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^{DU}
Québec

Part

2

No. 50

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Laws and Regulations

Volume 151

Summary

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Part 2 contains:

- (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;
- (4) Orders in Council, decisions of the Conseil du trésor and minister’s orders whose publication is required by law or by the Government;
- (5) regulations made by courts of justice and quasi-judicial tribunals;
- (6) drafts of the texts referred to in paragraphs 3 and 5 whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 1 NOVEMBER 2019

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 1 November 2019

This day, at thirty minutes past ten o'clock in the morning, the Honourable the Administrator of Québec was pleased to assent to the following bill:

2 An Act to tighten the regulation of cannabis

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.

PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 14 NOVEMBER 2019

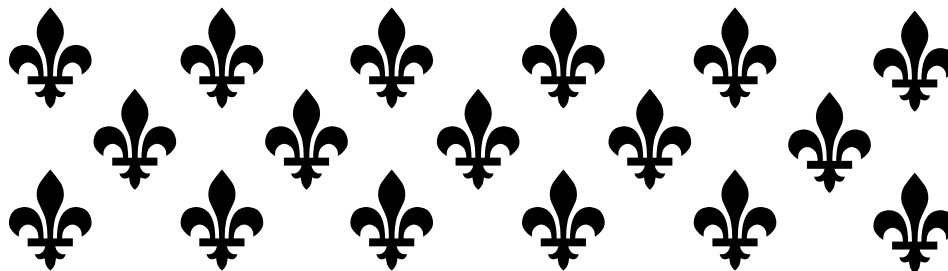
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 14 November 2019

This day, at ten past noon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

38 An Act amending certain Acts establishing
public sector pension plans

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 2
(2019, chapter 21)

An Act to tighten the regulation of cannabis

**Introduced 5 December 2018
Passed in principle 14 May 2019
Passed 29 October 2019
Assented to 1 November 2019**

**Québec Official Publisher
2019**

EXPLANATORY NOTES

The purpose of this Act is to tighten the regulation of cannabis.

First, the minimum age required to buy or possess cannabis or to be admitted to a cannabis retail outlet is raised to 21 years.

Next, the rules applicable to cannabis possession are tightened to prohibit possession on the grounds and on the premises or in the buildings of a college-level educational institution as well as on the premises or in the buildings of a university-level educational institution, excluding student residences in the latter case.

As regards cannabis use, further smoking prohibitions are added to those already imposed by the Cannabis Regulation Act, including prohibitions against smoking cannabis on public roads, on the grounds of enclosed spaces where smoking is currently prohibited, subject to certain exceptions, as well as in all other outdoor places that are open to the public such as parks, playgrounds, sports grounds and the grounds of day camps. A municipality may however, by by-law and on certain conditions, permit cannabis smoking in a municipal park to the extent that such a by-law nevertheless prohibits it within the perimeter in which a public event of a cultural, sports or commercial nature is held.

The prohibition against the Société québécoise du cannabis operating a cannabis retail outlet less than 250 metres from an educational institution is extended to all college-level educational institutions.

Last, certain technical corrections are made to the Cannabis Regulation Act and other Acts, some provisions relating to penal matters are added or clarified, and consequential amendments as well as a transitional measure are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Cannabis Regulation Act (chapter C-5.3);
- Highway Safety Code (chapter C-24.2);

- Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);
- Tobacco Control Act (chapter L-6.2).

REGULATION AMENDED BY THIS ACT:

- Regulation under the Tobacco Control Act (chapter L-6.2, r. 1).

Bill 2

AN ACT TO TIGHTEN THE REGULATION OF CANNABIS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CANNABIS REGULATION ACT

1. Section 4 of the Cannabis Regulation Act (chapter C-5.3) is amended

(1) by replacing “a minor” in the first paragraph by “a person under 21 years of age”;

(2) by adding the following sentence at the end of the second paragraph: “The same applies to a person 18, 19 or 20 years of age who contravenes the first paragraph by possessing, in a public place, a total amount of cannabis equivalent to 30 grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16), by possessing cannabis in a place other than a public place or by giving cannabis.”;

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

“In proceedings for a contravention of this section, the burden is on the defendant to prove that they were of full age or 21 years of age or over at the time, as applicable.

For the purposes of this section and sections 6 and 7, “public place” has the meaning assigned by the Cannabis Act.”

2. Section 6 of the Act is amended

(1) by replacing “of full age” in the first paragraph by “21 years of age or over”;

(2) by striking out the third paragraph.

