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Part

2

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Laws and Regulations

Volume 150

Summary

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Contents

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- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (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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Regulations and other Acts

Gouvernement du Québec

O.C. 1359-2018, 21 November 2018

Cultural Heritage Act
(chapter P-9.002)

Declaration of Arvida as a heritage site

WHEREAS the territory of the Arvida heritage site delimited in the Schedule corresponds to a sector of the former Ville d'Arvida, founded by the Aluminium Company of Canada and its president, Arthur Vining Davis, erected as a municipality in 1926, then developed in keeping with the original plans of the architect Harry Beardslee Brainerd and the engineer Hjalmar Ejnar Skougör, amended by Harold R. Wake, engineer of the company;

WHEREAS that sector bespeaks the important period of economic and industrial development that took place in several regions of Québec, in particular the Saguenay—Lac-Saint-Jean region, during the first decades of the 20th century;

WHEREAS that sector was associated to the most important place of production of aluminium in the world between the Second World War and the seventies, which earned Arvida the nickname of world aluminium capital;

WHEREAS that sector is a particularly good avant-gardist example of industrial towns that were planned in Québec at the same time and includes, in particular, residential, institutional and commercial sectors;

WHEREAS that sector has several features inspired of the urban utopias of its time, which are still present today, such as the green wedge and the parks integrated into the urban fabric, the hierarchical arterial system and the downtown area around which a built environment essentially composed of pavilions unfurls;

WHEREAS that sector forms a homogenous landscape whose picturesque effect is due to a layout that enhances the topography of the site, an abundant revegetation, the evenness of the land parcel system and the built environment;

WHEREAS that sector can be distinguished by the numerous models of buildings used, which are mainly inspired by the architecture of the United States and traditional Québec architecture, and whose local character is namely expressed by the use of some aluminium components;

WHEREAS the construction of the first 270 houses in that sector in only 135 days is a technical feat and an innovative example of serial building carried out by rationalizing the processes used;

WHEREAS the knowledge, protection, enhancement and transmission of the territory of the Arvida heritage site is in the public interest by reason of its heritage value in terms of history, urban development, landscape, architecture and technology;

WHEREAS the first paragraph of section 58 of the Cultural Heritage Act (chapter P-9.002) provides that the Government may, on the recommendation of the Minister of Culture and Communications who must obtain the opinion of the Conseil du patrimoine culturel du Québec, declare as a heritage site any land area the knowledge, protection, transmission or enhancement of which is in the public interest;

WHEREAS section 2 of the Cultural Heritage Act provides that “heritage site” means or designates, in the case of a heritage site referred to in section 58, a land area that is of interest for its archaeological, architectural, artistic, emblematic, ethnological, historical, identity, landscape, scientific, urbanistic or technological value;

WHEREAS, on 22 June 2017, the Minister of Culture and Communications, in accordance with sections 58 and 59 of the Cultural Heritage Act, signed a recommendation respecting the declaration of Arvida as a heritage site, of which a notice was published on 12 July 2017 in the *Gazette officielle du Québec*, Part 2, and in two newspapers in the land area concerned;

WHEREAS, in accordance with section 83 of the Cultural Heritage Act, the Conseil du patrimoine culturel du Québec held a public consultation, in the fall of 2017, on the draft declaration of Arvida as a heritage site and sent its consultation report to the Minister of Culture and Communications on 13 February 2018;

WHEREAS the Minister of Culture and Communications, in accordance with section 58 of the Cultural Heritage Act, obtained the opinion of the Conseil du patrimoine culturel du Québec, which sent a first notice pertaining to the relevance of the recommendation of declaration of the site with respect to the presence of the conditions for its application dated 26 May 2017 and a second notice pertaining to the heritage values, the proposed perimeter, the advantages of the draft declaration, the issues and problems dated 13 February 2018;

WHEREAS the first and third paragraphs of section 60 of the Cultural Heritage Act provide that an order made under section 58 must include the boundaries of the land area declared a heritage site and state the reasons for the declaration and takes effect on the date of publication in the *Gazette officielle du Québec* of the notice of recommendation;

WHEREAS section 17 of the Regulations Act (chapter R-18.1) provides that a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Order in Council respecting the Declaration of Arvida as a heritage site was published in the *Gazette officielle du Québec*, Part 2, of 20 June 2018 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

WHEREAS it is expedient to make the draft Order in Council without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications:

THAT the territory delimited in the Schedule to this Order in Council be declared as a heritage site;

THAT the heritage site be designated under the name of Arvida heritage site;

THAT this Order in Council come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and take effect as of 12 July 2017.

YVES OUELLET,
Clerk of the Conseil exécutif

SCHEDULE

Description of the delimitation of the territory of the Arvida heritage site:

A territory located in Ville de Saguenay, Chicoutimi land division, and whose perimeter may be more precisely described as follows:

— starting from point 1 corresponding to the northeastern corner of lot 2 289 639 of the cadastre of Québec;

— thence along the eastern and northeastern limits of lot 2 289 639 (manoir du Saguenay) to point 2 corresponding to the eastern corner of lot 2 289 639;

— thence along the northern limit of lot 2 289 574 and the southern limit of lot 2 289 575 and the western and southern limits of lot 2 289 579 to point 3 corresponding to the southeastern corner of lot 2 289 579;

— thence crossing rue Castner to point 4, which is the meeting point of lots 2 294 314 (rue Castner), 2 289 613 and 2 289 590;

— thence along the northern and northeastern limits of lot 2 289 590 to point 5, which is the meeting point of lots 2 289 613, 2 289 590 and 2 289 610;

— thence along the northwestern and southwestern limits of lot 2 289 610, the northwestern and western limits of lot 2 289 592, the western and southern limits of lot 2 289 604, the southwestern limit of lot 2 289 606, the southwestern and southeastern limits of lot 2 289 607, the southwestern limit of lot 2 289 608, the northwestern and southwestern limits of lot 2 289 602, the southwestern limit of lot 2 289 603, the northwestern, southwestern and southeastern limits of lot 2, 289 617 and the southwestern limit of lots 2 289 618, 2 289 619, 2 289 615 and 2 289 616 to point 6, which is the meeting point of lots 2 289 616, 2 289 614 and 2 294 321 (northwestern right-of-way of rue Regnault);

— thence crossing rue Regnault to the southeast to point 7, which is the meeting point of the western corner of lot 2 289 694 and the northern corner of lot 2 294 320 (rue Maxwell);

— thence southwesterly and along the southeastern right-of-way of rue Regnault (lot 2 294 321) to point 8, corresponding to the western corner of lot 2 289 714;

— thence along the southwestern limit of lot 2 289 714, the northwestern and southwestern limits of lot 2 289 716 and the southwestern limit of lots 2 289 718 to 2 289 722, crossing rue Foucault to the western point of lot 2 289 803 and along the southwestern limits of lots 2 289 803, 2 289 805, 2 289 807, 2 289 808, 2 289 809, 2 289 813, 2 289 811 and 2 289 812 to point 9, which is the meeting point of lots 2 289 810, 2 289 812 and 2 294 305 (rue Berthier);

— thence crossing rue Berthier, in a southeasterly direction to point 10, which is the meeting point of the southeastern corner of lot 2 294 305 (rue Berthier) and lot 2 289 886;

— thence along the northern and western limits of lot 2 289 886, the southern limit of lots 2 289 886, 2 289 896, 2 289 898, 2 289 899, 2 289 904 and 2 289 905 to point 11, which is the meeting point of lots 2 289 902 and 4 778 051;

—thence along the eastern limit of lot 2 289 902 to point 12, which is the intersection of lots 2 289 902, 4 778 051 and 2 481 749 (boulevard du Saguenay);

—thence along the northern limit of lots 2 481 749 and 2 294 312, to point 13, which is the meeting point of lots 2 481 750, 2 294 313 (boulevard du Saguenay) and 2 294 312 (rue Lavoisier);

—thence along the northeastern, northern and eastern limits of lot 2 294 312 (rue Lavoisier) to point 14, which is the meeting point of the southeastern corner of lot 2 294 312 (rue Lavoisier) and lot 2 288 990;

—thence along the southern and southeastern limits of lot 2 294 300 (rue Moritz) to point 15, which is the meeting point of lots 2 294 300 (rue Moritz), 2 288 989 and 2 481 739 (boulevard Mellon);

—thence along the western, southern and northern limits of lot 2 288 989 to point 16, which is the meeting point of lots 2 290 614, 2 288 989 and 2 288 990;

—thence along the eastern limit of lots 2 290 614, 2 290 615, 2 290 616 and 2 290 613 to point 17, which is the meeting point of lots 2 290 613, 4 349 253 and 2 288 990;

—thence along the northern limit of lot 4 349 253 to point 18, which is the meeting point of lots 2 290 613, 2 294 267 and 4 349 253;

—thence along the western limit of lot 4 349 253 to point 19, which is the meeting point of lots 2 294 267 and 4 349 253;

—thence crossing lots 4 349 253 (railway) and 2 294 261 (railway) along the eastern edge of boulevard Mellon to point 20, which is the intersection of lots 2 293 664, 2 294 261 and 2 294 269;

—thence along the western limit of lot 2 293 664 to point 21, which is the meeting point of lots 2 293 664 and 2 294 269 (boulevard Mellon);

—thence crossing lot 2 294 269 (rue De La Salle) to point 22, which is the intersection of lot 2 294 269 with the imaginary extension of the eastern right-of-way of lot 2 851 692 (boulevard Mellon);

—thence crossing boulevard Mellon along the southern limit of lot 2 294 269 to point 23, which is the meeting point of lots 2 802 084, 4 378 919, 2 294 269 and 2 851 692;

—thence along the southern limit of lot 4 378 919 to point 24, which is the meeting point of lots 2 294 268 (rue de Neuville), 4 378 919 and 2 802 084;

—thence crossing rue de Neuville to point 25, which is the meeting point of lots 2 293 858, 5 839 173 and 2 294 268 (rue de Neuville);

—thence along the northern and western limits of lot 2 293 858, the northern limit of lots 2 293 856, 3 649 126 and 2 293 853, the northern and western limits of lot 2 293 852 and the northern limit of lots 2 293 851, 2 293 850, 2 293 849, 2 293 847, 2 293 846 and 2 293 845 to point 26, which is the meeting point of lots 2 293 845, 5 839 173 and 2 293 842;

—thence along the eastern limit of lot 2 293 842 to point 27, which is the meeting point of lots 2 293 842 and 5 839 173;

—thence crossing lots 2 293 842, 2 294 261 (railway), 2 294 260 and 4 349 252 to point 28, which is the intersection of lots 4 708 636, 4 349 248 and 4 349 252;

—thence along the eastern limit of lot 4 708 636 to point 29, which is the meeting point of lots 2 294 165 and 4 349 248;

—thence crossing lot 2 294 165 (rue Deschênes) to point 30, which is the intersection of lots 2 290 651, 2 290 652 and 2 294 165 (rue Deschênes);

—thence along the eastern and northern limits of lot 2 290 651, the northwestern limit of lot 2 290 650, the northern and western limits of lot 2 290 648 and the northern limit of lot 2 294 165 (rue Deschênes) to point 31, which is the meeting point of lots 2 481 734, 2 294 165, 2 290 640 and 4 325 311;

—thence along the eastern and northern limits of lot 2 290 640, the northeastern limit of lot 4 325 310, the southeastern and northeastern limits of lot 4 325 309, the northeastern and northwestern limits of lot 2 290 639, the northern limit of lot 4 325 307, the eastern limit of lot 2 290 632, the eastern and southern limits of lot 2 290 634 to point 32, which is the meeting point of lots 2 290 634, 4 064 739 and 4 325 311;

—thence along the northern limit of lot 2 290 634, the eastern limit of lot 2 290 633 and the southern limit of lot 2 290 635 to point 33, which is the meeting point of lots 2 290 635, 4 064 739 and 4 325 311;

—thence along the eastern limit of lots 2 290 635 and 2 290 636 and the northern limit of lot 2 290 636 to point 34, which is the meeting point of lots 2 290 636, 2 290 637 and 4 325 311;

—thence along the northeastern limit of lot 2 290 636 and the southeastern and eastern limits of lot 2 290 631 to point 35, which is the meeting point of lots 2 290 631, 2 290 637 and 4 325 311;

—thence along the eastern, northern and western limits of lot 2 290 631, the northeastern limit of lot 2 290 628 and the eastern limit of lots 2 290 624, 2 290 645 and 2 290 646 to point 36, which is the meeting point of lots 2 290 646, 2 290 647 and 4 325 311;

—thence along the eastern limit of lot 2 290 646 and across lot 2 290 647 to point 37, which is the intersection of lots 2 290 832, 2 290 647 and 4 303 409;

—thence along the eastern and northeastern limits of lot 2 290 832, the eastern and northern limits of lot 2 290 831, the northeastern limit of lot 2 290 824, the eastern limit of lots 2 290 821 and 2 290 829, the southern, eastern and northern limits of lot 2 290 833, the eastern limit of lot 2 290 827, the northeastern limit of lot 2 290 826, the eastern and northeastern limits of lot 5 443 338 and the northeastern limit of lot 5 443 337 to point 38, which is the meeting point of lots 5 443 337, 2 481 745 (boulevard du Saguenay), 2 481 746 (boulevard du Saguenay) and 4 303 409;

—thence, crossing boulevard du Saguenay to the north, along the southeastern and eastern limits of lot 2 481 745 (boulevard du Saguenay) to point 39, which is the intersection of lots 2 481 745, 2 481 746 and 4 900 594;

—thence along the northern limit of lot 2 481 745 to point 40, which is the meeting point of lots 2 481 745, 4 900 594 and 2 289 018;

—thence along the northeastern and eastern limits of lot 2 289 018 to point 41, which is the meeting point of lots 2 289 018, 2 289 021 and 4 900 594;

—thence along the southeastern and eastern limits of lot 2 289 021 to point 42, which is the meeting point of lots 2 289 021, 2 289 025 and 4 900 594;

—thence along the southern and southwestern limits of lot 2 289 025 to point 43, which is the meeting point of lots 4 900 594, 2 290 217 and 2 289 025;

—thence along the southern limit of lot 2 290 025 to point 44, which is the intersection of lots 2 290 217, 2 294 314 (rue La Traverse) and 2 289 025;

—thence along the eastern limit of lot 2 289 025 to point 45, which is the intersection of lots 2 290 664, 2 289 025, 2 294 314 (rue La Traverse) and 2 294 188 (rue de Normandie);

—thence crossing lot 2 294 188 (rue de Normandie) and along the southern limits of lots 2 290 675 and 2 290 676 to point 46, which is the intersection of lots 2 290 676, 2 290 678 and 2 294 314 (rue La Traverse);

—thence along the eastern and northern limits of lot 2 290 676, the eastern limit of lots 2 290 674 and 2 290 665, the southern and eastern limits of lot 2 290 670, the eastern and northern limits of lot 3 599 716 and the eastern limit of lots 2 290 668 and 2 290 669 to point 47, which is the intersection of lots 2 290 669, 3 811 626 and 3 811 625;

—thence along the southern and eastern limits of lot 3 811 625 and the eastern limit of lots 5 172 578 and 5 172 577 to point 48, which is the intersection of lots 5 172 577, 4 570 419 and 2 289 639 (manoir du Saguenay);

—thence along the southeastern and southern limits of lot 4 570 419 to the starting point 1.

