the municipality in whose territory the establishment is situated attesting that the establishment complies with the municipal planning by-laws”.

**189.** Section 74 of the Act is amended by replacing the first paragraph by the following paragraph:

“The board shall grant the authorization provided for in section 73, on payment of the duties determined in accordance with the regulations, if

(1) it considers that the activity it authorizes is not likely to disturb public tranquility and that the room or terrace where that activity will take place is arranged in accordance with the standards prescribed for that purpose by regulation; and

(2) the permit holder holds a certificate issued by the clerk or the secretary-treasurer of the municipality in whose territory the establishment is situated attesting that the activity complies with the municipal planning by-laws.”

#### ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

**190.** Section 40 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended

(1) by replacing “it owns” in the second paragraph by “is owned by that legal person, partnership, shareholder or member”;

(2) by inserting “a child of the shareholder or member or for” after “a residence for” in the third paragraph.

**191.** Section 58.5 of the Act is amended by adding the following paragraph at the end:

“An application is also not admissible if it does not meet the conditions for a favourable decision regarding the application of collective scope to which it relates.”

**192.** Section 59.4 of the Act is repealed.

**193.** Section 61.1 of the Act is amended by inserting “In the territory of a community, census agglomeration or census metropolitan area as defined by Statistics Canada,” at the beginning of the first paragraph.

**194.** Section 61.1.1 of the Act is amended by striking out “nor to an application relating to a farm-based tourism activity as determined by regulation under section 80”.

**195.** Section 62 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(11) if applicable, the development plan for the agricultural zone of the regional county municipality concerned.”

**196.** Section 80 of the Act is amended

(1) by striking out paragraph 7.2;

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

“The Government may also, by regulation, determine the cases and circumstances in which the following uses are allowed without the authorization of the commission:

(1) a use ancillary to an agricultural operation or an equestrian centre;

(2) a farm tourism-related use;

(3) a secondary use in a residence or a multigenerational dwelling in a residence; and

(4) land improvements promoting the practice of agriculture.



For the purposes of subparagraph 2 of the second paragraph, “farm tourism” means tourism activity that is complementary to agriculture and carried on on a farm, where tourists or excursionists are received by farm producers, who provide them with information and allow them to discover the farming environment, agriculture and agricultural production.

A regulation made under the second paragraph must also prescribe rules that minimize the impact of allowed uses of land on existing agricultural activities and enterprises or their development and on possible agricultural uses of neighbouring lots.”

#### ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

**197.** Section 65 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is replaced by the following section:

“**65.** At the end of the fiscal year, the Network’s treasurer draws up the financial report for that fiscal year and certifies that it is accurate. The report must include the Network’s financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy or the Communauté métropolitaine de Montréal.

The treasurer must also produce any other document or information required by that minister.

That minister may prescribe any rule relating to the documents or information mentioned in the first two paragraphs.”

**198.** The Act is amended by inserting the following section after section 68:

“**68.1.** If, after the activity report is submitted under section 68, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the necessary correction as soon as possible. The treasurer must table any corrected report before the Network’s board of directors and the Network must send it to that Minister, to the Minister of Municipal Affairs, Regions and Land Occupancy and to the Communauté métropolitaine de Montréal.

The first paragraph applies, with the necessary modifications, to the documents and information mentioned in the second paragraph of section 65.”

#### ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**199.** Section 40 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing “section 23” in the third paragraph by “section 19.1”.

**200.** Section 92.2 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

“If a contract involves an expenditure of at least \$25,000 and less than \$100,000, is not referred to in the fourth paragraph and is made in accordance with a provision of the by-law on contract management adopted under the fourth paragraph of section 103.2, the list must mention how the contract was awarded.”;

(2) by replacing “fourth and fifth” and “fifth paragraph” in the last paragraph by “fourth, fifth and sixth” and “sixth paragraph”, respectively.

**201.** Section 92.3 of the Act is amended by adding the following paragraph at the end:

“The transit authority must also post on its website, not later than 31 January, the list of all contracts involving an expenditure exceeding \$2,000 entered into in the last full fiscal year preceding that date with the same contracting party if those contracts involve a total expenditure exceeding \$25,000. That list must state, for each contract, the name of the contracting party, the amount of the consideration and the object of the contract.”

**202.** Section 96 of the Act is amended

(1) by striking out “Subject to section 96.1,” in the first paragraph;

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

“The transit authority shall establish a selection committee of at least three members, other than members of the board of directors; the committee must evaluate each tender and assign it a number of points for each criterion.”

**203.** Section 96.1 of the Act is amended

(1) by replacing “Where a contract for professional services is to be awarded, a transit authority must” in the introductory clause of the first paragraph by “A transit authority may”;

(2) by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

“(2.1) the system must mention, if applicable, all the evaluation criteria and the minimum number of points that must be assigned to each to establish an interim score for a tender;

“(2.2) the system must mention the factor, varying between 0 and 50, to be added to the interim score in the formula in subparagraph *e* of subparagraph 3 for establishing the final score;”;

(3) by replacing “50” in subparagraph *e* of subparagraph 3 of the first paragraph by “the factor determined under subparagraph 2.2”;

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

“The call for tenders or a document to which it refers must

(1) mention all the requirements and all the criteria that will be used to evaluate the bids, in particular the minimum interim score of 70, and the bid weighting and evaluating methods based on those criteria;

(2) specify that the tender is to be submitted in an envelope containing all the documents and an envelope containing the proposed price;

(3) mention which criterion, between the lowest proposed price and the highest interim score, will be used to break a tie in the number of points assigned to the final tenders by the selection committee.”;

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

“The board of directors may not award the contract to a person other than the person who submitted a tender within the prescribed time and whose tender received the highest final score. If more than one tender received the highest final score, the board shall award the contract to the person who submitted the tender that meets the criterion mentioned, in accordance with subparagraph 3 of the second paragraph, in the call for tenders or a document to which it refers.”;

(6) by striking out the fifth paragraph.

**204.** The Act is amended by inserting the following section after section 96.1:

“**96.2.** Where a contract for professional services is to be awarded, a transit authority must use the system of bid weighting and evaluating provided for in section 96 or 96.1.”

**205.** The Act is amended by inserting the following sections after section 99:

“**99.0.1.** If the transit authority uses a system of bid weighting and evaluating described in section 96, it may, in the call for tenders, provide that the opening of tenders will be followed by individual discussions with each tenderer to further define the technical or financial aspects of the project and allow the tenderer to submit a final tender that reflects the outcome of those discussions.

The call for tenders for such contracts must also contain

(1) the rules for breaking a tie in the points assigned to final tenders by the selection committee;

(2) the procedure and the time period, which may not exceed six months, for holding discussions; and

(3) provisions allowing the transit authority to ensure compliance at all times with the rules applicable to it, in particular with respect to access to the documents of public bodies and the protection of personal information.

The selection committee must evaluate each final tender and, for each criterion mentioned in the call for tenders described in the first paragraph, assign points which the secretary of the selection committee shall record in the secretary's report referred to in section 99.0.8.

The Minister of Municipal Affairs, Regions and Land Occupancy may, on the conditions he determines, authorize the transit authority to pay a financial compensation to each tenderer, other than the one to whom the contract is awarded, who submitted a compliant tender. In such a case, the call for tenders must provide for such a payment and may not be published before the Minister has given his authorization.

**“99.0.2.** In addition to any publication required under subparagraph 1 of the second paragraph of section 95, every call for final tenders must be sent in writing to each tenderer referred to in the first paragraph of section 99.0.1.

**“99.0.3.** In the case of a call for tenders described in section 99.0.1 or 99.0.2, the prohibition set out in the eighth paragraph of section 95 applies until the reports referred to in section 99.0.8 are tabled.

**“99.0.4.** The ninth paragraph of section 95 does not apply to a tender submitted following a call for tenders described in section 99.0.1 or 99.0.2.

Such tenders must be opened in the presence of the secretary of the selection committee; the secretary shall record the names of the tenderers and the price of each tender in the secretary's report referred to in section 99.0.8.

**“99.0.5.** If the transit authority establishes a qualification process described in section 97 to award a single contract referred to in section 99.0.1, it may set a limit, which may not be less than three, on the number of suppliers to which it will grant qualification.

**“99.0.6.** Any provision required in order to bring the parties to enter into a contract may be negotiated with the person that obtained the highest score, provided the provision conserves the basic elements of the calls for tenders described in sections 99.0.1 and 99.0.2 and the basic elements of the tender.

**“99.0.7.** The discussions and negotiations described in sections 99.0.1 and 99.0.6 are, in the case of the transit authority, under the responsibility of a person identified in the call for tenders who may neither be a board member nor a member or the secretary of the selection committee. The person shall record the dates and subjects of any discussions or negotiations in the person's report referred to in section 99.0.8.

**“99.0.8.** The contract may not be entered into before the secretary of the selection committee and the person referred to in section 99.0.7 table their reports before the board.

The report of the person referred to in section 99.0.7 must certify that any discussions or negotiations were carried out in compliance with the applicable provisions and that all tenderers were treated equally. The report of the secretary of the selection committee must do likewise with respect to every other step of the tendering process.”

**206.** Section 103.2 of the Act is replaced by the following section:

**“103.2.** Every transit authority must adopt a by-law on contract management.

The by-law is applicable to all contracts, including contracts that are not described in any of the subparagraphs of the first paragraph of section 93 or in section 101.

The by-law must include

(1) measures to ensure compliance with any applicable anti-bid-rigging legislation;

(2) measures to ensure compliance with the Lobbying Transparency and Ethics Act (chapter T-11.011) and the Code of Conduct for Lobbyists (chapter T-11.011, r. 2) adopted under that Act;

(3) measures to prevent intimidation, influence peddling and corruption;

(4) measures to prevent conflict of interest situations;

(5) measures to prevent any other situation likely to compromise the impartiality or objectivity of the call for tenders or the management of the resulting contract;

(6) measures to govern the making of decisions authorizing the amendment of a contract; and

(7) for contracts that involve an expenditure of less than \$100,000 and that may be entered into by mutual agreement, measures to ensure rotation among potential contracting parties.

The by-law may prescribe the rules governing the making of contracts that involve an expenditure of at least \$25,000 but less than \$100,000. The rules may vary according to determined categories of contracts. Where such rules are in force, neither the second paragraph of section 93 nor section 94 apply to those contracts.

The by-law, and any other by-law regarding contract management, in particular any by-law delegating the power to incur an expense or make a contract, must be permanently published on the transit authority's website.

Not later than 30 days after the day on which a by-law is adopted under this section, the secretary of the transit authority must send a certified copy of it to the Minister of Municipal Affairs, Regions and Land Occupancy.

The transit authority shall table a report on the application of the by-law at least once a year at a sitting of the board of directors.

As regards non-compliance with a measure included in the by-law, section 108.2 applies only in the case of a contract for which the contracting process began after the date as of which the measure was included in the by-law."

**207.** Section 136 of the Act is replaced by the following section:

**"136.** At the end of the fiscal year, the treasurer shall draw up the financial report for the past fiscal year and certify that it is accurate. The report must include the financial statements and any other document or information required by the Minister of Municipal Affairs, Regions and Land Occupancy.

The treasurer shall also produce any other document or information required by that Minister.

That Minister may prescribe any rule relating to the documents and information referred to in the first two paragraphs."

**208.** Section 137 of the Act is amended by replacing the second sentence by the following sentence: "The auditor shall send his or her report to the treasurer."

**209.** Section 138 of the Act is replaced by the following section:

**"138.** The treasurer must, at a meeting of the board of directors, table the financial report, the auditor's report sent in accordance with section 137 and any other document the tabling of which is prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy."

**210.** Section 139 of the Act is replaced by the following section:

**"139.** After the tabling referred to in section 138 and not later than 15 April, the secretary shall send the financial report and the auditor's report to the Minister of Municipal Affairs, Regions and Land Occupancy and to the clerk of the city.

The secretary shall also send to that minister, within the time prescribed by the latter, the documents and information referred to in the second paragraph of section 136.”

**211.** The Act is amended by inserting the following section after section 139:

**“139.1.** If, after the sending referred to in section 139, an error is found in the financial report, the treasurer may make the necessary correction. If the correction is required by the Minister of Municipal Affairs, Regions and Land Occupancy, the treasurer must make the necessary correction as soon as possible. The treasurer must table any corrected report before the board of directors and the secretary must send it to that Minister and to the clerk of the city.

The first paragraph applies, with the necessary modifications, to the documents and information referred to in the second paragraph of section 136.”

#### ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

**212.** Section 2 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) is replaced by the following section:

**“2.** The council of a municipality shall, by by-law, fix the remuneration of its mayor or warden and of its other members.

The by-law may only be adopted if the vote of the mayor or warden is included in the two-thirds majority vote, in favour of the by-law, of the members of the council of the municipality.

The by-law may have retroactive effect from 1 January of the year in which it comes into force.

For the purposes of this Act,

(1) “mandatary body of the municipality” means any body declared by law to be a mandatary or agent of the municipality and any body whose board of directors is composed in the majority of members of the council of the municipality and whose budget is adopted by the council of the municipality;

(2) “supramunicipal body” means a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).”

**213.** Sections 2.1 to 2.3 of the Act are repealed.

**214.** Section 4 of the Act is repealed.

**215.** Section 8 of the Act is amended

(1) by replacing “sixth” in subparagraph 4 of the second paragraph by “third”;

(2) by striking out the third paragraph.

**216.** Section 9 of the Act is amended by replacing “basic remuneration or additional” in the first paragraph by “current”.

**217.** Section 11 of the Act is replaced by the following section:

“**11.** The treasurer or secretary-treasurer of a municipality whose by-laws are in force shall include, in the financial report of the municipality, a statement on the remuneration and expense allowance received by each council member from the municipality, a mandatory body of the municipality or a supramunicipal body. That information must also be published on the municipality’s website or, if the local municipality does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.”

**218.** Division II of Chapter II of the Act, comprising sections 12 to 17, is repealed.

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

“Every member of the council of a municipality receives, in addition to any remuneration fixed in a by-law adopted under section 2, an expense allowance of an amount equal to one-half of that remuneration, up to \$16,476.

The amount provided for in the first paragraph must be adjusted on 1 January each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada.

That amount is rounded down to the nearest dollar if it includes a dollar fraction that is less than \$0.50 or up to the nearest dollar if it includes a dollar fraction that is equal to or greater than \$0.50. The Minister of Municipal Affairs, Regions and Land Occupancy shall publish the results of that adjustment in the *Gazette officielle du Québec*.”

**220.** The Act is amended by inserting the following section after section 19:

“**19.1.** If a member of the council of a municipality is entitled to receive an expense allowance from a mandatory body of the municipality or from a supramunicipal body, whether the allowance is referred to as such or by any other name, the maximum provided for in section 19 applies to the aggregate of the allowances the member is entitled to receive from the municipality and from such a body.



If the aggregate of the expense allowances which the member would be entitled to receive is greater than the maximum prescribed, the excess amount is subtracted from the amount the member would be entitled to receive from the mandatory body of the municipality or from the supramunicipal body.

Where the member would be entitled to receive an amount from several bodies, the excess amount is subtracted proportionately from each amount.”

**221.** Section 20 of the Act is repealed.

**222.** Division IV of Chapter II of the Act, comprising sections 21 to 23, is repealed.

**223.** Section 24 of the Act is amended by striking out “or provided for in section 17” in the first paragraph.

**224.** Division VI of Chapter II of the Act, comprising sections 24.1 to 24.4, is repealed.

#### TRANSPORT ACT

**225.** Section 48.27 of the Transport Act (chapter T-12) is repealed.

#### ACT RESPECTING OFF-HIGHWAY VEHICLES

**226.** Section 47.2 of the Act respecting off-highway vehicles (chapter V-1.2) is amended by replacing the last sentence of the third paragraph by the following sentences: “The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of his decision as soon as possible.”

**227.** Section 48 of the Act is amended by replacing “together with a report on the consultation provided for in the preceding paragraphs. The by-law comes into force 90 days after it is passed unless it is the subject of a notice of disallowance published by the Minister in the *Gazette officielle du Québec*” in the fourth paragraph by “. The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of his decision as soon as possible”.

#### ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**228.** Section 40 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1) is amended by replacing “22” in the first paragraph of subsection 2.1 by “19”.

**229.** Section 296.2 of the Act is amended by replacing “22” in the first, second and third paragraphs by “19”.

REGULATION AUTHORIZING THE SIGNING BY A FUNCTIONARY  
OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE  
MINISTÈRE DES TRANSPORTS

**230.** Section 26.1 of the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5) is repealed.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION  
OF MONT-TREMBLANT

**231.** Section 12 of Order in Council 846-2005 dated 14 September 2005 (2005, G.O. 2, 4316), concerning the urban agglomeration of Mont-Tremblant, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**232.** Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**233.** Sections 14 and 15 of the Order in Council are repealed.

**234.** Section 16 of the Order in Council is amended

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

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION  
OF LA TUQUE

**235.** Section 14 of Order in Council 1055-2005 dated 9 November 2005 (2005, G.O. 2, 4958), concerning the urban agglomeration of La Tuque, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**236.** Section 15 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**237.** Sections 16 and 17 of the Order in Council are repealed.

**238.** Section 18 of the Order in Council is amended

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

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION  
OF SAINTE-AGATHE-DES-MONTS

**239.** Section 12 of Order in Council 1059-2005 dated 9 November 2005 (2005, G.O. 2, 4973), concerning the urban agglomeration of Sainte-Agathe-des-Monts, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**240.** Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**241.** Sections 14 and 15 of the Order in Council are repealed.

**242.** Section 16 of the Order in Council is amended

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

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION  
OF MONT-LAURIER

**243.** Section 12 of Order in Council 1062-2005 dated 9 November 2005 (2005, G.O. 2, 4986), concerning the urban agglomeration of Mont-Laurier, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**244.** Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**245.** Sections 14 and 15 of the Order in Council are repealed.

**246.** Section 16 of the Order in Council is amended

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

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

**ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF SAINTE-MARGUERITE-ESTÉREL**

**247.** Section 12 of Order in Council 1065-2005 dated 9 November 2005 (2005, G.O. 2, 4999), concerning the urban agglomeration of Sainte-Marguerite-Estérel, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**248.** Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**249.** Sections 14 and 15 of the Order in Council are repealed.

**250.** Section 16 of the Order in Council is amended

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

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

**ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF COOKSHIRE-EATON**

**251.** Section 12 of Order in Council 1068-2005 dated 9 November 2005 (2005, G.O. 2, 5011), concerning the urban agglomeration of Cookshire-Eaton, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**252.** Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**253.** Sections 14 and 15 of the Order in Council are repealed.

**254.** Section 16 of the Order in Council is amended

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

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION  
OF RIVIÈRE-ROUGE

**255.** Section 12 of Order in Council 1072-2005 dated 9 November 2005 (2005, G.O. 2, 5023), concerning the urban agglomeration of Rivière-Rouge, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**256.** Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**257.** Sections 14 and 15 of the Order in Council are repealed.

**258.** Section 16 of the Order in Council is amended

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

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION  
OF ÎLES-DE-LA-MADELEINE

**259.** Section 12 of Order in Council 1130-2005 dated 23 November 2005 (2005, G.O. 2, 5133), concerning the urban agglomeration of Îles-de-la-Madeleine, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**260.** Section 13 of the Order in Council is amended by striking out “basic or additional” in the second and fourth paragraphs.

**261.** Sections 14 and 15 of the Order in Council are repealed.

**262.** Section 16 of the Order in Council is amended

- (1) by striking out “remuneration or” in the first paragraph;
- (2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

**ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF QUÉBEC**

**263.** Section 18 of Order in Council 1211-2005 dated 7 December 2005 (2005, G.O. 2, 5134A), concerning the urban agglomeration of Québec, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**264.** Section 19 of the Order in Council is amended

- (1) by striking out “basic or additional” in the first sentence of the second paragraph;
- (2) by striking out the second sentence of the second paragraph;
- (3) by striking out “basic or additional” in the fourth paragraph.

**265.** Sections 20 and 21 of the Order in Council are repealed.

**266.** Section 22 of the Order in Council is amended

- (1) by striking out “remuneration or” in the first paragraph;
- (2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

**ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION OF LONGUEUIL**

**267.** Section 19 of Order in Council 1214-2005 dated 7 December 2005 (2005, G.O. 2, 5159A), concerning the urban agglomeration of Longueuil, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**268.** Section 20 of the Order in Council is amended

- (1) by striking out “basic or additional” in the first sentence of the second paragraph;
- (2) by striking out the second sentence of the second paragraph;
- (3) by striking out “basic or additional” in the fourth paragraph.

**269.** Sections 21 and 22 of the Order in Council are repealed.

**270.** Section 23 of the Order in Council is amended

- (1) by striking out “remuneration or” in the first paragraph;
- (2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

ORDER IN COUNCIL CONCERNING THE URBAN AGGLOMERATION  
OF MONTRÉAL

**271.** Section 20 of Order in Council 1229-2005 dated 8 December 2005 (2005, G.O. 2, 5176A), concerning the urban agglomeration of Montréal, is amended by striking out “, despite section 17 of the Act,” in the first paragraph.

**272.** Section 21 of the Order in Council is amended

- (1) by striking out “basic or additional” in the first sentence of the second paragraph;
- (2) by striking out the second sentence of the second paragraph;
- (3) by striking out “basic or additional” in the fourth paragraph.

**273.** Sections 22 and 23 of the Order in Council are repealed.

**274.** Section 24 of the Order in Council is amended

- (1) by striking out “remuneration or” in the first paragraph;

(2) by replacing “remuneration or compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 21 or 22, as the case may be,” in the second paragraph by “compensation that a person would otherwise be entitled to receive from the central municipality only, or from both the central municipality and the reconstituted municipality, exceeds the maximum under section 19”.

#### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**275.** All references to the contract management policy in the following Acts are replaced by a reference to the by-law on contract management:

- (1) the Cities and Towns Act (chapter C-19);
- (2) the Municipal Code of Québec (chapter C-27.1);
- (3) the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- (4) the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02); and
- (5) the Act respecting public transit authorities (chapter S-30.01).

**276.** Despite sections 197, 201 and 202 of the Act respecting land use planning and development (chapter A-19.1), any decision of the council of a regional county municipality relating to the use of amounts paid under the natural resource royalty income sharing program must be made by an affirmative vote of the majority of the members present, regardless of the number of votes granted to them in the order constituting the regional county municipality, and the total of the populations awarded to those representatives who cast affirmative votes must be equal to more than half of the total of the populations awarded to the representatives who voted.

**277.** The public participation policy provided for in section 80.1 of the Act respecting land use planning and development, enacted by section 4, may be adopted as of the date of coming into force of the first regulation made under section 80.3 of that Act, also enacted by section 4.

**278.** All contract management policies adopted under section 573.3.1.2 of the Cities and Towns Act, article 938.1.2 of the Municipal Code of Québec, section 113.2 of the Act respecting the Communauté métropolitaine de Montréal, section 106.2 of the Act respecting the Communauté métropolitaine de Québec and section 103.2 of the Act respecting public transit authorities are deemed to be by-laws on contract management adopted under the same article and sections, as amended by this Act.



This section does not apply to a body that is not generally authorized to prescribe that a penalty may be imposed for non-compliance with a regulatory provision under its jurisdiction.

**279.** Section 92.2 of the Municipal Powers Act (chapter C-47.1), as it read before being amended by section 144, continues to apply until the coming into force of the first regulation made by the Minister under section 92.2, as amended.

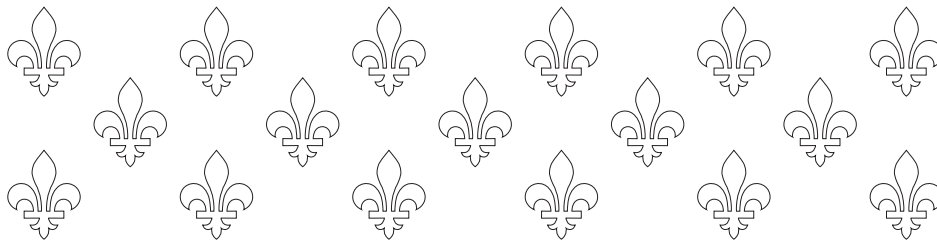
**280.** A by-law adopted under section 2 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) and in force on 1 January 2018 continues to apply until it is amended or replaced under section 2, as amended by section 212.

The remuneration of the members of the council of a municipality that does not have such a by-law is, until the adoption of a by-law under section 2 of that Act, as amended by section 212, the remuneration applicable under sections 12 to 16 of the Act respecting the remuneration of elected municipal officers, as they read before being repealed by section 218, according to the amounts set out in the notice published under section 24.4 of that Act for the 2017 fiscal year.

**281.** Section 264.0.9 of the Act respecting land use planning and development applies to Ville de Sherbrooke despite any provision of the Act respecting Ville de Sherbrooke (2013, chapter 41).

**282.** This Act comes into force on 16 June 2017, except sections 19 to 23, 25 to 28, 31, 32, 34, 36 to 38, 45 to 48, 50 to 53, 57, 58, 61, 64, 74, 75, 86 to 89, 93, 94, 100, 103, 105, 106, 108, 115, 121, 123 to 129, 135, 137 to 141, 161, 180, 197 to 200, 206 to 224, 228, 229, 231 to 275 and 278, which come into force on 1 January 2018.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 132  
(2017, chapter 14)

## **An Act respecting the conservation of wetlands and bodies of water**

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**Introduced 6 April 2017  
Passed in principle 31 May 2017  
Passed 16 June 2017  
Assented to 16 June 2017**

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**Québec Official Publisher  
2017**

## EXPLANATORY NOTES

*This Act proposes to reform the legal framework applicable to wetlands and bodies of water in order to modernize the measures that ensure their conservation.*

*The various Acts amended by the Act reflect the different components of the reform, which concerns land use planning, the planning and integrated management of water resources, the environmental authorization scheme and natural heritage conservation measures.*

*More specifically, the Act to affirm the collective nature of water resources and provide for increased water resource protection is amended to, among other reasons, recognize the ecological functions of wetlands and bodies of water, clarify the role of watershed bodies and regional advisory panels, and give the regional county municipalities and local municipalities required to maintain a land use planning and development plan responsibility for developing and implementing a regional wetlands and bodies of water plan in their respective territories.*

*That Act is further amended to grant the Minister the power to develop and implement programs to promote the restoration and creation of wetlands and bodies of water, and to impose the requirement to file various reports on the evolution of wetlands and bodies of water, in particular with regard to the objective of no net loss.*

*The Natural Heritage Conservation Act is amended to facilitate conservation of certain wetlands and bodies of water through their designation and through the establishment of their boundaries on a plan. The Minister will establish and keep up to date a register of the designated wetlands and bodies of water.*

*The Act inserts a new division on wetlands and bodies of water in the Environment Quality Act. In addition to setting out the special requirements for documenting authorization applications for projects in wetlands and bodies of water, the new provisions are intended to prevent the loss of wetlands and bodies of water and to foster development of projects with minimal impacts on those environments. Compensation measures are also provided for in cases where it is not possible to avoid adverse effects on the ecological functions of*

*wetlands and bodies of water. In general, the compensation will be in the form of a financial contribution, and the amounts collected will be paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State to finance programs the Minister is required to implement to promote the restoration and creation of wetlands and bodies of water.*

*Correlative amendments are made to other Acts. Transitional and final provisions are also included, in particular to specify the terms and implementation deadlines for various measures. The schedule to the Act contains, among other measures, the calculation method to be used, until the regulations come into force, for the compensation amounts payable under the Environment Quality Act.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Act respecting land use planning and development (chapter A-19.1);
- Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2);
- Natural Heritage Conservation Act (chapter C-61.01);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Environment Quality Act (chapter Q-2).



## **Bill 132**

### **AN ACT RESPECTING THE CONSERVATION OF WETLANDS AND BODIES OF WATER**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

**ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER  
RESOURCES AND PROVIDE FOR INCREASED WATER RESOURCE  
PROTECTION**

**1.** The title of the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2) is replaced by the following title:

**“ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER RESOURCES  
AND TO PROMOTE BETTER GOVERNANCE OF WATER AND  
ASSOCIATED ENVIRONMENTS”.**

**2.** The preamble to the Act is amended

(1) by inserting the following paragraphs after the third paragraph:

**“AS the environments associated with water resources make a fundamental contribution, particularly with regard to the quality and quantity of water, the conservation of biodiversity and the fight against climate change;**

**AS it is appropriate to ensure the conservation of such environments, whether to preserve, protect, sustainably use or restore them, or to create new ones;**

**AS it is appropriate to set the objective of no net loss of such environments;”;**

(2) by striking out the fifth and sixth paragraphs;

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

**“AS it is important to promote integrated management of water resources and the environments associated with them in keeping with the principle of sustainable development and considering the support capacity of the wetlands and bodies of water concerned and their watersheds;**

AS the role played by regional county municipalities in land use and in identifying the environments associated with water resources in their territories is fundamental;”.

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

**“3.1.** For the purpose of raising awareness among and educating the Québec public on water and water-related issues, the month of June is proclaimed Water Month.”

**4.** The heading of Division IV of the Act is replaced by the following heading:

“MEASURES RELATED TO GOVERNANCE OF WATER AND ASSOCIATED ENVIRONMENTS”.

**5.** Section 12 of the Act is amended by adding the following paragraph at the end:

“Similarly, “associated environments” means the wetlands and bodies of water described in section 46.0.2 of the Environment Quality Act (chapter Q-2).”

**6.** Section 13 of the Act is amended by replacing the first paragraph by the following paragraph:

“Management of water resources and associated environments in the hydrologic units designated under this division must be based on an integrated, concerted strategy, particularly in the hydrologic unit of outstanding significance that is the St. Lawrence.”

**7.** The Act is amended by inserting the following after section 13:

**“13.1.** The Minister may define major directions for integrated, concerted water resource management.

In addition, the Minister must prepare and submit to the Government the directions and objectives to be pursued to protect wetlands and bodies of water, so as to ensure and enhance the various benefits they bring, in particular by performing the following functions:

(1) acting as a pollution filter, controlling erosion and retaining sediments by, among other things, preventing and reducing surface water and groundwater pollution and sediment input;

(2) acting as a regulator of water levels by retaining meteoric water and meltwater and allowing part of it to evaporate, thereby reducing the risk of flooding and erosion and promoting groundwater recharge;



(3) conserving the biological diversity that enables the wetlands and bodies of water or the ecosystems to provide living species with habitats in which to feed, find cover and reproduce;

(4) acting as a sun screen and natural wind-shield by maintaining vegetation, which prevents excessive warming of water and protects soils and crops from wind damage;

(5) sequestering carbon and mitigating the impacts of climate change; and

(6) protecting the quality of the landscape by preserving the natural character of a site and the attributes of the countryside associated with it, thus enhancing the value of adjacent land.

“§1. — *Boundaries of the hydrologic units*

“**13.2.** The Minister must establish the boundaries of the various hydrologic units, including watersheds, sub-watersheds or any group of watersheds and sub-watersheds, in all or part of the territory, taking into account the following criteria:

(1) the area of the territories included in the hydrologic units;

(2) the territorial limits of Québec, the administrative regions or the regional county municipalities, as the case may be;

(3) population density;

(4) past collaboration and relations between the various users and stakeholders concerned; and

(5) the environmental, social and economic homogeneity of development activities.

“§2. — *Planning for each hydrologic unit*

“**13.3.** Each hydrologic unit must be the subject of planning so as to ensure conservation of the water resource and the environments associated with it.

For that purpose, a watershed body or a regional advisory panel created or designated under subparagraph 3 or 4 of the first paragraph of section 14 must develop a water master plan or an integrated management plan for all or part of the St. Lawrence.

Once such a plan has been developed, government departments and bodies, metropolitan communities, municipalities and Native communities represented by their band council must take it into consideration in exercising their powers and duties.

**“13.4.** A water master plan or an integrated management plan for the St. Lawrence must be established within the framework of a regional and local consultation process.

**“13.5.** The Minister may determine the elements that must be addressed in a water master plan or an integrated management plan for the St. Lawrence, in particular with regard to

- (1) the state of waters and water-dependent natural resources;
- (2) the diagnosis of problems affecting the state and uses of waters and associated environments;
- (3) objectives for the conservation of water resources and the environments associated with them, taking into account the needs of the regional county municipalities concerned and the objectives they may set for themselves in implementing their regional wetlands and bodies of water plan;
- (4) measures to be implemented to meet the objectives; and
- (5) an evaluation of the economic and financial means required to implement the measures.

**“13.6.** A water master plan or an integrated management plan for the St. Lawrence must be approved by the Minister.

It must be the subject of a review and a report, at the intervals and in accordance with the conditions determined by the Minister. A review of the plan and a report on its implementation must be sent to the Minister at least every 10 years, unless another interval is determined.

Any amendment to an approved plan must be sent to the Minister, who may then object to its integration if it does not comply with government policy directions or with the directions established by the Minister.

**“13.7.** An approved water master plan or integrated management plan for the St. Lawrence must be made available by the Minister and the body or panel concerned on their respective websites and by any other means they determine.

A notice of approval must be sent by the body or panel that developed the plan to the government departments and bodies and to the metropolitan communities, municipalities and Native communities represented by their band council whose territory is included, in whole or in part, in the hydrologic unit covered by the plan.”

**8.** Section 14 of the Act is amended, in the first paragraph,

(1) by replacing “For the purposes of section 13, the” in the introductory clause by “The”;

(2) by striking out subparagraph 2;

(3) by replacing “subparagraph 2” in the introductory clause of subparagraph 3 by “section 13.2”;

(4) by inserting, in subparagraph *a* of subparagraph 3,

(a) “watershed” before the first occurrence of “body”;

(b) “for its integrated management zone” after “plan”;

(5) by replacing, in subparagraph *b* of subparagraph 4,

(a) “of a body to” by “of regional advisory panels to”;

(b) “within the body” by “within the panels”;

(6) by inserting “or panel” after “body” in subparagraph 5;

(7) by striking out subparagraph 6;

(8) by replacing “such as informing the public and enlisting its participation, obtaining the Minister’s approval of the plan,” in subparagraph 7 by “including conditions regarding obtaining the Minister’s approval of the plan”;

(9) by adding the following subparagraphs:

“(8) prescribe requirements for watershed bodies and regional advisory panels with regard to public information and participation measures in connection with their activities, as well as their obligations in monitoring the development of a water master plan or an integrated management plan for the St. Lawrence and in monitoring progress in the plan’s implementation; and

“(9) entrust any mandate to a watershed body or a regional advisory panel to, among other reasons, advise the Minister on water governance matters.”

**9.** Section 15 of the Act is replaced by the following:

“§3.—*Regional planning related to wetlands and bodies of water*

**“15.** A regional county municipality must develop and implement a regional wetlands and bodies of water plan for its entire territory, including the waters in the domain of the State, with a view to integrated water management for all watersheds concerned. However, such a plan must not cover other lands in the domain of the State.

Two or more regional county municipalities may agree to develop a joint regional plan. The plan adoption process still applies to each municipality that is a party to the agreement.

**“15.1.** The Minister must prepare, keep up to date and make available a guide for developing the regional wetlands and bodies of water plans.

**“15.2.** The purpose of a regional wetlands and bodies of water plan is, among other things, to identify the wetlands and bodies of water in the territory of a regional county municipality to facilitate better planning of the municipality’s actions and of interventions in the territory, including those relating to the conservation of wetlands and bodies of water due to, in particular, the functions performed by the wetlands and bodies of water in any watershed concerned.

A regional plan must, as a minimum,

(1) identify the wetlands and bodies of water of the territory concerned on the basis of the criteria determined by the Minister and describe the problems that could affect them, and, from among those wetlands and bodies of water, identify

(a) those that are of special conservation interest, so as to preserve their state, specifying by what means their conservation should be ensured;

(b) those that could potentially be restored to improve their state and ecological functions; and

(c) those that should be the subject of measures to regulate the activities likely to be carried out there, so as to ensure the sustainable use of those wetlands and bodies of water;

(2) identify areas where wetlands or bodies of water could potentially be created;

(3) include an action plan containing a list of the interventions proposed for certain wetlands and bodies of water identified and a timeline for carrying them out, which plan must take into account the rights granted by the State under the Mining Act (chapter M-13.1) and the Act respecting hydrocarbons (chapter H-4.2) or the applications filed to obtain such rights; and

(4) include regional plan follow-up and assessment measures.

The plan must also include any other element determined by the Minister.

**“15.3.** To ensure integrated management for each watershed, the regional county municipality must, when developing a regional wetlands and bodies of water plan and as a minimum, consult the watershed bodies and regional advisory panels concerned to take into account their concerns and the elements contained in a water master plan or integrated management plan for the

St. Lawrence. The municipality must also consult the regional environmental councils concerned as well as any other regional county municipality that is responsible for establishing a regional plan applicable to the same watershed.

In addition, the metropolitan community or municipality must also comply with the Government's policy directions and objectives, in particular the objective of no net loss of wetlands and bodies of water.

**“15.4.** A draft regional wetlands and bodies of water plan must be submitted to the Minister for approval, after consultation with the ministers responsible for municipal affairs, agriculture, wildlife, energy and natural resources.

Before approving a draft regional plan, the Minister must make sure that

(1) the plan ensures consistent management of any watershed concerned, in particular by being complementary to any other regional plan concerning the watershed;

(2) the plan's measures encourage achievement of no net loss of wetlands and bodies of water; and

(3) the plan's measures take into account the issues related to climate change and, if applicable, are adapted accordingly.

The Minister may, before approving a draft plan, require the regional county municipality concerned to make any amendment to the plan that the Minister specifies in connection with the principles referred to in the second paragraph.

A regional plan takes effect on being approved or on any later date determined by the regional county municipality concerned.

A notice of the approval must be sent by the Minister to the government departments and bodies. The regional county municipalities concerned must in turn notify the local municipalities and the Native communities represented by their band council whose territory is covered, in whole or in part, by the approved plan.

**“15.5.** A regional county municipality must make sure that its land use planning and development plan is consistent with the regional plan. It must propose any amendment to the land use planning and development plan that is conducive to ensuring such consistency, in accordance with the rules prescribed for that purpose in the Act respecting land use planning and development (chapter A-19.1). The municipality must, in particular, adopt an interim control by-law according to the rules prescribed by that Act for the period preceding the coming into force of its amended land use planning and development plan.