3. Section 7 of the Act is amended

(1) by replacing “of full age” in the first paragraph by “21 years of age or over”;

(2) by replacing “of full age live” in the second paragraph by “21 years of age or over live or in an accommodation unit of a tourist accommodation establishment governed by the Act respecting tourist accommodation establishments (chapter E-14.2) where more than one such person is staying”.

4. Section 8 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraphs:

“(2) on the grounds, on the premises or in the buildings of a college-level educational institution;

“(2.1) on the premises or in the buildings of a university-level educational institution, excluding student residences;”.

5. Section 12 of the Act is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by replacing “minors” in subparagraph 5 of the first paragraph by “persons under 21 years of age”.

6. Section 14 of the Act is amended

(1) by replacing “second paragraph” in the third paragraph by “first paragraph”;

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

“In the case of a contravention of the third paragraph, the operator of a place referred to in the first paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.”

7. Section 16 of the Act is amended

(1) by replacing the first, second, third and fourth paragraphs by the following paragraphs:

“Cannabis smoking is prohibited

(1) on public roads within the meaning of the third paragraph of section 66 of the Municipal Powers Act (chapter C-47.1);

(2) in bus shelters;

(3) in tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;

(4) on terraces and in other outdoor areas operated as part of a commercial activity and set up for rest, relaxation or the consumption of products;

(5) on grounds on which enclosed spaces where cannabis smoking is prohibited under the first paragraph of section 12 are situated, except the grounds of residential buildings consisting only of two or more dwellings or a private seniors' residence referred to in subparagraphs 8 and 9, respectively, of that paragraph; and

(6) in all other outdoor places that are open to the public such as parks, playgrounds, sports grounds, the grounds of day camps and the grounds of vacation camps.

If a building comprises both an enclosed space where cannabis smoking is prohibited under the first paragraph of section 12 and a private residence, the prohibition does not apply to any part of the building's grounds that is reserved for the exclusive use of persons living in the residence.”;

(2) by striking out “or second paragraph or a regulation made under the fourth” in the fifth paragraph;

(3) by replacing “, second or fifth paragraph or a regulation made under the fourth” in the sixth paragraph by “or third”.

8. The Act is amended by inserting the following section after section 16:

“16.1. Despite subparagraph 6 of the first paragraph of section 16, a local municipality may, by by-law and on the conditions it determines, permit cannabis smoking in a municipal park, except in the parts of the park where smoking is prohibited under subparagraphs 6 to 8 of the first paragraph of section 2.1 of the Tobacco Control Act (chapter L-6.2) or under the second paragraph of that section. In such a case, the local municipality must post signs visible to the persons frequenting the park, indicating the places where cannabis smoking is permitted.

However, when a public event of a cultural, sports or commercial nature, in particular a festival, party or sports gathering, is held in such places, such a by-law must, among other things,

(1) prohibit cannabis smoking, for the duration of the event, within the perimeter in which the event is held; and

(2) require the event organizer to inform the public of the perimeter within which cannabis smoking is prohibited and of the duration of the prohibition, such as by posting signs.

An authenticated copy of any by-law made under the first paragraph must be sent to the Minister as soon as possible after the by-law is adopted.”

9. Sections 17 and 18 of the Act are amended by striking out “or a regulation made under the fourth paragraph of section 16” in the first paragraph.

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

“18.1. Sections 17 and 18 do not apply in respect of a public road or a perimeter referred to in subparagraph 1 of the second paragraph of section 16.1.”

11. Section 33 of the Act is amended by replacing “or elementary or secondary school instructional services” in the first paragraph by “, elementary or secondary school instructional services, educational services in vocational training or educational services to adults in general education or near a college-level educational institution”.

12. The heading of subdivision 2 of Division II of Chapter VII of the Act is amended by replacing “*minors and selling to minors*” by “*and selling to persons under 21 years of age*”.

13. Section 34 of the Act is amended

(1) by replacing “A minor may not be admitted to a cannabis retail outlet and a minor’s” by “A person under 21 years of age may not be admitted to a cannabis retail outlet and their”;

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

“However, the Government may, by regulation, determine cases where a person under 21 years of age may be admitted to a cannabis retail outlet and their presence may be tolerated there, in particular to carry out maintenance work or deliver products.”

14. Section 35 of the Act is amended by replacing “a minor” by “a person under 21 years of age”.

15. Section 36 of the Act is amended by replacing “majeure” in the first paragraph in the French text by “âgée de 21 ans ou plus”.