The whole as shown by a red contour on a plan prepared at Ville de Saguenay by Jacques Normand, land surveyor, dated 19 April 2017 and bearing number 5658 of his minutes.

103747

Gouvernement du Québec

O.C. 1364-2018, 21 November 2018

An Act respecting road
(chapter V-9)

CONCERNING the management and ownership of portions of Autoroute 20, also designated as Autoroute Jean-Lesage, located in the territory of the city of Lévis

WHEREAS Autoroute 20, also designated as Autoroute Jean-Lesage and located partly in the territory of the city of Lévis, was constructed under the Trans-Canada Highway Act (14 George VI, 1950, c. 44, amended by 9-10 Elizabeth II, 1960-61, c. 8) and remains State property under paragraph 1 of section 7 of the Act respecting roads (Chapter V-9);

WHEREAS the government, under the first paragraph of section 2 of the Act respecting roads, determined by Order in Council published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport;

WHEREAS the government, by Order in Council number 292-93 dated March 3, 1993, and its subsequent amendments, determined that the portion of Autoroute 20 located in the territory of the city of Lévis is under the management of the Minister of Transport;

WHEREAS, under the first paragraph of section 6 of the Act respecting roads, roads built or rebuilt by the government under this Act are, remain or become property of local municipalities in whose territory they are located;

WHEREAS, under the Act respecting roads, on-ramps and off-ramps of Autoroute 20 were constructed on the territory of the city of Lévis by the government on lot 4 399 127, part of lot 5 955 622 covering an area of 845.3 square metres, part of lot 2 660 377 covering an area of 3,816.4 square metres, part of lot 3 085 638 covering an area of 353.3 square metres, part of lot 3 085 638 covering an area of 17,543.0 square metres, and part of lot 3 085 638 covering an area of 815.4 square metres of the Québec cadastre, of the registration division of Lévis;

WHEREAS, under the first paragraph of section 6 of the Act respecting roads, these on-ramps and off-ramps of Autoroute 20 are property of the city of Lévis;

WHEREAS the government, under section 8 of the Act respecting roads, may, in particular, by Order in Council, declare that a road is an autoroute and that this road becomes, without compensation, State property on the date of publication of this Order in Council in the *Gazette officielle du Québec*;

WHEREAS it is appropriate that these on-ramps and off-ramps of Autoroute 20 constructed on these lots be declared as autoroute so that they become State property;

WHEREAS the Schedule to Order in Council number 292-93 of March 3, 1993, and its subsequent amendments should be amended again in order to include the addition of these on-ramps and off-ramps of Autoroute 20 to the management of the Minister of Transport;

WHEREAS a part of the old chemin Sorosto under the management of the city of Lévis, which is part of lot 4 399 128 of the Québec cadastre, of the registration division of Lévis, covering an area of 1,452.8 square metres, is located in the right of way of Autoroute 20, State property;

WHEREAS the government, under section 46 of the Act respecting roads, may, by Order in Council, declare that part of a State property autoroute becomes, without compensation, property of the local municipality in whose territory it is located, on the date of publication of this Order in Council in the *Gazette officielle du Québec*;

WHEREAS it is appropriate that the city of Lévis assumes ownership of this part of Autoroute 20 to enable the city of Lévis to perform all acts and exercise all rights of an owner regarding this road;

IT IS ORDERED accordingly, on the recommendation of the Minister of Transport:

THAT on-ramps and off-ramps of Autoroute 20, also designated as Autoroute Jean-Lesage, located in the territory of the city of Lévis, constructed on lot 4 399 127, part of lot 5 955 622 covering an area of 845.3 square metres, part of lot 2 660 377 covering an area of 3,816.4 square metres, part of lot 3 085 638 covering an area of 353.3 square metres, part of lot 3 085 638 covering an area of 17,543.0 square metres, and part of lot 3 085 638 covering an area of 815.4 square metres of the Québec cadastre, of the registration division of Lévis, shown as parcels 5, 2, 4, 8, 6 and 7 on the plan prepared by Mr. Philippe Côté, land surveyor, on April 12, 2018, under number 1300 of his minutes and stored in the archives of the ministère des Transports under number TR-6610-154-17-7070-1, sheets 1A and 2A of 2, be declared as autoroute so that they become State property;

THAT these on-ramps and off-ramps of Autoroute 20, also designated as Autoroute Jean-Lesage, located in the territory of the city of Lévis, shown as ramps E, F and G on the plan prepared by Mr. Philippe Côté, land surveyor, on April 12, 2018, under number 1300 of his minutes and stored in the archives of the ministère des Transports under number TR-6610-154-17-7070-1, sheets 1A and 2A of 2, be added to the management of the Minister of Transport;

THAT the Schedule to Order in Council number 292-93 dated March 3, 1993, and its subsequent amendments concerning roads under the management of the Minister of Transport be amended again accordingly to reflect the addition of these on-ramps and off-ramps of Autoroute 20, located in the territory of the city of Lévis, to the management of the Minister of Transport;

THAT the part of of the old chemin Sorosto located in the right of way of Autoroute 20, also designated as Autoroute Jean-Lesage, located in the territory of the city of Lévis, part of lot 4 399 128 of the Québec cadastre, in the registration division of Lévis, covering an area of 1,452.8 square metres, shown as parcel 1 on the plan prepared by Mr. Philippe Côté, land surveyor, on November 20, 2017, under number 1228 of his minutes and stored in the archives of the ministère des Transports under number TR-6610-154-17-7070, sheet 1 of 1, be declared property of Ville de Lévis, without compensation;

THAT this Order in Council be effective as of the date it is published in the *Gazette officielle du Québec*.

YVES OUELLET,
Clerk of the Conseil exécutif

103748

M.O., 2018**Order of the Minister of the Environment
and the Fight Against Climate Change dated
16 November 2018**

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of temporary protection status to the Réserve aquatique projetée de la Rivière-Kovik for four years, and establishment of the plan and conservation plan for that area

THE MINISTER OF THE ENVIRONMENT AND THE
FIGHT AGAINST CLIMATE CHANGE,

CONSIDERING the first paragraph of section 27 of the Natural Heritage Conservation Act (chapter C-61.01), which provides that, for the purpose of protecting land to be established as a new protected area, the Minister of the Environment and the Fight Against Climate Change, with the approval of the Government, prepares the plan of that area, establishes a conservation plan and assigns temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

CONSIDERING the first paragraph of section 28 of the Act, which provides that, unless the Government authorizes a longer period, the setting aside of land under section 27 is valid for a period of not more than four years, which may be renewed or extended;

CONSIDERING Décret 69-2018 dated 7 February 2018, which authorizes the Minister of Sustainable Development, the Environment and the Fight Against Climate Change to assign temporary protection status to a territory located in the Nord-du-Québec region as Réserve aquatique projetée de la Rivière-Kovik, to prepare the plan of that area and to establish a conservation plan for that area;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 22 August 2018, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of the draft conservation plan for the Réserve aquatique projetée de la Rivière-Kovik with a notice of the Minister's intention to assign temporary protection status to the land appearing as a schedule to that document on the expiry of 45 days following its publication;

CONSIDERING the first paragraph of section 29 of the Act, which provides that a notice of the setting aside of land by the Minister pursuant to section 27 is to be published in the *Gazette officielle du Québec*;

CONSIDERING that this Minister's Order constitutes the notice to be published in the *Gazette officielle du Québec* as required by section 29 of the Act;

CONSIDERING that it is expedient to assign temporary protection status to that land;

CONSIDERING the exceptional value of rivière Kovik and its watershed and for the purposes of promoting the protection and maintenance of biological diversity and the related natural and cultural resources, in particular the preservation of local populations of Arctic char, the land requires temporary protection with a view to subsequently assign it permanent protection status;

ORDERS AS FOLLOWS:

Temporary protection status as Réserve aquatique projetée de la Rivière-Kovik is assigned for a period of four years starting on the fifteenth day following the date of publication of this Minister's Order in the *Gazette officielle du Québec*;

The conservation plan for the Réserve aquatique projetée de la Rivière-Kovik, attached to this Order, is established;

The plan of the Réserve aquatique projetée de la Rivière-Kovik, attached to the conservation plan, is prepared.

Québec 16 November 2018

MARIECHANTAL CHASSÉ,
*Minister of the Environment and
the Fight Against Climate Change*

Temporary protection status assigned as Réserve aquatique projetée de la Rivière-Kovik

Natural Heritage Conservation Act
(chapter C-61.01, ss. 27 and 28)

1. The conservation plan of the Réserve aquatique projetée de la Rivière-Kovik appears in Schedule A.

2. The territory in the Schedule to the conservation plan constitutes the Réserve aquatique projetée de la Rivière-Kovik.

3. The temporary status as proposed aquatic reserve, for a period of 4 years, and the conservation plan of the Réserve aquatique projetée de la Rivière-Kovik, applicable to the territory appearing as a schedule to the document, come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

SCHEDULE A

CONSERVATION PLAN OF THE RÉSERVE AQUATIQUE PROJETÉE DE LA RIVIÈRE-KOVIK
(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS



**Réserve
aquatique
projetée de la
Rivière-Kovik**

Conservation plan



October 2018

Note to the reader

Since Réserve aquatique projetée de la Rivière-Kovik is in territory covered by the *James Bay and Northern Québec Agreement* (JBNQA), it is important to specify that, pursuant to Section 24 of that Agreement as well as the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1), beneficiaries of the JBNQA conserve their right to harvest within the boundaries of the proposed aquatic reserve.

1. Protection status and toponym

The protection status of the territory described below is that of proposed aquatic reserve, a status governed by the *Natural Heritage Conservation Act* (chapter C-61.01).

The permanent protection status to be granted at the end of the process is that of “aquatic reserve”, this status also being governed by the *Natural Heritage Conservation Act*.

The provisional toponym is: Réserve aquatique projetée de la Rivière-Kovik. The official toponym will be determined when the territory is given permanent protection status. It is understood that the representative authorities of Nunavik, along with the communities concerned by the proposed aquatic reserve, will contribute proposals for an official toponym to the Commission de toponymie du Québec.

2. Conservation objectives

Réserve aquatique projetée de la Rivière-Kovik was primarily created to protect and maintain biological diversity and the associated natural and cultural resources, and to ensure the conservation of local populations of resident and anadromous Arctic char. Protecting this territory increases the representativeness of the regional and national network of protected areas, since it contains a number of ecological components of interest that are representative of the characteristic ecosystems of the Salluit plateau natural region (see section 3.2). Protecting these ecosystems will allow the pursuit of traditional Inuit activities by people in the communities of Salluit, Ivujivik, Akulivik and Puvirnituk, who frequent the territory for fishing, hunting, trapping and soapstone gathering. Also, it is important to note that the proposed aquatic reserve will ensure the protection of around twenty identified archeological sites.

3. Plan and description

3.1 Geographical location, boundaries and dimensions

The boundaries and location of the proposed reserve are illustrated in Appendix 1.

Réserve aquatique projetée de la Rivière-Kovik is located in the administrative region of Nord-du-Québec, between 61°23' and 62°00' north latitude and 77°47' and 75°30' west longitude. It is about 100 km northeast of the village of Akulivik and covers an area of 4651.2 km².

3.2 Ecological portrait

The waters of the proposed reserve are mostly in the Rivière Kovik watershed, with smaller portions in the Rivière Frichet and Rivière Delaize watersheds.

Réserve aquatique projetée de la Rivière-Kovik is in the Churchill geological province. Its geological foundation is composed essentially of felsic plutonic rocks, including granite, tonalite, porphyritic monzonite and diorite. At the eastern end the bedrock consists of gabbro, a basic plutonic rock.

The proposed reserve is in the Ungava peninsula natural province, more precisely the Salluit plateau natural region and the physiographic units of the Baie-Kovik lowlands and the Lac-Fargues high plateau. In its western part, where the elevation ranges from 0 to 90 m, the topography is that of an undulating plain subject to marine invasion. The broad depressions present are filled with fine marine and littoral deposits, accompanied by a concentration of De Geer moraines. The little relief present, of slight amplitude, consists of rocky outcrops left by the scouring action of waves. To the east, the elevation gradually rises from 90 to 430 m, where the landscape is shaped by valleys intersecting buttes (50 to 100 m in height) covered with thin till.

The elevation of the proposed reserve ranges from about 15 to 430 m.

The territory is located in the polar climate zone, with an average annual temperature that ranges from -9.1 to -8.1 °C. Annual precipitation is on the order of 330 to 442 mm, while the growing season is 80 to 89 days.

The proposed reserve straddles two bioclimatic domains, those of shrub Arctic tundra and herbaceous Arctic tundra. The vegetation is mostly prostrate shrubs in association with mosses and lichens. In valley bottoms and at the bases of slopes there are stands of erect shrubs with dwarf birch, while exposed hilltops are characterized by stands of lichen and moss accompanied by herbaceous plants and ground-hugging shrubs. In the western portion there are a few tidal marshes typical of the Southern Arctic.

Among terrestrial wildlife, the following are likely to inhabit the proposed reserve: migratory caribou (the Rivière-aux-Feuilles herd), Ungava lemming, Arctic hare, grey wolf, polar bear and Arctic fox. As for aquatic wildlife, the following species were identified during knowledge acquisition work in August 2014: lake cisco, three-spined stickleback, nine-spined stickleback, lake whitefish, Arctic char and lake trout. Avian wildlife in the proposed reserve would include: Canada goose, snow bunting, tundra swan, common eider, snowy owl, rock ptarmigan and snow goose.

3.3. Land occupation and uses

The territory of the proposed reserve has been used by the Inuit for centuries, as demonstrated by the many stone relics along the shores of Baie Kovik (house, food shelters, fox trap, etc.). Today the sector continues to be used for the harvesting of wildlife resources, in particular Arctic char, by the communities of Salluit, Ivujivik, Akulivik and Puvirnituk. To that end, the Akulivik section of the Nunavik Hunting Fishing Trapping Association has set up a committee for the self-regulation of harvesting activities by JBNQA beneficiaries, to ensure that the resource remains sustainable. Each year, the committee sets rules that must be followed by any subsistence fisher who goes to Rivière Kovik to fish for Arctic char.

The proposed reserve is located partly on Category II lands belonging to the communities of Salluit (to the east) and Akulivik (to the west), which have exclusive hunting, fishing and trapping rights and the right to establish and operate an outfitter, pursuant to the *James Bay and Northern Québec Agreement* (JBNQA) and the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1).

With regard to wildlife harvesting and development, the proposed reserve is in hunting zone 23. It is also part of the Nouveau-Québec beaver reserve and is in fur-bearing animal management unit 96.

There are no roads in the territory, nor have any land rights been issued for areas within it. However, there are numerous active mineral titles near or adjoining the boundaries of the proposed reserve, especially along its southern and western edges. Consideration will have to be given to the impacts that operating such sites could have on the protected area and its conservation objectives.

4. Activities framework

§1 — Introduction

The purpose of the proposed aquatic reserve is to protect natural environments and their components. Activities that may have a significant impact on ecosystems and biodiversity, particularly industrial activities, are prohibited. The type of protected area allows the pursuit of less damaging activities and occupancies, namely recreational, wildlife, ecotourism and educational activities and occupancies.

The proposed aquatic reserve must be considered to be a territory dedicated to the protection of the natural environment and the related cultural resources, the discovery of nature and of the Innu culture, and recreation.