**“15.6.** The approved regional wetlands and bodies of water plan is to be made public by the regional county municipality concerned by the means it deems appropriate.

**“15.7.** The regional wetlands and bodies of water plan must be reviewed every 10 years. For that purpose, the regional county municipalities concerned must send the Minister a report on the implementation of their plan within six months after the 10th anniversary of the plan’s effective date.

The regional plan must be updated as needed during the review process. Any update must be made according to the same rules as those applicable to the initial plan.

#### **“DIVISION IV.1**

##### **“PROGRAM TO PROMOTE THE RESTORATION AND CREATION OF WETLANDS AND BODIES OF WATER**

**“15.8.** To foster achievement of no net loss of wetlands and bodies of water, the Minister must develop and implement one or more programs to restore wetlands or bodies of water and create new ones.

Such a program must take into consideration climate change issues and the relevant elements identified in a water master plan, integrated management plan for the St. Lawrence or regional wetlands and bodies of water plan developed in accordance with this Act.

Such a program must provide for a resource envelope for eligible projects, which is to be established on the basis of the watersheds concerned by the sums received as compensation under the Environment Quality Act (chapter Q-2) that are credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State.

**“15.9.** A program must set out the eligibility criteria for projects to restore and create wetlands and bodies of water, which criteria must, as a minimum, ensure that

(1) priority is given to projects carried out in the territory of the regional county municipality in which the setting will be destroyed or disturbed or in the territory of a watershed all or part of which is included in the municipality’s territory;

(2) projects maintain the surface areas or functions of a watershed’s wetlands and bodies of water or make gains in that regard; and

(3) projects are assessed using equivalence factors with regard to the types of wetlands and bodies of water destroyed or disturbed.

Such a program must also include, but is not limited to,

(1) the eligibility criteria for the persons and bodies, as well as the partnerships and associations not endowed with juridical personality referred to in articles 2186 to 2279 of the Civil Code, that may submit a project;

(2) the eligibility criteria for the costs associated with carrying out the projects;

(3) the objectives and targets to be reached;

(4) the minimum content of the agreements to be entered into to implement the program, which agreements must stipulate the conditions, restrictions and prohibitions applicable to work carried out to restore and create wetlands and bodies of water and the prescribed schedule to carry out the work;

(5) the measures to be put in place to monitor the progress of the projects selected and assess their effectiveness; and

(6) follow-up measures to ensure the sustainability of the restored or created wetlands and bodies of water.

Such a program is established by the Minister, after consulting the other ministers concerned. The program is to be made available on the website of the Minister's department and by any other means the Minister deems appropriate.

**“15.10.** Work to restore and create wetlands and bodies of water carried out under an agreement entered into under a program referred to in section 15.8 is exempted from the requirement to obtain a prior authorization required under the Environment Quality Act (chapter Q-2).

The conditions, restrictions and prohibitions applicable to the work that are set out in the agreement are deemed to be those set out in an authorization issued by the Minister under the Environment Quality Act. Any work not covered by the agreement remains subject to the requirement to be authorized under that Act.

The provisions of the Environment Quality Act that establish the penalties applicable for non-compliance with an authorization issued under that Act apply to work carried out in contravention of the conditions, restrictions and prohibitions applicable to the work. The Minister's powers and orders under Division I of Chapter VI of Title I of that Act, as well as the inspection and investigation powers under Chapter XII of that Act, are also applicable.

This section does not restrict any power or penalty the Minister may exercise or impose under the Environment Quality Act in cases where an activity is carried out in contravention of that Act or the regulations.

**“15.11.** The Minister may, by agreement, delegate management of all or part of a program developed under section 15.8 to a regional county municipality, a Native community represented by its band council, the Kativik Regional Government or the Eeyou Istchee James Bay Regional Government.

In the case of a regional county municipality, the delegation includes the possibility for the municipality to subdelegate to a local municipality whose territory is included in that of the regional county municipality.

The exercise of powers by a delegatee or subdelegatee within the scope of such an agreement is not binding on the State.

**“15.12.** The delegation agreement must, as a minimum, stipulate

(1) the powers delegated and the responsibilities and obligations the delegatee must fulfil;

(2) the objectives and targets to be reached, in particular with regard to efficiency and effectiveness;

(3) the specific rules relating to the contracts the delegatee may award to have work carried out;

(4) the terms governing the data and information to be sent to the Minister, in particular regarding the sites where work is carried out under the program, and the terms governing the conservation of such data and information;

(5) the reports required on the achievement of the objectives and targets set;

(6) the Minister’s oversight measures with regard to the delegatee’s management, and how and when the Minister may intervene if the objectives and targets imposed on the delegatee have not been reached or seem likely not to be reached;

(7) the penalties applicable for failing to meet the obligations stipulated in the delegation agreement; and

(8) the duration of the agreement and the terms and conditions for renewing or terminating it.

Such an agreement is to be made available to the public.

**“15.13.** Any local municipality required to maintain a land use planning and development plan under the Act respecting land use planning and development (chapter A-19.1) on 16 June 2017 must also develop the plan referred to in section 15.

The rules prescribed by this subdivision then apply to the local municipality referred to in the first paragraph, with the necessary modifications.



The possibility of delegating management of a program to a regional county municipality under section 15.11 also applies to the local municipality referred to in the first paragraph.”

**10.** Section 16 of the Act is amended by replacing “in subparagraph 2 of the first paragraph of section 14” in the second paragraph by “in section 13.2”.

**11.** The Act is amended by inserting the following division after section 17:

#### **“DIVISION VI**

#### **“REPORTING**

**“17.1.** In connection with the conservation of wetlands and bodies of water, the Minister must make the following elements available to the public:

(1) the list of the interventions carried out by the municipalities concerned in implementing their regional wetlands and bodies of water plan;

(2) according to the watersheds, sub-watersheds or any other zones the Minister determines, a report on the surface areas of territory where activities authorized under the Environment Quality Act (chapter Q-2) adversely affect wetlands and bodies of water; and

(3) the number of projects chosen under a wetlands and bodies of water restoration and creation program, their characteristics and the surface areas involved.

**“17.2.** Every 10 years, the Minister must produce a report concerning the administration of this Act. The report must concern, in particular,

(1) the implementation of the water master plans and the integrated management plans for the St. Lawrence;

(2) the implementation of the regional wetlands and bodies of water plans;

(3) the implementation of the wetlands and bodies of water restoration and creation programs put in place under this Act, and in particular,

(a) identify the projects chosen;

(b) provide an inventory of the wetlands and bodies of water restored or created under the programs;

(c) present the evolution of amounts received as compensation for adverse effects on wetlands and bodies of water and amounts invested in measures to restore and create them; and

(d) provide the results obtained in relation to climate change issues and the objective of no net loss of wetlands and bodies of water, with a view to assessing equivalency between the wetlands and bodies of water affected and those restored or created, as well as any gains made in degraded watersheds; and

(4) an assessment of the advisability of amending any provisions of this Act.

The Minister must table the report in the National Assembly.”

## CHAPTER II

### NATURAL HERITAGE CONSERVATION ACT

**12.** Section 1 of the Natural Heritage Conservation Act (chapter C-61.01) is amended

(1) by replacing “protect” in the first paragraph by “conserve”;

(2) by inserting “, in particular to meet the needs of present and future generations” at the end of the first paragraph;

(3) by replacing “protection measures” in the second paragraph by “conservation measures”;

(4) by replacing “or bodies” in the second paragraph by “, government bodies or regional authorities”;

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

“In addition, the Act promotes conservation of wetlands and bodies of water and achievement of no net loss of such settings. They constitute very important ecosystems due to their fundamental ecological functions, in particular to regulate water flow during flooding or drought and to fight climate change.

The conservation measures provided for by this Act, including protected areas, constitute a set of measures designed to maintain the natural heritage and the ecosystems it comprises, in particular through their preservation, protection, restoration and sustainable use.”

**13.** Section 2 of the Act is amended by inserting the following definition in alphabetical order:

““wetlands and bodies of water” means the wetlands and bodies of water described in section 46.0.2 of the Environment Quality Act (chapter Q-2).”

**14.** Section 9 of the Act is amended by replacing “within an aquatic reserve, biodiversity reserve or man-made landscape and land set aside for those purposes” in the second paragraph by “within another protected area under the Minister’s administration or that is the subject of another conservation measure under this Act”.

**15.** Section 11 of the Act is amended by replacing “that has been set aside or established as an aquatic reserve, biodiversity reserve, ecological reserve, nature reserve or man-made landscape” in the first paragraph by “conserved as a protected area or that is the subject of another conservation measure under this Act”.

**16.** Section 12 of the Act is amended by replacing “of an aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape” in the first paragraph by “of a protected area under the Minister’s administration or of land that is the subject of another conservation measure under this Act”.

**17.** Section 13 of the Act is amended by replacing the first paragraph by the following paragraphs:

“The Minister may designate certain settings that are remarkable because of the rarity or exceptional interest of one of their biophysical features by establishing their boundaries on a plan.

In the case of wetlands and bodies of water, settings whose qualities correspond to one of the following criteria may also be designated:

(1) the biological diversity and the functions associated with the settings bestow on them significant ecological value that it is necessary to preserve in order, in particular, to contribute to safeguarding their integrity and to take into account climate change issues;

(2) the settings are remarkable at the regional or provincial level because of their integrity, rarity or surface area; or

(3) the settings contribute to public safety and, as a result, to protecting persons and property, in particular against the risks associated with flooding, slumping of banks, landslides or coastal erosion.

Such a designation may also be made for wetlands and bodies of water that have been the subject of an intervention under a wetlands and bodies of water restoration and creation program developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).”

**18.** Section 14 of the Act is replaced by the following sections:

“**14.** Before designating a setting under section 13, the Minister shall consult

(1) the ministers concerned, in particular the ministers responsible for agriculture, wildlife, energy and natural resources in cases involving wetlands and bodies of water;

(2) the municipal authorities concerned, in particular to consider the elements contained in a regional wetlands and bodies of water plan developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);

(3) the Native communities concerned, represented by their band council;

(4) the watershed bodies and regional advisory panels concerned in cases involving wetlands and bodies of water, in particular to consider the elements contained in a water master plan or an integrated management plan for the St. Lawrence developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments;

(5) the regional environmental councils concerned; and

(6) if the setting is located on private land, the owner of the land.

**“14.1.** In evaluating any authorization application filed with the Minister under section 13 with regard to wetlands and bodies of water, the Minister must take into consideration that the designated setting should, in principle, be maintained in its natural state.

For the purposes of the first paragraph, the following interventions are presumed to be incompatible with maintaining the natural state of wetlands and bodies of water:

(1) drainage and pipe work;

(2) clearing and filling activities;

(3) ground preparation work, in particular if it requires stripping, excavation, earthwork or destruction of vegetation cover; and

(4) any other activity determined by government regulation.

Despite the second paragraph, the Government may, by regulation, allow certain activities listed in that paragraph if they are compatible because they comply with certain conditions, restrictions or prohibitions set out in the regulation.”

**19.** Section 18 of the Act is replaced by the following sections:

**“18.** The Minister may amend the boundaries of land that is the subject of such a designation or terminate the designation if, as the case may be,

(1) the boundaries of the land must be reviewed to maintain or safeguard its biodiversity, to take into account climate change issues or to ensure the boundaries are consistent with the land’s characteristics;

(2) the public interest justifies it; or

(3) the reasons that justified the designation no longer exist for all or part of the land concerned.

If the Minister decreases the surface area of designated wetlands and bodies of water or decides to terminate such a designation, the Minister shall, as soon as possible, see to it that other measures to conserve, restore or create wetlands and bodies of water are implemented elsewhere in the territory, as soon as possible, to foster achievement of no net loss of designated wetlands and bodies of water. For that purpose, the Minister shall consider the elements contained in a water master plan, integrated management plan for the St. Lawrence or regional wetlands and bodies of water plan prepared under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).

**“18.1.** The boundaries of designated land are amended or a designation is terminated in the same way the initial designation was made.

The termination of a designation must be published in the *Gazette officielle du Québec* and on the department’s website. Such a decision must be sent to the persons and bodies mentioned in section 14.”

**20.** Section 22 of the Act is amended by replacing subparagraph 1 of the first paragraph by the following subparagraphs:

“(1) the nature of the intervention and any resulting constraints, losses and disturbances affecting the setting;

“(1.1) the ecological characteristics of the setting and its watershed and any human disturbances or pressures being or already experienced by them;

“(1.2) the contribution of the intervention to the cumulative impacts of disturbances in the watershed;”.

**21.** The Act is amended by inserting the following sections after section 22:

**“22.1.** The Minister may refuse to issue an authorization for a project in settings designated on a plan if

(1) the Minister is of the opinion that the project is incompatible with maintaining the natural state of the setting;

(2) the Minister is of the opinion that the mitigation measures proposed by the applicant would not reduce the project’s impacts on the setting to a minimum;

(3) the Minister is of the opinion that the project would have adverse effects on the ecological functions and biodiversity of the setting;

(4) the project is to be carried out in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) for which a plan has been prepared under the Regulation Respecting Wildlife Habitats (chapter C-61.1, r. 18) or in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3); or

(5) the applicant has not provided, within the time determined by the Minister, all the information and documents required for the application to be examined.

**“22.2.** Division II of Chapter VI of Title I of the Environment Quality Act (chapter Q-2) also applies, with the necessary modifications, to applications for authorization and to decisions made under this division.”

**22.** Section 23 of the Act is replaced by the following section:

**“23.** Before making a decision under the second paragraph of section 22 or section 22.1, the Minister shall notify the interested person in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the person at least 15 days to present observations.”

**23.** Section 24 of the Act is amended by replacing “on an application for authorization” in the first paragraph by “under this division”.

**24.** The Act is amended by inserting the following division after section 24:

#### **“DIVISION IV**

##### **“REGISTER**

**“24.1.** The Minister shall publish and keep up to date a register of the designations described in this chapter. For each designated setting, the register must contain, among other information,

- (1) its surface area;
- (2) its geographic location and, if applicable, an indication that all or part of the setting is situated in land in the domain of the State;
- (3) the watershed, sub-watershed or any group of watersheds and sub-watersheds in which it is situated; and
- (4) the date its designation comes into force.”

**25.** Section 70 of the Act is amended

(1) by replacing “Every person” and “in the case of a legal person” in the first paragraph by “Anyone” and “in all other cases”, respectively;

(2) by replacing the introductory clause of the second paragraph by “Anyone who does any of the following is guilty of an offence and is liable to the same penalty.”;

(3) by replacing subparagraph 4 of the second paragraph in the French text by the following subparagraph:

“4° quiconque exerce une activité ou réalise une intervention en contravention avec une ordonnance rendue par le ministre en vertu de la présente loi, ou contrevient autrement à une telle ordonnance;”;

(4) by adding the following paragraph at the end of the second paragraph:

“(5) damages designated wetlands and bodies of water or destroys property forming part of any of them.”

### **CHAPTER III**

#### **ENVIRONMENT QUALITY ACT**

**26.** The preliminary provision of the Environment Quality Act (chapter Q-2), enacted by section 1 of chapter 4 of the statutes of 2017, is amended by adding the following paragraph at the end:

“A further purpose of the Act is to facilitate the implementation of the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement, which was approved by the National Assembly on 30 November 2006.”

**27.** Section 22 of the Act, replaced by section 16 of chapter 4 of the statutes of 2017, is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) any work, structures or other intervention carried out in wetlands and bodies of water referred to in Division V.1;”.

**28.** Section 31.0.3 of the Act, enacted by section 16 of chapter 4 of the statutes of 2017, is amended, in the second paragraph,

(1) by inserting “or safety” after “human health” in subparagraph 2;

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

“(3) the project is to be carried out in an area entered in the register of protected areas provided for in section 5 of the Natural Heritage Conservation Act (chapter C-61.01) or in the register of other conservation measures under that Act provided for in section 24.1 of that Act; or

“(4) the project is to be carried out in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) for which a plan has been prepared under the Regulation Respecting Wildlife Habitats (chapter C-61.1, r. 18) or in the habitat of a threatened or vulnerable species governed by the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3).”

**29.** Section 31.0.6 of the Act, enacted by section 16 of chapter 4 of the statutes of 2017, is amended by inserting “or, in the cases determined by government regulation, within any shorter time limit” after “beginning the activity” in the second paragraph.

**30.** Section 31.74.1 of the Act, enacted by section 45 of chapter 4 of the statutes of 2017, is amended by replacing “1 and 4” by “1 to 4”.

**31.** The Act is amended by inserting the following division after section 46:

#### “DIVISION V.1

##### “WETLANDS AND BODIES OF WATER

“**46.0.1.** The purpose of this division is to foster integrated management of wetlands and bodies of water in keeping with the principle of sustainable development and considering the support capacity of the wetlands and bodies of water concerned and their watersheds.

One objective of this division is to prevent the loss of wetlands and bodies of water and to foster development of projects with minimal impacts on the receiving environment.

In addition, this division requires compensation measures in cases where it is not possible, for the purposes of a project, to avoid adverse effects on the ecological functions and biodiversity of wetlands and bodies of water.

“**46.0.2.** For the purposes of this division, “wetlands and bodies of water” refers to natural or man-made sites characterized by the permanent or temporary presence of water, which may be diffused, occupy a bed or saturate the ground and whose state is stagnant or flowing. If the water is flowing, its flow may be constant or intermittent.



A wetland is also characterized by hydromorphic soils or vegetation dominated by hygrophilous plants.

Wetlands and bodies of water include

(1) lakes and watercourses, including the St. Lawrence Estuary, the Gulf of St. Lawrence and the seas surrounding Québec;

(2) the shores, banks, littoral zones and floodplains of the bodies of water referred to in subparagraph 1, as defined by government regulation; and

(3) marshes, swamps, ponds and peatlands.

Ditches along public or private roads, common ditches and drainage ditches, as defined in subparagraphs 2 to 4 of the first paragraph of section 103 of the Municipal Powers Act (chapter C-47.1), do not constitute wetlands or bodies of water.

**“46.0.3.** In addition to the information and documents required under section 23, every authorization application under subparagraph 4 of the first paragraph of section 22 for a project in wetlands and bodies of water must be accompanied by the following information and documents:

(1) a characterization study of the wetlands and bodies of water concerned signed by a professional within the meaning of section 1 of the Professional Code (chapter C-26) or the holder of a university degree in biology, environmental science or landscape ecology who, where applicable, has the qualifications determined by government regulation, which must include

(a) the boundaries of all of the wetlands and bodies of water affected and their location in the hydrologic system of the watershed;

(b) the boundaries of the portion of those wetlands and bodies of water in which the activity concerned will be carried out, including any additional portion likely to be affected by the activity;

(c) a description of the ecological characteristics of the wetlands and bodies of water, in particular the soil and living species and their location, including threatened or vulnerable species or those likely to be designated as such under the Act respecting threatened or vulnerable species (chapter E-12.01);

(d) a description of the wetlands' and bodies of water's ecological functions that will be affected by the project, based on the various functions listed in the second paragraph of section 13.1 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2), including the wetlands' and bodies of water's connection to other wetlands and bodies of water or other natural environments;

(e) a description of the land use guidelines and designations applicable to the wetlands and bodies of water concerned as well as the existing uses nearby; and

(f) any other element prescribed by government regulation;

(2) a demonstration that there is no space available, for the purposes of the project, elsewhere in the territory included in the regional county municipality concerned or that the nature of the project makes it necessary to carry it out in wetlands and bodies of water; and

(3) the project's impacts on the wetlands and bodies of water concerned and the measures proposed to minimize them.

**“46.0.4.** In addition to the elements set out in section 24 for analyzing the impacts of a project on the quality of the environment, the Minister shall also take into consideration

(1) the ecological characteristics and functions of the wetlands and bodies of water concerned and of the watershed to which they belong as well as the human disturbances or pressures being or already experienced by them;

(2) the possibility of avoiding adverse effects on wetlands and bodies of water in carrying out the project and, where applicable, the spaces available for the project's purposes elsewhere in the territory of the regional county municipality concerned;

(3) the capacity of the wetlands and bodies of water concerned to recover or the possibility of restoring them in whole or in part once the project is completed; and

(4) the elements contained in a water master plan, integrated management plan for the St. Lawrence or regional wetlands and bodies of water plan prepared under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2), and the conservation objectives set out in a metropolitan development plan or in a land use planning and development plan, as applicable.

**“46.0.5.** The issue of the authorization is subject to the payment of a financial contribution, the amount of which is established in accordance with a government regulation, to compensate for adverse effects on the wetlands and bodies of water concerned in the case of the following activities:

(1) drainage and pipe work;

(2) clearing and filling activities;

(3) ground preparation work, in particular if it requires stripping, excavation, earthwork or destruction of vegetation cover; or

- (4) any other activity determined by government regulation.

If a financial contribution is payable, the Minister may allow applicants, at their request and in cases provided for by government regulation, to replace all or part of the payment of the contribution by work carried out to restore or create wetlands and bodies of water, subject to the conditions, restrictions and prohibitions set out in the authorization. In such cases, the Minister shall give priority to work within the watershed where the adversely affected settings are situated.

In all cases, before issuing the authorization, the Minister shall inform applicants of the amount of the financial contribution they will be required to pay.

A financial contribution referred to in this section is paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State established under section 15.4.38 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) and is used to finance a program developed under section 15.8 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).

**“46.0.6.** In addition to the reasons for refusal provided for by other provisions of this Act, the Minister may refuse to issue an authorization for a project in wetlands and bodies of water if

- (1) the applicant has not demonstrated to the Minister's satisfaction that the applicant would, for the purposes of the project, avoid adversely affecting the wetlands and bodies of water;

- (2) the Minister is of the opinion that the mitigation measures proposed by the applicant would not reduce the project's impacts on the wetlands and bodies of water or the watershed to which they belong to a minimum;

- (3) the Minister is of the opinion that the project would have adverse effects on the ecological functions and biodiversity of the wetlands and bodies of water or the watershed to which they belong; or

- (4) the applicant refuses to pay the financial contribution required under the first paragraph of section 46.0.5.

**“46.0.7.** In addition to the information required under section 27, an authorization for a project in wetlands and bodies of water must, if applicable, specify the amount of the financial contribution required to compensate for adverse effects on the wetlands and bodies of water or a description of the work that must be carried out to replace the payment of the contribution as well as the conditions, restrictions or prohibitions applicable to such work.

The second paragraph of section 27 applies to the information required under the first paragraph.

**“46.0.8.** The requirements under this division, including the requirement to pay a financial contribution, if applicable, apply to any application under section 30 to amend an authorization.

**“46.0.9.** The holder of an authorization for a project in wetlands and bodies of water must begin the activity concerned within two years after the authorization is issued or, as applicable, within any other time limit specified in the authorization. Failing that, the authorization is cancelled by operation of law and any financial contribution the holder paid under the first paragraph of section 46.0.5 is reimbursed, without interest, at the expiry of that time.

However, the Minister may, at the holder’s request, maintain the authorization in force for the period and subject to the conditions, restrictions and prohibitions the Minister determines.

**“46.0.10.** Despite the second paragraph of section 31.0.5, in the case of a permanent cessation of an activity in wetlands and bodies of water, the authorization holder is still required to carry out any work required under the second paragraph of section 46.0.5 to compensate for adverse effects on wetlands and bodies of water, in accordance with the conditions, restrictions and prohibitions set out in the authorization.

**“46.0.11.** Sections 46.0.4 and 46.0.6 apply, with the necessary modifications, to the Government when it renders a decision regarding a project in wetlands and bodies of water in the course of the environmental impact assessment and review procedure provided for in subdivision 4 of Division II.

Where applicable, the government authorization determines whether a financial contribution is required under the first paragraph of section 46.0.5 or whether the payment may be replaced, in whole or in part, by work referred to in the second paragraph of that section.

**“46.0.12.** The Government may, by regulation,

(1) determine the applicable elements, scales and methods for assessing damage that a project could cause to wetlands and bodies of water and for determining the amount of the financial contribution required as compensation for the damage;

(2) determine the terms of payment for a financial contribution required under this division and any applicable interest and penalties;

(3) in addition to the cases provided for in this division, determine which situations give rise to reimbursement of a financial contribution paid and the conditions applicable to any reimbursement;

(4) determine the proportion of the financial contribution that can be reduced in cases where a contribution or another type of compensation is required by the minister responsible for wildlife, in particular if an activity is carried out in a wildlife habitat governed by the Act respecting the conservation and development of wildlife (chapter C-61.1);

(5) provide for the cases in which a financial contribution required under this division may be replaced by work carried out to restore or create wetlands and bodies of water and specify the standards applicable to such work;

(6) define any term or expression used in this division; and

(7) exempt, subject to the conditions, restrictions or prohibitions the Government determines, certain activities referred to in the first paragraph of section 46.0.5 from the requirement to pay a financial contribution to compensate for adverse effects on wetlands and bodies of water.”

**32.** Section 86 of the Act is renumbered 118.3.5 and amended by replacing “124” by “118.3.3”.

**33.** Section 115.25 of the Act, amended by section 165 of chapter 4 of the statutes of 2017, is again amended by inserting the following subparagraph after subparagraph 9 of the first paragraph:

“(9.1) fails to carry out any work determined under the second paragraph of section 46.0.5 to replace the payment of a financial contribution or fails to comply with any condition, restriction or prohibition prescribed under that provision;”.

**34.** Section 115.31 of the Act, amended by section 170 of chapter 4 of the statutes of 2017, is again amended by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) fails to carry out any work determined under the second paragraph of section 46.0.5 to replace the payment of a financial contribution or fails to comply with any condition, restriction or prohibition prescribed under that provision;”.

**35.** Section 115.49 of the Act, amended by section 176 of chapter 4 of the statutes of 2017, is again amended by replacing “60 days” by “30 days”.

**36.** Section 118.3.3 of the Act, enacted by section 187 of chapter 4 of the statutes of 2017, is amended by replacing “and the standards established under the second paragraph of section 31.5 prevail” in the first paragraph by “prevails”.

**37.** Section 118.15 of the Act, renumbered by section 132 of chapter 4 of the statutes of 2017, is amended by striking out “, except one provided for under section 115.49,”.

**38.** Section 122.2 of the Act, replaced by section 197 of chapter 4 of the statutes of 2017, is amended by inserting the following paragraph after the first paragraph:

“In addition, the authority who issues an authorization under Title II of this Act may amend the authorization on an application by the holder.”

## CHAPTER IV

### OTHER AMENDING PROVISIONS

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**39.** Section 1 of the Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following paragraph after paragraph 3:

“(3.1) “wetlands and bodies of water” means the wetlands and bodies of water described in section 46.0.2 of the Environment Quality Act (chapter Q-2);”.

**40.** Section 5 of the Act is amended by replacing “riverbanks and lakeshores, littoral zones and floodplains” in subparagraph 4 of the first paragraph by “wetlands and bodies of water”.

**41.** Section 53.13 of the Act is amended by replacing “for lakeshores, riverbanks, littoral zones and floodplains” in the first paragraph by “for wetlands and bodies of water”.

**42.** Section 113 of the Act is amended, in subparagraph 16 of the second paragraph,

(1) by replacing “of a stream or lake” by “of wetlands or bodies of water”;

(2) by replacing “environmental protection regarding riverbanks and lakeshores, littoral zones or floodplains” by “protection of the environment”.

**43.** Section 115 of the Act is amended, in subparagraph 4 of the second paragraph,

(1) by replacing “of a stream or lake” by “of wetlands or bodies of water”;

(2) by replacing “of reasons of public safety or of the environmental protection regarding riverbanks and lakeshores, littoral zones or floodplains” by “for reasons of public safety or of protection of the environment”.

**44.** The Act is amended by replacing the heading of Chapter VIII of Title I by the following heading:

“PROTECTION OF WETLANDS AND BODIES OF WATER”.

**45.** Section 165.2 of the Act is amended by replacing “for lakeshores, riverbanks, littoral zones and floodplains” in the first paragraph by “for wetlands and bodies of water”.

**46.** Section 227.1 of the Act is amended by replacing “of lakeshores, riverbanks, littoral zones or floodplains” by “of wetlands and bodies of water”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT  
DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

**47.** Section 10 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended

(1) by adding “and for seeing to natural heritage conservation, in particular to maintain the ecological functions of the ecosystems that constitute that heritage” at the end of the first paragraph;

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

“The Minister shall also ensure the protection, sustainable use and supervision of the protected areas under the Minister’s responsibility as well as of the other environments that benefit from special conservation measures, in particular wetlands and bodies of water.

The Minister may encourage measures to conserve wetlands and bodies of water, restore those that are degraded or create new ones.”

**48.** Section 15.4.40 of the Act, enacted by section 216 of chapter 4 of the statutes of 2017, is amended by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) the financial contributions collected as compensation for adverse effects on wetlands and bodies of water under the Environment Quality Act (chapter Q-2);”.

**49.** The Act is amended by inserting the following section after section 15.4.41, enacted by section 216 of chapter 4 of the statutes of 2017:

**“15.4.41.1.** The financial contributions referred to in subparagraph 6 of the first paragraph of section 15.4.40 are allocated to the financing of projects eligible for a wetlands and bodies of water restoration and creation program developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).

When such contributions come from projects carried out in the territory of a regional county municipality, priority must be given, when allocating the contributions, to projects carried out in the territory of the regional county municipality or in the territory of the watershed all or part of which is included in the municipality's territory."

**50.** Section 15.4.42 of the Act, enacted by section 216 of chapter 4 of the statutes of 2017, is amended by adding the following paragraph:

"The data under the heading must include

(1) the expenditures and investments debited from the Fund by class of measures to which the Fund is dedicated and, concerning the financing of work to restore and create wetlands and bodies of water, the territory of any regional county municipality and that of any watershed concerned by the measure; and

(2) the nature and evolution of revenues."

## CHAPTER V

### TRANSITIONAL AND FINAL PROVISIONS

**51.** Unless the context indicates otherwise, in any Act, regulation or other document, a reference to the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2) becomes a reference to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments.

**52.** The Minister must publish the guide provided for in section 15.1 of the Act to affirm the collective nature of water resources and provide for increased water resource protection, enacted by section 9, not later than 16 June 2018.

**53.** Regional county municipalities and any other local municipalities required to maintain a land use planning and development plan must send the Minister their first regional wetlands and bodies of water plan not later than 16 June 2022.

In developing such a plan, they must, in particular, take into account the measures carried out in their territory before 16 June 2017 as compensation for carrying out an activity in wetlands and bodies of water and required under the Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water (chapter M-11.4).

A regional plan approved under this section must be made public by the regional county municipality or local municipality concerned.

**54.** The Minister must make public the first program to restore wetlands and bodies of water or create new ones not later than 16 June 2019.



The financing of that first program is ensured through the amounts debited from the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

**55.** The wetlands and bodies of water that were the subject of a compensation measure under the Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water before 16 June 2017 may be designated by the Minister under section 13 of the Natural Heritage Conservation Act (chapter C-61.01).

The same applies to wetlands and bodies of water that are the subject of work to replace the payment of a financial contribution under this chapter.

The rules prescribed in section 14 of the Natural Heritage Conservation Act, replaced by section 18, and in section 15 of that Act do not apply to such a designation.

Subject to the right-of-access restrictions under sections 28, 28.1 and 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Minister must publish, in the register provided for in section 24.1 of the Natural Heritage Conservation Act, enacted by section 24 of this Act, and as of 16 June 2017, the following information relating to the compensation measures referred to in the first and second paragraphs:

- (1) the surface area of territory covered by the measure;
- (2) the geographical location of the territory concerned; and
- (3) an indication of whether it is land in the domain of the State.

**56.** For the purposes of section 46.0.2 of the Environment Quality Act (chapter Q-2), enacted by section 31 of this Act, “shores”, “banks”, “littoral zones” and “floodplains” have the meaning assigned to them by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) until they are defined otherwise by a government regulation referred to in subparagraph 2 of the third paragraph of that section.

**57.** As of 16 June 2017 and until otherwise provided by a government regulation made under section 46.0.12 of the Environment Quality Act, enacted by section 31 of this Act, the issue of authorizations under section 22, 31.75 or 32 of the Environment Quality Act for projects that have adverse effects on wetlands and bodies of water within the meaning of section 46.0.2, enacted by section 31 of this Act, is subject to the payment of a financial contribution calculated in accordance with Schedule I.

For the purposes of the first paragraph, there are adverse effects on a wetland or body of water when the following are carried out:

- (1) drainage and pipe work;
- (2) clearing and filling work; or
- (3) ground preparation work, in particular if it requires stripping, excavation or earthwork or the destruction of vegetation cover.

The second paragraph does not apply to work carried out in connection with a peat extraction project or work to establish or operate a cranberry or blueberry farm. However, on cessation of such activities, the environments affected must be restored to the state they were in before the work began or to a state approaching their original state, according to the conditions set out in the authorization for that purpose.

If a financial contribution or another type of compensation is required by the minister responsible for wildlife, in particular if an activity is carried out in a wildlife habitat governed by the Act respecting the conservation and development of wildlife (chapter C-61.1), the amount of the compensation is deducted from the amount of the financial contribution payable under the first paragraph.

For the purposes of Schedule I, the Minister must make the original version of the map, of which a smaller version appears in that schedule, available to the public on the website of the Minister's department.

The financial contributions referred to in this section are allocated to the financing of projects eligible for a program to restore and create wetlands and bodies of water developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments.

The fourth and fifth paragraphs of section 124 apply, with the necessary modifications, to any municipal by-law relating to the same object as this section.

As of 23 March 2018, for the purposes of the seventh paragraph, the provisions concerned of section 124 become the provisions of section 118.3.3 of the Environment Quality Act, enacted by section 187 of chapter 4 of the statutes of 2017.

**58.** Section 57 does not apply to maintenance work on a watercourse referred to in section 103 of the Municipal Powers Act (chapter C-47.1) or to work carried out in a lake to regulate the water level or maintain the lake bed.

In addition, section 57 does not apply to the issue of an authorization by the Minister under the Environment Quality Act in relation to a project authorized by the Government under section 31.5 of that Act before 16 June 2017.

Nor does section 57 apply to projects subject to the environmental and social impact assessment and review mechanisms and procedures applicable to the James Bay and Northern Québec region, provided for in the Environment Quality Act.

**59.** Authorization applications that were made to the Minister under the Environment Quality Act before 7 April 2017 for a project in a constant or intermittent watercourse, or a lake, pond, marsh, swamp or peatland and that are pending on 16 June 2017 are continued and decided in accordance with the requirements under that Act and under the Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water, as they read the day immediately before that date.

However, such an application may be continued and decided in accordance with the rules under section 60 to the extent that the applicant applies to the Minister not later than 15 August 2017.

**60.** Authorization applications that were made to the Minister under the Environment Quality Act after 6 April 2017 for a project in a constant or intermittent watercourse, or a lake, pond, marsh, swamp or peatland and that are pending on 16 June 2017 are continued and decided in accordance with the following rules:

(1) the applicant must, if applicable, complete the application by sending the documents and information listed in section 46.0.3 of the Environment Quality Act, enacted by section 31, to the Minister not later than 15 August 2017;

(2) the Minister must, in examining the application, take into account the elements listed in section 24 of the Environment Quality Act, replaced by section 16 of chapter 4 of the statutes of 2017, and the elements listed in section 46.0.4 of the Environment Quality Act, enacted by section 31;

(3) the reasons for refusal listed in section 31.0.3 of the Environment Quality Act, enacted by section 16 of chapter 4 of the statutes of 2017, and the reasons listed in section 46.0.6 of the Environment Quality Act, enacted by section 31, apply; and

(4) the applicant must pay the financial contribution required under section 57.

However, despite the first paragraph, if a compensation measure was the subject of a written undertaking by the applicant under section 2 of the Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water and if that undertaking is considered satisfactory by the Minister before 16 June 2017, the applicant remains governed by that Act as it read before that date.

This section does not apply to works and projects referred to in section 58.

**61.** The first paragraph of section 60 also applies to authorization applications made to the Minister under the Environment Quality Act after 16 June 2017 but before 23 March 2018.

**62.** Sections 297 and 298 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) apply to all information and documents provided to the Minister to complete an authorization application in accordance with subparagraph 1 of the first paragraph of section 60.

In addition, the amount of the financial contribution required to compensate for adverse effects on a wetland or body of water referred to in section 59 is public and is available on request.

**63.** Section 46.0.9 of the Environment Quality Act, enacted by section 31, applies, with the necessary modifications, to any authorization issued in accordance with section 60.

**64.** Sections 46.0.4 and 46.0.6 of the Environment Quality Act, enacted by section 31, apply, with the necessary modifications, to the Government as of 16 June 2017 when it renders a decision on a project in a wetland or body of water referred to in the first paragraph of section 57 in the course of the environmental impact assessment and review procedure.

If applicable, the authorization of the Government determines whether a financial contribution is required under section 57 and whether all or part of it can be replaced by work carried out to restore or create wetlands and bodies of water.

**65.** Authorization applications made to the Minister under the Environment Quality Act on or after 23 March 2018 are governed by that Act as it reads on that date.

**66.** Not later than 16 June 2018, the Government must publish a draft regulation in accordance with the Regulations Act (chapter R-18.1) in order to implement the provisions of Division V.1 of Chapter IV of Title I of the Environment Quality Act, enacted by section 31, that relate to compensation for wetlands and bodies of water.

**67.** This Act comes into force on 16 June 2017, except

(1) section 22.2 of the Natural Heritage Conservation Act, enacted by section 21, section 27 and sections 46.0.2 to 46.0.4, the first, third and fourth paragraphs of section 46.0.5 and sections 46.0.6 to 46.0.11 of the Environment Quality Act, enacted by section 31, which come into force on 23 March 2018;

(2) the second paragraph of section 46.0.5 of the Environment Quality Act, enacted by section 31, which comes into force on the date of coming into force of the first regulation made under that paragraph.