16. Section 37 of the Act is amended by replacing “of full age” and “a minor” by “21 years of age or over” and “a person under 21 years of age”, respectively.

17. Section 38 of the Act is amended

(1) by replacing “a minor” in the first paragraph by “a person under 21 years of age”;

(2) by replacing “A minor” in the second paragraph by “A person under 21 years of age”.

18. Section 39 of the Act is amended

(1) by replacing “of full age” and “a minor” in the first paragraph by “21 years of age or over” and “a person under 21 years of age”, respectively;

(2) by replacing “of full age” in the second paragraph by “21 years of age or over”.

19. Section 41 of the Act is amended by replacing “minors to a cannabis retail outlet and the prohibition against selling cannabis to minors” in the first paragraph by “persons under 21 years of age to a cannabis retail outlet and the prohibition against selling cannabis to such persons”.

20. Section 53 of the Act is amended

(1) by replacing “of full age” in subparagraph *a* of subparagraph 8 of the first paragraph by “21 years of age or over”;

(2) by replacing “minors” in the second paragraph by “persons under 21 years of age”;

(3) by replacing “of full age” in the third paragraph by “21 years of age or over”.

21. Section 70 of the Act is amended

(1) by replacing “majeure” in subparagraph 6 of the first paragraph in the French text by “âgée de 21 ans ou plus”;

(2) by replacing “of age, an inspector must be reasonably convinced that the person is a minor” in the fifth paragraph by “of age, an inspector must be reasonably convinced that the person is under 21 years of age”.

22. Section 77 of the Act is amended

(1) in the first paragraph,

(a) by striking out “Commet une infraction” in the French text;

(b) by inserting “and is liable to a fine of \$2,500 to \$62,500. However, if the offender is a cannabis producer, the producer is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence” at the end;

(2) by striking out the second paragraph.

23. Section 83 of the Act is amended

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

“The Minister may, to support the work of inspectors, appoint persons or designate classes of persons to perform the functions of analyst. The Minister of Public Security may do the same to support the work of police force members.”;

(2) by replacing “to an analyst” in the first paragraph by “to such an analyst”.

24. Section 84 of the Act is amended

(1) by replacing “belong to and are to be remitted to the Minister” in the first paragraph by “belong to and are to be remitted to the Minister if the sample was submitted to the analyst by an inspector appointed by the Minister, to the local municipality if the sample was submitted to the analyst by an inspector appointed by the local municipality, or to the competent authority in respect of the police force concerned if the sample was submitted to the analyst by a member of that police force”;

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

“If a substance that has been seized is in sealed packaging identified as containing cannabis, it is presumed to be cannabis, in the absence of any evidence to the contrary.”

HIGHWAY SAFETY CODE

25. Section 202.5 of the Highway Safety Code (chapter C-24.2), replaced by section 46 of chapter 19 of the statutes of 2018, is amended by adding the following paragraph at the end:

“The suspension under the first paragraph applies to any licence authorizing the operation of a road vehicle and to the right to obtain such a licence.”

**ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND
APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF
UNLAWFUL ACTIVITY**

26. Section 2 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by replacing “or the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19)” in the first paragraph by “, the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or the Cannabis Act (Statutes of Canada, 2018, chapter 16)”.

27. Section 16 of the Act is amended by replacing “or the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19)” in the introductory clause of the second paragraph by “, the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), the Cannabis Act (Statutes of Canada, 2018, chapter 16)”.

TOBACCO CONTROL ACT

28. Section 5 of the Tobacco Control Act (chapter L-6.2) is amended by adding the following sentence at the end of the second paragraph: “If rooms have already been identified for cannabis use under the first paragraph of section 14 of the Cannabis Regulation Act (chapter C-5.3), they must be the first ones identified for tobacco use.”

REGULATION UNDER THE TOBACCO CONTROL ACT

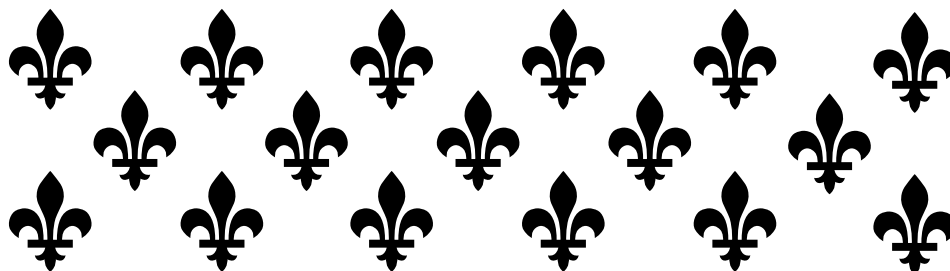
29. Section 1 of the Regulation under the Tobacco Control Act (chapter L-6.2, r. 1), amended by section 104 of the Cannabis Regulation Act, enacted by section 19 of chapter 19 of the statutes of 2018, is again amended by replacing “Chapter II” in the second paragraph by “sections 2, 2.1 and 2.2”.