Activities carried on within the proposed aquatic reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

Under section 34 of the Act, the main activities prohibited in an area to which status as a proposed aquatic reserve has been assigned are

- mining, and gas or petroleum development;
- forest development activities within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1);
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

The measures in the Natural Heritage Conservation Act and this plan apply subject to the provisions of the agreements referred to in the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) and in the Act approving the Northeastern Québec Agreement (chapter C-67.1).

Although fundamental for the protection of the territory and ecosystems therein, the prohibitions are insufficient to ensure the good management of the proposed aquatic reserve and the conservation of the natural environment. The Natural Heritage Conservation Act makes it possible to specify in the conservation plan the legal framework applicable in the territory of the proposed aquatic reserve.

The provisions in this section provide for prohibitions in addition to those already prescribed by law and regulate certain activities allowed to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the proposed aquatic reserve. Thus certain activities are subject to prior authorization from the Minister.

The measures contained in this section concern in particular the new interventions in the territory and do not generally call into question existing facilities or certain activities already under way in the territory, thereby preserving a number of existing uses. Lastly, the measures also contain, for certain activities, exemptions from the requirement to obtain an authorization under the Natural Heritage Conservation Act.

The measures do not distinguish, among all the activities subject to an authorization, those that are considered to be compatible from those that are considered to be incompatible with the vocation of the proposed aquatic reserve and that may not be authorized. A proposed aquatic reserve is managed in a manner very similar to the permanent aquatic reserve and basic information concerning the compatibility or incompatibility of each type of activity may be found in the document *Activity Framework for Biodiversity Reserves and Aquatic Reserves*, available on the website of the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) at

http://www.mddelcc.gouv.qc.ca/biodiversite/aires_protegees/regime-activites/regime-activite-reserve-bio-aqua.pdf.

§2 — Prohibitions, prior authorizations and other conditions governing certain activities in the proposed aquatic reserve

§2.1 — Protection of resources and the natural environment

4.1. Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna, including by stocking, unless the person has been authorized by the Minister.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any other commercial purpose.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister.

4.2. No person may use fertilizer or fertilizing material in the proposed reserve. Compost for domestic purposes is permitted if used at least 20 metres from a watercourse or body of water measured from the high-water mark.

The high-water mark means the high-water mark defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

4.3. No person may remove species of flora, small fruits or any other non-timber product by mechanical means.

4.4. No person may, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, including a marsh, swamp or bog;

(2) modify the proposed reserve's natural drainage or water regime, including by creating or developing watercourses or bodies of water;

(3) dig, fill, obstruct or divert a watercourse or body of water;

(4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water, although no authorization is required for minor works such as a wharf, platform or boathouse erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

(5) carry on any activity other than those referred to in paragraphs 1 to 4 that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the quality or biochemical characteristics of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into those areas;

(6) carry out soil development work or carry on an activity that is likely to degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose; no authorization is required however for the collection of soapstone by Innu beneficiaries;

(7) install or erect any structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

(9) use a pesticide, although no authorization is required for the use of personal insect repellent;

(10) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(11) hold a sports event, tournament, rally or any other similar event, where, as the case may be,

(a) fauna or flora species are sampled or are likely to be sampled; or

(b) motor vehicles or boats are used.

4.5. Despite paragraphs 6, 7 and 8 of section 4.4, no authorization is required to carry out the following work when the requirements of the second paragraph are met:

(1) the maintenance, repair or upgrade of any structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;

- (2) the construction or erection of
- (a) an appurtenance or ancillary facility of a rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or
 - (b) a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed aquatic reserve; or
- (3) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

The work is carried out in compliance with the following requirements:

- (1) the work involves a structure, infrastructure or works permitted within the proposed reserve;
- (2) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;
- (3) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits allowed under an authorization issued in connection with the structure, works or infrastructure; and
- (4) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

4.6. No person may bury, incinerate, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister. The materials may be buried, incinerated, abandoned or disposed of elsewhere with the authorization of the Minister.

§2.2 — Rules of conduct for users

4.7. No person may enter, carry on an activity or operate a vehicle in a given sector of the proposed reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

4.8. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed reserve.

§2.3 — Activities requiring an authorization

4.9. No person may occupy or use the same site in the proposed reserve for a period of more than 90 days in the same year, unless the person has been authorized by the Minister.

For the purposes of the first paragraph,

- (1) the occupation or use of a site includes
 - (a) staying or settling in the proposed reserve, including for vacation purposes;
 - (b) installing a camp or shelter in the proposed reserve; and
 - (c) installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle;
- (2) "same site" means any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, no authorization is required if a person,

- (1) on the effective date of the protection status as a proposed aquatic reserve, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;
- (2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or
- (3) elects to acquire land the person legally occupies on the effective date of the protection status as a proposed aquatic reserve, pursuant to the Act respecting the lands in the domain of the State.

4.10. No person may carry on commercial activities in the proposed aquatic reserve, unless the person has been authorized by the Minister.

Despite the first paragraph, no authorization is required

- (1) if the activity does not imply sampling for fauna or flora resources or the use of a motor vehicle;
- (2) to carry on commercial activities which, on the effective date of the protection status as a proposed aquatic reserve, was the subject of a right to use the land for such a purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits of the right.

§2.4 — Authorization exemptions

4.11. Despite the preceding provisions, no authorization is required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety

of persons, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

4.12 It is understood that the provisions of this plan are applicable subject to the rights provided for in Chapter 24 of the James Bay and Northern Québec Agreement and in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1). In particular, Innu beneficiaries who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization.

4.13 Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

- (1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;
- (2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;
- (3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the proposed reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purposes of access, construction or traffic incidental to the work.

5. Activities governed by other laws

Certain activities that could potentially be practised in the proposed reserve are also governed by other applicable legislative and regulatory provisions, and some require a permit or authorization or the payment of certain fees. Certain activities could be prohibited or limited under other laws or regulations applicable on the territory of the proposed reserve.

Within the proposed aquatic reserve, a particular legal framework may govern permitted activities under the following categories:

- **Protection of the environment:** measures set out in particular by the *Environment Quality Act* (chapter Q-2) and its regulations;
- **Plant species designated as threatened or vulnerable:** measures prohibiting the harvesting of such species under the *Act respecting threatened or vulnerable species* (chapter E-12.01);
- **Exploitation and conservation of wildlife resources:** measures stipulated by the *Act respecting the conservation and development of wildlife* (chapter C-61.1) and its regulations, including provisions relating to activities that could modify a biological, physical or chemical element specific to the habitat of an animal or fish dependent on that habitat, to threatened or vulnerable wildlife species, and to outfitters and beaver reserves; measures in the applicable federal laws and regulations, including the legislation and regulations on fisheries; and in northern regions, particular measures stipulated by the *Act respecting hunting and fishing rights in the James Bay and New Québec territories* (chapter D-13.1);
- **Protection of cultural heritage, archeological research and discoveries:** measures set out in particular by the *Cultural Heritage Act* (chapter P-9.002);
- **Access and property rights related to the domain of the State:** measures set out in particular by the *Act respecting the lands in the domain of the State* (chapter T-8.1) and the *Watercourses Act* (chapter R-13), and in northern regions, by the *Act respecting the land regime in the James Bay and New Québec territories* (chapter R-13.1);
- **Travel:** measures stipulated by the *Act respecting the lands in the domain of the State* and by the regulations on motor vehicle travel in fragile environments, under the *Environment Quality Act*;
- **Construction and development standards:** regulatory measures adopted by local and regional municipal authorities in accordance with the applicable laws.

6. Responsibilities of the Minister of the Environment and the Fight against Climate Change

The Minister of the Environment and the Fight against Climate Change is responsible for the conservation and management of Réserve aquatique projetée de la Rivière-Kovik. Among other things, the Minister sees to the control and supervision of activities that take place there. In her management, the Minister enjoys the collaboration and participation of governmental, regional and local representatives that have specific responsibilities in or adjacent to the territory, including the Minister of Energy and Natural Resources, the Minister of Forests, Wildlife and Parks, their delegates, the Kativik Regional Government (KRG) and the Makivik Corporation. In performing their functions they will take into account the protection desired for these natural environments and the protection status they are now granted.

Draft Regulations

Draft Regulation

Professional Code
(chapter C-26)

Physicians

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

— 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 professional activities that may be engaged in by a clinical perfusionist, made by the board of directors of the Collège des médecins du Québec, appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to extend the period of application of the Regulation respecting professional activities that may be engaged in by a clinical perfusionist (chapter M-9, r. 3.1) for a 5-year period, that is, until 1 April 2024.

The draft Regulation has no impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Linda Bélanger, assistant director of legal services, Collège des médecins du Québec, 1250, boulevard René-Lévesque Ouest, bureau 3500, Montréal (Québec) H3B 0G2; telephone: 1 888 633-3246 or 514 933-4441, extension 5362; fax: 514 933-3112; email: lbelanger@cmq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

DIANE LEGAULT,
*Chair of the Office des
professions du Québec*

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

Professional Code
(chapter C-26, s. 94, 1st par., subpar. h)

1. The Regulation respecting professional activities that may be engaged in by a clinical perfusionist (chapter M-9, r. 3.1) is amended in section 7 by replacing “2019” by “2024”.

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

103751

Draft Regulation

Professional Code
(chapter C-26)

Social workers and marriage and family therapists — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, made by the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation replaces the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec (chapter C-26, r. 286) in order to update certain duties imposed on members of the Order so as to take into account in particular the new realities of the practice of the profession.

The draft Regulation has no impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-François Savoie, advocate and legal counsel, Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, 255, boulevard Crémazie Est, bureau 800, Montréal (Québec) H2M 1L5; telephone: 514 731-3925 or 1 888 731-9420; email: info.general@optsq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

DIANE LEGAULT,
*Chair of the Office des
professions du Québec*

Code of ethics of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec

Professional Code
(chapter C-26, a. 87)

PREAMBULE

WHEREAS the practice of the profession of social worker and of marriage and family therapist is based on the following values and principles which a social worker and a marriage and family therapist must take into consideration in all circumstances:

- (1) the respect of the dignity of the person;
- (2) the respect of the rights of persons, families, groups and communities;
- (3) the respect of the principles of the autonomy of the person and of self-determination;
- (4) the right of every person in danger to receive assistance and protection in accordance with his needs;
- (5) the promotion of the principles of social justice;
- (6) the belief in the capacity of a person to evolve and develop;
- (7) the recognition that the person, couples and families form part of interdependent systems and are potentially actors of change;

(8) the promotion of well-being of persons, couples and families.

CHAPTER I GENERAL PROVISIONS

1. In this code, unless the context indicates otherwise,

(1) “member” means a person who is entered on the roll of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec;

(2) “client” means any person, group, community or organization to whom the member renders or undertakes to render professional services.

2. This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations to be discharged by every member of the Order, regardless of how they practice their professional activities or the circumstances in which they practice them.

It also sets out the values and ethical principles that form the foundation of the professions of social worker and marriage and family therapist.

3. The duties and obligations under the Professional Code (chapter C-26) and its regulations are in no way modified or reduced by the fact that the member:

(1) carries on his professional activities within a partnership or a joint-stock company;

(2) uses information and communication technologies, including social media or a virtual network.

4. The member must take reasonable means to ensure that every person who collaborates with him in the practice of his profession and any partnership or joint-stock company in which he practises his profession comply with the Professional Code (chapter C-26) and its regulations, including this Code.

CHAPTER II GENERAL DUTIES

5. The member must act with respect, moderation and courtesy.

6. The member have a duty to be competent. He must practices his profession according to generally recognized standards in his profession.

7. The member must fulfill his professional duties with integrity.

8. The member may not perform any act or behave in any manner that is contrary to what is generally admissible in the practice of the profession, or that is likely to tarnish the image of the profession.

9. The member who undertake any research project on human beings, or who is called to collaborate on such a project must ensure that the project complies with the generally recognized scientific principles and standards regarding research ethics.

10. The member must ensure that any person who assists him or is under his supervision in the practice of his profession is qualified and has the competence required to perform the tasks assigned.

11. The member must bear in mind the general effect his professional activities may have on his clients as well as on society

12. The member must promote and support every measure likely to improve the quality and availability of professional services in the field of social work or of marriage and family therapy.

13. The conduct of the member towards every person with whom he enters into a professional relationship must be beyond reproach.

14. The member must respect the confidentiality of the identity of the persons with whom he enters into a professional relationship, in particular by refraining from gathering information and exploring aspects of their private lives that have no relation with providing professional services to clients.

15. The member must avoid any misrepresentation with respect to his competence or the efficiency of his own services or those generally provided by the members of his profession or, where applicable, those generally provided by persons who work with him or who carry on their activities within the same partnership or joint-stock company as him.

16. No member may, in the practice of his profession, advise, recommend or induce anyone to commit acts which are contrary to law.

17. The member must not:

(1) commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling;

(2) attempt to commit such an act or counselling another person to do so; or

(3) conspire to commit such an act.

18. No member may, in respect of a client's record or any report, register, receipt or document related to the profession,

(1) falsify them, in particular by altering any notes already entered therein or by inserting any notes under a false signature;

(2) fabricate any false records, reports, registers, receipts or documents;

(3) enter therein any false information.

19. Except for the remuneration to which he is entitled, the member must not receive, pay or promise to pay any benefit, rebate or commission in connection with the practice of his profession other than customary tokens of appreciation or gifts of small value.

20. The member must not urge a person pressingly or repeatedly to retain his professional services or to participate in research.

21. The member must refrain from practising his profession if his state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of his professional services.

22. In his practice, the member must assume full personal civil liability. He may not evade or attempt to evade personal civil liability or request that a client or person renounce any recourse taken in a case of professional negligence on his part. He may not invoke the liability of the partnership or joint-stock company within which he carries on his professional activities or that of another person also carrying on activities as a ground for excluding or limiting his personal professional liability.

CHAPTER III DUTIES TO THE CLIENT

DIVISION I CONSENT

23. Before agreeing with a client to provide professional services and while providing them, the member must take into account the ethical factors pertaining to the client and the context in which he will work. He must also consider the client's request and expectations and the extent of his skills and means at his disposal.

24. The member must, except in an emergency, obtain the free and enlightened consent of his client, the client's representative or parents, in the case of a child under 14 years of age, before providing professional services.

To enable his client to give free and enlightened consent, the member must inform the client and ensure that the client understands, in particular

- (1) the objective, nature and relevance of the professional services;
- (2) the alternatives, limits and constraints on the professional service;
- (3) the use of information obtained;
- (4) the implications of sharing information with other persons or sending a report to other persons;
- (5) If applicable, the fees, the collection of interest on accounts and the terms of payment.

25. The member must ensure that the consent remains free and enlightened throughout the professional relationship.

26. The member must acknowledge the client's right to revoke his consent at any time.

27. The member who wishes to tape or film an interview must obtain written authorization from his client or the client's legal representative, in the case of a child under 14 years of age. This authorization must specify the intended use of the recording or film and the measures required for revoking the authorization.

DIVISION II QUALITY OF THE PROFESSIONAL RELATIONSHIP

28. The member must at all times recognize his client's right to consult another professional or any other competent person.

29. The member must be available and diligent in respect of his client. If unable to meet a request within a reasonable time that will not be prejudicial to the client, he must inform the client of the time when he will be available.

30. The member practices his profession in a framework that allows him to ensure the quality of his services. If financial, institutional or political pressures or constraints are brought to bear on him in the practice of his profession, he must clearly inform his client of the consequences those kind of pressures or constraints might entail.