**SCHEDULE I**  
(Section 57)

**METHOD FOR CALCULATING A FINANCIAL CONTRIBUTION  
DURING THE TRANSITIONAL PERIOD**

$$AC = C \times SA$$

Where

**AC** = Amount of the contribution required as compensation for the loss of wetlands and bodies of water (WBW)

**C** = Development cost per square metre, calculated as follows:

$$C = cw + vl$$

Where

**cw** = Cost per square metre of work to develop a WBW, calculated on the basis of the portion of the affected wetland or body of water delimited in the characterization study, that is

\$20/m<sup>2</sup>, indexed as prescribed by section 83.3 of the Financial Administration Act (chapter A-6.001)  $\times$  R, where

**R** = Multiplier according to the rarity of WBW per region, as shown on the map below:

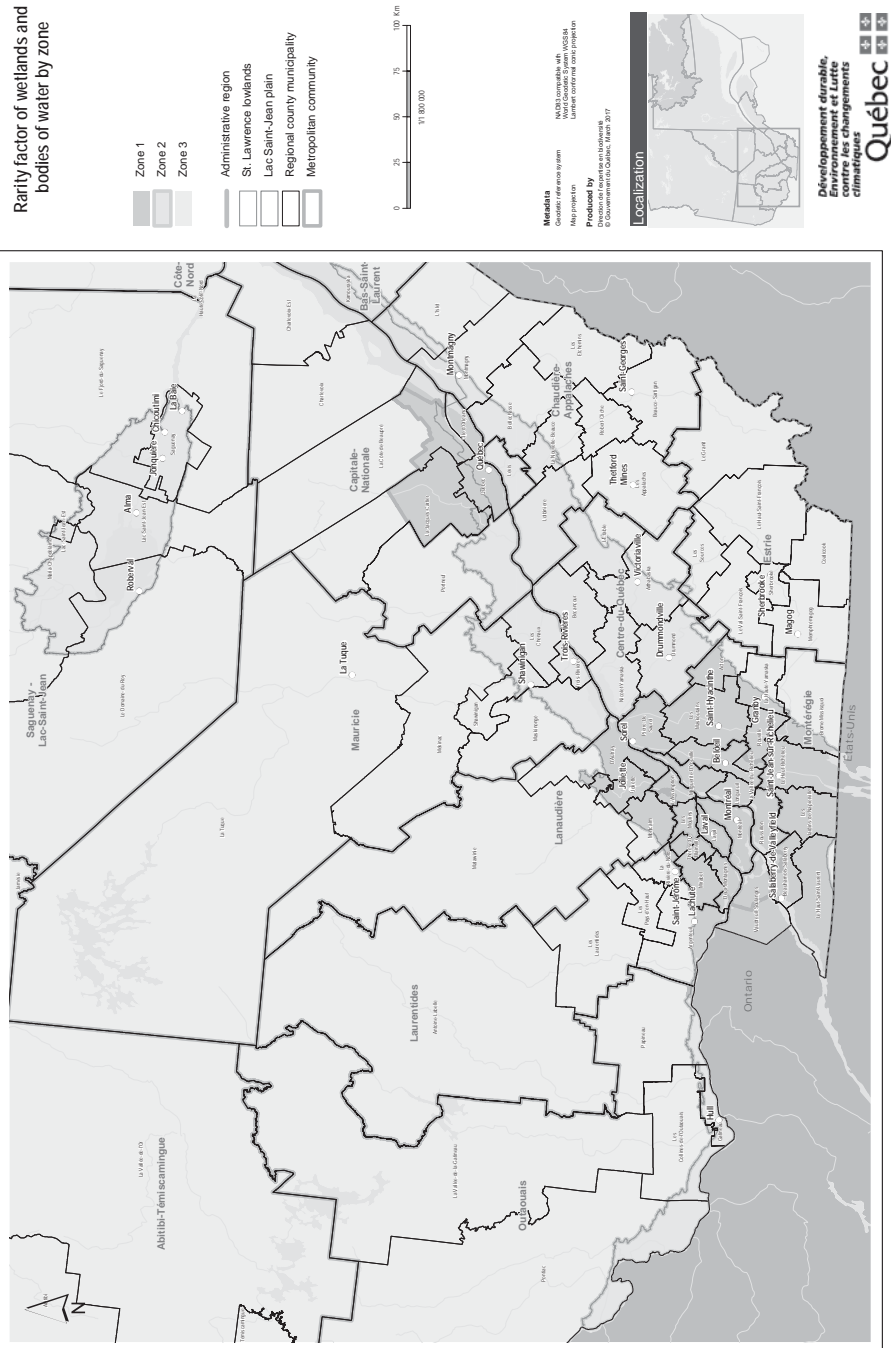
Location of WBW	R
ZONE 1	2
ZONE 2	1.5
ZONE 3	1

**vl** = Value of the land per square metre, that is, the municipal assessment of the land where the affected WBW is located, divided by the surface area of the land or, in the case of lands in the domain of the State, based on the substitution price per square metre prescribed by section 5 of Schedule I to the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7)

**SA** = Area in square metres of the portion of the WBW in which the activity concerned will be carried out, including any additional portion affected by that activity, as delimited in the characterization study

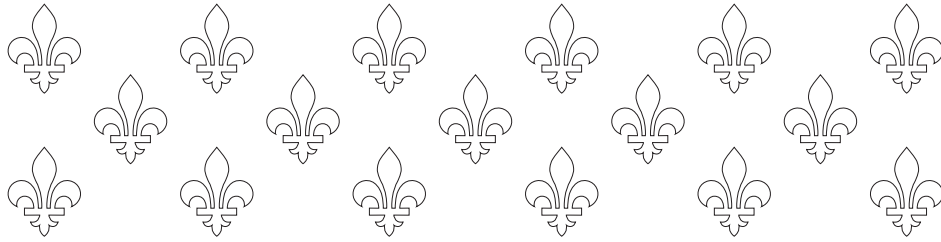
## Map (schedule, R multiplier)

### Rarity factor of wetlands and bodies of water by zone









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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 138  
(2017, chapter 15)

**An Act to amend the Code of Penal  
Procedure and the Courts of Justice Act  
to promote access to justice and the  
reduction of case processing times in  
criminal and penal matters**

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**Introduced 10 May 2017  
Passed in principle 1 June 2017  
Passed 14 June 2017  
Assented to 16 June 2017**

## EXPLANATORY NOTES

*This Act amends the Code of Penal Procedure to make it possible, in the interests of justice and particularly taking into account every person's right to be tried within a reasonable time, for proceedings to be tried and judgment rendered by a judge of any judicial district other than that in which the proceedings were instituted, where the defendant is deemed to have transmitted a plea of not guilty. That Code is also amended so that, in such a case, the proceedings tried and judgment rendered in another judicial district will be deemed to have been tried and rendered in the judicial district in which the proceedings were instituted.*

*The Courts of Justice Act is amended to clarify how concurrent jurisdiction is to be exercised, redefine the territory over which concurrent jurisdiction is to be exercised for the judicial districts of Longueuil and Iberville, and add a concurrent jurisdiction for the judicial districts of Terrebonne and Laval.*

## LEGISLATION AMENDED BY THIS ACT:

- Code of Penal Procedure (chapter C-25.1);
- Courts of Justice Act (chapter T-16).

## Bill 138

### **AN ACT TO AMEND THE CODE OF PENAL PROCEDURE AND THE COURTS OF JUSTICE ACT TO PROMOTE ACCESS TO JUSTICE AND THE REDUCTION OF CASE PROCESSING TIMES IN CRIMINAL AND PENAL MATTERS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CODE OF PENAL PROCEDURE

**1.** Article 187 of the Code of Penal Procedure (chapter C-25.1) is amended by replacing the second paragraph by the following paragraphs:

“Where the defendant is deemed to have transmitted a plea of not guilty, the proceedings may in addition be tried and judgment rendered

(1) by a judge of the judicial district where the place to which the plea and, as the case may be, the amount of the fine and costs are to be sent is situated; or

(2) by a judge of any other judicial district, if the chief judge, the senior associate chief judge or a coordinating judge is of the opinion that such a measure is in the interests of justice, particularly taking into account every person’s right to be tried within a reasonable time.

In the cases described in the second paragraph, the prosecutor may indicate that the proceedings must be tried by a judge of the judicial district where they were instituted.

The proceedings tried and judgment rendered in another judicial district, in accordance with the second paragraph, are deemed to have been tried and rendered in the judicial district where the proceedings were instituted.”

#### COURTS OF JUSTICE ACT

**2.** Section 5.5 of the Courts of Justice Act (chapter T-16) is amended by adding the following paragraph at the end:

“Despite the Territorial Division Act (chapter D-11), the territory over which concurrent jurisdiction is exercised is deemed to be situated in the territory of each judicial district associated with it in accordance with Schedule I.”

**3.** Schedule I to the Act is amended

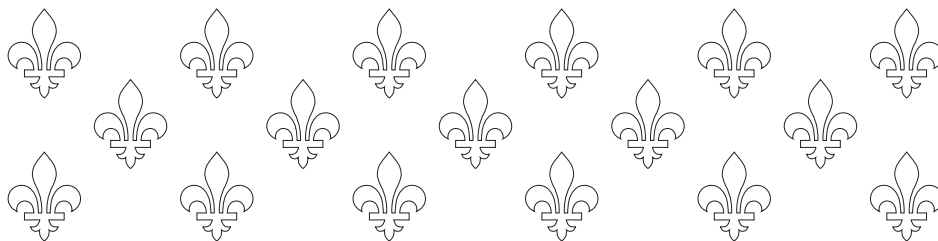
(1) by replacing “Over the territory of the cities or towns of Chambly, Carignan, La Prairie and Saint-Rémi” in the column describing the territory over which concurrent jurisdiction is exercised between the districts of Longueuil and Iberville by “Over the territory of the district of Longueuil”;

(2) by adding the following at the end:

“ Terrebonne and Laval	Over the territory of the municipalities of Pointe-Calumet and Saint-Joseph-du-Lac and the cities or towns of Sainte-Marthe-sur-le-Lac, Saint-Eustache, Deux-Montagnes, Boisbriand, Rosemère, Lorraine, Bois-des-Filion, Sainte-Anne-des-Plaines, Sainte-Thérèse and Terrebonne. ”.
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**4.** The last paragraph of section 5.5 of the Courts of Justice Act, enacted by section 2, is declaratory.

**5.** This Act comes into force on 16 June 2017.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 226

(Private)

**An Act respecting La Société des  
éleveurs de porcs du Québec**

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**Introduced 16 May 2017**

**Passed in principle 16 June 2017**

**Passed 16 June 2017**

**Assented to 16 June 2017**

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**Québec Official Publisher  
2017**



## Bill 226

(Private)

### AN ACT RESPECTING LA SOCIÉTÉ DES ÉLEVEURS DE PORCS DU QUÉBEC

AS La Société des éleveurs de porcs du Québec (the association) was constituted as a legal person under the Act respecting farmers' and dairymen's associations (chapter S-23) in accordance with the authorization given by the Government by Order in Council 1079 dated 24 March 1945 and the notice indicating that the association was formed published in the *Gazette officielle du Québec* on 31 March 1945;

AS the association's main purpose is to bring together its hog-producing members to obtain leverage in negotiating important trade agreements, protect the members' overall interests and promote the genetic improvement of purebred breeding hogs;

AS the association's activities have evolved considerably since its beginnings, with regard to trade negotiations, among other things;

AS the association's juridical form no longer suits the nature of its activities and prevents the association from properly serving its members' interests;

AS, in accordance with section 288 of the Business Corporations Act (chapter S-31.1), a legal person constituted under the laws of Québec or a jurisdiction other than Québec may, if so authorized by the Act governing it, be continued as a corporation under the Business Corporations Act;

AS the Act respecting farmers' and dairymen's associations does not allow such a continuation;

AS it is expedient that the association be governed from now on by the Business Corporations Act;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** La Société des éleveurs de porcs du Québec (the association) may be continued as a corporation governed by the Business Corporations Act (chapter S-31.1) if so authorized by its members.

**2.** Authorization to sign the articles of continuance is given by a resolution that requires at least two-thirds of the votes cast at a meeting of the members.

A certified copy of this resolution must be filed with the articles of continuance.

**3.** On the date and, if applicable, the time shown on the certificate of continuance issued by the enterprise registrar in accordance with section 293 of the Business Corporations Act:

(1) each active member receives 100 common shares;

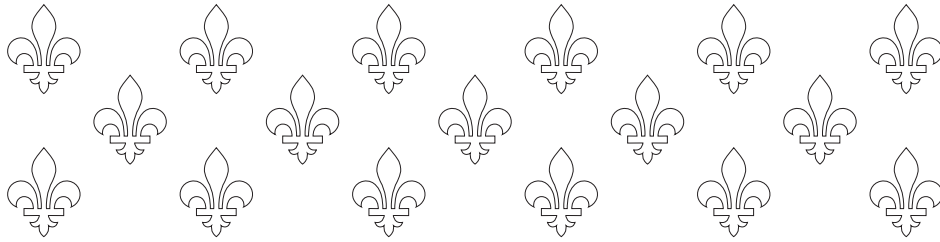
(2) the Act respecting farmers' and dairymen's associations (chapter S-23) ceases to apply to the association.

**4.** Any acts and formalities performed before 16 June 2017 by La Société des éleveurs de porcs du Québec, its members or officers in preparation for the association's continuance are deemed to have been validly performed if they were performed in compliance with the requirements of section 2.

**5.** This Act ceases to have effect one year after the day it is assented to, if the continuation of La Société des éleveurs de porcs du Québec has not yet occurred.

**6.** This Act comes into force on 16 June 2017.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 228

(Private)

## **An Act respecting the co-ownership Le 221 St-Sacrement**

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**Introduced 11 May 2017**

**Passed in principle 16 June 2017**

**Passed 16 June 2017**

**Assented to 16 June 2017**

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**Québec Official Publisher  
2017**



## Bill 228

(Private)

### AN ACT RESPECTING THE CO-OWNERSHIP LE 221 ST-SACREMENT

AS Le 221 St-Sacrement, Limited Partnership acquired lot 1 180 890 of the cadastre of Québec, registration division of Montréal, from MRRM (CANADA) Inc. on 28 February 2005 by the deed of sale signed before notary Charlotte Pinsonnault and registered at the registry office of the registration division of Montréal on 1 March 2005 under number 12 107 739;

AS lot 1 180 890 of the cadastre of Québec was divided and replaced by lots 3 564 490, 3 564 491, 3 564 492 and 3 564 493 of the cadastre of Québec on 20 March 2006 pursuant to a replacement plan to register a horizontal divided co-ownership registered by Éric Deschamps, land surveyor;

AS lot 3 564 492 and part of lot 3 564 490 of the cadastre of Québec were replaced by lot 3 849 700 of the cadastre of Québec and part of lot 3 564 490 of the cadastre of Québec was replaced by lot 3 849 701 on 27 December 2006 pursuant to a replacement plan to register a horizontal divided co-ownership registered by Éric Deschamps, land surveyor;

AS the lots, buildings and annexes were converted to a horizontal divided co-ownership under a declaration of divided co-ownership and servitudes registered at the registry office of the registration division of Montréal on 21 March 2007 under number 14 079 674;

AS Terry J. Kocisko and Elizabeth May Prosen acquired an immovable known and designated as lot 3 564 493 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 23 March 2007;

AS the deed of sale, signed before notary Robert Alain under number 8 835 of his minutes, was registered at the registry office of the registration division of Montréal on 23 March 2007 under number 14 085 994;

AS lot 3 564 491 of the cadastre of Québec was replaced by lots 3 945 204 to 3 945 209 of the cadastre of Québec on 21 June 2007 pursuant to a vertical cadastral plan registered by Éric Deschamps, land surveyor;

AS the immovable erected on lot 3 945 204 located on former lot 3 564 491 was subdivided to form lots 3 945 204 to 3 945 209 and converted to a vertical divided co-ownership under a declaration of divided co-ownership and servitudes registered at the registry office of the registration division of Montréal on 24 July 2007 under number 14 471 749;

AS 222 Hospital Street Trust acquired lots 3 945 205, 3 945 206, 3 945 207 and 3 945 208 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 1 August 2007;

AS the deeds of sale, signed before notary Robert Alain under numbers 9 063, 9 064, 9 065 and 9 066 of his minutes, were registered at the registry office of the registration division of Montréal on 2 August 2007 under numbers 14 494 530, 14 494 528, 14 494 529 and 14 494 531;

AS Kocisko Development Corporation Inc. acquired the land, buildings and annexes known as lot 3 849 700 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 28 December 2007;

AS the deed of sale, signed before notary Robert Alain under number 9 334 of his minutes, was registered at the registry office of the registration division of Montréal on 28 December 2007 under number 14 889 372;

AS 222 Hospital Street Trust acquired lot 3 945 209 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 17 June 2013;

AS the deed of sale, signed before notary Robert Alain under number 12 192 of his minutes, was registered at the registry office of the registration division of Montréal on 18 June 2013 under number 20 043 131;

AS Terry J. Kocisko acquired 50% of lot 3 564 493 of the cadastre of Québec, registration division of Montréal, from Elizabeth May Prosen on 19 June 2015;

AS the deed of sale, signed before notary Robert Alain under number 13 119 of his minutes, was registered at the registry office of the registration division of Montréal on 19 June 2015 under number 21 633 482;

AS Terry Kocisko Holdings Inc. acquired lot 3 564 493 of the cadastre of Québec, registration division of Montréal, from Terry J. Kocisko on 22 October 2015;

AS the deed of sale, signed before notary Robert Alain under number 13 294 of his minutes, was registered at the registry office of the registration division of Montréal on 23 October 2015 under number 21 917 715;

AS the immovables at 221 rue du Saint-Sacrement (Maison Silvain-Laurent-dit-Bérichon) and 222 rue de l'Hôpital (Henry-Judah Store/Warehouse) are located within the historic district of Montréal, declared as such on 8 January 1964 by the adoption of Order in Council 26;

AS, under section 48 of the Cultural Property Act (chapter B-4), no person was allowed to divide, subdivide, redivide or parcel out a lot in a historic district without the authorization of the Minister of Culture and Communications;

AS the authorization of the Minister of Culture and Communications required under section 48 of the Cultural Property Act was not obtained when lot 1 180 890 forming lots 3 564 490, 3 564 491, 3 564 492 and 3 564 493 of the cadastre of Québec was divided and the plans creating the lots were registered in the land register despite the lack of authorization;

AS the authorization of the Minister of Culture and Communications required under section 48 of the Cultural Property Act was not requested when lot 3 564 490, of which one subdivided part forms lot 3 849 700 of the cadastre of Québec following its amalgamation with lot 3 564 492 and the other part forms lot 3 849 701 of the cadastre of Québec, was subdivided and the plans creating the lots were registered in the land register despite the fact that authorization was not obtained;

AS the authorization of the Minister of Culture and Communications required under section 48 of the Cultural Property Act was not requested when lot 3 564 491 forming lots 3 945 204 to 3 945 209 of the cadastre of Québec was subdivided and the plans creating the lots were registered in the land register despite the fact that authorization was not obtained;

AS, under section 57 of the Cultural Property Act, the Minister of Culture and Communications may obtain an order of the Superior Court for the cessation of any act or operation undertaken or continued without the authorization required under section 48 of the Act;

AS, under section 57.1 of the Cultural Property Act, no division or subdivision plan or any other form of parcelling out of land situated in a historic district may be registered in the land register if the conditions of an authorization given under that Act have not been met or if such authorization has not been given;

AS the Cultural Property Act was replaced by the Cultural Heritage Act (chapter P-9.002) on 19 October 2012;

AS section 195 of the Cultural Heritage Act, which provides that the Minister of Culture and Communications may obtain an order of the Superior Court for the cessation of an act or operation undertaken or continued without the authorization required under section 47 to 49, 64 or 65 of that Act, has replaced section 57 of the Cultural Property Act;

AS section 261 of the Cultural Heritage Act provides that the Minister of Culture and Communications may obtain an order of the Superior Court referred to in section 195 of that Act with regard to an act or operation undertaken or continued before 19 October 2012 in contravention of section 48 of the Cultural Property Act;

AS section 245 of the Cultural Heritage Act provides that historic districts declared as such before 19 October 2012 become heritage sites declared as such under that Act and as, consequently, the historic district of Montréal has become the Montréal heritage site;

AS a deed of hypothec in favour of HSBC Bank Canada was registered at the registry office of the registration division of Montréal on 6 August 2007 under number 14 500 637, in particular against the private portion consisting of lot 3 945 207 of the cadastre of Québec commonly known by the civic address 202–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of HSBC Bank Canada was registered at the registry office of the registration division of Montréal on 6 August 2007 under number 14 500 639, in particular against the private portion consisting of lot 3 945 208 of the cadastre of Québec commonly known by the civic address 201–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of HSBC Bank Canada was registered at the registry office of the registration division of Montréal on 6 August 2007 under number 14 500 640, in particular against the private portion consisting of lot 3 945 205 of the cadastre of Québec commonly known by the civic address 102–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of Dany Laflamme was registered at the registry office of the registration division of Montréal on 27 April 2009 under number 16 112 658, in particular against the private portion consisting of lot 3 849 700 of the cadastre of Québec commonly known by the civic address 221, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of Scotia Mortgage Corporation was registered at the registry office of the registration division of Montréal on 23 October 2015 under number 21 919 375, in particular against the private portion consisting of lot 3 564 493 of the cadastre of Québec commonly known by the civic address 221, rue du Saint-Sacrement, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of CIBC Mortgages Inc. was registered at the registry office of the registration division of Montréal on 20 July 2016 under number 22 495 166, in particular against the private portion consisting of lot 3 945 206 of the cadastre of Québec commonly known by the civic address 101–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS it is important to Le 221 St-Sacrement, Limited Partnership, Kocisko Development Corporation Inc., 222 Hospital Street Trust, Terry J. Kocisko, Elizabeth May Prosen and Terry Kocisko Holdings Inc. that the failure to obtain the authorization of the Minister of Culture and Communications be remedied;

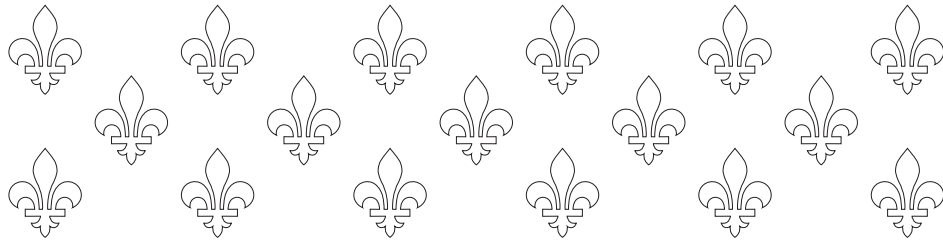
AS the syndicates of co-owners have agreed to the introduction and passage of this Act;

## THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The division of lot 1 180 890, the subdivisions of lots 3 564 490, 3 564 491 and 3 564 492 and the plans creating lots 3 564 490, 3 564 491, 3 564 492, 3 564 493, 3 849 700, 3 849 701, 3 945 204, 3 945 205, 3 945 206, 3 945 207, 3 945 208 and 3 945 209 of the cadastre of Québec, registration division of Montréal, may not be cancelled and the plans' registration in the land register may not be cancelled because the authorization of the Minister of Culture and Communications was not obtained as required under section 48 of the Cultural Property Act (chapter B-4) despite sections 57 and 57.1 of that Act and section 195 of the Cultural Heritage Act (chapter P-9.002).
- 2.** This Act must be registered at the registry office of the registration division of Montréal and the appropriate entries registered against the lots listed in section 1.
- 3.** This Act comes into force on 16 June 2017.







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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 229

(Private)

## **An Act respecting certain alienations involving the Unity Building**

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**Introduced 11 May 2017**

**Passed in principle 16 June 2017**

**Passed 16 June 2017**

**Assented to 16 June 2017**

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**Québec Official Publisher  
2017**



## Bill 229

(Private)

### **AN ACT RESPECTING CERTAIN ALIENATIONS INVOLVING THE UNITY BUILDING**

AS the Unity Building, erected on lot 1073 of the official plans and books of reference of Ville de Montréal's Saint-Antoine Ward and bearing civic addresses 454 rue De La Gauchetière Ouest and 1030 rue Saint-Alexandre, was classified a historic monument on 11 February 1985 by the Minister of Cultural Affairs, on the advice of the Commission des biens culturels du Québec and by virtue of the powers vested in him by the Cultural Property Act (chapter B-4);

AS the notice entering the Unity Building in the register of classified cultural property was registered in the land register by the registrar of the registry office of the registration division of Montréal on 26 February 1985 under number 3 560 231;

AS section 20 of the Cultural Property Act stated, in particular, that no person could alienate recognized cultural property without giving the Minister at least 60 days' previous written notice;

AS section 23 of the Cultural Property Act provided, among other things, that notice in writing of the alienation of a recognized cultural property had to be given to the Minister within 30 days of its occurrence;

AS section 34 of the Cultural Property Act provided, in particular, that sections 20 and 23 applied to classified cultural property;

AS Hampstead Estates sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 387 and 2 431 297 and the share of the undivided rights in the common portions appurtenant to lots 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal, to Michel Veilleux on 4 June 2002 by a deed of sale registered in the land register of the registry office of that registration division on 5 June 2002 under number 5 357 659;

AS George Ewins sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 282 and 2 431 344 and the share of the undivided rights in the common portions appurtenant to lots 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal, to Diane Jutras on 3 April 2006 by a deed of sale registered in the land register of the registry office of that registration division on 4 April 2006 under number 13 172 505;

AS, at the time of the two alienations by deeds of sale registered under numbers 5 357 659 and 13 172 505, the notices required under sections 20 and 23 of the Cultural Property Act were not given;

AS section 56 of the Cultural Property Act stated that every alienation of cultural property made contrary to that Act was absolutely null and that the right of action to have such nullity recognized was not subject to prescription;

AS the Cultural Property Act was replaced by the Cultural Heritage Act (chapter P-9.002) on 19 October 2012;

AS section 242 of the Cultural Heritage Act provides, among other things, that cultural property classified before 19 October 2012 becomes classified heritage property under that Act;

AS section 54 of the Cultural Heritage Act states, in particular, that no person may sell a classified heritage immovable without giving the Minister at least 60 days' prior written notice;

AS Diane Jutras sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 282 and 2 431 344 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Michel Courchesne and Sylvain Dion on 28 December 2012 by a deed of sale registered in the land register of the registry office of that registration division on 31 December 2012 under number 19 666 222;

AS, at the time of the sale registered under number 19 666 222, the prior written notice required under section 54 of the Cultural Heritage Act was not given;

AS section 194 of the Cultural Heritage Act provides that the alienation of classified heritage property in contravention of the Act is absolutely null and that the right of action to have such nullity recognized is not subject to prescription;

AS Michel Veilleux sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 387 and 2 431 297 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Josefina Hernandez de Ramirez on 15 February 2006 by a deed of sale registered in the land register of the registry office of that registration division on 16 February 2006 under number 13 061 914;

AS Josefina Hernandez de Ramirez gave the Unity Building divided co-ownership fraction known and designated as lot 2 431 297 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Joselyne Luisa Maria Ramirez Hernandez on 12 January 2017 by a deed of gift registered in the land register of the registry office of that registration division on 12 January 2017 under number 22 842 371;

AS Josefina Hernandez de Ramirez sold the Unity Building divided co-ownership fraction known and designated as lot 2 431 387 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Guillaume Chevalier-Soudeyins on 13 January 2017 by a deed of sale registered in the land register of the registry office of that registration division on 16 January 2017 under number 22 846 916;

AS Michel Courchesne and Sylvain Dion sold the Unity Building divided co-ownership fraction known and designated as lot 2 431 282 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Guillaume Chevalier-Soudeyins on 13 January 2017 by a deed of sale registered in the land register of the registry office of that registration division on 16 January 2017 under number 22 846 994;

AS Michel Courchesne and Sylvain Dion sold the Unity Building divided co-ownership fraction known and designated as lot 2 431 344 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Saguy Elbaz on 1 May 2017 by a deed of sale registered in the land register of the registry office of that registration division on 2 May 2017 under number 23 041 252;

AS it is important for the past and current owners of the Unity Building divided co-ownership fractions known and designated as lots 2 431 282, 2 431 344, 2 431 387 and 2 431 297 and the shares of the undivided rights in the common portions appurtenant to lots 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal, that the absolute nullity of certain alienations resulting from failure to give the notices required under the Cultural Property Act and the Cultural Heritage Act be remedied;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 56 of the Cultural Property Act (chapter B-4) and failure to give the notices required under sections 20 and 23 of that Act, the alienations made by deeds of sale registered in the land register of the registry office of the registration division of Montréal under numbers 5 357 659 and 13 172 505 are not absolutely null under that Act.
- 2.** Despite section 194 of the Cultural Heritage Act (chapter P-9.002) and failure to give the notice required under section 54 of that Act, the sale registered in the land register of the registry office of the registration division of Montréal under number 19 666 222 is not absolutely null under that Act.
- 3.** This Act must be registered in the land register of the registry office against lots 2 431 282, 2 431 344, 2 431 387, 2 431 297, 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal.
- 4.** This Act comes into force on 16 June 2017.



## Regulations and other Acts

Gouvernement du Québec

**O.C. 797-2017**, 16 August 2017

Parks Act  
(chapter P-9)

**Parc de récréation de Frontenac**  
— **Establishment**  
— **Replacement**

Replacement of the Règlement sur l'établissement du Parc de récréation de Frontenac

WHEREAS, under section 2 of the Parks Act (chapter P-9), the Government may, by regulation, establish a park on any part of the lands in the domain of the State it indicates;

WHEREAS the Règlement sur l'établissement du Parc de récréation de Frontenac was made by the Government by décret 1059-87 dated 30 June 1987 and it took effect on 6 August 1987;

WHEREAS, under the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapter J-1.1), in the case of a regulation which was required to be published in French and in English and was not, the authority empowered to adopt the regulation may replace the regulation with a text which reproduces it, without amendment, this time in French and in English;

WHEREAS it is expedient to replace the Règlement sur l'établissement du Parc de récréation de Frontenac, made by décret 1059-87 dated 30 June 1987, with a text which reproduces it;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Règlement sur l'établissement du Parc de récréation de Frontenac be replaced with the text attached to this Order in Council to have effect as of 6 August 1987.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

### **Regulation respecting the establishment of Parc de récréation de Frontenac**

Parks Act  
(chapter P-9, ss. 2 and 3)

**1.** The territory described in the Schedule constitutes Parc de récréation de Frontenac.

**2.** The park is classified as a recreation park.

#### TECHNICAL DESCRIPTION

#### PARC DE RÉCRÉATION DE FRONTENAC

A territory situated in the regional county municipalities of L'Amiante and Du Granit, townships of: Adstock, Lambton, Price, Stratford and Winslow, covering an area of 155.3 km<sup>2</sup> with a perimeter line as follows:

##### **1<sup>st</sup> Perimeter**

Starting at a point located at the intersection of the south-western boundary of the township of Price and the midpoint of lot 22 of Rang 1 of the said township, and from there, towards the south-east, the line separating the townships of Price and Stratford to a point located 68 m north-west of the line separating lots 9b and 9c of Rang I of the township of Price; from there, towards the north-east and south-east according to the following azimuths and distances: 39°14'27" — 100 m, 124°44'29" — 53.01 m, to a point located at the north-western boundary of the right-of-way of a public road under the jurisdiction of the Ministère du Loisir, de la Chasse et de la Pêche; from there, towards the south-west, the said right-of-way to the intersection with the line separating the townships of Price and Stratford; from there, towards the south-east, the said separating line to the intersection with spot elevation 38.7 m on the south-east shore of Baie Sauvage; in the general south-easterly, south-westerly and southerly directions, the said shore to spot elevation 38.7 m up to the western corner of lot 4A-1, Rang VII Nord-Est of the township of Winslow; from there, towards the south-east and then the north-east, the boundary of the said lot; towards the south-east, the line separating Rang VII Nord-Est and Rang VIII Nord-Est; towards the south-west, the north-western boundary of Rang III Nord-Ouest of the said township, passing around Lac à Cardus to the

east at a distance of 60 m from the ordinary high-water mark, to a point located 60 m north-east of the ordinary high-water mark of the right bank of Rivière Felton; from there, in a general southerly direction, a line parallel to and 60 m from the ordinary high-water mark of the right bank of the said river to the junction with the line separating Rang I Nord-Ouest and Rang II Nord-Ouest of the township of Winslow; towards the south-west, the line separating the said ranges to the intersection with the line separating Rang II Nord-Ouest and Rang II Sud-Ouest of the township of Winslow; towards the north-west, the north-eastern boundary of Rang II Sud-Ouest; towards the south-west, the line separating lots 27 and 28 of Rang II Sud-Ouest to the north-eastern boundary of the right-of-way of Route 161; in a general north-westerly direction, the north-eastern boundary of the right-of-way of the said road up to the line separating lots 24 and 25 of Rang II Sud-Ouest; towards the north-east, the line separating the said lots; towards the north-west, the line separating Rang I Sud-Ouest and Rang II Sud-Ouest; towards the north-east, the line separating the townships of Stratford and Winslow and its prolongation into Lac Maskinongé up to a point located 100 m from the ordinary high-water mark of the south shore of the said lake; from there, in the general south-easterly, northerly and south-westerly directions, a line parallel to and 100 m from the ordinary high-water mark of the said lake to the line separating Rang I Nord-Est and Rang I Sud-Ouest of the township of Stratford; towards the north-west, the line separating the said ranges up to the north-western boundary of lot 54 of Rang I Nord-Est of the township of Stratford; towards the north-east, the line separating lots 53 et 54; towards the north-west, the north-eastern boundary of lot 53; towards the north-east, the north-western boundary of lot 53 of Rang II Nord-Est; towards the north-west, the north-eastern boundary of the said range; towards the north-east, the line separating Rang V and Rang VI of the township of Stratford up to the line separating lots 5 and 6 of Rang VI; towards the north-west, the line separating the said lots; towards the north-east, the line separating Rang VI and Rang VII up to the line separating lots 11 and 12 of Rang VII; towards the north-west, the line separating the said lots; from there, towards the north-east, the line separating Rang VII and Rang VIII up to the line separating the townships of Stratford and Price; towards the north-west, the line separating the said townships up to the line separating lots 26 and 27 of Rang I of the township of Price; towards the north-east, the line separating lots 26 and 27 of Rang I and lots 26b and 27 of Rang II up to the south-western boundary of the right-of-way of Route 263; towards the south-east, the said right-of-way up to the midline of lot 22 of Rang II of the township of Price; from there, towards the south-west, the said midline of lots 22 of Rang II and Rang I to the starting point.

## 2<sup>nd</sup> Perimeter

Starting from a point located on the north-eastern boundary of the right-of-way of Route 263, on the line separating lots 26b and 27 of Rang II of the township of Price; from there, towards the north-east, the line separating the said lots and lots 26 and 27a of Rang III; towards the north-west, the south-western boundary of Rang IV; towards the north-east, the line separating Rang IV and Rang V on the one hand and Rang C on the other, up to the line separating lots 9 and 10 of Rang C of the township of Price; from there, towards the north-west, the line separating the said lots over a distance of 749.38 m; from there, towards the north-east, a line running perpendicularly across lots 10 and 11 of Rang C up to a point located 6.1 m north-east of the line separating lots 10 and 11, this point being situated on the north-eastern boundary of the right-of-way of a private road; from there, in a general south-easterly direction, the said right-of-way up to a point determined by a straight line originating at the last point, over a length of 226.38 m and an azimuth of 112°09'13"; from there, a straight line following an azimuth of 57°17'30" over a length of 494.14 m up to a point situated on the line separating lots 12 and 13 of Rang C; towards the north-west, the line separating the said lots up to the south-eastern boundary of the right-of-way of Chemin Royal; towards the north-east, the said right of way up to the western corner of lot 14-1 (street) of Rang C of the township of Price; towards the south-east, the south-western boundary of lot 14-1 up to the point at which it meets the prolongation of the south-eastern boundary of lot 14-16; towards the north-east, the said prolongation and the south-eastern boundary of the said lot 14-16 and its prolongation into Lac Saint-François to a point located 100 m from the south-western shore (spot elevation 38.7 m) of Lac Saint-François; in a general south-easterly direction, a line parallel to and 100 m from spot elevation 38.7 m on the south-western shore of Lac Saint-François to a point situated in the prolongation of the south-western boundary of lot 14 of Rang C; towards the south-east, a straight line to a point situated in the prolongation of a stream whose mouth is situated on lot 32 of Rang V, at a distance of 100 m from spot elevation 38.7 m on the south-western shore of Lac Saint-François; in a general south-easterly direction, a line parallel to and 100 m from the said spot to a point situated 100 m north-east of the most north-easterly extremity of the remainder of lot 29 of Rang V; from there, a straight line to a point situated 100 m from spot elevation 38.7 m in the prolongation of the line separating lots 25 and 26 of Rang V; in the general south-easterly and south-westerly directions, a line parallel to and 100 m from spot elevation 38.7 m on the western shore of Lac Saint-François to a point situated in the prolongation of the south-eastern boundary of lot 22 of



Rang IV of the township of Price; towards the south-west, the said prolongation of the line separating lots 21 and 22 of Rang IV and Rang III to the north-eastern boundary of the right-of-way of Route 263; towards the north-west, the said right-of-way back to the starting point.

### 3<sup>rd</sup> Perimeter

Starting from a point situated on the north-western boundary of the right-of-way of Chemin Royal, to the intersection with the line separating lots 10 and 11, Rang B of the township of Price; from there, towards the north-west, the line separating the said lots; towards the south-west, north-west and south-west, the north-western boundary of Rang B; towards the north-west, the line separating lots 9 and 10 of Rang A and its prolongation into Lac Saint-François to a point situated 100 m from spot elevation 38.7 m on the south-east shore of the said lake; from there, in a general north-easterly and then easterly direction, a line parallel to and 100 m from spot elevation 38.7 m on the shore of Lac Saint-François to a point at which that line meets the prolongation of the south-western boundary of lot 14-35 of Rang B of the township of Price; from there, towards the south-east, the said prolongation and the south-western boundary of the said lot; in a general easterly direction, the rear line of lots 14-35 to 14-44 of Rang B; towards the south-east, the southern boundary of lot 14-1; towards the south-west, the north-western boundary of the right-of-way of Chemin Royal to the starting point.