TRANSITIONAL AND FINAL PROVISIONS

30. In the case of a cannabis retail outlet that is near an educational institution providing educational services in vocational training or educational services to adults in general education or near a college-level educational institution on 5 December 2018, the Société québécoise du cannabis has until the expiry of the lease for the premises where such a retail outlet is situated, as it reads on that date, to comply with section 33 of the Cannabis Regulation Act (chapter C-5.3), as amended by section 11.

31. Sections 34 and 36 of the Cannabis Regulation Act, as amended by sections 13 and 15, do not apply to a Société québécoise du cannabis personnel member who is 18, 19 or 20 years of age on 1 November 2019.

32. This Act comes into force on 1 November 2019, except sections 1 to 3 and 12 to 21, which come into force on 1 January 2020.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 38
(2019, chapter 25)

**An Act amending certain Acts
establishing public sector pension
plans**

**Introduced 26 September 2019
Passed in principle 30 October 2019
Passed 7 November 2019
Assented to 14 November 2019**

**Québec Official Publisher
2019**

EXPLANATORY NOTES

This Act amends various Acts establishing public sector pension plans in order to renew the provisions overriding section 15 of the Constitution Act, 1982, found in the Act respecting the Pension Plan of Certain Teachers, the Act respecting the Government and Public Employees Retirement Plan, the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel.

Lastly, the Act also amends the Act respecting the Pension Plan of Management Personnel to provide that the terms and conditions relating to the return to work of a pensioner who does not resume membership in the plan may be determined by regulation.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Pension Plan of Certain Teachers (chapter R-9.1);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Teachers Pension Plan (chapter R-11);
- Act respecting the Civil Service Superannuation Plan (chapter R-12);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

Bill 38

AN ACT AMENDING CERTAIN ACTS ESTABLISHING PUBLIC SECTOR PENSION PLANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

1. The second paragraph of section 62 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is again enacted and therefore reads as follows:

“The provisions of this Act have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

2. The second paragraph of section 223.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is again enacted and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE TEACHERS PENSION PLAN

3. The second paragraph of section 78.1 of the Act respecting the Teachers Pension Plan (chapter R-11) is again enacted and therefore reads as follows:

“Sections 28, 32 and 51 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

4. The second paragraph of section 114.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12) is again enacted and therefore reads as follows:

“Sections 56 and 84 have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

5. Section 154 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is replaced by the following section:

“154. Notwithstanding section 153, a pensioner may elect not to resume membership in this plan while holding or upon returning to pensionable employment under the first paragraph of section 153.

The Government may, by regulation, determine the terms and conditions relating to the return to work of the pensioner, which may vary depending on the pensionable employment the pensioner holds or returns to.”

6. Section 156 of the Act is repealed.

7. Section 158 of the Act is amended by replacing “an employee referred to in section 153 or a pensioner referred to in the first and second paragraphs of section 154 will be entitled” by “an employee referred to in section 153 will be entitled”.

8. Section 196 of the Act is amended by inserting the following subparagraph after subparagraph 12.1 of the first paragraph:

“(12.2.) determine, for the purposes of section 154, the terms and conditions relating to the return to work of a pensioner who does not resume membership in this plan, which may vary depending on the pensionable employment the pensioner holds or returns to;”.

9. The second paragraph of section 211 of the Act is again enacted and therefore reads as follows:

“They have effect despite section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).”

FINAL PROVISION

10. This Act comes into force on 1 January 2020, except sections 5 to 8, which come into force on the date of coming into force of the first regulation made for the purpose of those sections.