31. If the well-being of a client so requires, the member must, with his client's authorization, consult another member, a member of another professional order or any other competent person; he may also refer his client to any one of those persons.

32. The member seeks to establish and maintain a relationship of mutual trust and respect with his client.

33. During the professional relationship, the member must not establish relations of an intimate nature likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

The duration of the professional relationship is determined taking particular account of the nature of the problems and the duration of the professional services provided, the client's vulnerability and the likelihood of having to provide professional services to the client again.

34. The member must not make an assessment of his client's situation and must not perform any acts involving him unless he has sufficient data to do so.

35. The member acting as expert or carrying out an assessment, must:

- (1) clearly inform the person subject to the expert's opinion or assessment of the person to whom the report is being sent and of the manner in which a copy of the report may be requested;

- (2) avoid obtaining any information from that person or making any interpretations or comments not relevant to the expert's opinion or assessment; any information received that is unrelated to the expert's opinion or assessment must remain confidential; and

- (3) limit his report or recommendations and, if applicable, his deposition before the court to information relevant to the expert's opinion or assessment.

36. The member must refrain from interfering in the personal affairs of his client on subjects that are not relevant to the practice of his profession.

37. The member must not receive any monetary remuneration from clients other than his fees.

38. The member must not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

39. If the member uses computer technology for his professional services to the client, the member must make sure:

- (1) the client's identity is protected;
- (2) the client is able to use the computer technology;
- (3) the computer technology is appropriate for the client's needs;
- (4) the client understands the purpose and operation of the computer technology.

DIVISION III PROFESSIONAL SECRECY

40. The member must preserve the secrecy of all confidential information that becomes known to him in the practice of his profession.

The member may be released from his obligation of professional secrecy only where so authorized by his client or where so ordered or expressly authorized by law.

In order to obtain the client's authorization, the member must inform the client of the use and possible implications of the transmission of information.

41. In addition to the cases provided for in section 40, the member may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the member may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

The member may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

42. The member who, pursuant to section 41, communicates information protected by professional secrecy to prevent an act of violence must:

- (1) communicate the information immediately;
- (2) use the most effective means to communicate the information in the circumstances; and

(3) enter in the client's record as soon as possible:

- (a) the reasons supporting the decision to communicate the information; and
- (b) the mode and subject of the communication and the name of the person to whom the information was given.

43. For the purpose of preserving professional secrecy, the member must, in particular:

- (1) refrain from any indiscreet conversation, including in social media, concerning his client and the professional services provided to the client;
- (2) not disclose that a client has requested his professional services or intends to use his professional services;

(3) not mention any factual information likely to identify the client and modify information likely to identify the client when using information obtained from the client for didactical, pedagogical or scientific purposes.

44. The member must not disclose or forward an assessment report to another person, except where necessary for the purposes of the law and where the other person requires it in the performance of his duties.

45. The member providing professional services to a group must inform the members of the group of the possibility that aspects of a member's or any other person's private life may be disclosed.

In this context, the member must give the group members instructions to enable them to respect the confidential nature of the information about other members' or any other person's private lives.

46. The member providing professional services to a couple or a family must preserve each member's right to professional secrecy.

47. The member must not use confidential information to the detriment of his client or with a view to deriving a direct or indirect personal advantage for himself or for others.

DIVISION IV PROFESSIONAL INDEPENDANCE AND CONFLICT OF INTEREST

48. The member must maintain his professional independence at all times. He must ignore any intervention or situation that could affect or influence the performance of his professional duties to the detriment of his client.

49. The member must act with objectivity and subordinate his personal interests or, where applicable, the interests of his employer, the partnership or joint-stock company within which he engages in his professional activities, his colleagues or another person who pays fees to those of his client.

50. The member must avoid any situation where he would be in a conflict of interest. Without restricting the generality of the preceding, the member is, in particular, in a conflict of interest when:

(1) the interests concerned are such that he may be influenced to favour certain interests other than those of his clients or when his judgment, objectivity, professional independence, integrity or loyalty towards his clients may be compromised;

(2) the circumstances offer him an undue advantage, either direct or indirect, real or potential.

When the member practice professional activities within a partnership or joint-stock company, situations of conflict of interest are assessed with regard to all clients within the company or partnership.

When the member who engages in his professional activities within a partnership or joint-stock company is in a conflict of interest, every other member in the company or partnership must, to avoid also being in conflict of interests, take reasonable measures to ensure that confidential information in the file involving the conflict of interest is not disclosed to him.

51. As soon as he become aware that he is in a conflict of interest or that he may be in such situation, the member must notify his client and ask the client for permission to continue providing him with professional services. The member must also take the means necessary to ensure that the situation does not cause prejudice to the client.

52. The member must, as far as possible, refrain from rendering professional services to any person with whom there is a relationship that could prejudice the quality of his professional services, in particular, to members of his own family, close friends, colleagues at work, and employees or students that he teaches.

53. Where the member practices his profession with several clients who may have divergent interests between them, he must inform them of his duty to be objective and of the specific actions he will take to provide professional

services. If the situation becomes irreconcilable with the impartial nature of his relationship with each client he must end the professional relationship.

54. The member must not incite a client to whom he renders services within the framework of his practice in an organization to become his client in private practice.

55. The member acting as an expert may not become the attending professional of a person who has been the subject of the expertise, unless expressly requested by the person and the member has obtained authorization from the persons concerned by the change of role.

56. The member must refrain from acting as expert on behalf of another person in a lawsuit against his client.

DIVISION V FEES

57. The member must charge and accept fair and reasonable fees warranted by the circumstances and corresponding to the services rendered. To determine his fees, the member considers in particular the following factors:

(1) his experience or particular competence;

(2) the time required to provide the professional services;

(3) the complexity of the professional services;

(4) the performance of professional services that are unusual or provided in unusual conditions; and

(5) the performance of professional services that require exceptional competence or celerity.

58. The member provides his clients with any explanations necessary to understand fees to be paid and payment procedures.

The member must notify his client in writing of the approximate and expected cost of his professional fees and other expenses and he must notify his client immediately of any cost modifications.

59. The member may not claim fees that are unwarranted, in particular for performing acts that he knew or should have known were unnecessary or disproportionate to the client's needs.

60. The member may only claim fees for professional services provided. However, he may, by written agreement with his client:

(1) require partial payment if he acts as consultant to a client in connection with a long-term contract;

(2) require administrative fees for an appointment missed by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees.

61. Subject to the law, the member must only accept fees from a single source for a given service, unless it is otherwise agreed in writing by all parties concerned.

62. Where applicable, the member may share his fees with another person to the extent that such sharing corresponds to the distribution of services and responsibilities.

63. The member must not forward a bill to a client covering fees for interviews, communications and correspondence with the syndic when the latter asks the member for explanations or information concerning a complaint filed by a client or another person.

64. With regard to the collection of payment, the member must:

(1) not collect interest on outstanding accounts unless he has a written agreement to this effect with his client in advance. The interest thus charged must be at a reasonable rate;

(2) take reasonable means available to him to recover fees and other expenses before instituting legal proceedings;

(3) ensure, as far as possible, that the person appointed to collect fees proceeds with tact and moderation as well as with respect for the confidentiality and practices related to debt collection authorized by law.

65. The member who practices within a partnership or joint-stock company must ensure that the fees and expenses relating to the professional services provided by members of the partnership or joint-stock company are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client, except where a lump-sum payment has been agreed upon in writing with the client. Despite the foregoing, in the latter case, the statement or invoice must describe the professional services provided by the member.

DIVISION VI CONDITIONS AND PROCEDURES OF THE EXERCISE OF THE RIGHT TO ACCESS AND RECTIFY RECORDS

*Provision applicable to members practicing
in the public sector*

66. The member who practices his profession:

(1) in a public body governed by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), or

(2) in an institution as defined in the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree and Inuit Native persons (chapter S-5), must respect the rules of access to and rectification of records set out in those acts and facilitate their application.

*Provisions applicable to members not practicing
in the public sector*

67. The member must allow his client or any other person authorized by the latter to consult or obtain a copy of documents concerning him in any record established in his regard.

The member may request reasonable fees not exceeding the cost for reproducing or transcribing documents and the cost of transmitting a copy of them.

The member who intends to charge such fees must, before proceeding with reproducing, transcribing or transmitting the information, inform the client of the approximate amount he will have to pay.

68. The member may temporarily deny access to information contained in a client's record if its disclosure would likely cause serious harm to the client's health. In such a case, the member must inform the client of the reasons for the refusal, enter the reasons in the record and inform the client of his recourses.

The member must refuse to release to a client information concerning him if such disclosure would likely reveal personal information concerning another person or the existence of such information, and the disclosure could seriously harm that other person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

69. The member must allow his client:

(1) to have any information that is inaccurate, incomplete, ambiguous, outdated or unjustified in any document concerning him corrected or deleted;

(2) to make written comments in the record concerning him.

The member must forward to his client, free of charge, a duly dated copy of the document or part of the document filed in his client's record so that the client may verify that the information has been corrected or deleted, or, as the case may be, give the client an attestation stating that the client's written comments have been entered in the record.

Upon a client's written request, the member must forward, free of charge, a copy of the corrected information or an attestation that the information was deleted or, as the case may be, that the written comments were filed in his record, to all persons who received information in the 6 preceding months and, where applicable, to the person who provided that information.

70. The member must allow his client or any person authorized by the latter to take back a document entrusted to him by the client.

71. The member must respond promptly and at the latest within 30 days of its receipt, to any request referred to in section 67, 69 or 70. The member may require that this request be made in writing at his professional domicile during his regular working hours.

DIVISION VII CEASING TO PROVIDE SERVICES

72. The member may not refuse or cease to act on behalf of a client before completing the agreed professional services unless he has sound and reasonable grounds. Sound and reasonable grounds include, in particular:

(1) the inability to establish or maintain a relationship of trust with his client;

(2) a real or apparent conflict of interest or in a situation in which the member's professional independence could be questioned;

(3) the likelihood that maintaining the professional services may, in the member's judgment, become more harmful than beneficial for the client;

(4) inducement by the client or a relative of the client to perform illegal, unjust, fraudulent acts or acts that are contrary to the provisions of this Code;

(5) non-compliance by the client with the conditions agreed on to provide services, including professional fees, and the impossibility of negotiating with the client a reasonable agreement to reinstate the conditions.

(6) the decision by the member to reduce or end his practice for personal or professional reasons.

73. The member who wishes to terminate the relationship with a client before completing the agreed professional services must give the client reasonable notice and ensure that the withdrawal of the professional services does not cause prejudice to the client or causes as little prejudice as possible.

He must ensure insofar as he is able that the client may continue to obtain the professional services required.

CHAPTER IV DUTIES TO THE PROFESSION

DIVISION I PROFESSIONAL COLLABORATION AND COMMITMENT

74. The member must ensure the quality of his professional services offered to the public, in particular,

(1) by ensuring that his level of competence is kept up to date and developed;

(2) by assessing the quality of his evaluations and actions; and

(3) by promoting education and information measures in the field in which he practices.

75. The member must not, in his relations with whomsoever in the practice of his profession, in particular a colleague or member of another professional order, denigrate him, abuse his confidence, willingly mislead him, betray his good faith or use disloyal tactics.

76. The member must not take credit for work performed by a colleague or any other person.

77. The member consulted by a colleague must provide his opinion and recommendations within a reasonable time. If unable to do so, he must so notify his colleague as quickly as possible.

78. The member must not take advantage of his position of authority or his function to unduly hinder or limit the professional independence of a colleague.

DIVISION II RELATIONSHIP WITH THE ORDER

79. The member must promptly answer, in a complete and truthful manner, all verbal and written requests from a staff member of the Order or a person performing the duties assigned to him by the Professional Code (chapter C-26) and its regulations and use the method of communication determined by them.

The member must also remain available for all meetings required by any one of those persons.

80. Subject to the member's duty of confidentiality to a client, the member must:

(1) inform the secretary of the Order if he has reason to believe:

(a) that a person does not meet the requirements to have a permit or to be entered on the Order's member roll;

(b) that a member does not respect the conditions of his permit or the restrictions on his right to practice;

(c) that a person who is not a member of the Order is using the title "Social worker" or "Marriage and Family Therapist", "Marriage Therapist", "Family Therapist" or a title or abbreviation that may lead one to believe that he is a member;

(d) that a person is illegally practicing a professional activity reserved for members of the Order;

(2) inform the syndic of the Order if he has reason to believe:

(a) that a member practices his profession in a manner likely to harm the public or that violates the provisions of this Code, the Professional Code (chapter C-26) or the regulations governing its application;

(b) that a partnership or joint-stock company within which members practice professional activities contravenes this Code, the Professional Code or one of the regulations governing its application.

81. The member who is informed of an inquiry into his professional conduct or competence or of a complaint lodged against him must refrain from communicating with the person who initiated the inquiry without the prior written permission of the syndic or an assistant syndic.

82. The member must not try to influence, intimidate, threaten, harass or take reprisals against a person because the person has reported or intends to report behaviour that is in contravention with the member's professional obligations, or because the person has collaborated or intends to collaborate in an inspection or inquiry in this regard.

83. The member must comply with all decisions rendered by the Order with regard to him and respect any agreements made with the board of directors, the executive committee, the secretary of the Order, a syndic or the professional inspection committee, including any committee to which the board of directors has delegated its authority in compliance with the provisions of the Professional Code (chapter C-26).

CHAPTER V DUTIES TO THE PUBLIC

DIVISION I PUBLIC STATEMENTS

84. In public statements dealing with social work or marriage and family therapy, the member must avoid making any exaggerated or purely sensational affirmations.

85. The member must be objective and moderate when he publicly comments on any traditional or new methods used in the field of his profession differing from the ones used by him, where they meet professional and scientific standards recognized in the profession.

86. The member must, in all professional activities addressing the public, stress the relative value of the information or advice being given.

87. The member must carefully interpret data gathered during his observations and any expert evaluations carried out as well as data received from his colleagues. In any written or verbal report, he must endeavour to reduce any possibility of such information being misinterpreted or used wrongly by presenting information in a style suited to the persons for whom it is intended.

DIVISION II ADVERTISING AND GRAPHIC SYMBOL OF THE ORDER

88. The member may not, in any way whatsoever, engage in or allow advertising intended for persons who may, in particular, be physically or emotionally vulnerable because of their age or the occurrence of a specific event.

89. The member may not, by any means whatsoever, engage in or allow advertising that is false, incomplete, deceitful or liable to mislead the public particularly as to his level or competence or the scope of effectiveness of his services, or those generally provided by the members of his profession or, where applicable, those generally provided by persons who work with him or who carry on their activities within the same partnership or joint-stock company as him.

90. No member may, in the advertisement, claim to possess specific qualities or skills, in particular as to his level of competence or the scope or effectiveness of his services, unless he can substantiate such claim.

91. The member must refrain from participating as a member in any form of advertising that recommends that the public buy or use a product or service unrelated to the field of his profession.

92. The member may not, in his advertising, use or allow to be used any endorsement or statement of gratitude in his regard or, where applicable, in regard of the partnership or joint-stock company in which he practices his profession.

93. The member may not engage, by any means whatsoever, in advertising that compares the quality of his services to that of services rendered by another member or by any other person, and may not discredit or denigrate such services.