### 4<sup>th</sup> Perimeter

Starting from a point situated on the line separating Rang IV and Rang V of the township of Adstock at the intersection with the line separating lots 14 and 15 of the said ranges; towards the south-west, the line separating lots 14 and 15 of Rang IV, towards the north-west, the line separating Rang III and Rang IV to the line separating lots 16 and 17 of Rang III; towards the south-west, the south-eastern boundary of lot 17 of Rang III, Rang II and Rang I of the township of Adstock; towards the south-east, the line separating Rang VII and Rang VIII of the township of Lambton to the line separating lots 31 and 32 of Rang VII; towards the south-west, the line separating the said lots; towards the north-west, the south-western boundary of lot 32 of Rang VII; from there, towards the south-west, the prolongation of the line separating lots 32 and 33 of Rang VII to spot elevation 38.7 m on the east shore of Lac Saint-François; towards the north-west, a line perpendicular to the line separating lots 32 and 33 to a point situated 100 m south-east of spot elevation 38.7 m on the north-west shore of the said lake; from there, in a general westerly direction, a line parallel to and 100 m

from spot elevation 38.7 m on the north shore of Lac Saint-François to the point at which it meets the prolongation, into Lac Saint-François, of the line separating the townships of Lambton and Adstock; from there, a straight line to a point situated 100 m south-west of spot elevation 38.7 m of the most south-westerly extremity of the remainder of lot 19 of Rang A of the township of Adstock; in a general north-westerly direction, a line parallel to and 100 m from spot elevation 38.7 m of the north-east shore of Lac Saint-François to a point situated in the prolongation of the line separating lots 25 and 26 of Rang I of the township of Adstock; from there, towards the north-west, a straight line to a point situated in the prolongation of the line separating lots 29 and 30 of Rang I, at a distance of 100 m south-west of spot elevation 38.7 m on the north-east shore of Lac Saint-François; towards the north-east, the said prolongation and the line separating lots 29 and 30 of Rang I; towards the north-west, the line separating Rang I and Rang II to the line separating lots 30 and 31 of Rang II; towards the north-east, the line separating lots 30 and 31 of Rang II to the south-western boundary of the right-of-way of the road separating Rang II and Rang III; towards the south-east, the said right-of-way to the line separating lots 29 and 30 of Rang III; towards the north-east, the line separating lots 29 and 30 of Rang III; towards the south-east, the line separating Rang III and Rang IV to the line separating lots 28 and 29 of Rang IV; towards the north-east, the line separating lots 28 and 29 of Rang IV; to the south-western boundary of the right-of-way of the road separating Rang IV and Rang V; towards the south-east, the said right-of-way and the line separating Rang IV and Rang V to the starting point.

All as shown on the plan prepared by Henri Morneau, Land Surveyor, dated April 24, 1986, and bearing number P-8574.

The original of these documents is stored at the Service de l'acquisition d'immeubles of the Ministère du Loisir, de la Chasse et de la Pêche.

Québec City, April 24, 1986

Prepared by: HENRI MORNEAU,  
*Land Surveyor*

Minute: 8574



Gouvernement du Québec

## O.C. 798-2017, 16 August 2017

Parks Act  
(chapter P-9)

### Parks

#### — Amendment

##### Regulation to amend the Parks Regulation

WHEREAS, under paragraph *b* of section 9 of the Parks Act (chapter P-9), the Government may make regulations, in respect of a park, to divide it into different zones;

WHEREAS, under subparagraph *b* of the first paragraph of section 9.1 of the Act, the Government may also, by regulation, exempt, in the cases it determines, any person or class or group of persons it identifies from all or part of the obligations imposed by section 6.1;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Parks Regulation was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2016 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

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

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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## Regulation to amend the Parks Regulation

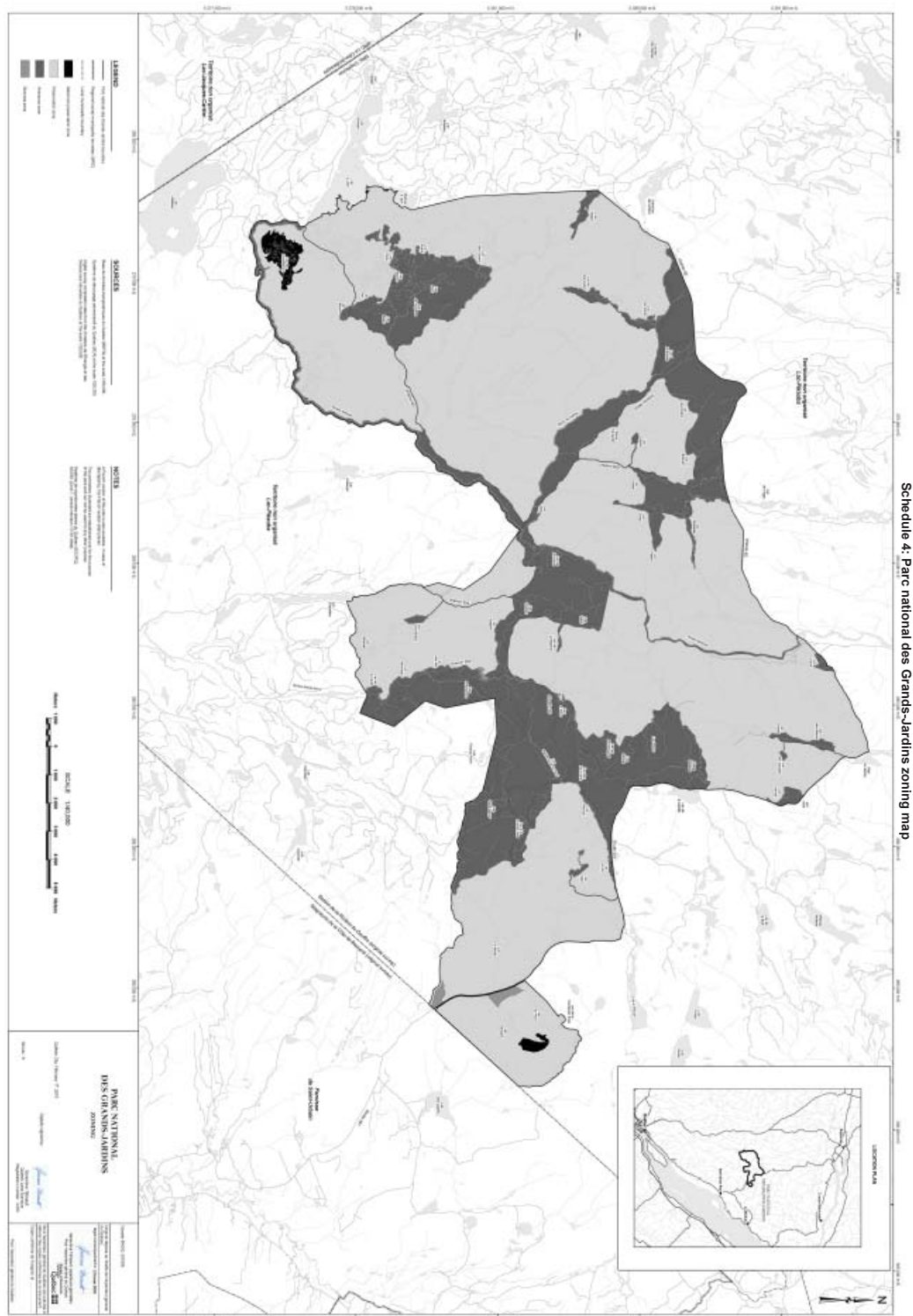
Parks Act  
(chapter P-9, s. 9, par. *b*, and s. 9.1, 1<sup>st</sup> par., subpar. *b*)

**1.** The Parks Regulation (chapter P-9, r. 25) is amended in section 6 by replacing paragraph 1 by the following:

“(1) cyclists who travel across Parc national du Mont-Orford by taking La Montagnarde bicycle path, who travel across Parc national d’Oka by taking La Vagabonde bicycle path, who travel across Parc national d’Aiguebelle or Parc national du Bic by taking La Route Verte bicycle path, or who travel across Parc national de la Yamaska by taking the portion of Le Grand-Tour bicycle path located south of the Choinière Reservoir;”.

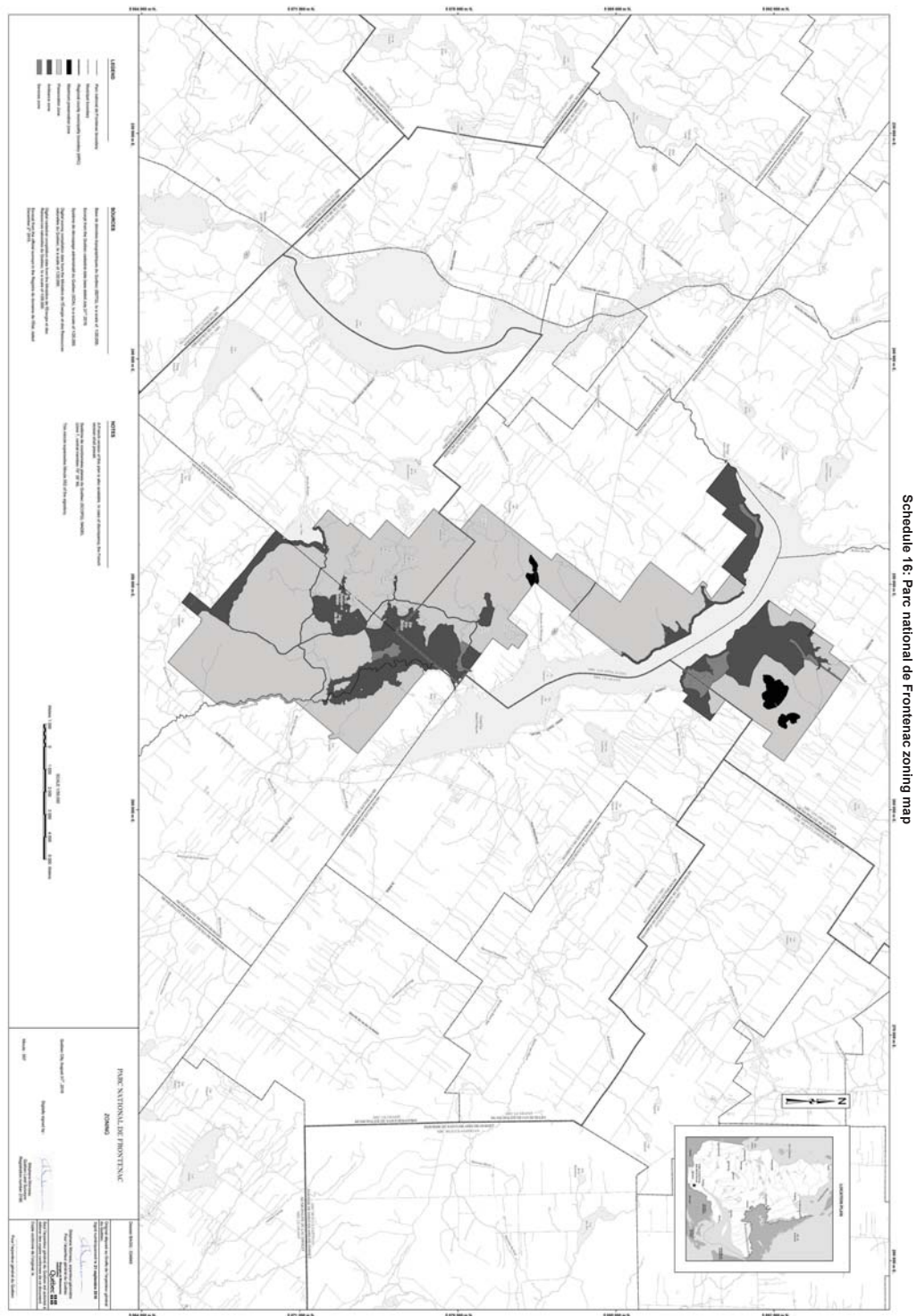
**2.** Schedules 4, 8, 16, 18 and 20 are replaced by Schedules 4, 8, 16, 18 and 20 attached hereto.

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



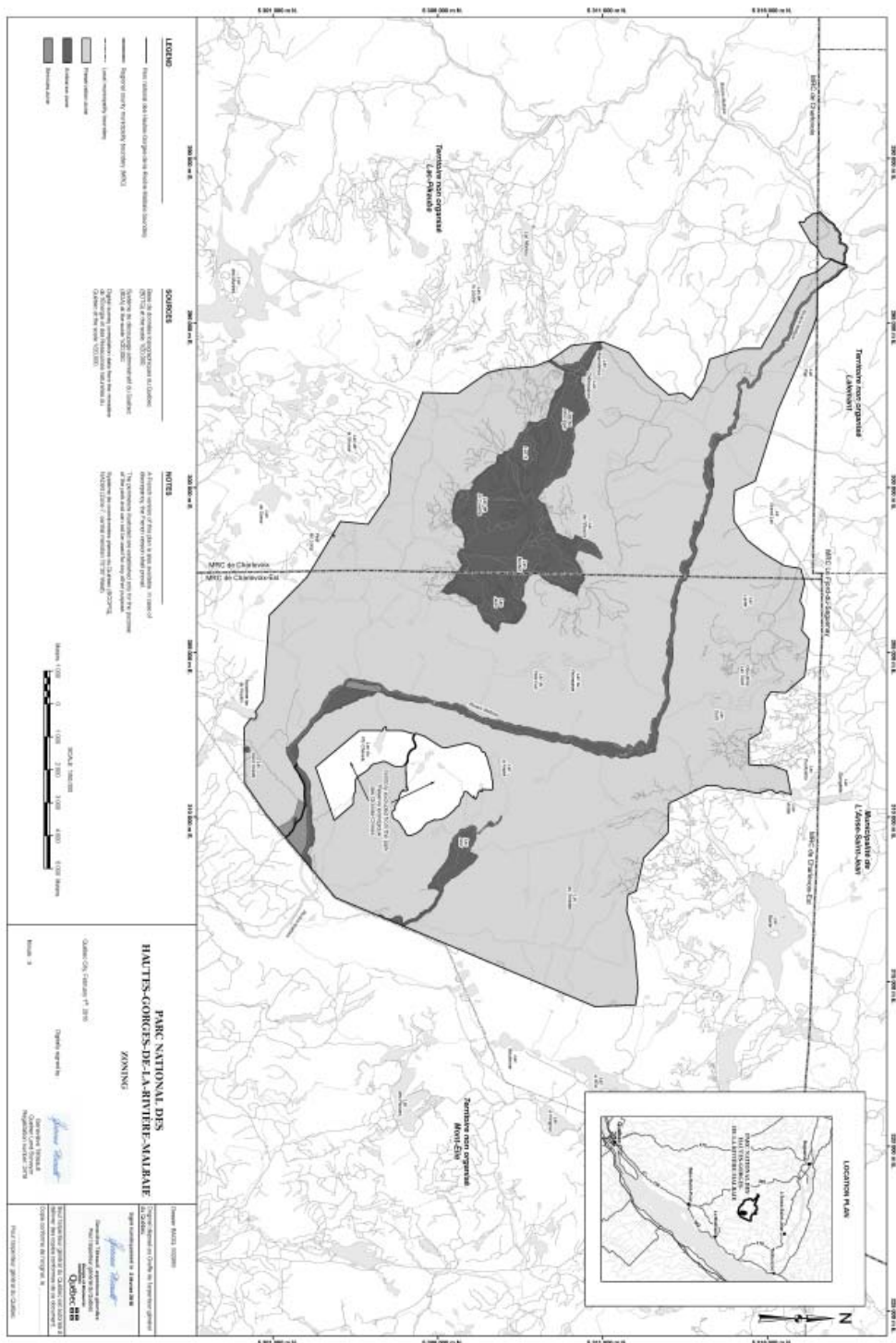






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**Schedule 20: Parc national des Hautes-Gorges-de-la-Rivière-Malbaie zoning map**





Gouvernement du Québec

## O.C. 799-2017, 16 August 2017

Parks Act  
(chapter P-9)

### **Parc national de Frontenac** — **Establishment** — **Amendment**

Regulation to amend the Regulation respecting the establishment of Parc national de Frontenac

WHEREAS, under section 2 of the Parks Act (chapter P-9), the Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates;

WHEREAS, by Order in Council 1059-87 dated 30 June 1987, the Government established Parc national de Frontenac;

WHEREAS, under the first paragraph of section 4 of the Parks Act, the Government may establish, abolish or change the boundaries of a park, if the Minister has previously:

(a) given notice of his intention to establish, abolish or change the boundaries of the park in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;

(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;

(c) received in a public hearing the persons contemplated in paragraph b;

WHEREAS the Minister gave notice of the Government's intention to change the boundaries of Parc national de Frontenac in the *Gazette officielle du Québec* of 13 June 2015, in *Courrier Frontenac* of 17 June 2015 and in *Le Cantonnier* of 18 June 2015;

WHEREAS no comments or opposition were received by the end of the 60-day consultation period;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the establishment of Parc national de Frontenac;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the establishment of Parc national de Frontenac, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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### **Regulation to amend the Regulation respecting the establishment of Parc national de Frontenac**

Parks Act  
(chapter P-9, s. 2)

**1.** The Regulation respecting the establishment of Parc national de Frontenac (chapter P-9, r. 4) is amended by striking out section 2.

**2.** The Schedule to the Regulation is replaced by the Schedule attached hereto.

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

**SCHEDULE**

(s. 1)

## TECHNICAL DESCRIPTION

## PARC NATIONAL DE FRONTENAC

Ministère de l'Énergie et des Ressources naturelles

Bureau de l'arpenteur général du Québec

## TECHNICAL DESCRIPTION

**PARC NATIONAL DE FRONTENAC**FOREWORD

In this technical description, it is understood that when reference is made to spot elevation 290.18 meters, it corresponds to the maximum operating level of Grand lac Saint-François, formerly referred to as "elevation 127 or elevation 38.7 meters".

The shore (left or right) of a watercourse is determined by the direction in which the watercourse flows, i.e. upstream to downstream.

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A territory located in Le Granit Regional county municipality and Les Appalaches, more specifically bordering the municipalities of Adstock, Lambton, Saint-Romain, Stornoway, Canton de Stratford and Paroisse de Sainte-Praxède. The said territory is composed of four perimeters and covers a total area of 156.5 km<sup>2</sup>, the perimeters of which are described as follows:

**PERIMETER 1**

Starting from point 1, located at the intersection of the northeastern limit of lot 5 515 080 in the cadastre of Québec and the southeastern limit of the northwestern half-lot of lot 22 of Rang 1 of the cadastre of the Canton de Price;

Thence, southeasterly, follow the line separating the cadastre of Québec and the cadastre of the Canton de Price to the point at which it joins the western corner of lot 16B of Rang 1 of the cadastre of the Canton de Price, i.e. to point 2;

Thence, northeasterly, follow the northwestern limit of the said lot to the point at which it joins the northern corner, i.e. to point 3;

Thence, southeasterly, successively follow the northeastern limit of lots 16B, 16A and 15 of Rang 1 of the cadastre of the Canton de Price to the eastern corner of the said lot, i.e. to point 4;

Thence, southwesterly, follow the southeastern limit of lot 15 of Rang 1 of the cadastre of the Canton de Price to the northern corner of lot 14B-7 of the same range, i.e. to point 5;

Thence, southeasterly and southwesterly, follow the northeastern and southeastern limits of the said lot to the point at which the latter joins the line separating the cadastre of the Canton de Price and the cadastre of Québec, i.e. to point 6;

Thence, southeasterly, follow the said line separating the two cadastres to a point located 68.00 meters northwest of the line separating lots 9B-1 and 9C-1 of Rang 1 of the cadastre of the Canton de Price, i.e. to point 7;

Thence, northeasterly and southeasterly, follow the following bearings and distances: 39° 49' 08" over a distance of 100.00 meters and 125° 19' 04" over a distance of 53.03 meters, i.e. to point 8, which is located on the northwestern limit of the right-of-way of the Chemin des Roy;

These bearings and distances are taken from Minute 5365, dated August 30, 2013, of Mr. Éric Bujold, land surveyor, and are consistent with the deed published in the Frontenac land register under number 137 674, dated October 2, 1981;

Thence, southwesterly, follow the said right-of-way, in such a way as to exclude it, over a distance of 47.64 meters, i.e. to point 9;

Thence, southeasterly, follow a bearing of 125° 44' 22" up to the point at which it joins the southeastern limit of the right-of-way of Chemin des Roy, i.e. to point 10;

Thence, southwesterly, follow the said right-of-way limit, in such a way as to include it, to the point at which it joins the line separating the cadastre of the Canton de Price and the cadastre of Québec, i.e. to point 11;

Thence, southeasterly, follow the line separating the said cadastres, and extend it to a point located roughly 35 meters northwest of spot elevation 290.18 meters on the southeastern shore of Baie Sauvage, i.e. to point 12, whose approximate coordinates are:

Point 12      5 078 174 m N. and 254 228 m E.;

Thence, roughly southwesterly, southeasterly, southwesterly, southerly and southwesterly, follow a line parallel to and roughly 35 meters from the said spot elevation, inside Baie Sauvage, passing through the points whose coordinates are:

Point 13	5 078 107 m N. and 254 144 m E.;
Point 14	5 078 053 m N. and 254 168 m E.;
Point 15	5 078 018 m N. and 254 229 m E.;
Point 16	5 078 056 m N. and 254 324 m E.;
Point 17	5 077 863 m N. and 254 371 m E.;
Point 18	5 077 889 m N. and 254 714 m E.;
Point 19	5 077 848 m N. and 254 598 m E.;
Point 20	5 077 743 m N. and 254 329 m E.;
Point 21	5 077 666 m N. and 254 060 m E.;
Point 22	5 077 558 m N. and 253 894 m E.;
Point 23	5 077 444 m N. and 253 786 m E.;
Point 24	5 077 147 m N. and 253 766 m E.;
Point 25	5 076 894 m N. and 253 745 m E.;
Point 26	5 076 844 m N. and 253 778 m E.;
Point 27	5 076 679 m N. and 253 769 m E.;
Point 28	5 076 555 m N. and 253 877 m E.;
Point 29	5 076 527 m N. and 253 791m E. (approximate coordinates);

This last point is located at the point at which the extension of the southwestern limit of lot 3 190 641 of the cadastre of Québec towards the north-west joins the line running parallel to and at a distance of approximately 35 meters from spot elevation 290.18 meters;

Thence, southeasterly, follow the said extension, and then the southwestern limit of lot 3 190 641 to its southern corner, i.e. to point 30;

Thence, northeasterly, follow the southeastern limit of the said lot to the point at which it joins the northeastern limit of lot 3 190 633 of the cadastre of Québec, i.e. to point 31;



Thence, southeasterly, follow the northeastern limit of the said lot to the point at which it joins the eastern corner, i.e. to point 32. This point also corresponds to the northeastern limit of Rang 7 Nord-Est of the cadastre of the Canton de Winslow;

Thence, southeasterly, follow the range limit to the point at which it joins the southeastern limit of lot 28 of Rang 7 Nord-Est of the said cadastre, i.e. to point 33;

Thence, southwesterly, follow the southeastern limit of the said lot to the point at which it meets a straight line parallel to and 60 meters from the high-water line to the east of Lac à Cardus, i.e. to point 34, whose coordinates are:

Point 34      5 072 719.61 m N. and 256 807.04 m E.;

Thence, in a general southerly, southwesterly, northwesterly and northerly direction, follow a line parallel to and 60 meters from the high-water line of the said lake, in such a way as to include it, passing through the points whose coordinates are:

Point 35      5 072 593.64 m N. and 256 838.14 m E.;

Point 36      5 072 398.99 m N. and 256 873.95 m E.;

Point 37      5 072 369.47 m N. and 256 869.05 m E.;

Point 38      5 072 344.89 m N. and 256 864.85 m E.;

Point 39      5 072 326.54 m N. and 256 850.33 m E.;

Point 40      5 072 302.89 m N. and 256 831.01 m E.;

Point 41      5 072 297.34 m N. and 256 817.00 m E.;

Point 42      5 072 271.07 m N. and 256 764.14 m E.;

Point 43      5 072 296.26 m N. and 256 700.11 m E.;

Point 44      5 0724 22.71 m N. and 256 653.86 m E.;

Point 45      5 072 475.02 m N. and 256 636.01 m E.;

Point 46      5 072 506.56 m N. and 256 626.83 m E.;

This last point corresponds to the point at which the southeastern limit of lot 28 of Rang 6 Nord-Est of the cadastre of the Canton de Winslow joins a line parallel to and 60 meters from the high-water line to the west of Lac à Cardus;

Thence, southwesterly, follow the southeastern limits of the said lot and those of lot 28 of Rang 5 Nord-Est and of a portion of lot 28A of Rang 4 Nord-Est of the cadastre of the Canton de Winslow up to the point at which it joins a straight line parallel to and 60 meters from the right shore of Rivière Felton, i.e. to point 47, whose coordinates are:

Point 47      5 072 506.56 m N. and 256 626.83 m E.;

Thence, roughly southwesterly, follow the said line parallel to and 60 meters from the right shore of the said river, in such a way as to include it, to the point at which it joins the southeastern limit of Rang 2 Nord-Ouest of the cadastre of the Canton de Winslow, i.e. to point 48, whose coordinates are:

Point 48      5 072 506.56 m N. and 256 626.83 m E.;

Thence, southwesterly, follow the said range limit to the point at which it joins the southern corner of lot 56, i.e. to point 49;

Thence, the northwesterly, successively follow the southwestern limit of lot 56 of Rangs 2 Nord-Ouest and 3 Nord-Ouest to the point at which it joins the southeastern limit of lot 28 of Rang 1 Sud-Ouest of the cadastre of the Canton Winslow, i.e. to point 50;

Thence, southwesterly and northwesterly, follow the southeastern and southwestern limit of the said lot to the point at which it joins the eastern corner of lot 3 189 792 of the cadastre of Québec, i.e. to point 51;

Thence, southwesterly, northwesterly and northeasterly, follow the southeastern, southwestern and northwestern limits of the said lot to the point at which it joins the southwestern limit of Rang 1 Sud-Ouest of the cadastre of the Canton de Winslow, i.e. to point 52;

Thence, northwesterly, follow the said range limit to the point at which it joins the western corner of lot 1 of Rang 1 Sud-Ouest of the cadastre of the Canton de Winslow, i.e. to point 53;

Thence, northeasterly, follow the northwestern limit of the said lot, extending it to a point located roughly 100 meters from the high-water line of Lac Thor, i.e. to point 54, whose coordinates are:

Point 54      5 070 282 m N. and 247 877 m E.;

Thence, roughly southeasterly, northerly, southwesterly and southerly, follow a line parallel to and roughly 100 meters from the high-water line, within the said lake, passing through the points whose coordinates are:

Point 55      5 070 239 m N. and 247 943 m E.;

Point 56      5 070 520 m N. and 248 044 m E.;

Point 57      5 070 756 m N. and 248 057 m E.;

Point 58      5 071 069 m N. and 248 055 m E.;

Point 59      5 071 222 m N. and 248 172 m E.;

Point 60      5 071 386 m N. and 248 211 m E.;

Point 61      5 071 737 m N. and 248 099 m E.;

Point 62      5 071 928 m N. and 248 186 m E.;

Point 63      5 072 033 m N. and 248 287 m E.;

Point 64      5 072 045 m N. and 248 410 m E.;

Point 65      5 072 141 m N. and 248 434 m E.;

Point 66      5 072 101 m N. and 248 315 m E.;

Point 67      5 072 048 m N. and 248 267 m E.;

Point 68      5 072 019 m N. and 248 125 m E.;



Point 69      5 072 063 m N. and 248 089 m E.;  
Point 70      5 071 998 m N. and 247 867 m E.;  
Point 71      5 071 971 m N. and 247 701 m E.;  
Point 72      5 071 822 m N. and 247 521 m E.;  
Point 73      5 071 716 m N. and 247 599 m E.;  
Point 74      5 071 625 m N. and 247 588 m E.;  
Point 75      5 071 564 m N. and 247 526 m E. (approximate  
coordinates);

This last point corresponds to the point at which the southeastern extension of the southwestern limit of Rang 1 Nord-Est of the cadastre of the Canton de Stratford joins a line parallel to and roughly 100 meters from the high-water limit of Lac Thor;

Thence, northwesterly, follow the said extension, and then the southwestern limit of the said range limit, to the point at which it joins the western corner of lot 54 of Rang 1 Nord-Est of the cadastre of the Canton Stratford, i.e. to point 76;

Thence, northeasterly, follow the northwestern limit of the said lot to the point at which it joins the southwestern limit of Rang 2 Nord-Est, i.e. to point 77;

Thence, northwesterly, follow the said range line to the point at which it joins the western corner of lot 53 of Rang 2 Nord-Est of the cadastre of the Canton de Stratford, i.e. to point 78;

Thence, northeasterly, follow the northwestern limit of the said lot to the point at which it joins the southwestern limit of Rang 5 of the said cadastre, i.e. to point 79;

Thence, northwesterly, follow the said range limit to the point at which it joins the northwestern limit of Rang 5 of the cadastre of the Canton de Stratford, i.e. to point 80;

Thence, northeasterly, follow the said range limit to the southern corner of lot 6 of range 6 of the said cadastre, i.e. to point 81;

Thence, northwesterly, follow the southwestern limit of the said lot to the point at which it joins the northwestern limit of Rang 6 of the cadastre of the Canton de Stratford, i.e. to point 82;

Thence, northeasterly, follow the said range limit to the point at which it joins the southern corner of lot 5 515 080 of the cadastre of Québec, i.e. to point 83;

Thence, northwesterly, follow the southwestern limit of the said lot to the point at which it joins its western corner, i.e. to point 84;

Thence, northeasterly, follow the northwestern limit of lot 5 515 080 of the cadastre of Québec to the point at which it joins the line separating the cadastre of Québec from the cadastre of the Canton de Price, i.e. to point 85;

Thence, northwesterly, follow the cadastre limit to the point at which it joins the western limit of lot 26 of Rang 1 of the cadastre of the Canton de Price, i.e. to point 86;

Thence, northeasterly, follow the northwestern limit of lot 26 of Rang 1 and the northwestern limit of lot 26B of Rang 2 of the cadastre of the Canton de Price to the point at which it joins the southwestern limit of the right-of-way of route 263, i.e. to point 87;

Thence, southeasterly, follow the southwestern limit of the said right-of-way, in such a way as to exclude it, to the point at which it joins the southeastern limit of the northwestern half of lot 22 of Rang 2 of the cadastre of the Canton de Price, i.e. to point 88;

Thence, southwesterly, follow the said southeasterly limit to point 1, i.e. to the starting point.

Area: 108.0 km<sup>2</sup>

## **PERIMETER 2**

Starting from point 89 located at the junction of the northeastern right-of-way of route 263 and the northwestern limit of lot 26 of Rang 2 of the cadastre of the Canton de Price;

Thence, roughly northeasterly, follow the northwestern limit of lot 26 of Rang 2 and 3 of the said cadastre, to the point at which it joins the southwestern limit of Rang 4 of the cadastre of the Canton de Price, i.e. to point 90;

Thence, northwesterly, follow the southwestern limit of the said range to the point at which it joins the western corner of lot 32 of Rang 4 of the cadastre of the Canton de Price, i.e. to point 91;

Thence, northeast, follow the northwestern limit of lot 32 of Rang 4 and 5 to the point at which it joins the southern corner of lot 10 of Rang C of the cadastre of the Canton de Price, i.e. to point 92;

Thence, northwesterly, follow a part of the southwestern limit of the said lot over a distance of 748.77 meters, i.e. to point 93;

Thence, northeasterly, follow a straight line perpendicular to the line separating lots 9 and 10 of Rang C of the said cadastre to a point located on the extension of that line, at 6.10 meters north-east of the line separating lots 10 and 11, i.e. to point 94;

Thence, southeasterly, follow a straight line with a bearing of  $112^{\circ} 39' 37''$  over a distance of 226.38 meters, i.e. to point 95;

Thence, northeasterly, follow a straight line with a bearing of  $57^{\circ} 47' 54''$  to the point at which it joins the northeastern limit of lot 12 of Rang C of the cadastre of the Canton de Price, i.e. to point 96;

The bearing and distances indicated for points 94 to 96 are taken from Minute 7707 of M. Henri Morneau, land surveyor, dated August 15, 1977, filed in the surveying archives of the Surveyor General of Québec;

Thence, northwesterly, follow the said limit of lot 12 to the point at which it joins the southeastern limit of the right-of-way of Chemin du Rang B-et-C, i.e. to point 97;

Thence, northeasterly, follow the southeastern limit of the said right-of-way, in such a way as to exclude it, to the point at which it joins the western corner of lot 14-1-4 of Rang C of the cadastre of the Canton de Price, which corresponds to the southwestern right-of-way of Chemin Thibodeau, i.e. to point 98;

Thence, southeasterly, follow the southwestern limit of the said lot, in such a way as to exclude Chemin Thibodeau, to its southern corner, i.e. to point 99;

Thence, northeasterly, successively follow the southeastern limit of lots 14-1-4 and 14-16, extending the limit line into Grand lac Saint-François to a point located roughly 100 meters north-east of spot elevation 290.18 meters, i.e. to point 100, whose coordinates are:

Point 100    5 090 692 m N. and 250 378 m E.;



Thence, roughly southeasterly and southerly, follow a line parallel to and roughly 100 meters from spot elevation 290.18 meters, inside the lake, passing through the points whose coordinates are:

Point 101	5 090 515 m N. and 250 516 m E.;
Point 102	5 090 224 m N. and 250 674 m E.;
Point 103	5 089 967 m N. and 250 831 m E.;
Point 104	5 089 690 m N. and 250 888 m E.;
Point 105	5 088 675 m N. and 251 379 m E.;
Point 106	5 088 431 m N. and 251 649 m E.;
Point 107	5 088 354 m N. and 251 857 m E.;
Point 108	5 088 328 m N. and 252 179 m E.;
Point 109	5 087 185 m N. and 252 794 m E.;
Point 110	5 086 728 m N. and 252 952 m E.;
Point 111	5 086 482 m N. and 253 236 m E.;
Point 112	5 085 999 m N. and 253 535 m E.;
Point 113	5 085 365 m N. and 253 137 m E.;
Point 114	5 085 264 m N. and 253 203 m E. (approximate coordinates);

This last point corresponds to the point at which the northeastern extension of the southeastern limit of lot 22 of Rang 4 of the cadastre of the Canton de Price joins a line parallel to and roughly 100 meters north-east of spot elevation 290.18 meters;

Thence, southwesterly, follow the said extension, and then the southeastern limit of lot 22 of Rang 4 and lot 22 of Rang 3 of the said cadastre to the point at which it joins the northeastern limit of the right-of-way of route 263, i.e. to point 115;

Thence, northwesterly, follow the northeastern limit of the said right-of-way, in such a way as to exclude it, to point 89, i.e. the starting point.

Area: 16.0 km<sup>2</sup>

**PERIMETER 3**

Starting from point 116 located at the point at which the southwestern limit of lot 11 of Rang B of the cadastre of the Canton de Price joins the northwestern limit of the right-of-way of Chemin Rang B-et-C;

Thence, northwesterly, follow the southwestern limit of lot 11 to the point at which it joins the southeastern limit of lot 43 of Rang 6 of the cadastre of the Canton de Price, i.e. to point 117;

Thence, southwesterly, successively follow the southeastern limit of lot 43 of Rang 6, then the southeastern limit of lots 15, 14 and 13 of Rang A of the cadastre of the Canton de Price to the point at which it joins the southern corner of the latter lot, i.e. to point 118;

Thence, northwesterly, follow the southwestern limit of the latter lot to the point at which it joins the eastern corner of lot 12 of Rang A of the cadastre of the Canton de Price, i.e. to point 119;

Thence, southwesterly, successively follow the southeastern limit of lots 12, 11 and 10 of the said range to the point at which it joins the southern corner of the latter lot, i.e. to point 120;

Thence, northwesterly, follow the southwestern limit of lot 10 of Rang A of the cadastre of the Canton de Price, extending it into Grand lac Saint-François to a point located roughly 100 meters north-west of spot elevation 290.18 meters, i.e. to point 121, whose approximate coordinates are:

Point 121     5 089 981 m N. and 244 608 m E.;

Thence, roughly northeasterly and southeasterly, follow a line parallel to and roughly 100 meters from spot elevation 280.18 meters, inside the lake, passing through the points whose coordinates are:

Point 122 5 090 101 m N. and 244 778 m E.;  
Point 123 5 090 339 m N. and 244 911 m E.;  
Point 124 5 090 291 m N. and 245 106 m E.;  
Point 125 5 090 633 m N. and 246 117 m E.;  
Point 126 5 090 736 m N. and 246 184 m E.;  
Point 127 5 090 629 m N. and 246 349 m E.;  
Point 128 5 091 132 m N. and 246 906 m E.;  
Point 129 5 091 363 m N. and 246 917 m E.;  
Point 130 5 091 340 m N. and 247 141 m E.;  
Point 131 5 091 515 m N. and 247 489 m E.;  
Point 132 5 091 370 m N. and 247 988 m E.;  
Point 133 5 091 066 m N. and 248 800 m E.;  
Point 134 5 090 851 m N. and 249 372 m E. (approximate coordinates);

This latter point corresponds to the point at which the northwestern extension of the southwestern limit of lots 14-35-2 and 14-28 forming part of Rang B of the cadastre of the Canton de Price joins a line parallel to and roughly 100 meters north-east of spot elevation 290.18 meters;

Thence, southeasterly, follow the said extension of lots 14-35-2 and 14-28 to the point at which it joins the southern corner of the latter lot, i.e. to point 135;

Thence, northeasterly, successively follow the southeastern limit of lots 14-35-2 and 14-36-2 of Rang B to the point at which it joins the southern corner of lot 14-37-4 of Rang B of the cadastre of the Canton de Price, i.e. to point 136;

Thence, southeasterly, follow the southwestern limit of the latter lot to the point at which it joins the southern corner of lot 14-38-4 of Rang B of the cadastre of the Canton de Price, i.e. to point 137;

Thence, northeasterly, successively follow the southeastern limit of lots 14-38-4, 14-39-4, 14-40-2 and 14-41-2 to the point at which it joins the southwestern corner of lot 14-42-2 of Rang B of the cadastre of the Canton de Price, i.e. to point 138;

Thence, roughly westerly direction, successively follow the southern limits of lots 14-42-2, 14-43-2 and 14-44-2 to the point at which they join the south-western limit of lot 14-45 of Rang B of the cadastre of the Canton de Price, which corresponds to the south-western right-of-way of Chemin Thibodeau, i.e. to point 139;

Thence, southeasterly, follow southwestern limit of the latter lot to the point at which it joins the northwestern limit of the right-of-way of Chemin Rang B-et-C, i.e. to point 140;

Thence, southwesterly, follow the north-western right-of-way of the said road, in such a way as to exclude it, to point 116, i.e. the starting point.