Regulations and other Acts

Gouvernement du Québec

O.C. 1158-2019, 20 November 2019

Publication of Amendment No. 6 to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec

WHEREAS, on 7 February 2002, the Gouvernement du Québec and the Crees of Québec entered into the Agreement concerning a new Relationship between le Gouvernement du Québec and the Crees of Québec;

WHEREAS that Agreement was approved by le Gouvernement du Québec by Décret 289-2002 dated 20 March 2002 and was published in the French and English editions of in Part 2 of the *Gazette officielle du Québec* of 22 May 2002, in accordance with Order in Council 507-2002 dated 1 May 2002;

WHEREAS, under section 13.2 of that Agreement, the Agreement may be amended from time to time with the consent of Québec and of the Cree Regional Authority, now designated as the Cree Nation Government;

WHEREAS Amendment No. 6 to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec was approved by Décret 817-2017 dated 23 August 2017 and the signing process was completed by the parties on 20 February 2018;

WHEREAS section 2 of that Amendment provides that it must be published in French and English in Part 2 of the *Gazette officielle du Québec*;

WHEREAS, under paragraph 7 of section 3 of the Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1), the French Edition of Part 2 is to contain the French version of any other document not referred to in section 2 of the Regulation or in that section and whose publication is required by the Government;

WHEREAS, under paragraph 6 of section 4 of the Regulation, the English Edition of Part 2 is to contain the English version of any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks, the Minister Responsible for Indigenous Affairs and the Minister Responsible for Canadian Relations and the Canadian Francophonie:

THAT Amendment No. 6 to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, attached to this Order in Council, be published in the French and English editions of Part 2 of the *Gazette officielle du Québec*.

YVES OUELLET,
Clerk of the Conseil exécutif

AGREEMENT CONCERNING A NEW RELATIONSHIP BETWEEN LE GOUVERNEMENT DU QUÉBEC AND THE CREES OF QUÉBEC:

AMENDMENT NO. 6

BETWEEN:

Le GOUVERNEMENT DU QUÉBEC, represented by Mr. Philippe Couillard, Premier, Mr. Luc Blanchette, Minister of Forests, Wildlife and Parks, Mr. Geoffrey Kelley, Minister responsible for Native Affairs and Mr. Jean-Marc Fournier, Minister responsible for Canadian Relations and the Canadian Francophonie,

hereinafter referred to as “Québec”

AND:

The CREES OF QUÉBEC, acting through the Grand Council of the Crees (Eeyou Istchee) and the Cree Nation Government, represented by Mr. Abel Bosum, respectively Grand Chief and Chairperson, and by Ms. Mandy Gull, respectively Deputy Grand Chief and Vice-Chairperson,

Hereinafter referred to as the “Crees”

WHEREAS on February 7, 2002, le Gouvernement du Québec, the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority, now designated as the Cree nation government, entered into the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*;

WHEREAS the Crees of Québec approved the Agreement by means of a referendum of the Cree Nation;

WHEREAS the Agreement was approved by Québec on March 20, 2002 by Order-in-Council 289-2002, and was published in French and English in Part 2 of the *Gazette officielle du Québec* of May 22, 2002;

WHEREAS the National Assembly adopted the *Act to ensure the implementation of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* (chapter M-35.1.2), and the Act was assented to on June 13, 2002;

WHEREAS section 13.2 of this Agreement provides that it may be amended from time to time with the consent of Québec and of the Crees;

WHEREAS section 3.6 of this Agreement provides more specifically that the forestry regime applicable in the Territory referred to in the Agreement will evolve over the duration of the Agreement, taking into account the principles set out therein and the recommendations of the Cree-Québec Forestry Board;

WHEREAS Québec and the Crees entered into the *Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 1161-2003 dated November 5, 2003 and signed December 12, 2003;

WHEREAS the *Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* was published in French and in English in Part 2 of the *Gazette officielle du Québec* of October 6, 2004;

WHEREAS Québec and the Crees entered into the *Agreement amending again the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 661-2005 dated June 29, 2005 and signed on November 2, 2005;

WHEREAS Québec and the Crees entered into the *Agreement amending the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* with respect to forestry, which was approved by Order-in-Council 958-2005 dated October 19, 2005 and signed on June 7, 2006;

WHEREAS Québec and the Crees entered into the fourth amendment to the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 1301-2005 dated December 21, 2005 and signed on May 23, 2006;

WHEREAS Québec and the Crees entered into the fifth amendment to the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, which was approved by Order-in-Council 598-2006 dated June 28, 2006 and signed on November 9, 2006;

WHEREAS the last four agreements amending the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* were published in French and English in Part 2 of the *Gazette officielle du Québec* of August 29, 2007;

WHEREAS the *Sustainable Forest Development Act* (chapter A-18.1) was assented to on April 1, 2010;