94. Advertising about the prices of services provided by a member must be of a nature to inform a person who does not have special knowledge of the profession.

95. The member who advertises a price must:

- (1) specify the services and fees included in the price;
- (2) indicate whether fees or additional services might be required which are not included in the price;
- (3) indicate the duration of a special price or rebate, if applicable.

However, the member may agree with his client on an amount lower than the one advertised.

96. All advertising must indicate the member's name along with the professional title.

97. The member must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to the syndic, an inspector or member of the professional inspection committee.

98. The member who reproduces the graphic symbol of the Order for advertising purposes shall ensure that such reproduction is in conformity with the original held by the Order.

99. The member who uses the graphic symbol of the Order in his advertising may not suggest that such advertising emanates from the Order.

100. The member must ensure that a partnership or joint-stock company within which he carries on his professional activities does not use the graphic symbol of the Order in connection with the advertising or name of the partnership or joint-stock company unless all the services provided by the partnership or joint-stock company are professional services provided by members.

In the case of a partnership or joint-stock company which provides the professional services of members and the services of persons other than members, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may, however, always be used in connection with the name of a member.

101. All members who practice together as partners are solidarily responsible for complying with the rules of this division, unless the advertising clearly indicates the name of the member responsible.

DIVISION III NAME OF PARTNERSHIP OR JOINT STOCK COMPANY

102. The member must not practice his profession under a name or designation that is not distinctive or nominative, that is misleading, deceptive or contrary to the honour, dignity or reputation of his profession or that is a numerical designation.

103. The member who engages in his professional activities within a partnership or joint-stock company must take reasonable measures to ensure that every document produced within the practice of his profession and originating from the partnership or joint-stock company is identified with the name of a member.

104. This code replaces the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec (chapter C-26, r. 286).

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

103750

Draft Regulation

Professional Code
(chapter C-26)

Social workers and marriage and family therapists — Practice of members of the Order within a partnership or a joint stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company, made by the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation authorizes a member of the Order to carry on professional activities within a joint-stock company or a limited liability partnership.

The draft Regulation has no impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-François Savoie, advocate and legal counsel, Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, 255, boulevard Crémazie Est, bureau 800, Montréal (Québec) H2M 1L5; telephone: 514 731-3925 or 1 888 731-9420; email: info.general@optsq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

DIANE LEGAULT,
*Chair of the Office des
professions du Québec*

Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint stock company

Professional Code
(chapter C-26, s. 93, par. g and h and s. 94, 1^{er} al., par. p)

DIVISION I CONDITIONS FOR PRACTISING

1. A member of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec may carry on professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (chapter C-26), subject to the following conditions:

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trusts or combination of persons or trusts:

(a) a member of the Order, another professional governed by the Professional Code or a professional governed by a Canadian regulatory authority of social work or marriage and family therapy;

(b) a joint-stock company where 100% of the voting rights attached to the shares are held by at least one of the persons mentioned in subparagraph *a*;

(c) a trust where all trustees are persons mentioned in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, as the case may be, the managers appointed by the partners of the limited liability partnership are persons mentioned in subparagraph *a* of paragraph 1;

(3) to constitute a quorum for a meeting of the board of directors of the joint-stock company, a majority of the members present must be persons mentioned in subparagraph *a* of paragraph 1;

(4) the conditions set forth in this section are listed in the articles of the joint-stock company or in the contract of the partnership and that those documents also provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities;

(5) the articles of the joint-stock company or the contract of the partnership must include the conditions to transfer company shares or partnership units in the event of the death, disability, strike off, or bankruptcy of one of the persons mentioned in subparagraph *a* of paragraph 1.

2. The member who is struck off the roll for more than 3 months or whose permit has been revoked may not, during the period of the striking off or revocation, directly or indirectly hold any share in the partnership or joint-stock company.

The member may also not be a director, officer or representative of the partnership or joint-stock company during that period.

3. To carry on professional activities within a partnership or joint-stock company, the member must provide the Order with the following documents:

(1) a sworn declaration duly completed on the form provided by the Order containing the following information:

(a) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the member carry on professional activities, and the registration number assigned to it by the competent authority;

(b) the legal form of the partnership or joint-stock company;

(c) in the case of a joint-stock company:

i. the address of the head office of the company and the addresses of its establishments in Québec;

ii. the names of the shareholders referred to in paragraph 1 of section 1, their percentage of shares with voting rights, the Order or professional association of which they are members and their permit number;

iii. the names of the directors of the company, the Order or professional association of which they are members, if applicable, and their permit number;

(d) in the case of a limited liability partnership:

i. the addresses of the establishments of the partnership in Québec, specifying the address of the principal establishment;

ii. the names of the partners referred to in paragraph 1 of section 1, their percentage of partnership units, the Order or professional association of which they are members and their permit number;

iii. the names of the partnership's managers, the Order or professional association of which they are members, if applicable, and their permit number;

(e) the member's name, permit number, and status within the partnership or jointstock company;

(f) a certificate to the effect that the shares or units held, the rules of administration of the partnership or company, and the articles of the joint-stock company or the contract of the limited liability partnership comply with the conditions set out in this Regulation;

(2) a written document issued by a competent authority certifying that the partnership or joint-stock company has complied with the security requirements as provided in Division III;

(3) an irrevocable written authorization from the partnership or joint-stock company within which the member carry on professional activities allowing a person, committee, disciplinary body, or tribunal referred to in section 192 of the Professional Code (chapter C-26) to require disclosure of and obtain any document listed in section 9 from a person, or to obtain a copy of such a document;

(4) the fees payable prescribed by the Order's board of directors.

4. The member must:

(1) update and provide the Order with the declaration referred to in section 3, accompanied by a written document issued by a competent authority certifying that the partnership or joint-stock company has complied with the security requirements as provided in Division III and by the fees payable prescribed by the Order's board of directors, before March 31 of each year;

(2) promptly notify the Order of any change in the security prescribed in Division III or in the information given in the declaration set out in section 3 that would affect compliance with the conditions set out in this Regulation.

5. The member immediately ceases to be authorized to carry on professional activities within a partnership or joint-stock company if the member no longer complies with the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code (chapter C-26).

DIVISION II REPRESENTATIVE

6. If 2 or more members carry on professional activities within a partnership or joint-stock company, a representative must be designated to act on behalf of all the members practicing there to satisfy the terms and conditions in sections 3 and 4.

The representative must ensure the accuracy of the information provided to the Order.

The representative is also designated by the members carrying on professional activities within the partnership or joint-stock company to reply to requests made by a representative of the Order and provide, where applicable, the documents the members are required to submit.

The representative must be a member of the Order and carry on professional activities in Québec within the partnership or joint-stock company, and be a partner or a director and shareholder of the partnership or joint-stock company.

DIVISION III PROFESSIONAL LIABILITY COVERAGE

7. To be authorized to carry on professional activities within a partnership or joint-stock company, the member must provide and maintain on behalf of the partnership or joint-stock company, by means of an insurance contract or by participating in a group insurance plan entered into by the Order, security coverage against the liability of the partnership or joint-stock company that may arise from the fault of the member in the course of carrying on professional activities within the partnership or joint-stock company.

8. Such coverage must provide the following minimum conditions:

(1) an undertaking by the insurer to pay on behalf of the partnership or joint-stock company any sum that the partnership or joint-stock company may be legally bound to pay to a third party regarding a claim filed during the coverage period as a result of a fault on the part of the member in the course of carrying on professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all costs and expenses of proceedings against the partnership or joint-stock company, including the costs of the inquiry and defence, and interest on the amount of the security;

(3) an undertaking by the insurer that the security extends to all claims submitted in the 5 years after the coverage period during which a member in the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company, or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault on the part of the member while carrying on professional activities within the partnership or joint-stock company;

(4) an amount of security of at least \$2,000,000 per claim, for a maximum of \$2,000,000 for all claims filed against the partnership or joint-stock company within a coverage period not exceeding 12 months regardless of the number of members in the partnership or joint-stock company;

(5) an undertaking by the insurer to provide the secretary of the Order with a 30-day notice of intent to cancel the insurance contract, to amend it in relation to a condition of this section, or not to renew the contract.

DIVISION IV ADDITIONAL INFORMATION

9. The following documents may be required pursuant to paragraph 3 of section 3:

(1) if the member carry on professional activities within a joint-stock company:

(a) a written document from a competent authority attesting to the existence of the joint-stock company;

(b) an up-to-date register of the articles and by-laws of the joint-stock company;

(c) an up-to-date register of the shares of the joint-stock company;

(d) an up-to-date register of the shareholders of the joint-stock company;

(e) an up-to-date register of the directors of the joint-stock company;

(f) any shareholders' agreement or voting agreement and amendments;

(g) the declaration of registration and registration certificate of the joint-stock company and any update;

(h) a complete and up-to-date list of the joint-stock company's principal officers and their home addresses;

(2) if the member carry on professional activities within a limited liability partnership:

(a) where applicable, a certified true copy of the declaration from the competent authority stating that the general partnership has been continued as a limited liability partnership;

(b) the declaration of registration of the partnership and any update;

(c) the partnership contract and amendments;

(d) an up-to-date register of the partners of the partnership;

(e) if applicable, an up-to-date register of the managers of the partnership;

(f) the complete and up-to-date list of the names and home addresses of the partnership's principal officers;

(3) a written document attesting that the partnership or joint-stock company is duly registered in Québec;

(4) a written document attesting that the partnership or joint-stock company has an establishment in Québec.

DIVISION V TRANSITIONAL AND FINAL PROVISIONS

10. The member who practice within a joint-stock company constituted before the date of coming into force of this Regulation must comply with the provisions contained herein at the latest within one year after that date.

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

103749

Draft Regulation

Supplemental Pension Plans Act
(chapter R-15.1)

Funding of multi-jurisdictional defined benefit pension plans

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the funding of multi-jurisdictional defined benefit pension plans, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation prescribes the minimum funding requirements on a solvency basis that apply in respect of a pension plan governed both by the Supplemental Pension Plans Act (chapter R-15.1) and by similar legislation of another legislative jurisdiction in Canada. It essentially provides that a solvency deficiency must be determined in any plan whose degree of solvency after 30 December 2018 is less than 75%. The special rules will allow in particular to deal with the benefits of Québec members in the same manner as the benefits of members for which the laws of another legislative jurisdiction provide their funding on a solvency basis.

Study of the matter has shown that the draft Regulation has no impact on small and medium-sized businesses. Only a few enterprises could see their contributions increased.

Further information may be obtained by contacting Julie Lavoie, Retraite Québec, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3; telephone: 418 643-8282; fax: 418 643-7421; email: julie.lavoie@retraitequebec.gouv.qc.ca.

Any interested person having comments to make on the draft Regulation is requested to send them in writing, before the expiry of the 45-day period, to Michel Després, President and Chief Executive Officer of Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3. The comments will be sent by Retraite Québec to the Minister of Finance, responsible for the administration of the Supplemental Pension Plans Act.

ERIC GIRARD,
Minister of Finance

Regulation respecting the funding of multi-jurisdictional defined benefit pension plans

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

DIVISION 1 SCOPE

1. A defined benefit pension plan that is governed both by the Supplemental Pension Plans Act (chapter R-15.1) and by similar legislation of another legislative jurisdiction in Canada is covered by this Regulation. Such a pension plan is said to be a “multi-jurisdictional pension plan”.

For the purposes of this Regulation, a defined contribution and benefit plan must be considered as a defined benefit pension plan.

A multi-jurisdictional pension plan exempted from the application of provisions of the Act under a regulation made under the second paragraph of section 2 of the Act is not covered by this Regulation to the extent where, for the purpose of funding the pension plan, solvency requirements apply in respect of the establishment of amortization payments.

2. Where a multi-jurisdictional pension plan has more than one component that must be considered separately in accordance with the provisions of a regulation made under the second paragraph of section 2 of the Act, this Regulation applies separately in respect of each of the components of the plan.

3. The pension plan referred to in section 1 must be funded in accordance with the solvency requirements prescribed by this Regulation.

4. The provisions of the Act and those provided for in a regulation made under the second paragraph of section 2 of the Act apply to a multi-jurisdictional pension plan except to the extent provided for in this Regulation.

In the case of a discrepancy, the provisions of this Regulation prevail over those of the Act and the regulation referred to in the first paragraph.

DIVISION II CONTRIBUTIONS

5. In addition to the contributions referred to in section 38.1 of the Act, the amortization payments under a multi-jurisdictional pension plan include solvency amortization payments, intended to amortize the solvency deficiency determined in accordance with section 7.

6. For monitoring purposes provided for in section 42.2 of the Act, the solvency amortization payments paid pursuant to this Regulation by the employer and, where applicable, by the members are considered to be respectively employer contributions and member contributions that are technical amortization payments.

DIVISION III FUNDING

7. Where the degree of solvency of a multi-jurisdictional pension plan determined in an actuarial valuation after 30 December 2018 in which the amount of the actuarial deficiency referred to in sections 131 and 132 of the Act is less than 75% must be established, a solvency deficiency must be determined at the date of the actuarial valuation.

The solvency deficiency corresponds, at the date of the actuarial valuation referred to in the first paragraph, to the amount by which 75% of the plan's liabilities on a solvency basis exceeds the plan's assets to which the following is added:

(1) the special improvement payment provided for in section 139 of the Act;

(2) the current value of the amortization payments provided for at the date of the actuarial valuation to amortize, in the 5 years following that date, any funding deficiency; the interest rate used to establish the value is the same as the one used to establish the plan's liabilities on a solvency basis.

For the purposes of the second paragraph, the plan's liabilities include the value of the additional obligations arising from any amendment to the plan considered for the first time at the date of the actuarial valuation, calculated on the assumption that the effective date of the amendment is the valuation date.

8. At the date of the actuarial valuation referred to in the first paragraph of section 7, the amortization payments that remain to be paid in relation to a solvency deficiency determined in a prior actuarial valuation are eliminated.

9. The amortization period of a solvency deficiency begins at the date of the actuarial valuation in which the deficiency is determined. It expires at the end of a fiscal year of the pension plan that ends not later than 5 years after the date of the actuarial valuation.

10. The manner provided for in sections 136 and 137 of the Act applies to a solvency deficiency.

DIVISION IV PENSION PLAN SUBJECT TO SPECIAL FUNDING RULES

11. This Division applies to a multi-jurisdictional pension plan subject to the funding requirements on a funding basis covered by a regulation made under the second paragraph of section 2 of the Act.

In addition, the provisions provided for in Divisions II and III do not apply to such a pension plan.

12. Where an actuarial valuation after 30 December 2018 shows that the degree of solvency of a pension plan referred to in section 11 is less than 75%, a solvency deficiency must be determined at the date of the actuarial valuation.

The solvency deficiency corresponds, at the date of the actuarial valuation referred to in the first paragraph, to the amount by which 75% of the pension plan's liabilities on a solvency basis exceeds the plan's assets increased by the current value of amortization payments provided for at the date of the actuarial valuation to amortize, in the 10 years following that date, any funding deficiency; the interest rate used to establish the value is the same as the one used to establish the plan's liabilities on a solvency basis.

For the purposes of the second paragraph, the plan's liabilities include the value of the additional obligations arising from any amendment to the plan considered for the first time at the date of the actuarial valuation, calculated on the assumption that the effective date of the amendment is the date of the actuarial valuation.