Area: 5.1 km<sup>2</sup>

#### **PERIMETER 4**

Starting at point 141 situated at the eastern corner of lot 5 448 652 of the cadastre of Québec;

Thence, southwesterly, northwesterly and southwesterly, follow the southeastern, southwestern and southeast limits of the said lot to the point at which it joins the eastern corner of lot 5 448 603, i.e. to point 142;

Thence, southwesterly, successively follow the southeastern limit of lots 5 448 603, 5 448 602 and a portion of lot 5 448 489 of the cadastre



of Québec to the point at which it joins the northern corner of lot 34 of Rang 7 of the cadastre of the Canton de Lambton, i.e. to point 143;

Thence, southeasterly, successively follow the northeastern limit of lots 34, 33 and 32 of Rang 7 of the said cadastre to the point at which it joins the eastern corner of the latter lot, i.e. to point 144;

Thence, southwesterly, follow the southeastern limit of lot 32 to the point at which it joins the southwestern limit of Rang 7 of the cadastre of the Canton de Lambton, i.e. to point 145;

Thence, northwesterly, follow the said range limit to the point at which it joins the eastern corner of lot 33 of Rang 6 of the cadastre of the Canton de Lambton, i.e. to point 146;

Thence, southwesterly, follow the southeastern limit of the said lot, extending it to the point at which it joins spot elevation 290.18 meters on the eastern shore of Grand lac Saint-François, i.e. to point 147;

Thence, northwesterly, follow a straight line over a distance of roughly 100 meters, i.e. to point 148, whose coordinates are:

Point 148     5 088 004 m N. and 254 647 m E.;

Thence, roughly westerly and northwesterly, follow a line parallel to and roughly 100 meters from spot elevation 290.18 meters, inside the lake, passing through the points whose coordinates are:

Point 149     5 087 835 m N. and 254 289 m E.;

Point 150     5 087 994 m N. and 253 789 m E.;

Point 151     5 088 300 m N. and 253 641 m E.;

Point 152     5 088 911 m N. and 253 122 m E.;

Point 153     5 089 402 m N. and 253 129 m E.;

Point 154     5 089 892 m N. and 252 633 m E.;

Point 155    5 090 151 m N. and 252 401 m E.;  
Point 156    5 090 296 m N. and 252 037 m E.;  
Point 157    5 090 517 m N. and 251 922 m E.;  
Point 158    5 090 774 m N. and 251 792 m E.;  
Point 159    5 091 745 m N. and 250 693 m E.; (approximate  
coordinates);

This latter point corresponds to the point at which the southwestern extension of the northwestern limit of 5 448 484 of the cadastre of Québec joins a line parallel to and roughly 100 south-west of spot elevation 290.18 meters;

Thence, towards the north-east, follow the said extension and then the north-western limit of lot 5 448 484 to the point at which it joins the south-western limit of lot 5 448 486, i.e. to point 160;

Thence, northwesterly, follow the southwestern limit of lot 5 448 486 to the point at which it joins its western corner, i.e. to point 161;

Thence, northeasterly, southeasterly and northeasterly, follow the northwestern, northeastern and northwestern limit of the said lot to the point at which it joins the southwestern limit of lot 5 450 268 which corresponds to the southwestern limit of the right-of-way of Chemin du 2<sup>e</sup> Rang, i.e. to point 162;

Thence, southeasterly, northeasterly and northwesterly, follow the southwestern, southeastern and northeastern limits of the said lot, in such a way as to exclude it, to the point at which it joins the western corner of lot 5 448 487 of the cadastre of Québec, i.e. to point 163;

Thence, northeasterly and southeasterly, follow the northwestern and northeastern limits of the said lot to the point at which it joins the western corner of lot 5 448 488 of the cadastre of Québec, i.e. to point 164;

Thence, northeasterly, follow the northwestern limit of the said lot to the point at which it joins the northern corner of the said lot, which corresponds to the southwestern limit of the right-of-way of Chemin du 4<sup>e</sup> Rang, i.e. to point 165;

Thence, southeasterly, follow the northeastern limit of lot 5 448 488, extending it to the northern corner of lot 5 448 652; i.e. to point 166;

Thence, roughly southeasterly, follow the northeastern limit of the said lot, in such a way as to exclude Chemin du 4<sup>e</sup> Rang, to point 141, i.e. the starting point.

Area: 27.4 km<sup>2</sup>

The park boundary illustrated on the map accompanying the technical description was determined from digital files from the base de données topographiques du Québec (BDTQ), to a scale of 1/20,000, from the digital cadastral compilation data from the Ministère de l'Énergie et des Ressources naturelles du Québec, to a scale of 1/20,000, from the système de découpage administrative du Québec (SDA) to a scale of 1/20,000, from an excerpt from the official surveys in the in the Registre du domaine de l'État, dated December 2<sup>th</sup> 2015, and from an excerpt from the Québec cadastral data base dated July 21<sup>th</sup> 2016.

The coordinates and areas contained in this technical description were determined graphically from the base de données topographiques du Québec (BDTQ), to a scale of 1/20,000, except for the coordinates of points 34 to 48 of this technical description, which correspond to the coordinates of a survey monument on the ground, for which the survey documents, describing the monument, are filed in the surveying archives of the Surveyor General of Québec.

The directions shown on this document are bearings in reference to système de coordonnées planes du Québec (SCOPQ), NAD83, (zone 7 central meridian 70° 30' West).

The whole as shown on the plan prepared by the undersigned, on October 6<sup>th</sup> 2016, and filed in the surveying archives of the Surveyor General of Québec (Greffé de l'arpenteur général du Québec), Ministère de l'Énergie et des Ressources naturelles under document number 519890.

Prepared in Québec City, on October 6<sup>th</sup> 2016 under number 558 of my Minutes.

Signed digitally by:



Stéphane Morneau  
Land Surveyor

BAGQ File: 519890

BAGQ Reference File: 534945 (zoning plan)

**NOTE: This technical description includes both French and English versions. In case of discrepancy, the French version shall prevail.**

Original filed in the surveying of the Surveyor General of Québec.

Signé numériquement le **6 octobre 2016**



Stéphane Morneau, arpenteur-géomètre  
Pour l'arpenteur général du Québec

Énergie et Ressources  
naturelles  
**Québec** 

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For the Surveyor General of Québec





Gouvernement du Québec

**O.C. 800-2017, 16 August 2017**

Parks Act  
(chapter P-9)

**Parc national des Grands-Jardins  
— Amendment**

Regulation to amend the Regulation respecting the Parc national des Grands-Jardins

WHEREAS, under section 2 of the Parks Act (chapter P-9), the Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates;

WHEREAS, by Order in Council 3105-81 dated 11 November 1981, the Government established Parc national des Grands-Jardins;

WHEREAS, under the first paragraph of section 4 of the Parks Act, the Government may establish, abolish or change the boundaries of a park, if the Minister has previously:

(a) given notice of his intention to establish, abolish or change the boundaries of the park in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;

(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;

(c) received in a public hearing the persons contemplated in paragraph b;

WHEREAS the Minister gave notice of the Government's intention to change the boundaries of Parc national des Grands-Jardins in the *Gazette officielle du Québec* of 25 July 2015 and in *L'Hebdo Charlevoisien* of 29 July 2015;

WHEREAS no comments or opposition were received by the end of the 60-day consultation period;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the Parc national des Grands-Jardins;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the Parc national des Grands-Jardins, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

**Regulation to amend the Regulation  
respecting the Parc national des  
Grands-Jardins**

Parks Act  
(chapter P-9, s. 2)

**1.** The Regulation respecting the Parc national des Grands-Jardins (chapter P-9, r. 6) is amended by replacing section 1 by the following:

“**1.** The territory described in Schedule 1 constitutes Parc national des Grands-Jardins.”.

**2.** Schedule 1 to the Regulation is replaced by the Schedule attached hereto.

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

**SCHEDULE 1**

(s. 1)

**TECHNICAL DESCRIPTION****PARC NATIONAL DES GRANDS-JARDINS**

MINISTÈRE DE L'ÉNERGIE ET DES RESSOURCES NATURELLES  
BUREAU DE L'ARPENTEUR GÉNÉRAL DU QUÉBEC

**TECHNICAL DESCRIPTION**  
**PARC NATIONAL DES GRANDS-JARDINS**

**FOREWORD**

In this technical description, it is understood that when the described perimeter follows a watercourse or skirts a lake, this is always done, unless otherwise specified, on the basis of the high water mark of the hydrographic feature concerned.

The shore side (right or left) of a watercourse is determined by its flow direction, i.e. upstream to downstream.

The approximate coordinates cited in this technical description shall be used for localization purposes only. They have no legal effect and shall not be used for the border demarcation of the territory described as follows.

---

A territory located in the unorganized territory of Lac-Pikauba in the regional county municipality of Charlevoix, consisting of two perimeters containing a total area of 318.9 km<sup>2</sup>, and which are described as follows:



**FIRST PERIMETER**

Starting at **point 1**, located at the meeting point of the northeastern limit of right-of-way of Route 381 with the line established<sup>1</sup> by Gualbert Tremblay, Québec Land Surveyor, a point whose approximate coordinates are:

**Point 1**      5 281 946 m N. and 294 735 m E.;

Thence, northeasterly, follow part of the line established<sup>1</sup> by Gualbert Tremblay, Québec Land Surveyor, via the Terminus markers that he placed, up to **point 2**, located 60.35 meters from the southwestern shore of Lac de la Tourterelle Triste, Terminus markers whose approximate coordinates are:

5 282 713 m N. and 295 464 m E.; (Terminus marker No. 2)<sup>1</sup>

5 283 135 m N. and 296 008 m E.; (Terminus marker No. 3)<sup>1</sup>

**(Point 2)**

Thence, in a generally southeasterly direction, follow a parallel line that is 60.35 meters from the shore of Lac de la Tourterelle Triste and Lac Saint-Georges and their effluent, so as to include them, up to **point 3**, located at the meeting point of the northwestern limit of the Seigneurie de la Côte-de-Beaupré, a point whose approximate coordinates are:

**Point 3**      5 281 742 m N. and 298 475 m E.;

Thence, southwesterly, follow part of the northwestern limit of the Seigneurie de la Côte-de-Beaupré up to **point 4**, located at the meeting point of the northeastern limit of Bloc 1 of the Bassin-de-la-Rivière-du-Gouffre, a point whose approximate coordinates are:

**Point 4**      5 278 781 m N. and 295 771 m E.;

Thence, northwesterly, over a distance of 100 meters, follow the northeastern limit of Bloc 1 of the Bassin-de-la-Rivière-du-Gouffre extended up to **point 5**, a point whose approximate coordinates are:

**Point 5** 5 278 871 m N. and 295 726 m E.;

Thence, southwesterly, follow a line perpendicular to the northeastern limit of right-of-way of Route 381 up to **point 6**, located at the meeting point of this right-of-way, a point whose approximate coordinates are:

**Point 6** 5 278 854 m N. and 295 696 m E.;

Lastly, in a generally northerly direction, follow part of the eastern limit of right-of-way of Route 381, so as to exclude it, up to the starting point.

Area of the first perimeter: 10.8 km<sup>2</sup>

## **SECOND PERIMETER**

Starting at **point 7**, located at the meeting point of western limit of right-of-way of Route 381 with a parallel line that is 60.35 meters from the left shore of a tributary of Petit lac Barley, a point whose approximate coordinates are:

**Point 7** 5 294 085 m N. and 286 641 m E.;

Thence, in a generally southeasterly direction, follow part of the southwestern limit of right-of-way of Route 381, so as to exclude it, up to **point 8**, located at the meeting point of the northwestern limit

of the Seigneurie de la Côte-de-Beaupré, a point whose approximate coordinates are:

**Point 8** 5 278 734 m N. and 295 728 m E.;

Thence, southwesterly, follow part of the northwestern limit of the Seigneurie de la Côte-de-Beaupré up to **point 9**, located at the meeting point of a parallel line that is 60.35 meters from the right shore of a tributary of the Rivière Le Gros Bras, a point whose approximate coordinates are:

**Point 9** 5 278 571 m N. and 295 579 m E.;

Thence, in a generally northwesterly direction, follow a parallel line that is 60.35 meters from the right shore of a tributary of the Rivière Le Gros Bras, so as to include it, up to **point 10**, located at the meeting point of a parallel line that is 60.35 meters from the south shore of an unnamed lake, a point whose approximate coordinates are:

**Point 10** 5 280 458 m N. and 288 080 m E.;

Thence, follow a broken line whose apex coordinates are as follows:

5 280 971 m N. and 286 012 m E.;

5 280 897 m N. and 284 763 m E.; (**Point 11**)

Thence, in a generally southerly direction, follow a broken line whose apex coordinates are as follows:

5 279 143 m N. and 285 107 m E.;

5 278 438 m N. and 284 855 m E.;

5 277 346 m N. and 285 762 m E.;

5 276 136 m N. and 285 286 m E.; (**Point 12**)

Thence, northwesterly, follow a line up to **point 13**, located at the meeting point of a parallel line that is 60.35 meters from the southeastern shore of Lac de la Chute, a point whose approximate coordinates are:

**Point 13** 5 276 404 m N. and 284 645 m E.;

Thence, southwesterly, follow a line up to **point 14**, located at the meeting point of a parallel line that is 60.35 meters from the southeastern shore of Petit lac Mirande, a point whose approximate coordinates are:

**Point 14** 5 276 048 m N. and 284 047 m E.;

Thence, in a generally westerly direction, follow a parallel line that is 60.35 meters from the south shore of Petit lac Mirande and Lac Mirande and their effluent, so as to include them, up to **point 15**, located at the meeting point of the eastern shore of Lac Chaudière, a point whose approximate coordinates are:

**Point 15** 5 275 684 m N. and 281 316 m E.;

Thence, in a generally northwesterly direction, follow the northeastern shore of Lac Chaudière, so as to exclude it, up to **point 16**, located at the meeting point of the extension southward of the western limit of right-of-way of a forest road, a point whose approximate coordinates are:

**Point 16** 5 275 909 m N. and 281 169 m E.;

Thence, in a generally northerly direction, follow the extension then part of the western limit of right-of-way of a forest road (Road 604), so as to include it, via the following approximate coordinates:

5 275 954 m N. and 281 157 m E.

5 278 366 m N. and 280 835 m E.; (**Point 17**)



Thence, in a generally northerly direction, follow a broken line whose apex coordinates are as follows:

5 278 898 m N. and 280 681 m E.;

5 279 803 m N. and 280 923 m E.;

5 280 711 m N. and 280 296 m E.; (**Point 18**)

Thence, northwesterly, follow a line up to **point 19**, located at the meeting point of a parallel line that is 60.35 meters from the right shore of the Rivière Malbaie with the southwestern limit of right-of-way of a forest road, a point whose approximate coordinates are:

**Point 19** 5 281 779 m N. and 278 818 m E.;

Thence, in a generally southwesterly direction, follow a parallel line that is 60.35 meters from the right shore of the Rivière Malbaie then the Ruisseau à Jack, so as to include them, up to **point 20**, located at the meeting point of the southeastern limit of right-of-way of a forest road leading to Lac Malbaie (Chemin 60), a point whose approximate coordinates are:

**Point 20** 5 273 541 m N. and 267 853 m E.;

Thence, in a generally northerly direction, follow part of the eastern limit of right-of-way of a forest road leading to Lac Malbaie (Chemin 60), so as to exclude it, up to **point 21**, located at the meeting point of the left shore of the Ruisseau à Jack, a point whose approximate coordinates are:

**Point 21** 5 274 189 m N. and 268 100 m E.;

Thence, northwesterly, follow part of the left shore of the Ruisseau à Jack, so as to exclude it, up to **point 22**, located at the meeting point of the southeastern shore of Lac à Jack and its dam, a point whose approximate coordinates are:

**Point 22** 5 274 245 m N. and 268 031 m E.;

Thence, in a generally northerly direction, follow the eastern shore of Lac à Jack and Petit lac à Jack, so as to exclude them, up to **point 23**, whose approximate coordinates are:

**Point 23** 5 277 960 m N. and 267 510 m E.;

Thence, in a generally northerly direction, follow a broken line whose apex coordinates are as follows:

5 279 984 m N. and 267 027 m E.;

5 284 512 m N. and 266 810 m E.; (**Point 24**)

Thence, northeasterly, follow a line up to **point 25**, located at the meeting point of the southeastern limit of right-of-way of a forest road (Chemin 62), a point whose approximate coordinates are:

**Point 25** 5 285 708 m N. and 267 775 m E.;

Thence, in a generally northeasterly direction, follow part of the southeastern limit of right-of-way of the forest road (Chemin 62), so as to exclude it, up to **point 26**, located at the meeting point of the extension southwestward of a line established<sup>1</sup> by Gualbert Tremblay, Québec Land Surveyor, a point whose approximate coordinates are:

**Point 26** 5 291 789 m N. and 282 683 m E.;

Thence, northeasterly, follow a line up to **point 27**, located at the meeting point of a parallel line that is 60.35 meters from the left shore of an intermittent tributary of Lac Craine, a point whose approximate coordinates are:

**Point 27** 5 292 288 m N. and 283 197 m E.;

Thence, northeasterly, follow a parallel line that is 60.35 meters from the left shore of the intermittent tributary of Lac Craine, from the north shore of Lac Craine then from the right shore of another tributary of Lac Craine, so as to include them, up to **point 28**, a point whose approximate coordinates are:

**Point 28** 5 293 810 m N. and 285 632 m E.;

Thence, easterly, follow a line up to **point 29**, located at the meeting point of a parallel line that is 60.35 meters from the left shore of a tributary of Petit lac Barley, a point whose approximate coordinates are:

**Point 29** 5 293 836 m N. and 285 765 m E.;

Lastly, easterly, follow a parallel line that is 60.35 meters from the left shore of a tributary of Petit lac Barley, so as to include it, up to the starting point.

Area of the second perimeter: 308.1 km<sup>2</sup>

The areas, measurements and coordinates mentioned in this technical description are expressed in units of the International System of Units (SI) and have been plotted graphically from the digital files of the Base de données topographiques du Québec (BDTQ) and the digital survey compilation data from the Ministère de l'Énergie et des Ressources naturelles at a scale of 1/20,000, with reference to the Système de coordonnées planes du Québec (SCOPQ), NAD83, zone 7, central meridian 70° 30' west.

The undersigned did not conduct any ground survey in conjunction with this technical description.

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<sup>1</sup> According to survey work dated October 4, 1983 and filed in the surveying archives of the Surveyor General of Québec (reference: plan Rivière Suspendu 573 and carnet Chemise Divers 12-530).



The whole as shown on a plan prepared by the undersigned on October 6<sup>th</sup>, 2016, and filed in the surveying archives of the Surveyor General of Québec (Greffé de l'arpenteur général du Québec), Ministère de l'Énergie et des Ressources naturelles, under document number 529520.

Prepared in Québec City, on October 6<sup>th</sup>, 2016  
under number 14 of my minutes.

Digitally signed by:



Geneviève Tétreault  
Québec Land Surveyor

BAGQ file: 529520

Reference file BAGQ : 532805 (zoning plan)

**NOTE: This technical description includes both French and English versions. In case of discrepancy, the French version shall prevail.**

Original filed in the surveying archives of the  
Surveyor General of Québec.

Signé numériquement le **6 octobre 2016**



Geneviève Tétreault, arpenteure-géomètre  
Pour l'arpenteur général du Québec

**Énergie et Ressources  
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Gouvernement du Québec

## O.C. 801-2017, 16 August 2017

Parks Act  
(chapter P-9)

### **Parc national des Hautes-Gorges-de-la-Rivière-Malbaie — Establishment — Amendment**

Regulation to amend the Regulation respecting the establishment of Parc national des Hautes-Gorges-de-la-Rivière-Malbaie

WHEREAS, under section 2 of the Parks Act (chapter P-9), the Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates;

WHEREAS, by Order in Council 623-2000 dated 24 May 2000, the Government established Parc national des Hautes-Gorges-de-la-Rivière-Malbaie;

WHEREAS, under the first paragraph of section 4 of the Parks Act, the Government may establish, abolish or change the boundaries of a park, if the Minister has previously:

(a) given notice of his intention to establish, abolish or change the boundaries of the park in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;

(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;

(c) received in a public hearing the persons contemplated in paragraph b;

WHEREAS the Minister gave notice of the Government's intention to change the boundaries of Parc national des Hautes-Gorges-de-la-Rivière-Malbaie in the *Gazette officielle du Québec* of 13 June 2015 and in *L'Hebdo Charlevoisien* of 17 June 2015;

WHEREAS no comments or opposition were received by the end of the 60-day consultation period;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the establishment of Parc national des Hautes-Gorges-de-la-Rivière-Malbaie;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the establishment of Parc national des Hautes-Gorges-de-la-Rivière-Malbaie, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

### **Regulation to amend the Regulation respecting the establishment of Parc national des Hautes-Gorges-de-la-Rivière-Malbaie**

Parks Act  
(chapter P-9, s. 2)

**1.** The Regulation respecting the establishment of Parc national des Hautes-Gorges-de-la-Rivière-Malbaie (chapter P-9, r. 7) is amended by striking out section 2.

**2.** The Schedule to the Regulation is replaced by the Schedule attached hereto.

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

**SCHEDULE**

(s. 1)

**TECHNICAL DESCRIPTION****PARC NATIONAL DES  
HAUTES-GORGES-DE-LA-RIVIÈRE-MALBAIE**

MINISTÈRE DE L'ÉNERGIE ET DES RESSOURCES NATURELLES  
BUREAU DE L'ARPENTEUR GÉNÉRAL DU QUÉBEC

**TECHNICAL DESCRIPTION****PARC NATIONAL  
DES HAUTES-GORGES-DE-LA-RIVIÈRE-MALBAIE**FOREWORD

In this technical description, it is understood that when the described perimeter follows a watercourse or skirts a lake, this is always done, unless otherwise specified, on the basis of the high water mark of the hydrographic feature concerned.

The shore side (right or left) of a watercourse is determined by its flow direction, i.e. upstream to downstream.

The approximate coordinates cited in this technical description shall be used for localization purposes only. They have no legal effect and shall not be used for the border demarcation of the territory described as follows.

---

A territory partly located in the regional county municipalities of Fjord-du-Saguenay, Charlevoix and Charlevoix-Est, in the municipality de L'Anse-Saint-Jean and in the unorganized territories of Mont-Élie, Lac-Pikauba and Lalemant, consisting of two perimeters containing a total area of 224.9 km<sup>2</sup>, and which are described as follows:

**FIRST PERIMETER**

Starting at **point 1**, located at the meeting point of the left shore of the Rivière Malbaie with the northeastern limit of the right-of-way of a forest road bridge leading to Lac Desprez, a point whose approximate coordinates are:

**Point 1**      5 318 386 m N. and 293 221 m E.;

Thence, in a generally southeasterly direction, follow part of the left shore of the Rivière Malbaie, so as to include it, up to **point 2**, located at the meeting point of the southern limit of Lalemant township, a point whose approximate coordinates are:

**Point 2**      5 317 515 m N. and 293 996 m E.;

Thence, easterly, follow part of the southern limit of Lalemant township up to **point 3**, a point whose approximate coordinates are:

**Point 3**      5 317 508 m N. and 294 779 m E.;

Thence, in a generally easterly direction, follow a broken line whose apex coordinates are as follows:

5 317 384 m N. and 295 147 m E.;

5 316 924 m N. and 296 274 m E.;

5 316 316 m N. and 297 650 m E.;

5 315 798 m N. and 299 265 m E.;

5 315 627 m N. and 299 803 m E.;

5 315 008 m N. and 300 092 m E.;

5 314 963 m N. and 300 673 m E.;

5 314 981 m N. and 301 010 m E.;

5 315 383 m N. and 301 593 m E.;

5 315 919 m N. and 302 010 m E.;

5 316 505 m N. and 302 368 m E.;

5 317 010 m N. and 302 460 m E.;



5 317 129 m N. and 302 882 m E.;  
5 316 992 m N. and 303 441 m E.;  
5 317 105 m N. and 303 671 m E.;  
5 317 112 m N. and 303 886 m E.;  
5 317 043 m N. and 304 338 m E.;  
5 317 271 m N. and 304 616 m E.;  
5 317 182 m N. and 305 311 m E.;  
5 317 129 m N. and 305 732 m E.;  
5 316 549 m N. and 306 230 m E.;  
5 316 101 m N. and 306 206 m E.;  
5 315 913 m N. and 306 502 m E.;  
5 315 943 m N. and 306 849 m E.;  
5 315 795 m N. and 307 440 m E.;  
5 315 443 m N. and 307 647 m E.;  
5 315 443 m N. and 308 415 m E.;  
5 316 170 m N. and 308 441 m E.;  
5 316 585 m N. and 308 604 m E.; **(Point 4)**

Thence, easterly, follow a line up to **point 5**, located at the meeting point of the south shore of Lac Antlie with a parallel line that is 60 meters from the left shore of the lake's tributary, a point whose approximate coordinates are:

**Point 5**      5 316 721 m N. and 309 326 m E.;

Thence, southerly, follow a parallel line that is 60 meters from the left shore of the tributary of Lac Antlie then the western shore of an unnamed lake, so as to exclude them, up to **point 6**, located at the meeting point of the western limit of right-of-way of a forest road, a point whose approximate coordinates are:

**Point 6**      5 316 318 m N. and 309 275 m E.;

Thence, southerly, follow a line up to **point 7**, a point whose coordinates are:

**Point 7** 5 316 248 m N. and 309 269 m E.;

Thence, southwesterly, follow a line up to **point 8**, located at the meeting point of the southwestern limit of right-of-way of a forest road with a parallel line that is 60 meters from the right shore of an intermittent stream, a point whose approximate coordinates are:

**Point 8** 5 316 173 m N. and 309 203 m E.;

Thence, southerly, follow a parallel line that is 60 meters from the right shore of an intermittent stream, from the western shore of an unnamed lake, then the right shore of the Ruisseau Blanc, so as to exclude them, up to **point 9**, a point whose approximate coordinates are:

**Point 9** 5 314 148 m N. and 309 040 m E.;

Thence, southeasterly, follow a line that skirts an unnamed lake, so as to exclude it, up to **point 10**, a point whose coordinates are:

**Point 10** 5 313 020 m N. and 309 584 m E.;

Thence, in a generally southeasterly direction, follow a broken line whose apex coordinates are as follows:

5 312 988 m N. and 310 485 m E.;

5 312 252 m N. and 311 250 m E.;

5 312 022 m N. and 312 255 m E.;

5 311 774 m N. and 312 360 m E.;

5 311 733 m N. and 312 861 m E.;

5 311 947 m N. and 313 557 m E.;

5 312 079 m N. and 315 205 m E.,

5 312 006 m N. and 315 705 m E.;

5 310 779 m N. and 315 764 m E.; **(Point 11)**

Thence, southwesterly, follow a line up to **point 12**, located at the meeting point of the northwestern limit of the right-of-way of the 735-kV electric power transmission line (Circuit 7004), which corresponds to Terminus marker No. U-18-56 placed by André Turgeon,<sup>1</sup> Québec Land Surveyor, a point whose approximate coordinates are:

**Point 12** 5 306 272 m N. and 313 865 m E.;

Thence, in a generally southwesterly direction, follow part of the northwestern limit of the right-of-way of the 735-kV electric power transmission line (Circuit 7004), so as to exclude it, up to **point 13**, via the Terminus markers placed by André Turgeon,<sup>1</sup> Québec Land Surveyor, a point whose approximate coordinates are:

5 304 736 m N. and 313 220 m E.; (Terminus marker N°U-18-58)<sup>1</sup>

5 302 896 m N. and 312 448 m E.; (Terminus marker N°U-18-60)<sup>1</sup>

5 301 827 m N. and 311 162 m E.; (Terminus marker N°U-18-62)<sup>1</sup>

5 300 766 m N. and 309 886 m E.; (Terminus marker N°U-18-64)<sup>1</sup>

5 300 137 m N. and 308 970 m E.; (Terminus marker N°U-18-66)<sup>1</sup>

**(Point 13)**

Thence, westerly, follow a line that skirts Lac Sans Oreille, so as to include it, up to **point 14**, a point whose coordinates are:

**Point 14** 5 300 121 m N. and 307 284 m E.;

Thence, northwesterly, follow a line that skirts the Troisième lac du Foulon, so as to exclude it, up to **point 15**, a point whose coordinates are:

**Point 15** 5 300 705 m N. and 306 452 m E.;



Thence, westerly, follow a line up to **point 16**, a point whose coordinates are:

**Point 16** 5 300 885 m N. and 303 878 m E.;

Thence, northwesterly, follow a line that skirts an unnamed lake, so as to include it, up to **point 17**, a point whose coordinates are:

**Point 17** 5 302 033 m N. and 302 715 m E.;

Thence, northwesterly, follow a line that skirts Lac du Harfang and an unnamed lake, so as to exclude them, up to **point 18**, a point whose coordinates are:

**Point 18** 5 303 051 m N. and 301 025 m E.;

Thence, in a generally northwesterly direction, follow a broken line whose apex coordinates are as follows:

5 303 887 m N. and 301 113 m E.;

5 304 522 m N. and 300 184 m E.;

5 304 615 m N. and 299 090 m E.;

5 305 273 m N. and 297 867 m E.;

5 305 542 m N. and 297 115 m E.;

5 306 599 m N. and 297 143 m E.;

5 307 486 m N. and 296 520 m E.;

5 307 956 m N. and 296 405 m E.;

5 308 946 m N. and 296 314 m E.;

5 309 402 m N. and 296 137 m E.;

5 310 049 m N. and 295 687 m E.;

5 310 997 m N. and 295 569 m E.;

5 311 804 m N. and 295 903 m E.;

5 312 348 m N. and 296 604 m E.;

5 313 006 m N. and 297 178 m E.;

5 313 422 m N. and 297 124 m E.;  
5 313 702 m N. and 297 339 m E.;  
5 314 077 m N. and 296 710 m E.;  
5 314 250 m N. and 296 101 m E.;  
5 315 239 m N. and 295 776 m E.;  
5 315 803 m N. and 295 776 m E.;  
5 317 011 m N. and 293 626 m E.;  
5 317 508 m N. and 293 442 m E.; (**Point 19**)

Thence, northwesterly, follow a line up to **point 20**, located at the meeting point of the southeastern limit of the right-of-way of a forest road leading to Lac Desprez, a point whose approximate coordinates are:

**Point 20**     5 317 927 m N. and 293 071 m E.;

Lastly, in a generally northerly direction, follow part of the eastern limit of right-of-way of a forest road leading to Lac Desprez, so as to exclude it, up to the starting point.

**TO BE WITHDRAWN** from this first perimeter:

- The territory of the Réserve écologique des Grands-Ormes, as described by Claude Vincent, Québec Land Surveyor, on March 15, 2000 under minute 3068 (Order in Council 739-200);
- A portion of the right-of-way of the access road to the Parc national des Hautes-Gorges-de-la-Rivière-Malbaie, 20 meters in width, from the northwestern limit of the right-of-way of the 735-kV electric power transmission line (Circuit 7004) to 50 meters north of the bridge that crosses the Rivière Malbaie, including the bridge site.

Area of the first perimeter: 223.7 km<sup>2</sup>

## **SECOND PERIMETER**

Starting at **point 21**, located at the meeting point of the left shore of the Rivière Malbaie with the southwestern limit of the right-of-way of a forest road bridge leading to Lac Desprez, a point whose approximate coordinates are:

**Point 21** 5 318 368 m N. and 293 206 m E.;

Thence, in a generally southwesterly direction, follow part of the northwestern limit of right-of-way of a forest road leading to Lac Desprez, so as to exclude it, up to **point 22**, located at the meeting point of another forest road, a point whose approximate coordinates are:

**Point 22** 5 317 331 m N. and 292 577 m E.;

Thence, southwesterly, follow a line up to **point 23**, located at the meeting point of the left shore of an intermittent stream, a point whose approximate coordinates are:

**Point 23** 5 316 956 m N. and 291 931 m E.;

Thence, in a generally northwesterly direction, follow part of the left shore of the intermittent stream, so as to include it, up to **point 24**, located at the meeting point of the right shore of the Rivière Malbaie, a point whose approximate coordinates are:

**Point 24** 5 317 582 m N. and 291 640 m E.;

Thence, northwesterly, follow a line that crosses the Rivière Malbaie up to **point 25**, located at the meeting point of the left shore of the Rivière Malbaie, a point whose approximate coordinates are:

**Point 25** 5 317 606 m N. and 291 623 m E.;

Lastly, in a generally northeasterly direction, follow part of the left shore of the Rivière Malbaie, so as to include it, to the starting point.

Area of the second perimeter: 1.2 km<sup>2</sup>

The areas, measurements and coordinates mentioned in this technical description are expressed in units of the International System of Units (SI) and have been plotted graphically from the digital files of the Base de données topographiques du Québec (BDTQ) and the digital survey compilation data from the Ministère de l'Énergie et des Ressources naturelles at a scale of 1/20,000, with reference to the Système de coordonnées planes du Québec (SCOPQ), NAD83, zone 7, central meridian 70° 30' west.

The undersigned did not conduct any ground survey in conjunction with this technical description.

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<sup>1</sup> According to survey work dated January 20, 1980 and filed in the surveying archives of the Surveyor General of Québec (references: plans Canton Suspendu 3532-1 to 3532-17 and carnet Cahier de calcul 192-1).

The whole as shown on a plan prepared by the undersigned on October 5<sup>th</sup>, 2016, and filed in the surveying archives of the Surveyor General of Québec (Greffé de l'arpenteur général du Québec), Ministère de l'Énergie et des Ressources naturelles, under document number 529501.

Prepared in Québec City, on October 5<sup>th</sup>, 2016  
under number 13 of my minutes.

Digitally signed by:



Geneviève Tétreault  
Québec Land Surveyor

BAGQ file: 529501

Reference file BAGQ : 532069 (zoning plan)

**NOTE: This technical description includes both French and English versions. In case of discrepancy, the French version shall prevail.**

Original filed in the surveying archives of the  
Surveyor General of Québec.

Signé numériquement le **6 octobre 2016**



Geneviève Tétreault, arpenteure-géomètre  
Pour l'arpenteur général du Québec

Énergie et Ressources  
naturelles  
**Québec** 

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For the Surveyor General of Québec





Gouvernement du Québec

## O.C. 802-2017, 16 August 2017

Parks Act  
(chapter P-9)

### **Parc national du Mont-Mégantic — Establishment — Amendment**

Regulation to amend the Regulation respecting the establishment of Parc national du Mont-Mégantic

WHEREAS, under section 2 of the Parks Act (chapter P-9), the Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates;

WHEREAS, by Order in Council 678-94 dated 11 May 1994, the Government established Parc national du Mont-Mégantic;

WHEREAS, under the first paragraph of section 4 of the Parks Act, the Government may establish, abolish or change the boundaries of a park, if the Minister has previously:

(a) given notice of his intention to establish, abolish or change the boundaries of the park in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;

(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;

(c) received in a public hearing the persons contemplated in paragraph b;

WHEREAS the Minister gave notice of the Government's intention to change the boundaries of Parc national du Mont-Mégantic in the *Gazette officielle du Québec* of 13 June 2015, in *La Tribune* of 17 June 2015 and in *L'Écho de Frontenac* of 19 June 2015;

WHEREAS no comments or opposition were received by the end of the 60-day consultation period;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the establishment of Parc national du Mont-Mégantic;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the establishment of Parc national du Mont-Mégantic, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

### **Regulation to amend the Regulation respecting the establishment of Parc national du Mont-Mégantic**

Parks Act  
(chapter P-9, s. 2)

**1.** The Regulation respecting the establishment of Parc national du Mont-Mégantic (chapter P-9, r. 14) is amended by striking out section 2.

**2.** The Schedule to the Regulation is replaced by the Schedule attached hereto.

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

**SCHEDULE**

(s. 1)

**TECHNICAL DESCRIPTION****PARC NATIONAL DU MONT-MÉGANTIC**

BUREAU DE L'ARPENTEUR GÉNÉRAL DU QUÉBEC  
MINISTÈRE DE L'ÉNERGIE ET DES RESSOURCES NATURELLES

**TECHNICAL DESCRIPTION  
PARC NATIONAL DU MONT-MÉGANTIC****FOREWORD**

In this technical description, it is understood that when the described perimeter follows a watercourse or skirts a lake, this is always done, unless otherwise specified, on the basis of the high water mark of the hydrographic feature concerned.

The shore side (right or left) of a watercourse is determined by its flow direction, i.e. upstream to downstream.

The approximate coordinates cited in this technical description shall be used for localization purposes only. They have no legal effect and shall not be used for the border demarcation of the territory described as follows.