13. At the date of the actuarial valuation referred to in the first paragraph of section 12, the amortization payments that remain to be paid in relation to a solvency deficiency determined in a prior actuarial valuation are eliminated.

14. The amortization period of a solvency deficiency begins at the date of the actuarial valuation in which the deficiency is determined. It expires at the end of a fiscal year of the pension plan that ends not later than 10 years after the date of the actuarial valuation.

15. Every solvency deficiency must be amortized in the manner provided for in section 136 of the Supplemental Pension Plans Act in force since 1 January 2016.

In addition, the provisions provided for in section 137 of the Act apply in respect of monthly solvency amortization payments.

16. Solvency amortization payments to amortize solvency deficiencies are added to the amortization payments provided for in a regulation made under the second paragraph of section 2 of the Act to amortize funding deficiencies.

Where a regulation made under the second paragraph of section 2 of the Act provides rules relating to the determination of the cost of the plan's obligations, such payments must be included in that cost.

DIVISION V MISCELLANEOUS

17. The report on an actuarial valuation of a multi-jurisdictional pension plan in which a solvency deficiency is determined in accordance with section 7 or section 12 must also contain the following information:

(1) the date at which the solvency deficiency was determined and the date of the end of the period provided for its amortization;

(2) the monthly solvency amortization payments payable until the end of the amortization period and their present value;

(3) if the members contribute to solvency amortization payments, the portion for which they are responsible and the amounts, hourly rate or rate of the remuneration that must be paid for that purpose.

18. For the purposes of section 9, the amortization period of an actuarial deficiency determined as a multi-employer pension plan to which Chapter X.2 of the Act applies expires at the end of a fiscal year of the pension plan that ends not later than 10 years after the date of the actuarial valuation.

In addition, for the purposes of subparagraph 2 of the second paragraph of section 7, the current value of the amortization payments provided for at the date of the actuarial valuation must be taken into account to amortize, in the 10 years following that date, any funding deficiency.

DIVISION VI TRANSITIONAL AND FINAL

19. Any multi-jurisdictional pension plan must be the subject of a complete actuarial valuation as at 31 December 2018. Where an actuarial valuation is not referred to in section 118 of the Act or in a regulation made under the second paragraph of section 2 of the Act, the report on the actuarial valuation as at 31 December 2018 must be submitted to Retraite Québec within 9 months after the date of the actuarial valuation.

Despite the foregoing, the actuarial valuation provided for in the first paragraph is not required, where the notice referred to in section 119.1 of the Act establishes that the degree of solvency of a plan at 31 December 2018 is equal to or greater than 75%.

20. The report on a complete actuarial valuation at 31 December 2018 sent to Retraite Québec before (*insert the date of coming into force of this Regulation*) that establishes the degree of solvency of a multi-jurisdictional plan at a percentage less than 75%, must be amended and sent to Retraite Québec before the expiry of the period provided for under the Act for its sending.

21. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. Despite the foregoing, it has effect from 31 December 2018.

103752

Treasury Board

Gouvernement du Québec

T.B. 220164, 19 November 2018

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(chapter R-9.2)

Regulation — Amendment

REGULATION to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under the first paragraph of section 42 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the employer must, except for a pensioner who, even if the pensioner holds pensionable employment under the Pension Plan of Peace Officers in Correctional Services, under the Government and Public Employees Retirement Plan or under the Pension Plan of Management Personnel, is not an employee within the meaning of the Pension Plan of Peace Officers in Correctional Services, withhold each year from the pensionable salary paid to each employee and, if applicable, in the case of a pensioner or a person who ceased to be a member of the plan, from the pensionable salary mentioned in section 9.1 of the Act or a lump sum mentioned in section 11 of the Act, an amount equal to the result of applying the contribution rate established by regulation under section 128 of the Act to that part of the pensionable salary which exceeds 25% of the lesser of the pensionable salary and the maximum pensionable earnings within the meaning of the Act respecting the Québec Pension Plan (chapter R-9);

WHEREAS, under section 128 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, the Government may, by regulation, revise the rate of contribution applicable to the plan from 1 January of each year on the basis of the result of the actuarial valuation referred to in the first paragraph of section 126 of the Act;

WHEREAS, under subparagraph 9 of the first paragraph of section 130 of the Act, the Government may, by regulation, establish, in accordance with section 128 of the Act, the new contribution rate applicable to the plan;

WHEREAS the actuarial valuation referred to in the first paragraph of section 126 of the Act was sent to the Minister responsible for the administration of the Act on 14 June 2018;

WHEREAS it is expedient to revise the contribution rate applicable from 1 January for 2019, 2020 and 2021;

WHEREAS, under the third paragraph of section 42 of the Act, the employer must, in respect of the employee who has qualified for membership in this plan and holds pensionable employment under the second paragraph of section 6, add to the contribution rate determined under the first and second paragraphs an additional contribution rate determined by regulation;

WHEREAS, under subparagraph 3.2 of the first paragraph of section 130 of the Act, the Government may, by regulation, determine an additional contribution rate for the purposes of the third paragraph of section 42;

WHEREAS it is expedient to determine the additional contribution rate applicable from 1 January 2019;

WHEREAS, under the first paragraph of section 130 of the Act, the Government exercises the regulatory powers provided for therein after Retraite Québec has consulted the pension committee referred to in section 139.3 of the Act;

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

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2, r. 1) by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(chapter R-9.2, s. 130, 1st par., subpars. 3.2 and 9)

1. The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2, r. 1) is amended in Schedule III by adding the following at the end and under “Year” and “Rate”:

“2019	9.77%
2020	9.77%
2021	9.77%”.

2. Schedule IV is amended under “Period” and “Rate”

(1) by striking out the following:

“From 1 January 2016 2.5%”;

(2) by adding the following at the end:

“1 January 2016 to 31 December 2018 2.5%
From 1 January 2019 1%”.

3. This Regulation comes into force on 1 January 2019.

103736

Gouvernement du Québec

T.B. 220165, 19 November 2018

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(chapter R-9.2)

Institut Philippe-Pinel

— Designation of classes of employees and determination of special provisions applicable to employees

— Amendment

Regulation to amend the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel

WHEREAS, under paragraph 4 of section 1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the Pension Plan of Peace Officers in Correctional Services applies from 1 January 1992, to every person belonging to certain

classes of employees of the Institut Philippe-Pinel, as determined by regulation, subject to paragraph 5 of section 3 of the Act;

WHEREAS, under paragraph 4 of section 1 of the Act, the regulation may have effect for up to 12 months before its adoption;

WHEREAS, under subparagraph 0.1 of the first paragraph of section 130 of the Act, the Government may, by regulation, determine, for the purposes of paragraph 4 of section 1 of the Act, the classes of employees of the Institut Philippe-Pinel who are members of the plan and the special provisions applicable to them;

WHEREAS the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2) was made by Conseil du trésor Decision 204823 dated 6 March 2007;

WHEREAS it is expedient to amend section 7 of the Regulation to take into account the sharing of costs provided for in section 20 of the Act;

WHEREAS other amendments to the Regulation are necessary to update the designation of a class of employees and to allow that a new class of employees be designated therein;

WHEREAS, under the first paragraph of section 130 of the Act, the Government exercises the regulatory powers provided for therein after Retraite Québec has consulted the pension committee referred to in section 139.3 of the Act;

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

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,

LOUIS TREMBLAY

Regulation to amend the Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel

An Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2, s. 1, par. 4, and s. 130, 1st par., subpar. 0.1)

1. The Regulation respecting the designation of classes of employees and the determination of special provisions applicable to employees of the Institut Philippe-Pinel (chapter R-9.2, r. 2) is amended in the first paragraph of section 7 by replacing “217.39%” by “200%” and “117.39%” by “100%”.

2. The Schedule is amended in Division II

(1) by replacing “Physical education instructor” in paragraph 2 by “Physical education instructor/kinesiologist”;

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

“(8) Professional social worker.”.

3. This Regulation has effect from 11 December 2017, except paragraph 2 of section 2, which has effect from 4 January 2018, and section 1, which comes into force on 1 January 2025.

103737

Gouvernement du Québec

T.B. 220167, 19 November 2018

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

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Government and Public Employees Retirement Plan — Partition and assignment of benefits accrued — Amendment

REGULATION to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 14.2 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the

Government may, by regulation, after Retraite Québec has consulted the pension committee referred to in section 163 of the Act, determine the terms and conditions of the applications required under Chapter VII.1 of Title I of the Act;

WHEREAS, under subparagraph 14.3 of the first paragraph of section 134 of the Act, as amended by paragraph 4 of section 29 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of sections 122.1 and 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan, the information which must be contained in the statement setting out the value of the benefits accrued by the employee or former employee;

WHEREAS, under subparagraph 14.3.1 of the first paragraph of section 134 of the Act, enacted by paragraph 5 of section 29 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under the plan;

WHEREAS, under subparagraph 14.4 of the first paragraph of section 134 of the Act, the Government may, by regulation, fix, for the purposes of section 122.2 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act;

WHEREAS, under subparagraph 14.4 of the first paragraph of section 134 of the Act, the Government may, by regulation, determine, for the purposes of section 122.2 of the Act, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under subparagraph 14.5 of the first paragraph of section 134 of the Act, the Government may, by regulation, determine, for the purposes of section 122.3 of the Act, the rules and the terms and conditions of payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan (chapter R-10, r. 7);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan
(chapter R-10, s. 134, 1st par., subpars. 14.2 to 14.6)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4, s. 29, pars. 4 and 5)

1. Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan (chapter R-10, r. 7) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

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

“(2.1) in the case of spouses in a civil union, a certificate of civil union,”;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application,”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting *Retraite Québec* (chapter R-26.3)”.

2. The Regulation is amended by inserting, after section 1, the following:

“1.1. Any application for a statement referred to in section 122.1.1 of the Act must be signed by the employee or the former employee and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the employee or former employee and his spouse;

(2) an attestation by the employee or former employee and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to *Retraite Québec*;

(3) an attestation by the employee or former employee and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they

ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 122.1.1 of the Act occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”

3. Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

4. Section 3 is amended by inserting “or civil union” in the second paragraph after “marriage”.

5. Section 4 is amended by replacing “of counted proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited or counted for the period of the marriage” with “or counted as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited or counted for the period of the marriage or civil union”.

6. Section 5 is amended:

(1) by replacing every occurrence of “comprised in the period of the marriage” with “included in the period of the marriage or civil union”;

(2) by inserting “or civil union” after every occurrence of “for the period of the marriage”.

7. Section 6 is amended by adding, at the end, “or civil union”.

8. Section 8 is amended by inserting “or civil union” after “marriage” in the third paragraph.

9. Section 9 is amended by inserting “or civil union” after “marriage” in the second paragraph.

10. Section 12 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 122.1.1 of the Act, the agreement between the spouses concerning partition of the benefits accrued by the employee or former employee under the Government and Public Employees Retirement Plan, signed before a notary or attorney or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”.

11. This Regulation comes into force on (*insert the date of coming into force of section 27 and paragraphs 4 and 5 of section 29 of chapter 4 of the Statutes of 2018*).

103738

Gouvernement du Québec

T.B. 220168, 19 November 2018

An Act respecting the Pension Plan of Certain Teachers (chapter R-9.1)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Pension Plan of certain teachers
— **Partition and assignment of benefits accrued**
— **Amendment**

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of certain teachers

WHEREAS, under paragraph 1 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1), the Government may, by regulation, and after Retraite Québec has consulted with the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), determine the terms and conditions of the applications required under Chapter VI.1 of the Act respecting the Pension Plan of Certain Teachers;

WHEREAS, under paragraph 2 of section 41.8 of the Act, as amended by paragraph 2 of section 4 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of sections 41.1 and 41.1.1 of

the Act respecting the Pension Plan of Certain Teachers, the information which must be contained in the statement setting out the value of the benefits accrued by the employee or former employee;

WHEREAS, under paragraph 2.1 of section 41.8 of the Act, enacted by paragraph 3 of section 4 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of section 41.1.1 of the Act respecting the Pension Plan of Certain Teachers, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under the plan;

WHEREAS, under paragraph 3 of section 41.8 of the Act, the Government may, by regulation, fix, for the purposes of section 41.2 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act and under Title IV of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS, under paragraph 3 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers, the Government may, by regulation, determine, for the purposes of section 41.2 of the Act, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under paragraph 4 of section 41.8 of the Act, the Government may, by regulation, determine, for the purposes of section 41.3 of the Act, the rules and the terms and conditions of payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of certain teachers (chapter R-9.1, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of certain teachers was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of certain teachers is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of certain teachers

An Act respecting the Pension Plan of Certain Teachers (chapter R-9.1, s. 41.8, pars. 1 and 2 to 5)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, s. 4, pars. 2 and 3)

1. Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of certain teachers (chapter R-9.1, r. 2) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

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

“(2.1) in the case of spouses in a civil union, a certificate of civil union;”;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting *Retraite Québec* (chapter R-26.3)”.

2. The Regulation is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 41.1.1 of the Act must be signed by the employee or the former employee and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the employee or former employee and of his spouse;

(2) an attestation by the employee or former employee and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to *Retraite Québec*;

(3) an attestation by the employee or former employee and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 41.1.1 of the Act occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), for the year

during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”.

3. Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

4. Section 3 is amended by inserting “or civil union” in the second paragraph after “marriage”.

5. Section 4 is amended by replacing “proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited or counted for the period of the marriage” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited or counted for the period of the marriage or civil union”.

6. Section 5 is amended:

(1) by replacing every occurrence of “comprised in the period of the marriage” with “included in the period of the marriage or civil union”;

(2) by inserting “or civil union” after every occurrence of “for the period of the marriage”.

7. Section 6 is amended by adding “or civil union” at the end.

8. Section 8 is amended by inserting, after “marriage” in the third paragraph, “or civil union”.

9. Section 9 is amended by inserting “or civil union” after “marriage” in the second paragraph.

10. Section 12 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance unless the judgment has already been sent to *Retraite Québec*;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 41.1.1 of the Act, the agreement between the spouses concerning partition of the benefits accrued by the employee or former employee under the Pension Plan of Certain Teachers, signed before a notary or attorney, or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”

II. This Regulation comes into force on (*insert the date of coming into force of section 3 and paragraphs 2 and 3 of section 4 of chapter 4 of the Statutes of 2018*).

103739

Gouvernement du Québec

T.B. 220169, 19 November 2018

An Act respecting the Teachers Pension Plan
(chapter R-11)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4)

Teachers Pension Plan

—Partition and assignment of benefits accrued —Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan

WHEREAS, under paragraph 9.1 of section 73 of the Act respecting the Teachers Pension Plan (chapter R-11), the Government may, by regulation, after *Retraite Québec* has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), determine the terms and conditions of the applications required under Chapter V.1 of the Act respecting the Teachers Pension Plan;

WHEREAS, under paragraph 9.2 of section 73 of the Act, as amended by paragraph 2 of section 35 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of sections 72.1. and 72.1.1 of the Act respecting the Teachers Pension Plan, the information which must be contained in the statement setting out the value of the benefits accrued by the teacher or former teacher;

WHEREAS, under paragraph 9.2.1 of section 73 of the Act, enacted by paragraph 3 of section 35 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of section 72.1.1 of the Act respecting the Teachers Pension Plan, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the teacher or former teacher under the plan;

WHEREAS, under paragraph 9.3 of section 73 of the Act, the Government may, by regulation, fix, for the purposes of section 72.2 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act and under Title IV of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS, under paragraph 9.3 of section 73 of the Act respecting the Teachers Pension Plan, the Government may, by regulation, determine, for the purposes of section 72.2 of the Act, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under paragraph 9.4 of section 73 of the Act, the Government may, by regulation, determine, for the purposes of section 72.3 of the Act, the rules and the terms and conditions of payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan (chapter R-11, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan

was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan

An Act respecting the Teachers Pension Plan (chapter R-11, s. 73, pars. 9.1 to 9.5)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, s. 35, pars. 2 and 3)

1. Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan (chapter R-11, r. 2) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

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

“(2.1) in the case of spouses in a civil union, a certificate of civil union; »;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have

undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting *Retraite Québec* (chapter R-26.3)”.