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With reference to the Cadastre of Québec, a territory located partly in the regional county municipalities of Haut-Saint-François and Granit, in the municipalities of La Patrie, Notre-Dame-des-Bois and Val-Racine and in the municipality of Canton de Hampden, covering an area of 59.9 km<sup>2</sup> and included within the perimeter described as follows:



Starting from **point 1**, located at the intersection of the southern limit of right-of-way of the Chemin de Franceville with the eastern limit of lot 5 578 778 of the Cadastre of Québec, a point whose approximate coordinates are:

**Point 1**      5 039 576 m N. and 252 921 m E.;

Thence, successively, southerly, easterly and once again southerly, follow the eastern limit then the northern limit and once again part of the eastern limit of lot 5 578 778 up to **point 2**, located at the meeting point of the left shore of the Ruisseau de la Montagne, a point whose approximate coordinates are:

**Point 2**      5 037 596 m N. and 253 171 m E.;

Thence, in a general easterly direction, follow part of the left shore of the Ruisseau de la Montagne, so as to exclude it, up to **point 3**, located at the meeting point of the northern limit of lot 4 499 961, a point whose approximate coordinates are:

**Point 3**      5 037 426 m N. and 253 966 m E.;

Thence, successively, easterly then southerly, follow the northern limit then the eastern limit of lot 4 499 961 up to **point 4**, located at the meeting point of the left shore of the Ruisseau de la Montagne, a point whose approximate coordinates are:

**Point 4**      5 037 051 m N. and 254 835 m E.;

Thence, in a general southeasterly direction, follow part of the left shore of the Ruisseau de la Montagne, so as to exclude it, up to **point 5**, located at the meeting point of the northern limit of lot 4 499 961, a point whose approximate coordinates are:

**Point 5**      5 036 429 m N. and 255 158 m E.;

Thence, easterly, follow the northern limit of lots 4 499 961, 4 826 651 and 4 966 856 up to **point 6**, located at the meeting point of the western limit of lot 5 138 919, a point whose approximate coordinates are:

**Point 6** 5 036 342 m N. and 259 062 m E.;

Thence, southerly, follow the eastern limit of lot 4 966 856 up to **point 7**, located at the meeting point of the northern limit of lot 4 500 023, a point whose approximate coordinates are:

**Point 7** 5 036 040 m N. and 259 060 m E.;

Thence, westerly, follow the southern limit of lot 4 966 856 then part of the southern limit of lot 4 826 651 up to **point 8**, located at the meeting point of the eastern limit of lot 4 499 961, a point whose approximate coordinates are:

**Point 8** 5 036 050 m N. and 257 888 m E.;

Thence, successively, southerly, westerly and once again southerly, follow the eastern limit, the southern limit and once again part of the eastern limit of lot 4 499 961 up to **point 9**, located at the meeting point of the northern limit of right-of-way of the Chemin de la Montagne (lot 4 501 660), a point whose approximate coordinates are:

**Point 9** 5 034 338 m N. and 257 393 m E.;

Thence, in a general southerly direction, follow the western limit of right-of-way of the Chemin de la Montagne, so as to exclude it, up to **point 10**, located at the meeting point of the northern limit of lot 4 499 973, a point whose approximate coordinates are:

**Point 10** 5 034 237 m N. and 257 379 m E.;

Thence, successively, westerly, southerly and once again westerly, follow part of the southern limit, the eastern limit and once again part of the southern limit of lot 4 499 961 up to **point 11**, located at the meeting point of the eastern limit of lot 4 978 970, a point whose approximate coordinates are:

**Point 11** 5 033 278 m N. and 256 099 m E.;

Thence, southerly, follow the eastern limit of lots 4 978 970 and 5 331 232 (Route du Parc) up to **point 12**, located at the meeting point of the southern limit of right-of-way of Route du Parc, a point whose approximate coordinates are:

**Point 12** 5 031 730 m N. and 256 110 m E.;

Thence, westerly, follow part of the southern limit of right-of-way of Route du Parc (lot 5 331 232), so as to include it, up to **point 13**, located at the meeting point of the eastern limit of lot 4 766 743, a point whose approximate coordinates are:

**Point 13** 5 031 731 m N. and 256 079 m E.;

Thence, in a general southerly direction, follow the dividing line between lots 4 766 743 and 4 766 742, so as to exclude the latter lot, up to **point 14**, located at the meeting point of the northern limit of lot 4 766 740, a point whose approximate coordinates are:

**Point 14** 5 030 113 m N. and 255 866 m E.;

Thence, westerly, follow the southern limit of lots 4 766 743 and 5 000 282 up to **point 15**, located at the meeting point of the western limit of lot 5 000 239, a point whose approximate coordinates are:

**Point 15** 5 030 102 m N. and 252 436 m E.;

Thence, successively, southerly, westerly and once again southerly, follow the eastern limit, the southern limit and once again the eastern limit of lot 5 000 282 up to **point 16**, located at the meeting point of the northern limit of right-of-way of Route 212 (lot 5 001 583), a point whose approximate coordinates are:

**Point 16** 5 029 284 m N. and 252 155 m E.;

Thence, westerly, follow part of the northern limit of right-of-way of Route 212 (lot 5 001 583), so as to exclude it, up to **point 17**, located at the meeting point of the eastern limit of lot 5 687 084, a point whose approximate coordinates are:

**Point 17** 5 029 324 m N. and 251 894 m E.;

Thence, northerly, follow the western limit of lot 5 000 282 up to **point 18**, located at the meeting point of the northern limit of lot 5 698 883, a point whose approximate coordinates are:

**Point 18** 5 030 929 m N. and 251 932 m E.;

Thence, westerly, follow the southern limit of lot 5 000 282 up to **point 19**, located at the meeting point of the eastern limit of lot 5 000 134, a point whose approximate coordinates are:

**Point 19** 5 030 962 m N. and 249 556 m E.;

Thence, northerly, follow the western limit of lot 5 000 282, extending into the Ruisseau Fortier, so as to cross it, up to **point 20**, located at the meeting point of the southwesterly limit of lot 5 001 806, a point whose approximate coordinates are:

**Point 20** 5 033 961 m N. and 249 598 m E.;

Thence, in a general northerly direction, follow the dividing line between lots 5 000 282 and 5 001 806, so as to exclude the latter lot,



up to **point 21**, located at the meeting point of the northern limit of lot 5 000 158, a point whose approximate coordinates are:

**Point 21** 5 035 578 m N. and 249 646 m E.;

Thence, successively, westerly and northerly, follow the southern limit and the western limit of lot 5 000 282 up to **point 22**, located at the meeting point of the southern limit of lot 5 578 778, a point whose approximate coordinates are:

**Point 22** 5 035 850 m N. and 248 870 m E.;

Thence, westerly, follow part of the southern limit of lot 5 578 778 up to **point 23**, located at the meeting point of the eastern limit of lot 4 774 736 (Chemin du Quatre-Milles), a point whose approximate coordinates are:

**Point 23** 5 035 882 m N. and 248 305 m E.;

Thence, successively, northerly, westerly or easterly, depending on the case, follow the western, southern or northern limits of lot 5 578 778 up to **point 24**, located at the meeting point of the southeastern limit of right-of-way of a road, a point whose approximate coordinates are:

**Point 24** 5 038 936 m N. and 248 119 m E.;

Thence, in a general northeasterly direction, follow the southeastern limit of right-of-way of the road, so as to exclude it, up to **point 25**, located at the meeting point of the northern limit of lot 5 578 778, a point whose approximate coordinates are:

**Point 25** 5 039 513 m N. and 248 327 m E.;

Thence, easterly, follow part of the northern limit of lot 5 578 778 up to **point 26**, located at the meeting point of the southwestern limit of

right-of-way of the Chemin de Franceville (lot 4 774 551), a point whose approximate coordinates are:

**Point 26** 5 039 513 m N. and 248 333 m E.;

Thence, in a general easterly direction, follow part of the southern limit of right-of-way of the Chemin de Franceville, so as to exclude it, up to **point 27**, located at the meeting point of the western limit of lot 4 774 284, a point whose approximate coordinates are:

**Point 27** 5 039 570 m N. and 251 558 m E.;

Thence, successively, southerly, easterly and northerly, follow the western, southern and eastern limits of lot 4 774 284, so as to exclude it, up to **point 28**, located at the meeting point of the southern limit of right-of-way of the Chemin de Franceville (lot 4 774 548), a point whose approximate coordinates are:

**Point 28** 5 039 573 m N. and 251 819 m E.;

Lastly, easterly, follow part of the southern limit of right-of-way of the Chemin de Franceville (lot 4 774 548), so as to exclude it, up to the starting point.

**TO BE WITHDRAWN** from this perimeter: lot 4 774 942 of the Cadastre of Québec, corresponding with the territory of maple sugar bush No. 034-135, operated under the name of "Les Entreprises Prévost SENC."

Area of the perimeter : 59.9 km<sup>2</sup>

The areas and coordinates mentioned in this technical description are expressed in units of the International System of Units (SI) and have been plotted graphically from the digital files of the Base de données topographiques du Québec (BDTQ) produced by the Ministère de l'Énergie et des Ressources naturelles at a scale of 1/20,000, and the Base de données cadastrales du Québec, dated September 22<sup>nd</sup>, 2016, with reference to the Système de coordonnées planes du Québec (SCOPQ), NAD83, zone 7, central meridian 70<sup>°</sup> 30' west.

The undersigned did not conduct any ground survey in conjunction with this technical description.



The whole as shown on a plan prepared by the undersigned on October 4<sup>th</sup>, 2016, and filed in the surveying archives of the Surveyor General of Québec (Grefte de l'arpenteur général du Québec), under document number 519889.

Prepared in Québec City, on October 4<sup>th</sup>, 2016  
under number 12 of my minutes.

Digitally signed by:



Geneviève Tétreault  
Québec Land Surveyor

File BAGQ: 519889

Reference file BAGQ: 531193 (zoning plan)

**NOTE: This technical description includes both French and English versions. In case of discrepancy, the French version shall prevail.**

Original filed in the surveying archives of the  
Surveyor General of Québec.

Signé numériquement le **4 octobre 2016**



Geneviève Tétreault, arpenteure-géomètre  
Pour l'arpenteur général du Québec

Énergie et Ressources  
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Gouvernement du Québec

**O.C. 803-2017, 16 August 2017**

Parks Act  
(chapter P-9),

**Parc national de la Yamaska**  
— **Establishment**  
— **Amendment**

Regulation to amend the Regulation respecting the establishment of Parc national de la Yamaska

WHEREAS, under section 2 of the Parks Act (chapter P-9), the Government, by regulation, may establish a park on any part of the lands in the domain of the State it indicates;

WHEREAS, by Order in Council 138483 dated 22 June 1983, the Government established Parc national de la Yamaska;

WHEREAS, under the first paragraph of section 4 of the Parks Act, the Government may establish, abolish or change the boundaries of a park, if the Minister has previously:

(a) given notice of his intention to establish, abolish or change the boundaries of the park in the *Gazette officielle du Québec* and in one or two newspapers published in the region concerned, or, if no newspaper is published in that region, in one or two newspapers published in the closest neighbouring region;

(b) granted 60 days from the publication of such notice to enable interested persons to submit their objections to him in writing;

(c) received in a public hearing the persons contemplated in paragraph b;

WHEREAS the Minister gave notice of the Government's intention to change the boundaries of Parc national de la Yamaska in the *Gazette officielle du Québec* of 13 June 2015 and in *La Voix de l'Est* of 17 June 2015;

WHEREAS no comments or opposition were received by the end of the 60 day consultation period;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the establishment of Parc national de la Yamaska;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the establishment of Parc national de la Yamaska, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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**Regulation to amend the Regulation  
respecting the establishment of Parc  
national de la Yamaska**

Parks Act  
(chapter P-9, s. 2)

**1.** The Regulation respecting the establishment of Parc national de la Yamaska (chapter P-9, r. 24) is amended by striking out section 2.

**2.** The Schedule to the Regulation is replaced by the Schedule attached hereto.

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

**SCHEDULE**

(s. 1)

**TECHNICAL DESCRIPTION****PARC NATIONAL DE LA YAMASKA**

BUREAU DE L'ARPENTEUR GÉNÉRAL DU QUÉBEC  
MINISTÈRE DE L'ÉNERGIE ET DES RESSOURCES NATURELLES

**TECHNICAL DESCRIPTION****PARC NATIONAL DE LA YAMASKA**

A territory located in the Regional County Municipality of Haute-Yamaska, within the boundaries of the municipalities of Roxton Pond and Saint-Joachim-de-Shefford, in reference to the cadastre of Québec, with a surface area of 13.4 km<sup>2</sup> and defined by two perimeters described as follows:

**PERIMETER 1**

Perimeter located in the municipalities of Roxton Pond and Saint-Joachim-de-Shefford.

Starting from **point 1**, being the north-east corner of lot 3 988 288, corresponding to the intersection of lots 4 295 393, 3 988 534 and 3 988 288, located on the south-west limit of the right-of-way of the La Campagnarde bike path;

Thence, in a general south-easterly direction, following the north-east limits of lots 3 988 288, 3 988 775, 3 988 259, 3 988 796, 3 988 260, lot 3 988 796 again, and lot 3 988 261, corresponding to the south-west limit of the right-of-way of the La Campagnarde bike path, so as to exclude it, up to **point 2**, being the intersection of lots 3 988 531, 3 987 939 and 3 988 261;

Thence, southerly, following the east limit of lot 3 988 261, up to **point 3**, being the intersection of lots 3 988 261, 3 987 939 and 3 987 943;

Thence, successively, westerly, northerly, westerly again, northerly again, and westerly again, following the south, west, south again,



west again and south again limits of lot 3 988 261, up to **point 4**, being the intersection of lots 3 988 839, 3 988 261 and 3 987 941, located on the east limit of the right-of-way of Chemin Brosseau;

Thence, southerly, following the east limit of lot 3 988 839, corresponding to the east limit of the right-of-way of Chemin Brosseau, so as to include it, up to **point 5**, being the intersection of lots 3 988 839, 3 987 941 and 3 988 838;

Thence, westerly, following the south limits of lots 3 988 839 and 3 987 902, up to **point 6**, located at the north-west corner of lot 3 987 901;

Thence, southerly, following the east limit of lot 3 987 902, up to **point 7**, being the intersection of lots 3 987 902, 3 987 751 and 3 988 733, located on the north limit of the right-of-way of Chemin du 8<sup>e</sup> Rang Ouest;

Thence, westerly then southerly, following the south limit of lot 3 987 902, then the east limit of lot 5 686 587, corresponding to the north limit of the right-of-way of Chemin du 8<sup>e</sup> Rang Ouest, so as to exclude it, up to **point 8**, being the intersection of lots 5 686 587, 3 988 733 and 3 722 289;

Thence, westerly, following the south limit of lot 5 686 587, corresponding to the north limit of the right-of-way of Boulevard David-Bouchard, so as to exclude it, up to **point 9**, being the intersection of lots 5 686 584, 5 686 587 and 3 722 289;

Thence, successively, northerly, north-westerly, south-westerly and westerly, following the west, south-west, south-east and south limits of lot 5 686 587, up to **point 10**, being the intersection of lots 3 722 707, 5 686 587 and 5 686 584, located on the east limit of the right-of-way of Chemin Roxton-Sud;

Thence, southerly, following the east limit of lot 3 722 707, corresponding to the east limit of the right-of-way of Chemin Roxton-Sud, so as to include it, up to **point 11**, being the intersection of lots 3 722 707, 5 686 584 and 5 686 586;

Thence, easterly then southerly, following the north and east limits of lot 5 686 586, up to **point 12**, being the intersection of lots 5 686 586, 5 686 584 and 3 722 347, located on the north limit of the right-of-way of Boulevard David-Bouchard;

Thence, westerly, following the south limit of lot 5 686 586, corresponding to the north limit of the right-of-way of Boulevard David-Bouchard, so as to exclude it, up to **point 13**, being the intersection of lots 3 723 852, 5 686 586 and 3 722 347;

Thence, northerly, following the west limit of lot 5 686 586, then the extension of this limit up to **point 14**, being the intersection with the midline of the Rivière Yamaska Nord;

Thence, in a general westerly direction, following the midline of the Rivière Yamaska Nord, inside lot 5 686 586, up to **point 15**, being the intersection with the north limit of the right-of-way of Boulevard David-Bouchard (corresponding to the south limit of lot 5 686 586);

Thence, westerly then north-westerly, following the south and south-west limits of lot 5 686 586, corresponding to the north limit of the right-of-way of Boulevard David-Bouchard, so as to exclude it, up to **point 16**, being the intersection of lots 3 722 707, 5 686 586, 3 722 295 and 3 724 230, located on the east limit of the right-of-way of Chemin Roxton-Sud;

Thence, westerly, following the south limit of lot 3 722 707, still corresponding to the north limit of the right-of-way of Boulevard David-Bouchard, so as to exclude it, up to **point 17**, being the intersection of lots 3 724 004, 3 722 707, 3 724 230 and 3 722 349, located on the west limit of the right-of-way of Chemin Roxton-Sud;

Thence, south-westerly then westerly, following the south-east and south limits of lot 3 724 004, still corresponding to the north limit of the right-of-way of Boulevard David-Bouchard, so as to exclude it, up to **point 18**, being the intersection of lots 4 218 893, 3 724 004 and 3 722 349;

Thence, northerly, following the west limits of lots 3 724 004 and 5 686 585, up to **point 19**, being the intersection of lots 3 724 192, 5 686 585 and 3 724 138, located on the south limit of the right-of-way of Chemin du 11<sup>e</sup> Rang;

Thence, easterly, following the north limit of lot 5 686 585, corresponding to the south limit of the right-of-way of Chemin du 11<sup>e</sup> Rang, so as to exclude it, up to **point 20**, being the intersection of lots 3 724 192, 3 723 481 and 5 686 585;

Thence, successively, southerly, easterly and northerly, following the east, north and west limits of lot 5 686 585, up to **point 21**, being the intersection of lots 3 724 192, 5 686 585 and 3 723 481, located on the south limit of the right-of-way of Chemin du 11<sup>e</sup> Rang;

Thence, easterly, following the north limit of lot 5 686 585, corresponding to the south limit of the right-of-way of Chemin du 11<sup>e</sup> Rang, so as to exclude it, up to **point 22**, being the intersection of lots 3 724 192, 3 723 483 and 5 686 585;

Thence, successively, southerly, easterly, south-westerly, southerly again, south-westerly again, south-easterly, north-easterly, north-westerly, northerly, north-easterly again and northerly again, following the east, north, south-east, east again, south-east again, north-east, north-west, south-west, west, north-west again, and east again limits of lot 5 686 585, up to **point 23**, being the intersection of lots 3 722 708, 5 686 585 and 5 686 583, located on the south limit of the right-of-way of Chemin du 11<sup>e</sup> Rang;



Thence, successively, easterly, northerly, easterly again and northerly again, following the north limits of lots 5 686 585 and 3 722 704, then the north, west, north again and west again limits of lot 3 722 765, corresponding to the south limit of the right-of-way of Chemin du 11<sup>e</sup> Rang, so as to exclude it, up to **point 24**, being the intersection of lots 3 722 708, 3 723 850 and 3 722 765, located on the centre point of the east limit of the right-of-way of Chemin du 11<sup>e</sup> Rang;

Thence, easterly, following the north limits of lots 3 722 765 and 3 988 288, up to **point 1**, the starting point.

Surface area of perimeter: 12.8 km<sup>2</sup>

## **PERIMETER 2**

Perimeter, defined only by the lot 3 987 900, located to the south of chemin du 8<sup>e</sup> Rang Ouest in the municipality of Saint-Joachim-de-Shefford.

Starting from **point 25**, being the north-east corner of lot 3 987 900, corresponding to the intersection of lots 3 988 733, 3 987 753 and 3 987 900, located on the south limit of the right-of-way of Chemin du 8<sup>e</sup> Rang Ouest;

Thence, successively, southerly, westerly and northerly, following the east, south and west limits of lot 3 987 900, up to **point 26**, being the intersection of lots 3 722 874, 3 988 733 and 3 987 900, located on the south limit of the right-of-way of Chemin du 8<sup>e</sup> Rang Ouest;

Thence, easterly, following the north limit of lot 3 987 900, corresponding to the south limit of the right-of-way of Chemin du 8<sup>e</sup> Rang Ouest, so as to exclude it, up to **point 25**, the starting point.

Surface area of perimeter: 0.6 km<sup>2</sup>

The International System of Units (SI) is the measurement system used in this technical description to express the surface areas, which were calculated graphically using the digital files from the Québec cadastral database except on October 6<sup>TH</sup>, 2016, in reference to the Système de coordonnées planes du Québec (SCOPQ), NAD83, zone 8, central meridian 73°30' West.

No land survey was performed by the undersigned to produce herein document.

The whole, as shown on the plan prepared by the undersigned, on October 6<sup>TH</sup>, 2016, and filed in the surveying archives of the Surveyor General of Québec (Greffé de L'arpenteur général du Québec), Ministère de l'Énergie et des Ressources naturelles, under document number 519888.

Prepared in Québec City, on October 6<sup>TH</sup>, 2016, under number 2 of my minutes.

Digitally signed by:





Simon Payette  
Québec land surveyor

BAGQ file: 519888

Associated BAGQ file: 531195 (Zoning plan)

**NOTE: This technical description includes both French and English versions. In case of discrepancy, the French version shall prevail.**

Original filed in the surveying archives of the Surveyor General of Québec.
Signé numériquement le <b>7 octobre 2016</b>  Simon Payette, arpenteur-géomètre Pour l'arpenteur général du Québec <b>Énergie et Ressources naturelles</b> <b>Québec</b> 
Only the Surveyor General of Québec is authorized to issue true copies of this document.
True copy of the original, on this ..... ..... For the Surveyor General of Québec



Gouvernement du Québec

**O.C. 804-2017, 16 August 2017**

Professional Code  
(chapter C-26)

**Medical electrophysiology technologists  
— Professional activities that may be engaged in by  
a medical electrophysiology technologist**

Regulation respecting the professional activities that may be engaged in by a medical electrophysiology technologist

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

WHEREAS, in accordance with the same paragraph, the board of directors of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec consulted the Collège des médecins du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des technologistes médicaux du Québec and the Ordre professionnel des inhalothérapeutes du Québec before making, on 1 June 2016, the Regulation respecting the professional activities that may be engaged in by a medical electrophysiology technologist;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and 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 respecting the professional activities that may be engaged in by a medical electrophysiology technologist was published in Part 2 of the *Gazette officielle du Québec* of 28 September 2016 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 24 May 2017 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the professional activities that may be engaged in by a medical electrophysiology technologist, attached to this Order in Council, be approved.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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**Regulation respecting the professional  
activities that may be engaged in by a  
medical electrophysiology technologist**

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

**1.** This Regulation determines, among the professional activities that may be engaged in by medical imaging technologists or radiation oncology technologists, those that may be engaged in by a medical electrophysiology technologist, holding a training certificate to perform echocardiography or vascular ultrasonography, as well as the terms and conditions on which such persons may engage in such activities.

**2.** A medical electrophysiology technologist may, following the issue of a prescription and when an examination requires it,

(1) administer contrast substances; and

(2) insert an instrument in a peripheral vein for the purpose of administering a contrast substance.

**3.** To engage in the activities described in section 2, a medical electrophysiology technologist must hold a training certificate issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec confirming the successful completion of training comprising the following 2 modules:

(1) theoretical training of 17 hours offered on the training portal of the Order on

- (a) the description of contrast substances;
  - (b) injection techniques;
  - (c) the procedure to install an intravenous infusion;
  - (d) the precautions, effects and interventions following an injection;
  - (e) the monitoring of signs and symptoms related to possible complications in the patient;
  - (f) adverse effects of contrast substances;
  - (g) asepsis;
  - (h) risk factors to be considered prior to injection; and
  - (i) the volumes to be injected;
- (2) clinical training consisting in at least 15 injections of contrast substances administered independently, 3 of which including the installation of an intravenous infusion, supervised by a medical electrophysiology technologist, holding a training certificate to perform echocardiography or vascular ultrasonography and a training certificate for the activities referred to in section 2. The training may also be supervised by a medical imaging technologist or a radiation oncology technologist.

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

103096

Gouvernement du Québec

**O.C. 806-2017, 16 August 2017**

Tax Administration Act  
(chapter A-6.002)

An Act respecting the Ministère de la Santé et  
des Services sociaux  
(chapter M-19.2)

An Act respecting the Québec Pension Plan  
(chapter R-9)

**First Amendment to the Agreement on Social  
Security Between the Gouvernement du Québec and  
the Government of the French Republic signed at  
Paris on 17 December 2003**

—**Ratification**

—**Making of the Regulation respecting  
the implementation**

Ratification of the First Amendment to the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003 and making of the Regulation respecting the implementation of that Amendment

WHEREAS Order in Council 277-2016 dated 6 April 2016 authorized the Minister of International Relations and La Francophonie to sign alone the First Amendment to the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003 and the First Amendment to the Administrative Arrangement for the Implementation of the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic signed 17 and 30 December 2003;

WHEREAS these Amendments were signed at Québec on 28 April 2016;

WHEREAS these Amendments aim, in particular, to guarantee the benefits of the coordination in the fields of retirement, survivorship, disability, death, industrial accidents and occupational diseases, health insurance, hospitalization insurance and other health services to the persons concerned;

WHEREAS the Government may, by regulation made under the first paragraph of section 96 of the Tax Administration Act (chapter A-6.002), give effect to international agreements of a fiscal nature entered into under the first paragraph of section 9 of that Act;



WHEREAS, under subparagraph 2 of the first paragraph of section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of that section, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS, under the second paragraph of section 215 of the Act respecting the Québec Pension Plan (chapter R-9), the Government may make regulations respecting the manner in which that Act is to apply to any case affected by the agreement entered into with country other than Canada;

WHEREAS the First Amendment to the Agreement constitutes an international agreement within the meaning of the third paragraph of section 19 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

WHEREAS this Amendment also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of that Act;

WHEREAS, under the third paragraph of section 20 of that Act, international agreements referred to in section 22.2 of that Act must, to be valid, be signed by the Minister, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of that Act, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act may not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS this Amendment was approved by the National Assembly on 31 May 2016;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, proposed regulations of the Government, in particular, respecting the implementation of agreements on

social security signed by the Government under section 215 of the Act respecting the Québec Pension Plan, section 9 of the Tax Administration Act and section 10 of the Act respecting the Ministère de la Santé et des Services sociaux, are excluded from the application of the Regulations Act (chapter R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and La Francophonie, the Minister of Finance and the Minister of Health and Social Services:

THAT the First Amendment to the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003, which Amendment was signed at Québec on 28 April 2016 and approved by the National Assembly on 31 May 2016, whose text is attached to the implementing regulation of this Amendment mentioned below, be ratified;

THAT the Regulation respecting the implementation of the First Amendment to the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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**Regulation respecting the implementation of the First Amendment to the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003**

Tax Administration Act  
(chapter A-6.002, ss. 9 and 96)

An Act respecting the Ministère de la Santé et des Services sociaux  
(chapter M-19.2, s. 10)

An Act respecting the Québec Pension Plan  
(chapter R-9, s. 215)

**1.** The following Acts and the regulations thereunder apply to every person referred to in the First Amendment to the Agreement on Social Security Between the Gouvernement du Québec and the Government of the



French Republic signed at Paris on 17 December 2003, which Amendment was signed at Québec on 28 April 2016 and is attached as Schedule 1:

- (1) the Hospital Insurance Act (chapter A-28);
- (2) the Health Insurance Act (chapter A-29);
- (3) the Act respecting prescription drug insurance (chapter A-29.01);
- (4) the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- (5) the Act respecting the Québec Pension Plan (chapter R-9);
- (6) the Act respecting health services and social services (chapter S-4.2);
- (7) the Act respecting health services and social services for Cree Native persons (chapter S-5).

**2.** Those Acts and regulations apply in the manner stipulated in that Amendment and the First Amendment to the Administrative Arrangement for the Implementation of the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic signed 17 and 30 December 2003 attached as Schedule 2.

**3.** This Regulation comes into force on 1 December 2017.

#### **SCHEDULE 1** (s. 1)

FIRST AMENDMENT TO THE AGREEMENT  
ON SOCIAL SECURITY BETWEEN THE  
GOUVERNEMENT DU QUÉBEC AND THE  
GOVERNMENT OF THE FRENCH REPUBLIC  
SIGNED AT PARIS ON 17 DECEMBER 2003

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF  
FRANCE

Hereinafter referred to as “the Parties”,

Desirous to amend the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic, signed at Paris on 17 December 2003 (hereinafter the “Agreement”),

HAVE AGREED TO THE FOLLOWING  
PROVISIONS:

#### **ARTICLE 1**

Article 1 of the Agreement shall be amended as follows:

1° In paragraph 1(a), after the words “the European and overseas departments of the French Republic”, the words “and the territorial collectivity of Saint Pierre and Miquelon” shall be inserted;

2° In paragraph (g), the word “claimant” shall be replaced by the words “family member”;

3° In paragraph (j), the words “persons deriving rights from an insured person” shall be replaced by the words “family members.”

#### **ARTICLE 2**

Paragraph 1 of Article 2 of the Agreement is amended as follows:

1° As regards France, after sub-paragraph (h), the following subparagraph (i) shall be inserted:

“(i) to statutes concerning the branches and social security plans applicable to Saint Pierre and Miquelon, except for the unemployment insurance plan and non-contributory benefits for solidarity. “;

2° As regards Québec, the words “family benefits” shall be deleted.

#### **ARTICLE 3**

The first sentence of paragraph 2 of Article 9 of the Agreement shall be amended by inserting the words “in the same calendar year” after the words “three months”.

#### **ARTICLE 4**

In the title of Chapter 1 of Title III of the Agreement, after the words “old age”, the word “, disability” shall be inserted.

#### **ARTICLE 5**

Article 14 of the Agreement shall be amended as follows:

1° as regards France, after the words “old age”, the word “, disability” shall be inserted;

2° as regards Québec, after the word “retirement”, the word “, disability” shall be inserted.

## ARTICLE 6

Article 16 of the Agreement shall be replaced by the following provisions:

### “ARTICLE 16

#### *Totalization of Insurance Periods*

1. If the statutes of one Party subordinates the acquisition, maintenance or recovery of the right to pensions under a plan that is not a special plan within the meaning of paragraph 4 or 5, to the completion of periods of insurance, the competent institution of that Party shall totalize, to the extent necessary, the periods of insurance completed under the statutes of the other Party, whether the periods completed were in a general or special plan, as if the periods were completed under the statutes applied by the Party, the overlapping periods being counted only once.

For the purposes of such a totalization, only the periods completed from 1 January 1966 which are included in the contributory period as defined in Québec statutes shall be considered.

2. If the statutes of one of the Parties subordinates the granting of benefits to the condition that the worker be subject to that statute at the time of the occurrence of the event giving rise to the benefit, this condition shall be deemed satisfied if, on the occurrence thereof, the worker contributes or is in an assimilated situation in the other Party.

3. If, for the recognition of the right to the benefit, the statutes of a Party require that insurance periods have been completed in a pre-determined time frame prior to the event at the origin of the benefit, this condition shall be deemed satisfied if the person proves such periods of insurance under the statutes of the other Party in the period immediately prior to the relevant event.

4. If the statutes of one of the Parties include special plans that subordinate the granting of certain pensions provided that the periods of insurance have been completed in a determined occupation or employment, the periods completed under the statutes of the other Party shall be taken into account, for the granting of these pensions, only if they have been completed in the same occupation or employment.

5. The provisions of paragraph 4 shall not apply, as regards the special plans of France, to special retirement plans for civil and military officers of the State, territorial and hospital officers and workers in industrial establishments of the State.

However, for determining the clearance rate of the pension, the special plans of France for civil and military officers of the State, territorial and hospital officers and workers in industrial establishments of the State shall take into account, for the duration of insurance completed in one or more other basic mandatory pension plans, insurance periods completed under Québec statutes.

6. If, considering the totalization provided for in paragraph 4 or solely the periods completed in plans referred to in paragraph 5, the person concerned does not meet the requirements for entitlement set out in the special plan, the periods of insurance completed in the special plan shall be taken into account in the conditions set out in the statutes of the Party where the special plan applies.”.

## ARTICLE 7

Subject to Article 8 of this Amendment, Chapter 2 of Title III of the Agreement shall be repealed.

## ARTICLE 8

1. The shared-cost disability pension, paid under the provisions of Chapter 2 of Title III of the Agreement as applicable before the entry into force of this Amendment, shall be recalculated by applying the provisions of Chapter 1 of Title III of the Agreement as modified by this Amendment.

2. If the sum of the recalculated disability pensions of one and the other Party is less than the original pension, the beneficiary shall continue to receive the shared-cost disability pension under the provisions of Chapter 2 of Title III of the Agreement as applicable before the entry into force of this Amendment.

3. In the case where the shared-cost disability pension is maintained, if the beneficiary receives a retirement or old age pension under the statutes of a Party, the cost-sharing shall cease.

## ARTICLE 9

Articles 46 and 47 of the Agreement shall be repealed.

## ARTICLE 10

Article 48 of the Agreement shall be replaced by the following provisions:

**“ARTICLE 48**

*Persons Referred to in Articles 7, 8, 12 and 13*

As regards France:

(a) The persons referred to in Articles 7 and 8, paragraph 1 of Article 12, and Article 13 that are subject to the French statutes shall be entitled for the children accompanying them in the territory of the other Party to the family benefits listed in the Administrative Arrangement.

(b) Benefits shall be covered directly by the French competent institution as of their arrival in Québec.”

**ARTICLE 11**

Paragraph 2 of Article 49 of the Agreement shall be replaced by the following provisions:

“2. The liaison agencies shall be designated in the Administrative Arrangement.”

**ARTICLE 12**

Article 53 of the Agreement shall be replaced by the following provisions:

**“ARTICLE 53**

*Medical Examination Reports, Administrative Controls and Medical Documents*

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements to provide the medical examination reports, administrative controls and medical documents required for persons residing or staying in the territory of the second Party.

2. The reports and controls referred to in paragraph 1 may not be disallowed solely because they have been made in the territory of the other Party.”

**ARTICLE 13**

Article 54 of the Agreement shall be replaced by the following provisions:

**“ARTICLE 54**

*Protection of Personal Information*

1. For the purposes of this Article, the terms “statute”, “personal data” and “personal information” shall have the usual meaning given to them in domestic laws of each Party.

2. The agencies of the Parties may release to one another any personal data or information necessary for the application of the Agreement.

3. Personal data or information released to an agency of a Party may be used only for the application of the Agreement.

A Party may however use such data or information for other purposes with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) its use is compatible and has a direct and relevant connection with the purposes for which the data or information was collected;

(b) its use is clearly for the benefit of the person to whom it relates, or;

(c) its use is necessary for the administration of an Act in Québec or in France.

4. Personal data or information released to an agency of a Party may only be released to another agency of this Party for the application of the Agreement.

A Party may however release such data or information with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) its release is necessary for the exercise of the rights and powers of an agency of a Party;

(b) its release is clearly for the benefit of the person to whom it relates, or;

(c) its release is necessary for the administration of an Act in Québec or in France.

5. The agencies of both Parties shall ensure, during the transmission of the data or information referred to in paragraph 2, the use of means preserving their confidentiality.

6. The agency of a Party, to which data or information referred to in paragraph 2 is released, shall protect it against unauthorized access, alteration and release.

7. The agency of a Party, to which personal data or information referred to in paragraph 2 is released, shall take the necessary measures to ensure that it remains up to date. As need be, it shall correct it and shall destroy that whose collection or storage is not authorized by the statutes which apply to it. It shall also destroy, upon request from an agency of a Party, the data or information transmitted by mistake.

8. Subject to a Party's statutes relating to the conservation of personal data or information, this data or information shall be destroyed when the purposes for which it was collected or used is completed. The agencies of both Parties shall use safe and final means of destruction, and shall ensure the confidentiality of the personal data or information awaiting destruction.

9. Upon request to an agency of a Party, the person concerned has the right to be informed of the release of personal data or information referred to in paragraph 2 and of its use for purposes other than the application of the Agreement. That person may also have access to the personal data or information concerning him or her and have it corrected, in accordance with the statutes of the Party on whose territory the data or information is held.

10. The competent authorities of the Parties shall inform each other of any changes to the statutes concerning this matter.”

#### ARTICLE 14

In paragraph 2 of Article 57 of the Agreement, the words “medical examination report produced” shall be replaced by the words “medical examination report or administrative control produced”.

#### ARTICLE 15

1. Each Party shall notify the other of the completion of its internal procedures required for the entry into force of this Amendment.

2. Subject to paragraph 3, this Amendment shall enter into force on the first day of the second month following receipt of the last notification.

3. Articles 7 and 8 of this Amendment shall enter into force on 1 January following the date of entry into force determined under paragraph 2.

Done at Québec, on 28 April 2016, in duplicate in the French language.

FOR THE GOUVERNEMENT  
DU QUÉBEC

CHRISTINE ST-PIERRE,  
*Minister of International  
Relations and  
La Francophonie*

FOR THE GOVERNMENT  
OF THE FRENCH REPUBLIC

ANNICK GIRARDIN,  
*Minister of the Civil  
Service*

#### SCHEDULE 2

(s. 2)

FIRST AMENDMENT TO THE ADMINISTRATIVE  
ARRANGEMENT FOR THE IMPLEMENTATION  
OF THE AGREEMENT ON SOCIAL SECURITY  
BETWEEN THE GOUVERNEMENT DU QUÉBEC  
AND THE GOVERNMENT OF THE FRENCH  
REPUBLIC SIGNED 17 AND 30 DECEMBER 2003

The Minister of International Relations and La Francophonie of Québec and the Minister of Social Affairs and Health of the French Republic,

DESIROUS to amend the Administrative Arrangement for the implementation of the Agreement on Social Security Between the Gouvernement du Québec and the Government of the French Republic, signed on 17 and 30 December 2003 (hereinafter the “Administrative Arrangement”),

HAVE AGREED TO THE FOLLOWING  
PROVISIONS:

#### ARTICLE 1

Subparagraphs (a) and (b) of paragraph 1 of Article 4 of the Administrative Arrangement shall be replaced by the following provisions:

“(a) for Québec,

(i) the persons employed by the Gouvernement du Québec and governed by the Public Service Act;

(ii) employees of the Gouvernement du Québec assigned to the Délégation générale du Québec à Paris (DGQP), its immigration office and the Investissement Québec office as well as any other person mandated to represent the Gouvernement du Québec in France;

(b) for France,

(i) persons in government employment and military service and similar personnel;

(ii) salaried personnel other than the personnel referred to in subparagraph (i) above, working for a French public administration and who, assigned in the territory of Québec, remain subject to the French social security plan.

(iii) diplomatic and consular staff of the Consulate General of France in Québec and in Montréal, the diplomatic staff of the Embassy of France in Ottawa

residing and working exclusively in the territory of Québec, officials or contractual expatriate people employed in public industrial and commercial establishment, as well as members of the permanent representation of France to the International Civil Aviation Organization (ICAO).”

## ARTICLE 2

In paragraph 2 of Article 5 of the Administrative Arrangement, the words “la Régie des rentes du Québec” shall be replaced by the words “Retraite Québec”.

## ARTICLE 3

In the title of Chapter 1 of Title III of the Administrative Arrangement, after the words “old age”, the word “, disability” shall be inserted.

## ARTICLE 4

Subject to Article 8 of the First amendment to the Agreement of 17 December 2003, Chapter 2 of Title III of the Administrative Arrangement shall be repealed.

## ARTICLE 5

1. In paragraphs (a) and (b) of Article 19 and paragraph 3 of Article 34 of the Administrative Arrangement, the words “Commission de la santé et de la sécurité du travail” shall be replaced by the words “Commission des normes, de l'équité, de la santé et de la sécurité du travail”.

2. In paragraph (a) of Article 19 and sub-paragraph (b) of paragraph 1 of Article 20 of the Administrative Arrangement, the initials “CSST” shall be replaced by the initials “CNESST”.

## ARTICLE 6

Article 28 of the Administrative Arrangement shall be replaced by the following provisions:

### “ARTICLE 28 *Family Benefits*

For France, the term “family benefits” means the family allowances and the birth or adoption grant of the early childhood benefit program.

## ARTICLE 7

Article 29 of the Administrative Arrangement shall be repealed.

## ARTICLE 8

Article 30 of the Administrative Arrangement shall be replaced by the following provisions:

### “ARTICLE 30 *Notice to Competent Institutions*

The persons referred to in Article 48 of the Agreement going from France to Québec must so inform their French competent institution by presenting the certificate which is mentioned in Article 3 of this Arrangement.”

## ARTICLE 9

Subparagraphs (a) and (b) of Article 31 of the Administrative Arrangement shall be replaced by the following provisions:

“(a) in Québec,

the Bureau des ententes de sécurité sociale of Retraite Québec, except as regards reimbursements provided for in paragraph 1 of Article 57 of the Agreement and Articles 34 and 35 of the Administrative Arrangement, the Régie de l'assurance maladie du Québec for sickness and maternity or the CNESST for benefits in case of industrial accidents or occupational diseases;

(b) in France,

the Centre des liaisons européennes et internationales de sécurité sociale, except as regards reimbursements provided for in Article 57 of the Agreement and Articles 34 and 35 of the Administrative Arrangement, the Caisse nationale d'assurance maladie des travailleurs salariés (CNAMTS) or the caisse primaire d'assurance maladie (CPAM) it has designated for this purpose.”

## ARTICLE 10

Article 37 of the Administrative Arrangement shall be replaced by the following provisions:

### “ARTICLE 37 *Forms*

1. The form and content of certificates or forms necessary for the application of the Agreement and the Administrative Arrangement are adopted jointly by the competent institutions and the liaison agencies designated by the competent authorities in accordance with Article 49 of the Agreement.

2. Validated certificates or forms shall be the subject of mutual notification by the competent authorities of the Parties. They shall be made available to competent institutions by the liaison agencies.

3. The procedure set forth in paragraph 2 of this Article shall also apply to any modifications agreed upon, by common consent between the competent institutions and the liaison agencies, to the certificates or forms referred to in paragraph 1 of this Article.

4. To facilitate the application of the Agreement and the Administrative Arrangement, the competent institutions and the liaison agencies may agree on ways to exchange data electronically or by other secure means.”.

#### ARTICLE 11

The Supplementary Administrative Arrangement of 19 and 26 October 2004 providing the model forms necessary for the application of the Agreement and the Administrative Arrangement shall be repealed. Nevertheless, the certificates and forms provided therein shall remain in force. The forms and certificates subsequently adopted shall be the subject of the mutual notification provided for in Article 37 of the Administrative Arrangement as amended by Article 10 of this Amendment.

#### ARTICLE 12

This First Amendment to the Administrative Arrangement shall enter into force on the same date as the First Amendment to the Agreement of 17 December 2003.

Done at Québec, on 28 April 2016, in duplicate in the French language.

THE MINISTER OF  
INTERNATIONAL RELATIONS  
AND LA FRANCOPHONIE  
OF QUÉBEC

CHRISTINE ST-PIERRE

FOR THE MINISTER OF  
SOCIAL AFFAIRS AND  
HEALTH OF THE  
FRENCH REPUBLIC

NICOLAS CHIBAEFF  
*General Consul of  
France in Québec*

103097

Gouvernement du Québec

#### O.C. 808-2017, 16 August 2017

An Act respecting the Ministère de la Santé et  
des Services sociaux  
(chapter M-19.2)

#### Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998

—Ratification

—Making of the Regulation respecting  
the implementation

Ratification of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998 and making of the Regulation respecting the implementation of that Amendment

WHEREAS Order in Council 279-2016 dated 6 April 2016 authorized the Minister of International Relations and La Francophonie to sign alone the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998 and the Second Amendment to the Administrative Arrangement signed on 21 December 1998 for the Implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French;

WHEREAS these Amendments were signed at Québec on 28 April 2016;

WHEREAS these Amendments aim, in particular, to guarantee the benefits of the coordination in the fields of industrial accidents and occupational diseases, health insurance, hospitalization insurance and other health services to the persons concerned;

WHEREAS, under subparagraph 2 of the first paragraph of section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization



for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of that section, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS the Second Amendment to the Memorandum of Agreement constitutes an international agreement within the meaning of the third paragraph of section 19 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

WHEREAS this Amendment also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of that Act;

WHEREAS, under the third paragraph of section 20 of that Act, international agreements referred to in section 22.2 of that Act must, to be valid, be signed by the Minister, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of that Act, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act may not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS this Amendment was approved by the National Assembly on 31 May 2016;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, proposed regulations of the Government, in particular, respecting the implementation of agreements on social security signed by the Government under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux;

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and La Francophonie and the Minister of Health and Social Services:

THAT the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998, which Amendment was

signed at Québec on 28 April 2016 and approved by the National Assembly on 31 May 2016, whose text is attached to the implementing regulation of this Amendment mentioned below, be ratified;

THAT the Regulation respecting the implementation of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 19 December 1998, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

**Regulation respecting the  
implementation of the Second  
Amendment to the Memorandum  
of Agreement on Social Security for  
Students and Participants in Cooperation  
Programs Between the Gouvernement du  
Québec and the Government of the French  
Republic signed at Québec on  
19 December 1998**

An Act respecting the Ministère de la Santé et  
des Services sociaux  
(chapter M-19.2, s. 10)

**1.** The following Acts and the regulations thereunder apply to every person referred to in the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998, which Amendment was signed at Québec on 28 April 2016 and is attached as Schedule 1:

- (1) the Hospital Insurance Act (chapter A-28);
- (2) the Health Insurance Act (chapter A-29);
- (3) the Act respecting prescription drug insurance (chapter A-29.01);
- (4) the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- (5) the Act respecting health services and social services (chapter S-4.2);
- (6) the Act respecting health services and social services for Cree Native persons (chapter S-5).



**2.** Those Acts and regulations apply in the manner stipulated in that Amendment and the Second Amendment to the Administrative Arrangement signed on 21 December 1998 for the Implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French attached as Schedule 2.

**3.** This Regulation comes into force on 1 October 2017.

## SCHEDULE 1

(s. 1)

SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT ON SOCIAL SECURITY FOR STUDENTS AND PARTICIPANTS IN COOPERATION PROGRAMS BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE FRENCH REPUBLIC SIGNED AT QUÉBEC ON 19 DECEMBER 1998

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC

Hereinafter referred to as the “Parties”

Desirous to amend the Memorandum of Agreement Between the Gouvernement du Québec and the Government of the French Republic on Social Security for Students and Participants in Cooperation Programs, signed at Québec on 19 December 1998 (hereinafter referred to as “the Agreement”),

HAVE AGREED TO THE FOLLOWS PROVISIONS:

### ARTICLE 1

Article 1 of the Agreement shall be replaced by the following provisions:

#### “ARTICLE 1 Definitions

In this Agreement, unless the context indicates otherwise,

*Competent authority*: means the Québec minister or the French minister responsible for applying the legislation referred to in Article 2;

*France-Québec cooperation programs*: means the exchange programs between France and Québec referred to in the Administrative Arrangement;

*Entente*: means the Entente en matière de sécurité sociale entre le gouvernement du Québec et le gouvernement de la République française, signed at Paris on 17 December 2003;

*Studies*: means studies at one of the educational institutions listed in the Administrative Arrangement in accordance with the requirements set out therein;

*France*: means the European and overseas departments of the French Republic and the territorial collectivity of Saint Pierre and Miquelon;

*Competent institution*: means the Québec department or agency or the French social security agency responsible for administering the legislation referred to in Article 2;

*Legislation*: means present or future laws, regulations, statutory provisions and any other application measures relating to the social security branches and plans referred to in Article 2;

*Family members*: means the family members at the burden of the insured person according to French legislation;

*Dependants*: means a spouse or dependants according to Québec legislation;

*Post doctorates* means:

— as regards France, persons who hold a doctorate and are recruited on a contract of employment for a fixed term as part of research projects, or who benefit from a Québec research grant without being subordinated to an institution of higher learning and research established in France;

— as regards Québec, persons who hold a doctorate and carry out full-time supervised research for a fixed term;

*Persons under a French plan*: means persons of any nationality, falling within the scope of the legislation referred to in paragraph 1 (b) of Article 2;

*Québec nationals*: means persons falling within the scope of the legislation referred to in paragraph 1(a) of Article 2 who are domiciled in Québec or who reside therein;

*Unpaid training period* means:

— where benefits are covered by the French plan, a training period during which the enterprise or the agency or a third party where it is served, does not pay any benefits, or pays living and accommodation expenses up to the amount established in the Administrative Arrangement,

— where benefits are covered by the Québec plan, a training period for which a person does not receive any salary but may receive a bursary or an allowance.

Any term not defined in the Agreement has the meaning given to it under the applicable legislation.

## ARTICLE 2

In Articles 4, 5, 7 and paragraph 2 of Article 14 of the Agreement, the word “dependants” shall be replaced by the words “family members”.

## ARTICLE 3

At the second dash of subparagraph (a) of paragraph 1 of Article 2 of the Agreement, the words “paragraphs 2 and 5 of Article 4” shall be replaced by the words “paragraphs 2, 4 and 5 of Article 4 and paragraph 1 of article 9.1 regarding seconded workers”.

## ARTICLE 4

In paragraph 4 of Article 4 of the Agreement, the words “excluding prescription drug insurance” shall be deleted.

## ARTICLE 5

1. In paragraph 2 of Article 4 and Article 5 of the Agreement the words “French nationals” shall be replaced by the words “persons under a French plan”.

2. In paragraph 4 of Article 4 and Articles 8, 12 and 13 of the Agreement, the word “French” shall be replaced by the words “persons under a French plan”.

## ARTICLE 6

Article 6 of the Agreement shall be repealed.

## ARTICLE 7

In paragraph 1 of Article 7 of the Agreement, the words “Agreement between the Government of the French Republic and the Gouvernement du Québec on social security dated 17 December 2003” shall be replaced by the word “Entente”.

## ARTICLE 8

In Article 9 of the Agreement, the words “or the Québec Government” shall be deleted.

## ARTICLE 9

After Article 9 of the Agreement, the following Article 9.1 shall be inserted:

“ARTICLE 9.1  
*Post Doctorates*

1. When subordinated to an employer established in France or in Québec, post doctorates shall be covered by the provisions of Article 6 of the Entente, unless they are detached under the Article 8 thereof.

They shall benefit, as well as their family members or dependants accompanying them, benefits in kind in case of sickness or maternity under the conditions set out in Articles 24 or 28 of the Entente.

2. In the absence of such subordination:

(a) post doctorates shall be affiliated in France to the general plan upon fulfilling the residency requirement to qualify for universal health coverage from the day of their arrival in that territory;

(b) post doctorates who carry out research activity in Québec shall be granted benefits in kind in case of sickness or maternity, from the day of their arrival in that territory, under the conditions set by the legislation of Québec.”.

## ARTICLE 10

After Article 12 of the Agreement, the following Article 12.1 shall be inserted:

“ARTICLE 12.1  
*Industrial Accidents or Occupational Diseases  
Coverage for Post Doctorates*

1. Post doctorates referred to in paragraph 1 of Article 9.1 shall be granted benefits in kind in case of industrial accidents or occupational diseases under the provisions of the Entente.

2. As regards France, post doctorates referred to in paragraph 2 of Article 9.1 must individually subscribe, with the French competent institution, to an insurance against the risk of industrial accidents and occupational diseases in order to be granted the corresponding benefits in kind.”.

**ARTICLE 11**

After Article 14 of the Agreement, the following Article 14.1 shall be inserted:

**“ARTICLE 14.1*****Protection of Personal Information***

1. For the purposes of this Article, the terms “legislation”, “personal data” and “personal information” shall have the usual meaning given to them in domestic laws of each Party.

2. The agencies of the Parties may release to one another any personal data or information necessary for the application of the Agreement.

3. Personal data or information released to an agency of a Party may be used only for the application of the Agreement.

A Party may however use such data or information for other purposes with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) its use is compatible and has a direct and relevant connection with the purposes for which the data or information was collected;

(b) its use is clearly for the benefit of the person to whom it relates, or;

(c) its use is necessary for the administration of an Act in Québec or in France.

4. Personal data or information released to an agency of a Party may only be released to another agency of this Party for the application of the Agreement.

A Party may however release such data or information with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) its release is necessary for the exercise of the rights and powers of an agency of a Party;

(b) its release is clearly for the benefit of the person to whom it relates, or;

(c) its release is necessary for the administration of an Act in Québec or in France.

5. The agencies of both Parties shall ensure, during the transmission of the data or information referred to in paragraph 2, the use of means preserving its confidentiality.

6. The agency of a Party, to which data or information referred to in paragraph 2 is released, shall protect it against unauthorized access, alteration and release.

7. The agency of a Party, to which personal data or information referred to in paragraph 2 is released, shall take the necessary measures to ensure that it remains up to date. As need be, it shall correct it and shall destroy that whose collection or storage is not authorized by the legislation which applies to it. It shall also destroy, upon request from an agency of a Party, the data or information transmitted by mistake.

8. Subject to a Party’s legislation relating to the conservation of personal data or information, this data or information shall be destroyed when the purposes for which it was collected or used are completed. The agencies of both Parties shall use safe and final means of destruction, and shall ensure the confidentiality of the personal data or information awaiting destruction.

9. Upon request to an agency of a Party, the person concerned has the right to be informed of the release of personal data or information referred to in paragraph 2 and of its use for purposes other than the application of the Agreement. That person may also have access to the personal data or information concerning him or her and have it corrected, in accordance with the legislation of the Party on whose territory the data or information is held.

10. The competent authorities of the Parties shall inform each other of any changes to the legislation concerning this matter.”.

**ARTICLE 12**

Each Party shall notify the other when the internal procedures required by that Party for the entry into force of this amendment, which takes effect on the first day of the second month following receipt of the last notification.

Done at Québec, on 28 April 2016, in duplicate in the French language.

FOR THE GOUVERNEMENT  
DU QUÉBEC

CHRISTINE ST-PIERRE,  
*Minister of International  
Relations and  
La Francophonie*

FOR THE GOVERNMENT  
OF THE FRENCH REPUBLIC

ANNICK GIRARDIN,  
*Minister of the Civil  
Service*

**SCHEDULE 2**

(s. 2)

SECOND AMENDMENT TO THE THE  
ADMINISTRATIVE ARRANGEMENT SIGNED ON  
21 DECEMBER 1998 FOR THE IMPLEMENTATION  
OF THE MEMORANDUM OF AGREEMENT ON  
SOCIAL SECURITY FOR STUDENTS  
AND PARTICIPANTS IN COOPERATION  
PROGRAMS BETWEEN THE GOUVERNEMENT  
DU QUÉBEC AND THE GOVERNMENT OF  
THE FRENCH REPUBLIC

The Minister of International Relations and La Francophonie of Québec and the Minister of Social Affairs and Health of the French Republic,

DESIROUS to amend the Administrative Arrangement signed on 21 December 1998 for the implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic, and thereby facilitate exchanges between Québec and France,

HAVE AGREED TO THE FOLLOWS PROVISIONS:

**ARTICLE 1**

Article 2 of the Administrative Arrangement shall be amended as follows:

1° In subparagraph (a), after the words “general or technological baccalauréat” the words “and also, students in initial vocational training in a vocational school or an institution of higher learning” shall be inserted;

2° Subparagraph (b) shall be replaced by the following provisions:

“(b) in Québec, persons enrolled full time in a vocational program, college program or university program, leading to a diploma in an educational institution recognized by the Ministry of Education, Higher Learning and Research, including preparatory studies for admission to this program;”;

3° In subparagraph (c), the words “of higher learning, college or university” shall be deleted;

4° After subparagraph (c), the following subparagraph (d) shall be inserted:

“(d) in Québec and in France, persons enrolled, in the territory of one Party, in a higher learning institution, college or university, mentioned in subparagraph (a)

or (b), as applicable, and who pursue, in a joint tutoring of doctorate or dual diploma program, part of their studies in the territory of the other Party.”.

**ARTICLE 2**

Article 3 of the Administrative Arrangement shall be amended as follows:

1° in paragraph 1, the words “before leaving Québec” shall be replaced by the words “before leaving for France”;

2° in paragraph 2, the words “before leaving France” shall be replaced by the words “before leaving for Québec” and the words “dependant”, “dependants” and “new dependant” shall be replaced respectively by the words “family member”, “family members” and “new family member”.

**ARTICLE 3**

In the first subparagraph of paragraph 2 of Article 3 and paragraph 2 of Article 4 of the Administrative Arrangement, the words “French students” shall be replaced by the words “students covered under a French plan”.

In subparagraph 2 of paragraph 2 of Article 3 of the Administrative Arrangement, the words “French nationality” shall be replaced by the words “coverage under a French plan”.

In the first subparagraph of Article 5 of the Administrative Arrangement, the words “French nationals” shall be replaced by the words “persons under a French plan”.

In Article 7 of the Administrative Arrangement, the words “French trainees” shall be replaced by the words “trainees under a French plan”.

**ARTICLE 4**

In paragraph 2 of Article 3 and paragraph 2 of Article 4 of the Administrative Arrangement, the words «ministère des Relations avec les Citoyens et de l’Immigration» shall be replaced by the words «ministère de l’Immigration, de la Diversité et de l’Inclusion».

**ARTICLE 5**

After the first subparagraph of paragraph 1 of Article 4 of the Administrative Arrangement, the following subparagraph shall be inserted:

“As regards Québec, the application shall include enrollment in the prescription drug insurance plan without a premium being paid.”

#### ARTICLE 6

In the first paragraph of Article 6 of the Administrative Arrangement, the number “6” shall be replaced by the number “7”.

#### ARTICLE 7

Article 8 of the Administrative Arrangement shall be replaced by the following provisions:

##### “ARTICLE 8 *Trainee Categories*

For the purposes of Article 8 of the Agreement, the following shall be the trainee categories referred to therein:

—trainees taking part in Office Franco-Québécois pour la Jeunesse (OFQJ) activities undergoing non-mandatory on-the-job training as part of their study program;

—participants in OFQJ activities undergoing on-the-job training as part of a professional induction program;

—participants in France-Québec cooperation programs undergoing a training period or learning stay as part of its programming.”

#### ARTICLE 8

Article 9 of the Administrative Arrangement shall be amended as follows:

1° In the first subparagraph of paragraph 1, the number “6” shall be replaced by the number “8” and the words “government employees” with the words “unpaid trainees”;

2° The second subparagraph of paragraph 1 shall be deleted;

3° Paragraph 2 shall be replaced with the following provisions:

“2. For the purposes of Article 9 of the Agreement, the specific social security coverage for the Québec trainees awardees of a bursary of the Government of the French Republic shall be organized by Campus France or any other body designated by the competent authority of France.”

#### ARTICLE 9

After Article 10 of the Administrative Arrangement, the following Article 10.1 shall be inserted:

##### “ARTICLE 10.1 *Healthcare for Post Doctorates*

For the purposes of paragraph 2 of Article 9.1 of the Agreement and to allow for the acquisition of entitlement thereto:

—Post doctorates who travel to Québec shall provide to the RAMQ a form attesting to their status of insured person or of family member, issued by the French competent institution;

—Post doctorates who travel to France shall provide to the CPAM of their place of residence a form attesting to their status of insured person, issued by the RAMQ.”

#### ARTICLE 10

In the first dash of subparagraphs (a) and (b) of paragraph 1 of Article 12 of the Administrative Arrangement, the words “Commission de la santé et de la sécurité du travail (CSST)” shall be replaced by the words “Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)”.

#### ARTICLE 11

In paragraph 1 of Article 13 of the Administrative Arrangement, the number “6” shall be deleted.

#### ARTICLE 12

Subparagraphs (a) and (b) of Article 14 of the Administrative Arrangement shall be replaced by the following provisions:

“(a) in Québec, the Bureau des ententes de sécurité sociale of Retraite Québec, except as regards reimbursements provided for in Article 14 of the Agreement and Article 13 of this Administrative Arrangement, the RAMQ for benefits in case of sickness or maternity, or the CNESST for benefits in case of industrial accidents or occupational diseases;

(b) in France, the Centre des liaisons européennes et internationales de sécurité sociale, except as regards reimbursements provided for in Article 14 of the Agreement and Article 13 of this Administrative Arrangement, the Caisse nationale d'assurance maladie des travailleurs salariés (CNAMTS) or the caisse primaire d'assurance maladie (CPAM) it has designated for this purpose.”

**ARTICLE 13**

Article 16 of the Administrative Arrangement shall be replaced by the following provisions:

“ARTICLE 16  
*Forms*

1. The form and content of certificates or forms necessary for the application of the Agreement and the Administrative Arrangement shall be adopted jointly by the competent institutions or the liaison agencies.

2. Validated certificates or forms shall be the subject of mutual notification by the competent authorities of the Parties. They shall be made available to competent institutions by the liaison agencies.

3. The procedure set forth in paragraph 2 of this Article shall also apply to any modifications agreed upon, by common consent between the competent institutions and the liaison agencies, to the certificates or forms referred to in paragraph 1 of this Article.

4. To facilitate the application of the Agreement and the Administrative Arrangement, the competent institutions and the liaison agencies may agree on ways to exchange data electronically or by other secure means.”

**ARTICLE 14**

The Supplementary Administrative Arrangement setting out the model forms provided in the Administrative Arrangement signed on 21 December 1998 for the implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs Between the Gouvernement du Québec and the Government of the French Republic shall be repealed.

Nevertheless, the certificates and forms it contains shall remain in effect. Subsequently adopted forms and certificates shall be the subject of mutual notification provided for in Article 16 of the Administrative Arrangement as amended by Article 13 of this Amendment.

**ARTICLE 15**

This second amendment to the Administrative Arrangement shall enter into force on the same date as the Second Amendment to the Memorandum of Agreement Between the Gouvernement du Québec and the Government of the French Republic on Social Security for Students and Participants in Cooperation Programs, signed on 19 December 1998.

Done at Québec, on 28 April 2016, in duplicate in the French language.

THE MINISTER OF  
INTERNATIONAL RELATIONS  
AND LA FRANCOPHONIE  
OF QUÉBEC

FOR THE MINISTER OF  
SOCIAL AFFAIRS AND  
HEALTH OF THE  
FRENCH REPUBLIC

CHRISTINE ST-PIERRE

NICOLAS CHIBAEFF  
*General Consul of  
France in Québec*

103098

Gouvernement du Québec

**O.C. 813-2017, 16 August 2017**

An Act respecting roads  
(chapter V-9)

**Roads under the management of the Minister of  
Transport, Sustainable Mobility and Transport  
Electrification**

CONCERNING roads under the management of the  
Minister of Transport, Sustainable Mobility and  
Transport Electrification

WHEREAS, under the first paragraph of section 2 of the Act respecting roads (chapter V-9), the Government determines, by an order published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport, Sustainable Mobility and Transport Electrification;

WHEREAS, under the first paragraph of section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of the Minister shall, from the date indicated in the order, be managed by a municipality in accordance with Chapter I and Division I of Chapter IX of Title II of the *Municipal Powers Act* (chapter C-47.1);

WHEREAS, under the second paragraph of section 3 of the *Act respecting roads*, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of a municipality shall, from the date indicated in the order, pass under the management of the Minister;



WHEREAS Order in Council 292-93 dated March 3, 1993, and its subsequent amendments determined, by municipality, the roads that are under the management of the Minister of Transport, Sustainable Mobility and Transport Electrification;

WHEREAS it is expedient to further amend the Schedule to this Order in Council and its subsequent amendments, in order to correct the description of certain roads and list the roads that were geometrically redeveloped;

WHEREAS it is expedient to further amend the Schedule to this Order in Council and its subsequent amendments in order to determine that certain roads which are under the management of the Minister pass under the management of the municipalities in whose territory they are situated and that certain other roads under the management of the municipalities pass under the management of the Minister;

IT IS ORDERED accordingly, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT the Schedule to Order in Council 292-93 dated March 3, 1993, and its subsequent amendments concerning roads under the management of the Minister of Transport, Sustainable Mobility and Transport Electrification be amended further, with regard to the municipalities indicated, and that all corrections to the description, additions, deletions in favour of the municipalities in whose territories they are situated and geometric redevelopments made with respect to the roads listed in the Schedule to this Order in Council be specified;

THAT this Order in Council be effective as of the date it is published in the *Gazette officielle du Québec*.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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## SCHEDULE

### ROADS UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT, SUSTAINABLE MOBILITY AND TRANSPORT ELECTRIFICATION

#### PRESENTATION NOTE

Roads under the management of the Minister of Transport, Sustainable Mobility and Transport Electrification have been described for each municipality where they are located. The update of the Schedule to Order in Council number 292-93 of March 3, 1993, and its subsequent amendments indicate corrections to the description of roads, additions or deletions of roads, as well as changes affecting the right-of-way width or geometric redevelopment of roads.

#### A) CORRECTION TO THE DESCRIPTION, ADDITION OR DELETION

The roads for which “Corrections to the description”, “Additions” or “Deletions” were made are described using the following five elements:

##### 1. ROAD CLASS

The nomenclature of the road classes comes from the functional classification established by the ministère des Transports, de la Mobilité durable et de l'Électrification des transports (MTMDET).

##### 2. SECTION IDENTIFICATION

The roads are identified according to the codes used by the MTMDET to subdivide its road network. The codes are divided into Road/ Segment/ Section/ Sub-road. The sequence within the sub-road has evolved over time (the current codes are in bold in the examples below). Here is how to interpret the information:



**Main road**

Road	Segment	Section	Sub-road	Description
00138	- 01	- 110	- <b>000-C</b>	Main road (000) with contiguous lanes ( <b>C</b> )
00020	- 02	- 090	- <b>000-S</b>	Main road (000) with divided roadways ( <b>S</b> )
00020	- 02	- 090	- 0-00-1	Main road (000) with number used for computer validation “1” (0 to 9)

**Ramp**

Road	Segment	Section	Sub-road	Description
00020	- 02	- 090	- <b>32A</b>	Ramp (3), intersection No. <b>2</b> , named “ <b>A</b> ”
00020	- 02	- 090	- 3-02-0-A	Ramp (3), intersection No. 02, named “0-A”

**3. NAME OF ROAD**

For roads with a number lower than 1000, the road number is indicated instead of the odonym. The odonym is used for the other roads.

When there are one or more ramps along a road section, the total number of ramps for that section is indicated for this item; the combined lengths of all the ramps are indicated under “Length in km”.

**4. LOCATION OF BEGINNING**

This item contains the description of a physical landmark used to locate the beginning of a road section or identify municipal boundaries in the case of a road section found in more than one municipality.

**5. LENGTH IN KM**

The length in kilometres is indicated for each road or part of a road. The length is determined by the MTMDDET and corresponds to the actual distance travelled by a vehicle between two points, without taking into consideration the number of lanes or the configuration of contiguous lanes or divided roadways. Thus, the length between the two points is the same regardless of whether they are connected by an autoroute or a collector road.

**B) CHANGE OF RIGHT-OF-WAY WIDTH OR GEOMETRIC REDEVELOPMENT**

The roads for which a “Change of Right-of-Way Width” or “Geometric Redevelopment” was made are described using the elements of Section A above and, if applicable, the plan number, the name of the land surveyor and the number of the land surveyor’s minutes.

**JOLIETTE, V (6102500)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Autoroute	00031-01-030-0-00-7	Autoroute 31 2 ramps	Limit Saint-Thomas, p	1.58 0.74
Autoroute	00031-01-041-0-00-4	Autoroute 31 8 ramps	Bridge on route 131	0.57 5.13

- Corrections to the description
- Geometric redevelopment

Autoroute	00031-01-045-000-S	Autoroute 31 9 ramps	Limit Saint-Thomas, M	2.11 6.22
according to plan TR-8806-154-04-0896, prepared by Gilles Duchesne, I.s., under number 1475 of his minutes				

**JONQUIÈRE, V (9407000)**

Classe de route	Identification de section	Nom de la route	Localisation du début	Longueur en km
Collector	47410-02-000-0-00-2	Rue Saint-Dominique	Pont rivière aux Sables	1,19

and

**LAC KÉNOGAMI, M (9407500)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Collector	47410-03-000-0-00-0	Chemin du Quai	Limit Jonquière, V	3.68

replaced by

**SAGUENAY, V (9406800)**

- Corrections to the description
- Additions (roundabout and portion of road)
- Deletion (previous layout of chemin du Quai)
- Geometric redevelopment

Collector	47410-02-010-000-C	Rue Saint-Dominique	Pont rivière aux Sables	0.89
Collector	47410-02-020-000-S	Rue Saint-Dominique 4 ramps	End of contiguous lanes	0.16 0.12
Collector	47410-02-030-000-S	Rue Saint-Dominique	Intersection circular lanes of roundabout	0.23
Collector	47410-02-040-000-C	Chemin du Quai	End of divided roadways	3.44
according to plans AA-6806-154-10-0737-1 and AA-6806-154-10-0738-1, prepared by Bernard Quirion, I.s., under number 1680 of his minutes				

**LA MALBAIE, V (1501300)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
National	00138-08-020-000-C	Route 138	Limit Saint-Hilarion, P	10.44

- Geometric redevelopment

National	00138-08-020-000-C	Route 138	Limit Saint-Hilarion, P	10.44
according to plan AA20-3971-8203, prepared by Jean-François Delisle, I.s., under number 240 of his minutes				

**LAC ÉDOUARD, M (9002700)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Collector	39313-02-000-0-00-8	Rte Lac Édouard, Rue Principale	222 metres east of intersection 155	27.78

- Deletion

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Collector	39313-02-000-000-C	Chemin du Lac-Édouard	Centre of bridge	27.57

**NOTRE-DAME-DES-PINS, M (2912000)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
National	00173-01-120-0-00-8	Route 173	Limit Saint-Georges-Est P	5.06
Collector	87751-01-000-0-00-2	Route Veilleux	Intersection route 173	1.97

- Corrections to the description
- Additions (autoroute 73, route des Pins and ramps )
- Deletion (route Veilleux)
- Geometric redevelopment

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Autoroute	00073-01-090-000-S	Autoroute 73 2 ramps	Limit Saint-Georges, V	4.26 1.77
National	00173-01-122-000-C	Route 173 1 ramp	Limit Saint-Georges, V	5.06 0.36
Collector	87745-01-010-000-C*	Route des Pins 1 ramp	Intersection route 173	2.45 0.29
according to plan AA-6606-154-82-0012, sheets 13B/14 and 14A/14, prepared by Richard Poulin, I.S., under number 12741 of his minutes				

\* This section is also found under Saint-Simon-les-Mines, M

**PLAISANCE, M (8004500)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
National	00148-04-150-0-00-7	Route 148	Limit Lochaber, CT	5.82

- Corrections to the description
- Geometric redevelopment

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
National	00148-04-152-000-C	Route 148	Limit Lochaber, CT	5.80
according to plan AA20-5671-0171-A, prepared by Gilles Morneau, I.S., under number 1301 of his minutes				

**SAINT-GEORGES, V (2907500)**

- Addition

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Autoroute	00073-01-085-000S*	Autoroute 73 2 ramps	Intersection route 204	4.65 1.85

\*This section is also found under Saint-Simon-les-Mines, M

**SAINT-SIMON-LES-MINES, M (2912500)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Collector	87751-02-000-0-00-0	Route Petite-Pierrette	Limit Notre-Dame-Des-Pins, M	1,53

- Corrections to the description
- Additions (autoroute 73, part of route Petite-Pierrette and ramps)
- Deletion (old layout of route Petite-Pierrette)
- Geometric redevelopment

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Autoroute	00073-01-085-000-S*	Autoroute 73 2 ramps	Limit Saint-Georges, V	1,43 2,16
Collector	87745-01-010-000-C**	Route Petite-Pierrette	Limit Notre-Dame-Des-Pins, M	1,49
according to plan AA-6606-154-82-0012, sheets 13B/14 and 14A/14, prepared by Richard Poulin, I.s., under number 12741 of his minutes				

\*This section is also found under Saint-Georges, V

\*\*This section is also found under Notre-Dame-des-Pins, M

**SAINT-THOMAS, M (6102700)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Autoroute	00031-01-020-0-00-9	Autoroute 31 4 ramps	Limit St-Antoine-de-Lavaltrie, P	7.54 0.67

- Corrections to the description (section 020 became 021 and 023 in Saint-Thomas and 022 in Lavaltrie)
- Geometric redevelopment

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Autoroute	00031-01-021-000-S	Autoroute 31	Limit Lavaltrie, V	0.89
Autoroute	00031-01-023-000-S	Autoroute 31 5 ramps	Limit Lavaltrie, V	7.54 3.73
according to plan AA20-8806-154-04-0896, prepared by Gilles Duchesne, I.s., under number 1475 of his minutes				

and

**LAVALTRIE, V (5200700)**

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Autoroute	00031-01-022-000-S	Autoroute 31	Limit Saint-Thomas, M	0.27

**SHERBROOKE, V (4302700)**

- Additions

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
Collector	00216-01-080-000-C	Route 216	Intersection rue Brûlotte	0.61
Collector	00216-01-083-000-S	Route 216	End of contiguous lanes	0.36
Collector	00216-01-085-000-C	Route 216	End of divided roadways	0.09

Gouvernement du Québec

**O.C. 814-2017, 16 August 2017**

An Act respecting occupational health and safety  
(chapter S-2.1)

**Implementation of the provisions relating to  
industrial accidents and occupational diseases  
contained in the First Amendment to the Agreement  
on Social Security between the Gouvernement du  
Québec and the Government of the French Republic  
signed at Paris on 17 December 2003  
— Approval**

Approval of the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003

WHEREAS an Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic was signed on 17 December 2003 and an Administrative Arrangement for the implementation of the Agreement was signed on 17 and 30 December 2003;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, approved by Order in Council 740-2006 dated 16 August 2006;

WHEREAS, on 28 April 2016, the Gouvernement du Québec and the Government of the French Republic signed the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003 and the First Amendment to the Administrative Arrangement for the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic of 17 and 30 December 2003 in accordance with Décret 277-2016 dated 6 April 2016;

WHEREAS the purpose of the Agreement on Social Security is to guarantee to the persons concerned the advantages of the coordination regarding industrial accidents and occupational diseases;

WHEREAS the terms and conditions of the Agreement are set out in an administrative arrangement attached to the Agreement;

WHEREAS the National Assembly approved the Amendment on 31 May 2016;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail must, by regulation, to make the Amendment effective, take the measures necessary for its application in accordance with section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1);

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, the draft regulations of the Commission des normes, de l'équité, de la santé et de la sécurité du travail respecting the implementation of agreements on social security signed by the Gouvernement du Québec are excluded from the application of the Regulations Act (chapter R-18.1);

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the draft Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003 at its sitting of 17 May 2017;

WHEREAS, under section 224 of the Act respecting occupational health and safety, the Regulation must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003, attached to this Order in Council, be approved.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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**Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003**

An Act respecting occupational health and safety (chapter S-2.1, s. 170 and s. 223, 1st par., subpar. 39)

**1.** Benefits under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) and the regulations thereunder are extended to all persons referred to in the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003, which Amendment was signed at Québec on 28 April 2016 and appears as Schedule 1 to the Regulation respecting the implementation of the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003.

**2.** The Act and regulations apply in the manner prescribed in the Amendment and in the First Amendment to the Administrative Arrangement for the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed on 17 and 30 December 2003, which Amendment was signed at Québec on 28 April 2016 and appears as Schedule 2 to the Regulation respecting the implementation of the First Amendment to the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic signed at Paris on 17 December 2003.

**3.** This Regulation comes into force on 1 December 2017.

103100

Gouvernement du Québec

**O.C. 815-2017, 16 August 2017**

An Act respecting occupational health and safety (chapter S-2.1)

**Implementation of the provisions relating to industrial accidents and occupational diseases contained in the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998**

—Approval

Approval of the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998

WHEREAS a Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic was signed on 19 December 1998 and an Administrative Arrangement pertaining to the Memorandum was signed on 21 December 1998;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998, approved by Order in Council 1430-2000 dated 6 December 2000;

WHEREAS, on 28 April 2016, the Gouvernement du Québec and the Government of the French Republic signed the Avenant portant seconde modification au Protocole d'entente entre le gouvernement du Québec et le gouvernement de la République française relatif à la protection sociale des élèves et étudiants et des participants à la coopération signed at Québec on 19 December 1998 and the Second Amendment to the Administrative Arrangement signed on 21 December 1998 for the

implementation of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic, in accordance with Décret 279-2016 dated 6 April 2016;

WHEREAS the purpose of the Memorandum of Agreement on Social Security is to guarantee to the persons concerned the advantages of the coordination regarding industrial accidents and occupational diseases;

WHEREAS the terms and conditions of the Memorandum of Agreement are set out in an administrative arrangement attached to the Agreement;

WHEREAS the National Assembly approved the Amendment on 31 May 2016;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail must, by regulation, to make the Amendment effective, take the measures necessary for its application in accordance with section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1);

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, the draft regulations of the Commission des normes, de l'équité, de la santé et de la sécurité du travail respecting the implementation of agreements on social security signed by the Gouvernement du Québec are excluded from the application of the Regulations Act (chapter R-18.1);

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the draft Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998 at its sitting of 17 May 2017;

WHEREAS, under section 224 of the Act respecting occupational health and safety, the Regulation must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998, attached to this Order in Council, be approved.

MARC-ANTOINE ADAM,  
*Associate Secretary General*

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**Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998**

An Act respecting occupational health and safety  
(chapter S-2.1, s. 170 and s. 223, 1st par., subpar. 39)

**1.** Benefits under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) and the regulations thereunder are extended to all persons referred to in the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998, which Amendment was signed at Québec on 28 April 2016 and appears as Schedule 1 to the Regulation respecting the implementation of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998.