2. The Regulation is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 72.1.1 of the Act must be signed by the teacher or the former teacher and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the teacher or former teacher and his spouse;

(2) an attestation by the teacher or former teacher and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to *Retraite Québec*;

(3) an attestation by the teacher or former teacher and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 72.1.1 of the Act occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”.

3. Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

4. Section 3 is amended by inserting “or civil union” in the second paragraph after “marriage”.

5. Section 4 is amended by replacing “proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited or counted for the period of the marriage” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited or counted for the period of the marriage or civil union”.

6. Section 5 is amended:

(1) by replacing every occurrence of “comprised in the period of the marriage” with “included in the period of the marriage or civil union”;

(2) by inserting “or civil union” after every occurrence of “period of the marriage”.

7. Section 6 is amended by inserting “or the civil union” after every occurrence of “marriage”.

8. Section 7 is amended by adding “or the civil union” at the end.

9. Section 9 is amended by inserting, after “marriage” in the third paragraph, “or civil union”.

10. Section 10 is amended by inserting, after “marriage” in the second paragraph, “or civil union”.

11. Section 13 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance, unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union and the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 72.1.1 of the Act, the agreement between the spouses concerning partition of the benefits accrued by the teacher or former teacher under the Teachers Pension Plan, signed before a notary or attorney, or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”.

12. This Regulation comes into force on (*insert the date of coming into force of section 34, paragraphs 2 and 3 of section 35 and section 36 of chapter 4 of the Statutes of 2018*).

103740

Gouvernement du Québec

T.B. 220170, 19 November 2018

An Act respecting the Civil Service
Superannuation Plan
(chapter R-12)

An Act respecting the implementation of
recommendations of the pension committee of certain
public sector pension plans and amending various
legislative provisions
(2018, chapter 4)

**Pension plans civil Service Superannuation Plan
— Partition and assignment of benefits accrued
— Amendment**

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan

WHEREAS, under paragraph 8.2 of section 109 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), the Government may, by regulation, after Retraite Québec has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), determine the terms and conditions of the applications required under Division III.1 of the Act respecting the Civil Service Superannuation Plan;

WHEREAS, under paragraph 8.3 of section 109 of the Act, as amended by paragraph 2 of section 41 of chapter 4 of the Statutes of 2018, the Government may, by regulation, fix, for the purposes of sections 108.1 and 108.1.1 of

the Act respecting the Civil Service Superannuation Plan, the information which must be contained in the statement setting out the value of the benefits accrued by the officer or former officer;

WHEREAS, under paragraph 8.3.1 of section 109 of the Act, enacted by paragraph 3 of section 41 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of section 108.1.1 of the Act respecting the Civil Service Superannuation Plan, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the officer or former officer under the plan;

WHEREAS, under paragraph 8.4 of section 109 of the Act, the Government may, by regulation, fix, for the purposes of section 108.2 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act and under Title IV of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS, under paragraph 8.4 of section 109 of the Act respecting the Civil Service Superannuation Plan, the Government may, by regulation, determine, for the purposes of section 108.2 of the Act, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under paragraph 8.5 of section 109 of the Act, the Government may, by regulation, determine, for the purposes of section 108.3 of the Act, the rules and the terms and conditions of payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

That the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan

An Act respecting the Civil Service Superannuation Plan
(chapter R-12, s. 109, pars. 8.2 to 8.6)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4, s. 41, pars. 2 and 3)

1. Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 2) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

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

“(2.1) in the case of spouses in a civil union, a certificate of civil union;”;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting Retraite Québec (chapter R-26.3)”.

2. The Regulation is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 108.1.1 of the Act must be signed by the officer or former officer and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the officer or former officer and his spouse;

(2) an attestation by the officer or former officer and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to Retraite Québec;

(3) an attestation by the officer or former officer and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 108.1.1 of the Act occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public

Employees Retirement Plan (chapter R-10), for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”

3. Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

4. Section 3 is amended by inserting, “or civil union” in the second paragraph after “marriage”.

5. Section 4 is amended by replacing “proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited or counted for the period of the marriage” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited or counted for the period of the marriage or civil union”.

6. Section 5 is amended:

(1) by replacing every occurrence of “comprised in the period of the marriage” with “included in the period of the marriage or civil union”;

(2) by inserting “or civil union” after every occurrence of “for the period of the marriage”.

7. Section 6 is amended by inserting, “or civil union” after every occurrence of “marriage”.

8. Section 7 is amended by adding, “or civil union” at the end”.

9. Section 9 is amended by inserting “or civil union” in the third paragraph after “marriage”.

10. Section 10 is amended by inserting “or civil union” in the second paragraph after “marriage”.

11. Section 13 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 108.1.1 of the Act, the agreement between the spouses concerning partition of the benefits accrued by the officer or former officer under the Civil Service Superannuation Plan, signed before a notary or attorney or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”

12. This Regulation comes into force on *(insert the date of coming into force of section 40, paragraphs 2 and 3 of section 41 and section 42 of chapter 4 of the Statutes of 2018)*.

103741

Gouvernement du Québec

T.B. 220171, 19 November 2018

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

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel **— Certain provisions relating to the partition and assignment of benefits accrued** **— Amendment**

Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Government may, with respect to classes of employees designated under the first

paragraph of section 23 of the Act, establish a plan that provides for supplementary benefits payable from the date of retirement and the Government may also provide in the plan for the payment of benefits to the spouses of such employees;

WHEREAS the Government made the Order in Council respecting the Provisions respecting the determination of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 3);

WHEREAS, under section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) that are in force on 20 June 2001 are considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as the regulations and orders made under the corresponding provisions of the Act, and they apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Government made the Order in Council respecting the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 220.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 6), and that Order in Council, which was in force on 20 June 2001, is considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, to be an Order in Council made under the corresponding provisions of the Act, and it applies, with the necessary modifications, until it is replaced by the regulation made under the corresponding provisions;

WHEREAS, under the second paragraph of section 208 of the Act respecting the Pension Plan of Management Personnel, the Government may prescribe special rules governing the determination and assessment of the supplementary benefits of accrued benefits under the supplementary benefits plan with respect to certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Government made the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R 12.1, r. 1.1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the second paragraph of section 208 of the Act, as amended by section 70 of chapter 4 of the Statutes of 2018, the Government may render applicable to the plan all or some of the rules contained in, or enacted by the Government pursuant to, Chapter VIII of the Act respecting the Pension Plan of Management Personnel that concern the spouses referred to in section 163.1, and for that purpose, it may enact special provisions governing the determination and assessment of the supplementary benefits so granted;

WHEREAS it is expedient to render applicable, with the necessary modifications, to the plan of supplementary benefits in respect of certain classes of employees under section 208 of the Act respecting the Pension Plan of Management Personnel, the rules that concern the spouses referred to in section 163.1, provided for in Chapter VIII of the Act;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel

An Act respecting the Pension Plan of Management Personnel
(chapter R-12.1, ss. 208 and 416)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, s. 70)

1. The Regulation respecting certain provisions relating to the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1.1) is amended by inserting, before section 1, the following section:

“**0.1.** The rules provided for under section 163.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) apply, with the necessary modifications, to the supplementary benefits plan in respect of the classes of employees designated under section 208 of the Act respecting the Pension Plan of Management Personnel.

For that purpose, any application for a statement referred to in the aforementioned section 163.1 must be signed by the employee or the former employee and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the employee or former employee and of his spouse;

(2) an attestation by the employee or former employee and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to Retraite Québec;

(3) an attestation by the employee or former employee and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived

in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 163.1 of the Act occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”

2. The Regulation is amended by inserting, after section 2, the following sections:

“**2.1.** For the purposes of section 1 of Schedule I of the Order in Council respecting the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 220.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 6), as it applies to the Pension Plan of Management Personnel, in the case of spouses in a civil union, in addition to the information referred to in subparagraphs 1 and 4 of the first paragraph of the aforementioned section 1, the application for a statement must be accompanied with a certificate of civil union and written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for an annulment or dissolution of civil union.

2.2. For the purposes of subparagraph 3 of the first paragraph of section 2 and sections 3, 4 and 6 of Schedule I of the Order in Council respecting the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 220.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 6), as it applies to the Pension Plan of Management Personnel, the term “period of the marriage” is considered to mean “period of the marriage or civil union”.

2.3. For the purposes of section 8 of Schedule I of the Order in Council respecting the partition and assignment of benefits accrued under the supplementary benefits plan in respect of classes of employees designated under section 220.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 6), as it applies to the Pension Plan of Management Personnel:

(1) in the case of spouses in a civil union, the application for payment must be accompanied with the judgment of annulment or dissolution of civil union or with the joint declaration dissolving the civil union and the notarized transaction contract;

(2) in the case of spouses referred to in the first paragraph of section 163.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the application for payment must be accompanied with the agreement between the spouses concerning partition of the benefits accrued by the employee or former employee under the supplementary benefits plan, signed before a notary or attorney or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together.”

3. This Regulation comes into force on (*insert the date of coming into force of sections 66 and 70 of chapter 4 of the Statutes of 2018*).

103742

Gouvernement du Québec

T.B. 220172, 19 November 2018

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(chapter R-9.2)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4)

Pension Plan of Peace Officers in Correctional Services — **Partition and assignment of benefits accrued** — **Amendment**

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under subparagraph 8.1 of the first paragraph of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), the Government may, by regulation, after Retraite Québec has consulted the pension committee established under section 139.3 of the Act, determine the terms and conditions of the applications required under Chapter V.1 of the Act;

WHEREAS, under subparagraph 8.2 of the first paragraph of section 130 of the Act, as amended by paragraph 1 of section 13 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of sections 125.1 and 125.1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, the information which must be contained in the statement setting out the value of the benefits accrued by the employee or former employee;

WHEREAS, under subparagraph 8.2.1 of the first paragraph of section 130 of the Act, enacted by paragraph 2 of section 13 of chapter 4 of the Statutes of 2018, the Government may, by regulation, determine, for the purposes of section 125.1.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, the conditions and terms according to which the spouses may agree to partition the benefits accrued by the employee or former employee under the plan;

WHEREAS, under subparagraph 8.3 of the first paragraph of section 130 of the Act, the Government may, by regulation, fix, for the purposes of section 125.2 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act and under Chapters II and IV of Title IV of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

WHEREAS, under subparagraph 8.3 of the first paragraph of section 130 of the Act, the Government may, by regulation, determine, for the purposes of section 125.2 of the Act, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under subparagraph 8.4 of the first paragraph of section 130 of the Act, the Government may, by regulation, determine, for the purposes of section 125.3 of the Act, the rules and the terms and conditions of payment of the sums awarded to the spouse and, where applicable, the interest payable thereon;

WHEREAS the Government made the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2, r. 3);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee referred to in section 139.3 of the Act respecting the Pension Plan of Peace Officers in Correctional Services has been consulted;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Peace Officers in Correctional Services was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Peace Officers in Correctional Services is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Peace Officers in Correctional Services

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(chapter R-9.2, s. 130, 1st par., subpars. 8.2 to 8.5)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4, s. 13)

1. Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2, r. 3) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

(2) by replacing “an extract from the act of marriage” in subparagraph 2 of the first paragraph with “the marriage certificate”;

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

“(2.1) in the case of spouses in a civil union, a certificate of civil union;”;

(4) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;”;

(5) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting Retraite Québec (chapter R-26.3)”.

2. The Regulation is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 125.1.1 of the Act must be signed by the employee or the former employee and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the employee or former employee and of his spouse;

(2) an attestation by the employee or former employee and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to Retraite Québec;

(3) an attestation by the employee or former employee and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year, but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 125.1.1 of the Act occurred and, where applicable, proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”

3. Section 2 is amended:

(1) by inserting, after “marriage” in subparagraph 3 of the first paragraph, “or civil union,”;

(2) by striking out, in the second paragraph, “unless there is evidence to the contrary”.

4. Section 3 is amended:

(1) by inserting, after “marriage” in the second paragraph, “or civil union”;

(2) by inserting, after “credited” in the second and third paragraphs, “or counted”;

5. Section 4 is replaced with the following:

“**4.** The years or parts of a year of service redeemed are credited or counted as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited or counted for the period of the marriage or civil union to the extent that they were paid during that period.”

6. Section 5 is amended:

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

“Where the number of years or parts of a year of service credited under the plan, in accordance with a transfer of service accrued under another plan administered by Retraite Québec or a transfer agreement entered into in accordance with section 133 of the Act, is less than the number of years or parts of a year of service credited

under the initial plan and a fraction of the number of years is included in the period of the marriage or civil union, the number of years or parts of a year of service credited in accordance with the provisions of the transfer or with the transfer agreement and which are included in the period of the marriage or civil union are equal to “A” in the following formula:

$$B \times \frac{C}{D} = A$$

“B” represents the number of years or parts of a year of service credited for the purposes of the plan in accordance with the provisions of the transfer of service accrued under another plan administered by Retraite Québec or with a transfer agreement entered into in accordance with section 133 of the Act;

“C” represents the number of years or parts of a year of service accrued under the initial plan for the period of the marriage or civil union;

“D” represents the number of years or parts of a year of service accrued under the initial plan.”;

(2) by inserting, after “in accordance with” in the second paragraph, “a transfer agreement entered into pursuant to”;

(3) by inserting “or the civil union” after “for the period of the marriage” in the second paragraph;

(4) by replacing “comprised in the period of the marriage” in the second paragraph with “included in the period of the marriage or civil union”.

7. Section 6 is amended by inserting “or the civil union” after every occurrence of “marriage”.

8. Section 7 is replaced with the following:

“7. Where a refund of contributions is made from the benefits accrued, the value of the benefits corresponds to the contributions paid with interest calculated in accordance with the Act and accrued to the date of their valuation as though the refund had been issued at that date. Furthermore, where the amounts paid for the purchase of a pension credit are also refunded from the benefits accrued, the amounts to be refunded must be calculated separately.

Where the benefits accrued correspond to years or parts of years of service credited under the plan other than on an actuarially equivalent basis pursuant to Subdivision 2 of Division II of Chapter II of the Act as it read on 31 December 2004, the amounts to be refunded which

correspond to those years or parts of years of service must be calculated separately. The same applies to the benefits accrued for the period of the marriage or civil union.”.

9. Section 9 is amended by inserting “or the civil union” after “marriage” in the second paragraph.

10. Section 12 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance, unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 125.1.1 of the Act, the agreement between the spouses concerning partition of the benefits accrued by the employee or former employee under the Pension Plan of Peace Officers in Correctional Services, signed before a notary or attorney or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”.