**2.** The Act and regulations apply in the manner prescribed in the Amendment and in the Second Amendment to the Administrative Arrangement for the application of the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed on 21 December 1998, which Amendment was signed at



Québec on 28 April 2016 and appears as Schedule 2 to the Regulation respecting the implementation of the Second Amendment to the Memorandum of Agreement on Social Security for Students and Participants in Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic signed at Québec on 19 December 1998.

**3.** This Regulation comes into force on 1 October 2017.  
103101

## M.O., 2017

### Order of the Minister responsible for Higher Education dated 10 July 2017

General and Vocational Colleges Act  
(chapter C-29)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges

THE MINISTER RESPONSIBLE FOR HIGHER EDUCATION,

WHEREAS in and by section 18.1 of the General and Vocational Colleges Act (chapter C-29);

WHEREAS the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges was made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor on 21 June 2005 (C.T. 202573) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 18.1 of the General and Vocational Colleges Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (chapter R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges, herewith attached, be made.

HÉLÈNE DAVID,  
*The Minister responsible  
for Higher Education,*

## Regulation to amend the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges<sup>1</sup>

General and Vocational Colleges Act  
(chapter C-29, s. 18.1)

**1.** Section 1 of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended:

(a) by replacing the definition of “Ministry” by the following: “Ministère de l'Éducation et de l'Enseignement supérieur”;

(b) by replacing the definition of “Minister” by the following: “Minister responsible for Higher Education”.

**2.** Section 5.1 of the Regulation is amended by replacing the first paragraph by the following:

“For the purposes of this Regulation, the Comité des hors-cadre des collèges (CHCC) has been set up to discuss problems concerning the interpretation and application of the conditions of employment of senior executives.

The committee shall be consulted before determining or amending the conditions of employment of senior executives.

The committee consists of representatives of the associations of senior executives, the Fédération des cégeps and the Minister.”

**3.** Section 6 of the Regulation is amended by adding after the words “a senior executive”, “of a college or whose term of office is renewed”.

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1. The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor, C.T. 202573 dated 21 June 2005 (2005, *G.O.* 2, 2423) was amended by the Regulation made by the Minister's Order dated 18 May 2006 approved by the Conseil du trésor, C.T. 203754 dated 23 May 2006 (2006, *G.O.* 2, 1708), the Regulation made by the Minister's Order dated 18 November 2008 approved by the Conseil du trésor, C.T. 207141 dated 9 December 2008 (2008, *G.O.* 2, 5545), the Regulation made by the Minister's Order dated 18 June 2009 approved by the Conseil du trésor, C.T. 207980 dated 22 June 2009 (2009, *G.O.* 2, 2111), the Regulation made by the Minister's Order dated 6 June 2011 (2011, *G.O.* 2, 1398), the Regulation made by the Minister's Order dated 11 July 2012 (2012, *G.O.* 2, 4128), the Regulation made by the Minister's Order dated 10 August 2012 (2012, *G.O.* 2, 2751) and the Regulation made by the Minister's Order dated 30 March 2017 (2017, *G.O.* 2, 987).

**4.** Section 9.2 of the Regulation is amended by inserting before the end of the first sentence after the words “or when his term of office is renewed” “or during the term of office following a significant change in position since the previous job evaluation”.

**5.** The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended by adding, after section 9.2, the following:

“9.3 Where the class of a senior executive position is amended under section 9.2, the senior executive’s salary shall be determined as follows:

1° if the maximum rate of the applicable salary scale is greater than that of the salary scale that was applicable to him, his salary shall be adjusted by adding an amount equal to the difference between these two rates to the salary he was receiving;

2° if the maximum rate of the applicable salary scale is equal to or less than that of the salary scale that was applicable to him:

(a) the salary he was receiving shall be maintained if it is less than or equal to the maximum rate of the applicable scale;

(b) the salary shall be adjusted to the maximum rate of the new scale if the salary he was receiving is greater than the maximum rate of that scale.

In such cases, the senior executive shall receive for a two-year period a lump-sum amount equal to the difference between the salary he was receiving and the maximum rate of the new salary scale. The lump-sum amount shall be paid in the same manner as the payment of salary.”

**6.** Section 14.1 of the Regulation is amended by deleting in the fourth paragraph the words “applies as of 25 April 2012 and”.

**7.** Section 19 of the Regulation is repealed.

**8.** Section 32 of the Regulation is amended by replacing “90 days” by “120 days”.

**9.** Section 34 of the Regulation is amended by replacing “45 days” by “60 days”.

**10.** Section 36 of the Regulation is amended by replacing at the end, the word “action” by “section”. (This applies to the French text only.)

**11.** Section 37 of the Regulation is amended by adding at the end, the following second paragraph:

“The college specifies the reasons underlying the procedures undertaken in the notice”.

**12.** Section 41 of the Regulation is amended by adding at the end, the words “, the proof of which lies on him”.

**13.** Section 47 of the Regulation is amended:

1° by replacing the first subparagraph by the following:

(1) “he may retain the services of a specialized placement or career management firm which include resourcing, counselling and assessment of potential as well as support activities in the development of his relocation plan, job search and outplacement designed to assist senior executives in finding suitable employment. These services shall be provided by an external resource specialized in this field;”;

2° by adding in the second paragraph after the words “from the date he finds employment”, “in an agency in the public or parapublic sector”.

**14.** Section 75 of the Regulation is amended by adding the word “total” before “disability”.

**15.** Section 78 of the Regulation is amended by adding the following paragraphs at the end:

“For the purposes of the short-term salary insurance plan, period of total disability means any continuous period of total disability or any series of successive periods of total disability resulting from the same illness or accident, separated by fewer than 15 days of actual full-time work or, as the case may be, part-time work in accordance with the senior executive’s regular position. The computation of the 15-day period of actual work shall not take into account vacation, paid legal holidays, leaves without pay, leaves related to parental rights or any other absence, remunerated or not.

Total disability resulting from a deliberately self-inflicted illness or injury, alcoholism or drug addiction, service in the armed forces, active participation in a riot or insurrection, or from indictable or other offences shall not be recognized as a period of total disability. However, in the case of alcoholism or drug addiction, the period during which a senior executive is receiving treatment or medical care with a view to his rehabilitation shall be recognized as a period of total disability. Also, the period of disability related to an organ donation without compensation shall be recognized as a period of total disability.”.

**16.** Section 79 of the Regulation is repealed.

**17.** Section 121 of the Regulation is amended by replacing “Human Resources and Skills Development Canada (HRSDC)” by “Employment and Social Development Canada (ESDC)”.

**18.** Section 121.2 of the Regulation is amended by adding at the end, the words “as well as the responsibility premiums to the exclusion of others”.

**19.** Section 131 of the Regulation is amended:

1° by replacing the first paragraph by the following:

“A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan shall receive for the 21 weeks of her maternity leave an allowance based on the following formula:

(1) sum of:

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior executive is receiving or would receive under the Québec Parental Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph, “93% of the basic salary” by “the amount determined in paragraph 1 of the first paragraph”.

**20.** Section 135 of the Regulation is amended by replacing “93% of the basic salary paid” by “the gross amount determined in paragraph 1 of the first paragraph of section 131. The formula must be applied to the sum of the basic weekly salaries received”.

**21.** Section 136 of the Regulation is amended:

1° by replacing the first paragraph by the following:

“A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan, but is not eligible for benefits under the Québec Parental Insurance Plan, is entitled to receive during her maternity leave of 20 weeks, an allowance based on the following formula:

A) For each week of the waiting period prescribed by the Employment Insurance Plan, an allowance calculated as follows:

sum of:

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above.

B) For each week following the period prescribed in paragraph A), an allowance based on the following formula:

(1) sum of

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior executive is receiving or would receive under the Employment Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph:

(a) “93% of the basic salary” by “the amount determined in paragraph 1 of paragraph B) of the first paragraph”;

(b) “HRSDC” by “ESDC”;

3° by replacing, in the fifth paragraph:

(a) “HRSDC” by “ESDC”;

(b) “in the first subparagraph of paragraph *b*” by “in paragraph B) of the first paragraph”.

**22.** Section 137 of the Regulation is amended by replacing the second paragraph by the following:

“However, the senior executive who has accumulated 20 weeks of service is entitled to an allowance based on the following formula for 12 weeks, if she is not receiving benefits under a parental rights plan established by another province or territory:

sum of:

(a) the amount equal to 100% of the senior executive's basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive's basic weekly salary and the amount determined under subparagraph *a* above.

Sections 133 to 135 apply to this subdivision with the necessary changes.”.

**23.** Section 138 of the Regulation is amended:

1° by replacing, in the third paragraph of subparagraph *b*:

(a) “Ministry of Employment and Social Solidarity” by “Ministère du Travail, de l'Emploi et de la Solidarité sociale”;

(b) “HRSDC” by “ESDC”;

2° by replacing, in the first paragraph of paragraph *c*, “health and social service agencies” by “integrated health and social services centres (CISSS) and integrated university health and social services centres (CIUSSS)”;

**24.** Section 141 of the Regulation is amended:

1° by adding in the first paragraph after the words “the senior executive”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 136” by “paragraph B) of the first paragraph of section 136”;

3° by adding, after the second paragraph, the following:

“The senior executive shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**25.** Section 141.1 of the Regulation is amended:

1° by adding at the end, “, if the senior executive has completed 20 weeks of service”;

2° by adding the following second paragraph:

“The senior executive shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**26.** Section 141.2 of the Regulation is amended by replacing “Subparagraphs *a* and *b* of section 138 apply” by “Section 138 applies”.

**27.** Section 142.3 of the Regulation is amended:

1° by adding in the first paragraph after the words “the senior executive”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 136” by “paragraph B) of the first paragraph of section 136”;

3° by adding, after the second paragraph, the following:

“The senior executive shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**28.** Section 142.4 of the Regulation is amended:

1° by adding at the end, “, if the senior executive has completed 20 weeks of service”;

2° by adding the following second paragraph:

“The senior executive shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**29.** Section 146 of the Regulation is amended by replacing “Subparagraphs *a* and *b* of section 138 apply” by “Section 138 applies”.

**30.** Section 215 of the Regulation is replaced by the following:

“**215.** The honoraria and fees of the chairman shall be borne by the party that loses, withdraws or requests a postponement of the hearing.

However, in the case of a disagreement relating to a dismissal, the honoraria and fees of the chairman shall be borne by the Minister.

In all other cases, the honoraria and fees of the chairman shall be borne equally by the parties.”.

**31.** Section 2 of Schedule II of the Regulation is replaced by the following:

“2. Salary Scales

CLASSES	Rates on 2016-12-30 (\$)		Rates on 2017-04-01 (\$)		Rates on 2018-04-01 (\$)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
15	116 949	155 928	118 996	158 657	121 376	161 830
14	110 485	147 310	112 418	149 888	114 666	152 886
13	104 379	139 169	106 206	141 604	108 330	144 436
12	98 611	131 478	100 337	133 779	102 344	136 455
11	93 161	124 212	94 791	126 386	96 687	128 914
10	88 012	117 347	89 552	119 401	91 343	121 789
9	83 148	110 861	84 603	112 801	86 295	115 057

" "

**32.** The Regulation respecting certain conditions of employment of senior executives of general and vocational colleges is amended by replacing the reference “R.S.Q.” by “CQLR”, wherever it is found.

**33.** The provisions of Chapter IX of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges as they read on the day before the day on which this Regulation comes into force continue to apply to the senior executive already on maternity, paternity or adoption leave for the duration of the leave applicable to the event.

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

103104

**M.O., 2017****Order of the Minister of Education, Recreation and Sports dated 14 August 2017**

Education Act  
(chapter I-13.3)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

WHEREAS in and by section 451 of the Education Act (chapter I-13.3);

WHEREAS the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was made by the Minister's Order dated 18 November 2004 approved by the Conseil du trésor on 30 November 2004 (C.T. 201768) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 451 of the Education Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (chapter R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal, herewith attached, be made.

SÉBASTIEN PROULX,  
*The Minister of Education,  
Recreation and Sports*

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**Regulation to amend the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal<sup>1</sup>**

Education Act  
(chapter I-13.3, s. 451)

**1.** Schedule 3 of the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal is replaced by the following:

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1. The Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal made by the Minister's Order dated 18 November 2004 approved by the Conseil du trésor, C.T. 201768, on 30 November 2004 (2004, *G.O.* 2, 3529) was amended by the Regulation made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor, C.T. 202576 dated 21 June 2005 (2005, *G.O.* 2, 2483), the Regulation made by the Minister's Order dated 6 October 2005 approved by the Conseil du trésor, C.T. 202857 dated 11 October 2005 (2005, *G.O.* 2, 4715), the Regulation made by the Minister's Order dated 5 December 2005 approved by the Conseil du trésor, C.T. 203161 dated 13 December 2005 (2006, *G.O.* 2, 246), the Regulation made by the Minister's Order dated 2 December 2005 approved by the Conseil du trésor, C.T. 203163 dated 13 December 2005 (2006, *G.O.* 2, 318), the Regulation made by the Minister's Order dated 18 May 2006 approved by the Conseil du trésor, C.T. 203753 dated 23 May 2006 (2006, *G.O.* 2, 1698), the Regulation made by the Minister's Order dated 18 June 2009 approved by the Conseil du trésor, C.T. 207979 dated 22 June 2009 (2009, *G.O.* 2, 2110), the Regulation made by the Minister's Order dated 6 June 2011 (2011, *G.O.* 2, 1399), the Regulation made by the Minister's Order dated 11 July 2012 (2012, *G.O.* 2, 4137), the Regulation made by the Minister's Order dated 10 August 2012 (2012, *G.O.* 2, 2754) and the Regulation made by the Minister's Order dated 30 March 2017 (2017, *G.O.* 2, 990).



**"SCHEDULE 3****SALARY SCALES CORRESPONDING TO CLASSIFICATION PLAN**

CLASSES	RATES up to 2016-03-31		RATES 2016-04-01 to 2016-12-29		RATES 2016-12-30 to 2017-03-31		RATES 2017-04-01 to 2018-03-31		RATES as of 2018-04-01	
	(\$)		(\$)		(\$)		(\$)		(\$)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
18	136 261	181 694	138 305	184 419	138 697	184 925	141 124	188 161	143 946	191 924
17	128 732	171 644	130 663	174 219	131 032	174 705	133 325	177 762	135 992	181 317
16	121 611	162 148	123 435	164 580	123 791	165 050	125 957	167 938	128 476	171 297
15	114 882	153 178	116 605	155 476	116 949	155 928	118 996	158 657	121 376	161 830
14	108 528	144 703	110 156	146 874	110 485	147 310	112 418	149 888	114 666	152 886
13	102 522	136 696	104 060	138 746	104 379	139 169	106 206	141 604	108 330	144 436
12	96 852	129 136	98 305	131 073	98 611	131 478	100 337	133 779	102 344	136 455
11	91 494	121 992	92 866	123 822	93 161	124 212	94 791	126 386	96 687	128 914
10	86 433	115 244	87 729	116 973	88 012	117 347	89 552	119 401	91 343	121 789
9	81 650	108 871	82 875	110 504	83 148	110 861	84 603	112 801	86 295	115 057
8	77 134	102 846	78 291	104 389	78 553	104 735	79 928	106 568	81 527	108 699
7	71 838	95 783	72 916	97 220	73 227	97 633	74 508	99 342	75 998	101 329

.".

**2.** Schedule 5 of the Regulation is amended by replacing “Human Resources and Skills Development Canada (HRSDC)” by “Employment and Social Development Canada (ESDC)” in section 4.

**3.** Section 17 of this schedule is amended:

1° by replacing the first paragraph by the following:

“A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan shall receive for the 21 weeks of her maternity leave an allowance based on the following formula:

(1) sum of:

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior executive is receiving or would receive under the Québec Parental Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph, “93% of the basic salary paid by the school board and the benefits paid under the Québec Parental Insurance Plan that represent the proportion of the basic weekly salary paid by it” by “the amount determined in paragraph 1 of the first paragraph and the amount of Québec Parental Insurance Plan benefits corresponding to the proportion of basic weekly salary paid by the school board”.



**4.** Section 19 of this schedule is amended by replacing at the end, “, including the lump sums resulting from the salary readjustment procedure” by “, including lump sums resulting from the salary readjustment procedure and the responsibility premiums to the exclusion of others”.

**5.** Section 20 of this schedule is amended by replacing, in the fourth paragraph, “93% of the basic salary paid by the senior executive’s employer or, where applicable, employers” by “the gross amount determined in paragraph 1 of the first paragraph of section 17. The formula must be applied to the sum of the basic weekly salaries received from the senior executive’s employer as prescribed in this section or, where applicable, employers”.

**6.** Section 21 of this schedule is amended:

1° by replacing the first paragraph by the following:

“A senior executive who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan, but is not eligible for benefits under the Québec Parental Insurance Plan, is entitled to receive during her maternity leave of 20 weeks, an allowance based on the following formula:

A) For each week of the waiting period prescribed by the Employment Insurance Plan, an allowance calculated as follows:

sum of:

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above.

B) For each week following the period prescribed in paragraph A), an allowance based on the following formula:

(1) sum of

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior executive is receiving or would receive under the Employment Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph:

(a) “93% of the basic salary paid by the school board and the percentage of the Employment Insurance benefits that represents the proportion of the basic weekly salary paid by it” by “the amount determined in paragraph 1 of paragraph B) of the first paragraph and the amount of the Employment Insurance benefits corresponding to the proportion of basic weekly salary paid by the school board”;

(b) “HRSDC” by “ESDC”;

3° by replacing, in the fifth paragraph:

(a) “HRSDC” by “ESDC”;

(b) “in the first subparagraph of paragraph *b*” by “in paragraph B) of the first paragraph”.

**7.** Section 22 of this schedule is amended by replacing the second, third and fourth paragraphs by the following:

“However, the senior executive who has accumulated 20 weeks of service is entitled to an allowance based on the following formula for 12 weeks, if she is not receiving benefits under a parental rights plan established by another province or territory:

sum of:

(a) the amount equal to 100% of the senior executive’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior executive’s basic weekly salary and the amount determined under subparagraph *a* above.

The fourth paragraph of section 20 applies to this subdivision with the necessary changes.”.

**8.** Section 23 of this schedule is amended:

1° by replacing, in the third paragraph of paragraph *b*:

(a) “Ministry of Employment and Social Solidarity” by “Ministère du Travail, de l’Emploi et de la Solidarité sociale”;

(b) “HRSDC” by “ESDC”;

2° by replacing, in the first paragraph of paragraph *c*, “health and social services agencies” by “integrated health and social services centres (CISSS) and integrated university health and social services centres (CIUSSS)”;

3° by replacing, in the third paragraph of paragraph *d*, “CSST” by “CNESST”.

**9.** Section 26 of this schedule is amended:

1° by adding, in the first paragraph, after the words “the senior executive”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 21” by “paragraph B) of the first paragraph of section 21”.

**10.** Schedule 5 of the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 26, the following:

“**26.1** The senior executive shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**11.** Section 27 of this schedule is amended by adding “, if the senior executive has completed 20 weeks of service” at the end.

**12.** Schedule 5 of the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 27, the following:

“**27.1** The senior executive shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**13.** Section 28 of this schedule is amended by replacing “Subparagraphs *a*, *b* and *d* of section 23 apply” by “Section 23 applies”.

**14.** Section 35 of this schedule is amended:

1° by adding, in the first paragraph, after the words “the senior executive”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 21” by “paragraph B) of the first paragraph of section 21”.

**15.** Schedule 5 of the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 35, the following:

“**35.1** The senior executive shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**16.** Section 36 of this schedule is amended by adding “, if the senior executive has completed 20 weeks of service” at the end.

**17.** Schedule 5 of the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 36, the following:

“**36.1** The senior executive shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**18.** Section 40 of this schedule is amended by replacing “Subparagraphs *a*, *b* and *d* of section 23 apply” by “Section 23 applies”.

**19.** The provisions of Schedule 5 of the Regulation respecting certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal as they read on the day before the day on which this Regulation comes into force continue to apply to the senior executive already on maternity, paternity or adoption leave for the duration of the leave applicable to the event.

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

103107

**M.O., 2017**

**Order of the Minister responsible for Higher Education dated 10 July 2017**

General and Vocational Colleges Act  
(chapter C-29)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

THE MINISTER RESPONSIBLE FOR HIGHER EDUCATION,

WHEREAS in and by section 18.1 of the General and Vocational Colleges Act (chapter C-29);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges was made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor on 21 June 2005 (C.T. 202574) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 18.1 of the General and Vocational Colleges Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (chapter R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges, herewith attached, be made.

HÉLÈNE DAVID,  
*The Minister responsible  
for Higher Education*

## **Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges<sup>1</sup>**

General and Vocational Colleges Act  
(chapter C-29, s. 18.1)

**1.** Section 101 of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by replacing “Human Resources and Skills Development Canada (HRSDC)” by “Employment and Social Development Canada (ESDC)”.

1. The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by the Minister's Order dated 17 June 2005 approved by the Conseil du trésor, C.T. 202574 dated 21 June 2005 (2005, *G.O.* 2, 2449) was amended by the Regulation made by the Minister's Order dated 18 May 2006 approved by the Conseil du trésor, C.T. 203752 dated 23 May 2006 (2006, *G.O.* 2, 1688), the Regulation made by the Minister's Order dated 16 June 2009 approved by the Conseil du trésor, C.T. 207978 dated 22 June 2009 (2009, *G.O.* 2, 2108), the Regulation made by the Minister's Order dated 6 June 2011 (2011, *G.O.* 2, 1400), the Regulation made by the Minister's Order dated 11 July 2012 (2012, *G.O.* 2, 2585), the Regulation made by the Minister's Order dated 10 August 2012 (2012, *G.O.* 2, 2756), the Regulation made by the Minister's Order dated 23 June 2015 (2015, *G.O.* 2, 1756) and the Regulation made by the Minister's Order dated 30 March 2017 (2017, *G.O.* 2, 992).

**2.** Section 112 of the Regulation is amended:

1° by replacing the first paragraph by the following:

“A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan shall receive for the 21 weeks of her maternity leave an allowance based on the following formula:

(1) sum of:

(a) the amount equal to 100% of the senior staff member's basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member's basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior staff member is receiving or would receive under the Québec Parental Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph, “93% of the basic salary” by “the amount determined in paragraph 1 of the first paragraph”.

**3.** Section 114 of the Regulation is amended by adding, at the end, the words “and the responsibility premiums to the exclusion of others”.

**4.** Section 118 of the Regulation is amended by replacing, “93% of the basic salary paid” by “the gross amount determined in the first paragraph of section 112. The formula must be applied to the sum of the basic weekly salaries received”.

**5.** Section 119 of the Regulation is amended:

1° by replacing the first paragraph by the following:

“A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan, but is not eligible for benefits under the Québec Parental Insurance Plan, is entitled to receive during her maternity leave of 20 weeks, an allowance based on the following formula:

A) For each week of the waiting period prescribed by the Employment Insurance Plan, an allowance calculated as follows:

sum of:

(a) the amount equal to 100% of the senior staff member's basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member's basic weekly salary and the amount determined under subparagraph *a* above.

B) For each week following the period prescribed in paragraph A), an allowance based on the following formula:

(1) sum of

(a) the amount equal to 100% of the senior staff member's basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member's basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior staff member is receiving or would receive under the Employment Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph:

(a) “93% of the basic salary” by “the amount determined under paragraph 1 of paragraph B) of the first paragraph”;

(b) “HRSDC” by “ESDC”;

3° by replacing, in the fifth paragraph:

(a) “HRSDC” by “ESDC”;

(b) “in the first subparagraph of paragraph *b*” by “in paragraph B) of the first paragraph”.

**6.** Section 120 of the Regulation is amended by replacing the second paragraph by the following:

“However, the senior staff member who has accumulated 20 weeks of service is entitled to an allowance based on the following formula for 12 weeks, if she is not receiving benefits under a parental rights plan established by another province or territory:

sum of:

(a) the amount equal to 100% of the senior staff member's basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member's basic weekly salary and the amount determined under subparagraph *a* above.

Sections 115 to 118 apply to this subdivision with the necessary changes.”.

**7.** Section 121 of the Regulation is amended:

1° by replacing, in the third paragraph of subparagraph *b*:

(a) “Ministry of Employment and Social Solidarity” by “Ministère du Travail, de l'Emploi et de la Solidarité sociale”;

(b) “HRSDC” by “ESDC”;

2° by replacing, in the first paragraph of paragraph *c*, “health and social services agencies” by “integrated health and social services centres (CISSS) and integrated university health and social services centres (CIUSSS)”.

**8.** Section 123.1 of the Regulation is amended:

1° by adding in the first paragraph after the words “the senior staff member”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 119” by “paragraph B) of the first paragraph of section 119”;

3° by adding, after the second paragraph, the following:

“The senior staff member shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**9.** Section 123.2 of the Regulation is amended:

1° by adding at the end, “, if the senior staff member has completed 20 weeks of service”;

2° by adding the following second paragraph:

“A senior staff member shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**10.** Section 123.3 of the Regulation is amended by replacing “Subparagraphs *a* and *b* of section 121 apply” by “Section 121 applies”.

**11.** Section 124.3 of the Regulation is amended:

1° by adding, in the first paragraph after the words “the senior staff member”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph *b* of section 119” by “paragraph B) of the first paragraph of section 119”;

3° by adding, after the second paragraph, the following:

“The senior staff member shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**12.** Section 124.4 of the Regulation is amended:

1° by adding, at the end, “, if the senior staff member has completed 20 weeks of service”;

2° by adding the following second paragraph:

“2. Salary Scales

CLASSES	Rates on 2016-12-30 (\$)		Rates on 2017-04-01 (\$)		Rates on 2018-04-01 (\$)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
10	88 012	117 347	89 552	119 401	91 343	121 789
9	83 148	110 861	84 603	112 801	86 295	115 057
8	78 553	104 735	79 928	106 568	81 527	108 699
7	73 227	97 633	74 508	99 342	75 998	101 329
6	68 261	91 013	69 456	92 606	70 845	94 458
5	63 410	84 544	64 520	86 024	65 810	87 744
4	59 053	78 736	60 086	80 114	61 288	81 716
3	54 128	72 169	55 075	73 432	56 177	74 901
2	49 614	66 150	50 482	67 308	51 492	68 654
1	45 477	60 634	46 273	61 695	47 198	62 929

”.

**16.** The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by replacing the reference “R.S.Q.” by “CQLR”, wherever it is found.”

**17.** The provisions of Chapter VIII of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges as they read on the day before the day on which this Regulation comes

“The senior staff member shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**13.** Section 128 of the Regulation is amended by replacing “Subparagraphs *a* and *b* of section 121 apply” by “Section 121 applies”.

**14.** The Regulation is amended by adding, after section 144, the following:

“**144.1** The senior staff member who receives a premium for regional disparities shall receive it during her maternity leave.

The senior staff member who receives a premium for regional disparities shall also receive it during his paternity leave prescribed in section 123 or the adoption leave prescribed in section 124.1.”.

**15.** Section 2 of Schedule II of the Regulation is replaced by the following:

into force continue to apply to the senior staff member already on maternity, paternity or adoption leave for the duration of the leave applicable to the event.

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

103105

**M.O., 2017****Order of the Minister of Education, Recreation and Sports dated 14 August 2017**

Education Act  
(chapter I-13.3)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

WHEREAS in and by section 451 of the Education Act (chapter I-13.3);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was made by the Minister's Order dated 10 May 2012 approved by the Conseil du trésor on 8 May 2012 (C.T. 211408) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 451 of the Education Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (chapter R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal, herewith attached, be made.

SÉBASTIEN PROULX,  
*The Minister of Education,  
Recreation and Sports,*

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**Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal<sup>1</sup>**

Education Act  
(chapter I-13.3, s. 451)

**1.** Schedule III of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal is replaced by the following:

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1. Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was made by the Minister's Order dated 10 May 2012 (2012, *G.O.* 2, 1817) and was amended by the regulation made by the Minister's Order dated 30 March 2017 (2017, *G.O.* 2, 996).



**"SCHEDULE III**  
**SALARY SCALES CORRESPONDING TO CLASSIFICATION PLAN**

CLASSES	RATES		RATES		RATES	
	2016-12-30		2017-04-01		as of	
	to		to		2018-04-01	
	2017-03-31		2018-03-31			
	(\$)		(\$)		(\$)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
12	98 611	131 478	100 337	133 779	102 344	136 455
11	93 161	124 212	94 791	126 386	96 687	128 914
10	88 012	117 347	89 552	119 401	91 343	121 789
9	83 148	110 861	84 603	112 801	86 295	115 057
8	78 553	104 735	79 928	106 568	81 527	108 699
7	73 227	97 633	74 508	99 342	75 998	101 329
6	68 261	91 013	69 456	92 606	70 845	94 458
5	63 410	84 544	64 520	86 024	65 810	87 744
4	59 053	78 736	60 086	80 114	61 288	81 716
3	54 128	72 169	55 075	73 432	56 177	74 901
2	49 614	66 150	50 482	67 308	51 492	68 654
1	45 477	60 634	46 273	61 695	47 198	62 929

..

**2.** Schedule V of the Regulation is amended by replacing at the end of the second paragraph, "Régime d'assurance emploi" by "Régime d'assurance-emploi". (This applies to the French text only.)

**3.** Section 4 of this schedule is amended by replacing "Human Resources and Skills Development Canada (HRSDC)" by "Employment and Social Development Canada (ESDC)".

**4.** Section 17 of this schedule is amended:

1° by replacing the first paragraph by the following:

"A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan shall receive for the 21 weeks of her maternity leave an allowance based on the following formula:

(1) sum of:

(a) the amount equal to 100% of the senior staff member's basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member's basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior staff member is receiving or would receive under the Québec Parental Insurance Plan after submitting an application is deducted.";

2° by replacing, in the fourth paragraph, "93% of the basic salary paid by the school board and the benefits paid under the Québec Parental Insurance Plan that represent the proportion of the basic weekly salary paid by it" by "the amount determined in paragraph 1 of the first paragraph and the amount of Québec Parental Insurance Plan benefits corresponding to the proportion of basic weekly salary paid by the school board".



**5.** Section 19 of this schedule is amended by replacing at the end, “, including the lump sums resulting from the salary readjustment procedure” by “, including lump sums resulting from the salary readjustment procedure and the responsibility premiums to the exclusion of others”.

**6.** Section 20 of this schedule is amended by replacing, in the fourth paragraph, “93% of the basic salary paid by the senior staff member’s employer or, where applicable, employers” by “the gross amount determined in paragraph 1 of the first paragraph of section 17. The formula must be applied to the sum of the basic weekly salaries received from the senior staff member’s employer as prescribed in this section or, where applicable, employers”.

**7.** Section 21 of this schedule is amended:

1° by replacing the first paragraph by the following:

“A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan, but is not eligible for benefits under the Québec Parental Insurance Plan, is entitled to receive during her maternity leave of 20 weeks, an allowance based on the following formula:

A) For each week of the waiting period prescribed by the Employment Insurance Plan, an allowance calculated as follows:

sum of

(a) the amount equal to 100% of the senior staff member’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member’s basic weekly salary and the amount determined under subparagraph *a* above.

B) For each week following the period prescribed in paragraph A), an allowance based on the following formula:

(1) sum of

(a) the amount equal to 100% of the senior staff member’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member’s basic weekly salary and the amount determined under subparagraph *a* above; and

(2) from which sum, the amount of maternity or parental benefits that the senior staff member is receiving or would receive under the Employment Insurance Plan after submitting an application is deducted.”;

2° by replacing, in the fourth paragraph:

(a) “93% of the basic salary paid by the school board and the percentage of the Employment Insurance benefits that represents the proportion of the basic weekly salary paid by it” by “the amount determined in paragraph 1 of paragraph B) of the first paragraph and the amount of the Employment Insurance benefits corresponding to the proportion of basic weekly salary paid by the school board”;

(b) “HRSDC” by “ESDC”;

3° by replacing, in the fifth paragraph:

(a) “HRSDC” by “ESDC”;

(b) “in the first paragraph of subparagraph 2)” by “in paragraph B) of the first paragraph”.

**8.** Section 22 of this schedule is amended by replacing the second, third and fourth paragraphs by the following:

“However, the senior staff member who has accumulated 20 weeks of service is entitled to an allowance based on the following formula for 12 weeks, if she is not receiving benefits under a parental rights plan established by another province or territory:

sum of

(a) the amount equal to 100% of the senior staff member’s basic weekly salary up to \$225; and

(b) the amount equal to 88% of the difference between the senior staff member’s basic weekly salary and the amount determined under subparagraph *a* above.

The fourth paragraph of section 20 applies to this subsection with the necessary changes.”.

**9.** Section 23 of this schedule is amended:

1° by replacing in the second paragraph of paragraph 2, “Régime d’assurance emploi” by “Régime d’assurance-emploi”; (This applies to the French text only.)

2° by replacing, in the third paragraph of paragraph 2:

(a) “Ministry of Employment and Social Solidarity” by “Ministère du Travail, de l’Emploi et de la Solidarité sociale”;

(b) “HRSDC” by “ESDC”;

3° by replacing, in the first paragraph of paragraph 3, “health and social services agencies” by “integrated health and social services centres (CISSS) and integrated university health and social services centres (CIUSSS)”;

4° by replacing, in the third paragraph of paragraph 4, “CSST” by “CNESST”.

**10.** Section 26 of this schedule is amended:

1° by adding, in the first paragraph after the words “the senior staff member”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph, “subparagraph 2 of section 21” by “paragraph B) of the first paragraph of section 21”.

**11.** Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 26, the following:

“**26.1** The senior staff member shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**12.** Section 27 of this schedule is amended by adding “, if the senior staff member has completed 20 weeks of service” at the end.

**13.** Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 27, the following:

“**27.1** The senior staff member shall accumulate service if his absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**14.** Section 28 of this schedule is amended by replacing “Subparagraphs 1, 2 and 4 of section 23 apply” by “Section 23 applies”.

**15.** Section 33 of this schedule is amended by replacing in the second paragraph, “Régime d’assurance emploi” by “Régime d’assurance-emploi”. (This applies to the French text only.)

**16.** Section 35 of this schedule is amended:

1° by adding, in the first paragraph after the words “the senior staff member”, “who has completed 20 weeks of service”;

2° by replacing, in the second paragraph “subparagraph 2 of section 21” by “paragraph B) of the first paragraph of section 21”.

**17.** Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 35, the following:

“**35.1** The senior staff member shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**18.** Section 36 of this schedule is amended by adding “, if the senior staff member has completed 20 weeks of service” at the end.

**19.** Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal is amended by adding, after section 36, the following:

“**36.1** The senior staff member shall accumulate service if his or her absence is authorized, particularly for disability, and includes benefits or remuneration.”.

**20.** Section 40 of this schedule is amended by replacing “Subparagraphs 1, 2 and 4 of section 23 apply” by “Section 23 applies”.

**21.** The provisions of Schedule V of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l’île de Montréal as they read on the day before the day on which this Regulation comes into force continue to apply to the senior staff member already on maternity, paternity or adoption leave for the duration of the leave applicable to the event.

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

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## Draft Regulations

### Draft Regulation

Animal Health Protection Act  
(chapter P-42)

#### Administering of certain medications — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the administering of certain medications, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation prohibits, with respect to certain categories of animals, the administering, for preventive purposes, of medications belonging to one of the classes of antimicrobials of the Category I: Very High Importance in human medicine the list of which is available on the Health Canada website. The draft Regulation also controls the administering of those medications for curative purposes.

Study of the matter shows little global economic impact. For productions whose animals or their products are intended for human consumption, the annual shortfall would be between \$430,000 and \$825,000. In addition, if antibiograms were necessary to justify the administration of antimicrobials of the Category I: Very High Importance, based on the performance of an antibiogram per year and per livestock, costs of \$520,000 would be added for all those productions. Lastly, it should be noted that the extra-label use of medications, which the study did not allow to document, cannot be excluded and could also have a financial impact.

Further information may be obtained by contacting Dr. Pierre Rouquet, Direction de la santé et du bien-être des animaux, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11<sup>e</sup> étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100; fax: 418 380-2169.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Christine Barthe, Assistant

Deputy Minister, Sous-ministériat à la santé animale et à l'inspection des aliments, 200, chemin Sainte-Foy, 12<sup>e</sup> étage, Québec (Québec) G1R 4X6.

LAURENT LESSARD,  
*Minister of Agriculture,  
Fisheries and Food*

### Regulation to amend the Regulation respecting the administering of certain medications

Animal Health Protection Act  
(chapter P-42, s. 55.9, 1st par., subpars. 7 and 11)

**1.** The Regulation respecting the administering of certain medications (chapter P-42, r. 1) is amended by inserting the following after section 1:

**“1.1.** The administering, for curative purposes, of a medication belonging to one of the classes of antimicrobials of the Category I: Very High Importance to an animal intended or whose products are intended for human consumption is reserved exclusively to the cases in which it appears, in particular after an antibiogram, that the administering of a medication of a class other than the classes of that category will not allow treatment of the disease.

The term “classes of antimicrobials of the Category I: Very High Importance” refers to the classes published on the Health Canada website derived from the antimicrobial categorization based on the importance of those medications in human medicine.

**1.2.** The administering, for preventive purposes, of a medication belonging to one of the classes of antimicrobials of the Category I: Very High Importance to an animal intended or whose products are intended for human consumption is prohibited.

The prohibition provided for in the first paragraph does not apply in the case of an animal that does not show any signs of disease if that animal is part of a restricted group including sick animals that may, in accordance with section 1.1, be treated using a medication belonging to one of

the classes of antimicrobials of the Category I: Very High Importance and if there is a serious risk of propagation of the disease by reason of the proximity of the animals.

**1.3.** The administering of a medication belonging to one of the classes of antimicrobials of the Category I: Very High Importance to embryonated poultry eggs is prohibited.

**1.4.** Every person who contravenes the provisions of this Regulation is liable to the fine provided for in section 55.43 of the Animal Health Protection Act (chapter P-42).”.

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

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

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