11. Section 13 is amended:

(1) by replacing, in the second paragraph, “and with an identification of the annuity contract, locked-in retirement account, life income fund or, where applicable, registered retirement savings plan” with “as well as the information identifying the annuity contract, locked-in retirement account, life income fund or, where applicable, registered retirement savings plan or registered retirement income fund”;

(2) by replacing “savings plan with” in the third paragraph with “savings plan or registered retirement income fund at”.

12. Section 14 is amended:

(1) by inserting “or registered retirement income fund” in the second paragraph after “savings plan”;

(2) by adding, after the second paragraph, the following:

“Notwithstanding the first and second paragraphs, the sums are paid to the successors in the event of the spouse’s death.”.

13. Section 15 is amended by replacing “VII to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” with “III of the Act”.

14. Sections 16 and 17 are replaced with the following:

“**16.** If the amount paid to the spouse results from entitlement to a refund of contributions, a differed pension or a pension credit, the benefits of the employee or former employee are established in accordance with the Act and recalculated as follows:

(1) where the employee or former employee is entitled to a contribution refund, to the payment of an actuarial value or to the transfer of an amount under a transfer agreement entered into pursuant to section 133 of the Act, the amount of the contributions refunded, of the payment of the actuarial value or of the transfer is reduced by the sums attributed to the spouse at the date of the valuation, with interest compounded annually at a rate which is determined for each period in accordance with Schedule II of the Act. The interest is accrued from the date of the valuation to the date on which the refund, payment or transfer is made. Furthermore, in the case of a pension credit, the calculation must be separate. However, no interest is calculated on the part of the sums resulting from years or parts of a year of service accrued under the pension fund for officers of education established by Part VIII of the Education Act (R.S.Q. 1964, ch. 235), the Teachers Pension Plan or the Civil Service Superannuation Plan, if those years or parts of a year of service were transferred to the Pension Plan of Peace Officers in Correctional Services other than on an actuarially equivalent basis;

(2) where the employee or former employee is entitled to a deferred pension, a pension or a pension credit, his pension or pension credit is reduced, from the date on which it becomes payable or is paid, as the case may be, by the amount of the pension or pension credit that would be obtained from the sums attributed to the spouse at the date of the valuation.

17. If the amount paid to the spouse derives from an entitlement to a pension, pension credit or any other benefit that would be paid at the date of the valuation, the pension or pension credit is reduced, from the date on which it is paid or the date on which it becomes payable in the case of an employee who is 65 years of age or over on the date of the valuation, by the amount of the pension or pension credit that would be obtained from the sums attributed to the spouse at the date of the valuation.”

15. Section 18 is amended by replacing every occurrence of “amount of deferred pension” with “deferred pension amount or pension credit amount”.

16. Section 19 is amended by replacing every occurrence of “amount of pension” with “pension amount or pension credit amount”.

17. Section 22 is amended by replacing “Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” with “Schedule II of the Act”.

18. This Regulation comes into force on (*insert the date of coming into force of sections 11 and 13 of chapter 4 of the Statutes of 2018*).

103743

Gouvernement du Québec

T.B. 220173, 19 November 2018

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

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Centre hospitalier Côte des Neiges
— Régime de retraite des employés en fonction
— Partition and assignment of benefits accrued
— Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges

WHEREAS, under the first paragraph of section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, chapter 5), the Government may, despite any provision of any Act, regulation or order inconsistent therewith, by order, render the special measures provided in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) and in the regulations thereunder applicable, in whole or in part and adapted as required, to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges (O.C. 397-78 dated 16 February 1978), for the purposes of partition and assignment of benefits between spouses;

WHEREAS, under the second paragraph of section 52 of the Act, the Government may also, by the same order, prescribe special provisions for the establishment and assessment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges and for the reduction of the sums payable under such plan by reason of payment of the sums awarded to the spouse;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 2 and 4 to 6 of that provision;

WHEREAS, to follow up on section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan, the Conseil du trésor made the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges by decision T.B. 197248 dated 13 November 2001;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the first paragraph of section 73 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4), despite any provision to the contrary, the Government may, by order, make the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan and the regulation made under that Act applicable, in whole or in part and with the necessary modifications, to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act;

WHEREAS, under the first paragraph of section 73 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions, the Government may, by order, make the special measures provided for in section 75 of the Act applicable to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges;

WHEREAS, under the second paragraph of section 73 of that Act, the Government may also include special provisions in that order concerning the establishment and

assessment of benefits accrued under Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges and the reduction, because of payment of the amounts granted to the spouse, of the amounts payable under that plan;

WHEREAS it is expedient to make the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan and the regulation made under that Act applicable to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act;

WHEREAS it is expedient to make the special measures provided for in section 75 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions applicable to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges;

WHEREAS the consultation provided for in section 40 of the Public Administration Act has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Regulation was received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the special measures provided for in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan apply to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, for the purposes of the partition and assignment of benefits between spouses referred to in section 122.1.1 of that Act;

THAT the special measures provided for in section 75 of the Act respecting the implementation of recommendations of the pension committee of certain public sector

pension plans and amending various legislative provisions apply to the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, so that the spouses referred to in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan, who have ceased living together after 31 August 1990 but before the date of taking effect of section 75, may agree to partition the benefits accrued under the plan not later than 12 months following the latter date;

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges

An Act respecting the Government and Public Employees Retirement Plan (chapter R-10; 1990, chapter 5, s. 52)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, ss. 73 and 75)

1. Section 1 of the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges (chapter R-10, r. 7.1) is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

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

“(2.1) in the case of spouses in a civil union, a certificate of civil union;”;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have

undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application;”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting Retraite Québec (chapter R-26.3)”.

2. The Regulation is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) must be signed by the employee or the former employee and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the employee or former employee and of his spouse;

(2) an attestation by the employee or former employee and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to Retraite Québec;

(3) an attestation by the employee or former employee and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to subparagraphs 1 to 3 of the first paragraph of section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”.

3. Section 2 is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits;”.

4. Section 3 is amended by inserting “or civil union” in the second paragraph after “marriage”.

5. Section 4 is amended by replacing “proportionately to the amounts paid in capital for their payment, out of the total capital amount. Those years or parts of a year are deemed to be credited for the period of the marriage,” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited for the period of the marriage or civil union;”.

6. Section 5 is amended by adding “or civil union” at the end.

7. Section 7 is amended by inserting “or civil union” in the second paragraph after “marriage”.

8. Section 10 is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the agreement between the spouses concerning partition of the benefits accrued by the employee or former employee under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, signed before a notary or attorney, or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”.

9. The Regulation is amended by inserting, after section 18.1, the following:

“**18.2.** Notwithstanding the fact that under section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), spouses referred to therein may agree, within 12 months following the date on which they ceased living together, to the partition of the benefits accrued by the employee or former employee under the Régime de retraite des employés en fonction au Centre hospitalier Côte des Neiges, such persons who ceased living together after 31 August 1990 but before (*insert the date of coming into force of this Regulation*) may so agree, in accordance with section 75 of the Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4), not later than 12 months following the latter date.”.

10. This Regulation comes into force on (*insert the date of coming into force of sections 73 and 75 of chapter 4 of the Statutes of 2018*).

103744

Gouvernement du Québec

T.B. 220174, 19 November 2018

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

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Pension plan for federal employees transferred to employment with the gouvernement du Québec — Partition and assignment of benefits accrued — Amendments to the Order

Amendments to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec

WHEREAS, under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), employees of the federal government who transfer to an employment that is pensionable employment under the plan or the Pension Plan of Management Personnel within the framework of an

agreement between the Government of Canada and the Gouvernement du Québec may, where the agreement so provides, elect, in accordance with the rules and conditions fixed by the Government, to become members of the Government and Public Employees Retirement Plan, of the Pension Plan of Management Personnel if, in the latter case, they hold employment that is pensionable employment under the plan, or of a pension plan established by the Government in respect of those employees or of each group of employees affected by such an agreement and similar to the plan to which they formerly belonged;

WHEREAS the Government made the Pension plan for federal employees transferred to employment with the Gouvernement du Québec (chapter R-10, r. 10);

WHEREAS, under the first paragraph of section 10.2 of the Act respecting the Government and Public Employees Retirement Plan, for the purposes of partition of the family patrimony, the Government may render wholly or partly applicable to the plan established pursuant to section 10.0.1 of that Act the rules, with the necessary modifications, prescribed in Chapter VII.1 of Title I of the Act or enacted by it under the provisions of that chapter; it may also, for the same purposes, prescribe special provisions concerning the establishment and assessment of the benefits accrued under such plan and the reduction, by reason of payment of the amounts granted to the spouse, of amounts payable under such plan;

WHEREAS the Government made the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec (chapter R-10, r. 8);

WHEREAS it is expedient to amend the Order in Council;

WHEREAS, under the second paragraph of section 10.2 of the Act respecting the Government and Public Employees Retirement Plan, as enacted by section 22 of chapter 4 of the Statutes of 2018, for the purposes of the partition or assignment between spouses referred to in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan of the benefits accrued under the Pension plan for federal employees transferred to employment with the Gouvernement du Québec, the Government may render wholly or partly applicable to the plan the rules, with the necessary modifications, prescribed in Chapter VII.1 of Title I of the Act or enacted by it under the provisions of that chapter;

WHEREAS it is expedient, for the purposes of the partition or assignment between spouses referred to in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan of the benefits accrued under the Pension plan for federal employees transferred to employment with the Gouvernement du Québec, to render applicable to the plan the rules, with the necessary modifications, prescribed in Chapter VII.1 of Title I of the Act;

WHEREAS, in accordance with section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 2 and 4 to 6 of the provision;

WHEREAS the consultation has been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), draft Amendments to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2018 with a notice that it could be made by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comment on the draft Amendments was received;

WHEREAS it is expedient to make the Amendments without amendment;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the rules prescribed in Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan concerning spouses referred to in section 122.1.1 of the Act be applicable to the Pension plan for federal employees transferred to employment with the Gouvernement du Québec;

THAT the Amendments to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec are hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Amendments to the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec

An Act respecting the Government and Public Employees Retirement Plan (chapter R-10, s. 10.2)

An Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, s. 29, pars. 3 and 4)

1. Section 1 of the Order in Council respecting the partition and assignment of benefits accrued under the Pension plan for federal employees transferred to employment with the gouvernement du Québec (chapter R-10, r. 8) is amended by adding, at the end, the following paragraph:

“Moreover, the rules prescribed in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) apply, with regard to the spouses affected by those rules, with the necessary modifications, to the Pension plan for federal employees transferred to employment with the gouvernement du Québec (chapter R-10, r. 10).”

2. Section 1 of the Schedule is amended:

(1) by adding, at the beginning of subparagraph 2 of the first paragraph, “in the case of married spouses,”;

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

“(2.1) in the case of spouses in a civil union, a certificate of civil union,”;

(3) by replacing subparagraph 3 of the first paragraph with the following:

“(3) written confirmation from a certified mediator to the effect that he or she has received a mandate within the context of family mediation or written confirmation from a notary to the effect that the spouses in a civil union have undertaken a joint procedure for the dissolution of their civil union or, as the case may be, the joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment disposing of such an application,”;

(4) by adding, at the end of the second paragraph, “in accordance with section 4 of the Act respecting Retraite Québec (chapter R-26.3)”.

3. The Schedule is amended by inserting, after section 1, the following:

“**1.1.** Any application for a statement referred to in section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) must be signed by the employee or the former employee and his spouse. The application must contain the following information and be accompanied with the following documents:

(1) the name, address, Social Insurance Number and date of birth of the employee or former employee and of his spouse;

(2) an attestation by the employee or former employee and his spouse that neither was married or in a civil union on the date on which they ceased living together and, where applicable, the date of the divorce or the dissolution of the civil union and the documents attesting thereto, unless those documents have already been sent to Retraite Québec;

(3) an attestation by the employee or former employee and his spouse of the dates on which they began and ceased living together and, where applicable, proof concerning their marital residence. Furthermore, if the spouses lived in a conjugal relationship for at least one year but not more than three years preceding the date on which they ceased living together, they must also attest that one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan occurred and, where applicable, provide proof thereof;

(4) the information that must be provided by the employer in his annual report, in accordance with section 188 of the Act respecting the Government and Public Employees Retirement Plan, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.”

4. Section 2 of the Schedule is amended by replacing subparagraph 3 of the first paragraph with the following:

“(3) in the case of married spouses or spouses in a civil union, the benefits accrued during the period of the marriage or civil union, as well as the value of those benefits,”.

5. Section 3 of the Schedule is amended by inserting “or civil union” in the second paragraph after “marriage”.

6. Section 4 of the Schedule is amended by replacing “proportionately to the amounts paid in capital for their payment, out of the total capital amount. Those years or parts of a year are deemed to be credited for the period of the marriage,” with “as a ratio of the capital paid therefor to the total capital. The years or parts of a year are deemed to be credited for the period of the marriage or civil union.”

7. Section 5 of the Schedule is amended by adding “or civil union” at the end.

8. Section 7 of the Schedule is amended by inserting, in the second paragraph, “or civil union” after “marriage”.

9. Section 10 of the Schedule is amended:

(1) by replacing paragraph 1 with the following:

“(1) the judgement of separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or the payment of a compensatory allowance unless the judgment has already been sent to Retraite Québec;”;

(2) by adding, at the end of paragraph 2, “or the joint declaration dissolving the civil union along with the notarized transaction contract”;

(3) by inserting, after paragraph 3, the following:

“(3.1) in the case of spouses referred to in the first paragraph of section 122.1.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the agreement between the spouses concerning partition of the benefits accrued by the employee or former employee under the Pension plan for federal employees transferred to employment with the gouvernement du Québec, signed before a notary or attorney, or a sworn declaration signed by both spouses within 12 months following the date on which they ceased living together;”.

10. This Regulation comes into force on (*insert the date of coming into force of section 27 and paragraphs 3 and 4 of section 29 of chapter 4 of the Statutes of 2018*).

103745

Gouvernement du Québec

T.B. 220176, 19 November 2018

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

Regulation
— **Amendment**

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 196.30 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), the Government pays into the employees’ contribution fund referred to in section 176 an annual contributory amount corresponding to the product obtained by multiplying a percentage and the sum of the salaries of the employees who are members of the plan for a given year. This percentage, the reference year for the sum of the salaries used for the purposes of the multiplication, and any condition applicable to the payment of the annual contributory amount are determined by regulation;

WHEREAS, under subparagraph 20.1 of the first paragraph of section 196 of the Act, the Government may determine, for the purposes of section 196.30, a percentage, a reference year for the sum of the salaries used for the purposes of the multiplication, and any condition applicable to the payment of the annual contributory amount into the employees’ contribution fund;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) by Decision 202420 dated 24 May 2005;

WHEREAS section 11.5 of the Regulation provides, for the purposes of section 196.30, the percentage and the reference year for the sum of the salaries used for the purposes of the multiplication;

WHEREAS the Government paid into the employees’ contribution fund all the sums required to perform the obligation provided for in section 196.30 of the Act;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under the first paragraph of section 196 of the Act, the Government exercises the regulatory powers provided therein after Retraite Québec has consulted the pension committee referred to in section 196.2 of the Act;

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

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

An Act respecting the Pension Plan of Management Personnel
(chapter R-12.1, s. 196, 1st par., subpar. 20.1)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) is amended by striking out Division V.3.

2. This Regulation comes into force on (*insert the date of the decision of the Conseil du trésor*).

103746

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

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