WHEREAS Québec and the Crees entered into the *Agreement on Governance in the Eeyou Istchee James Bay Territory*, which was approved by Order-in-Council 745-2012 dated July 4, 2012 and signed on July 24, 2012;

WHEREAS Québec and the Crees agree it is once again appropriate to make an amendment to the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*;

THE PARTIES AGREE AS FOLLOWS:

1. Chapter 3 and Schedules C-1, C-2, C-3, C-4, C-5 and C-6 of the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* are replaced by the documents attached hereto as Schedule 1.
2. Québec shall publish this Amendment in French and English in Part 2 of the *Gazette officielle du Québec*.
3. Québec shall submit appropriate legislation to the National Assembly in order to ensure the laws of Québec are consistent with this Amendment, following consultation with the Cree Nation Government, and taking into account the legislative amendments provided by *An Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec* (chapter M-35.1.2).
4. With respect to the assessment of forestry roads, the parties undertake to continue, through the the Standing Liaison Committee established under chapter 11 of the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, the discussions regarding the issues contemplated in the fourth paragraph of the letter-agreement approved by Order-in-Council 1382-2009 dated December 21, 2009. The Standing Liaison Committee shall send to the parties a progress report of such discussions no later than one (1) year after the execution of this Amendment.

5. In order to implement the undertaking contemplated by section 176 of the *Agreement on Governance in the Eeyou Istchee James Bay Territory between the Crees of Eeyou Istchee and the Gouvernement du Québec*, section 10.17.1 is inserted after section 10.17 of the *Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec* as follows:

“**10.17.1** Québec undertakes to consolidate the half-time employment positions mentioned in section 10.17(b), at the latest by April 1 2017, by converting them to full-time employment positions.

In the case of positions occupied at the time of this conversion, the Wildlife Protection Officers may, however, choose to maintain the half-time status of their employment, to increase it to eight (8) months per year or to convert it to full-time employment.”

6. The parties agree to a Complementary Agreement to the James Bay and Northern Québec Agreement, which is attached hereto as Schedule 2.

7. This Agreement has effect as of May 24, 2016.

IN WITNESS WHEREOF, THE PARTIES
HAVE SIGNED

For le Gouvernement du Québec,

PHILIPPE COUILLARD,
Premier

Place and date: _____

LUC BLANCHETTE,
Minister of Forests, Wildlife and Parks

Place and date: _____

GEOFFREY KELLEY,
Minister responsible for Native Affairs

Place and date: _____

JEAN-MARC FOURNIER,
*Minister responsible for Canadian Relations
and the Canadian Francophonie*

Place and date: _____

For the GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE) and the CREE NATION GOVERNMENT

ABEL BOSUM,
Grand Chief and Chair

Place and date: _____

MANDY GULL,
Deputy Grand Chief and Vice-Chair

Place and date: _____

SCHEDULE 1

Chapter 3 – FORESTRY

GENERAL PROVISIONS

3.1 The Québec forestry regime shall apply in the Territory in a manner that allows adaptations for a:

a) greater consideration for the Cree traditional way of life;

b) greater integration of concerns relating to sustainable development;

c) participation, in the form of consultation, by the Crees in the various forest activities operations planning and management processes, notably for the finalization and the monitoring of the plans;

d) collaboration, in the form of concerted action, by the Cree Nation Government (hereinafter referred to as “CNG”) and by the Eeyou Istchee James Bay Regional Government (hereinafter referred to as “EIJBRG”) in the participation process for the planning contemplated by Schedule C-4 of this Agreement.

3.2 The adapted forestry regime applicable in the Territory will respect the principles set out in the *Sustainable Forest Development Act* (CQLR, chapter A-18.1), in the *James Bay Northern Québec Agreement* (JBNQA), in the *Agreement on Governance in the Eeyou Istchee James Bay Territory*, executed on July 24, 2012, and will also respect the principles set out herein.

TERRITORY OF APPLICATION

3.3 The adapted forestry regime shall apply to the Territory indicated on the map attached as Schedule C-1 of this Agreement, within the boundaries of the JBNQA Territory.

ADAPTATIONS TO AND EVOLUTION OF THE FORESTRY REGIME

3.4 The provisions of this Agreement regarding forestry have, among other things, the objective of establishing an adapted forestry regime which will fix particular rules and procedures applicable to the Territory to meet the goals of improved taking into account of the hunting, fishing and trapping activities of the Crees and improved conciliation of forest activities with such activities.

3.5 Subject to adaptations and modifications resulting from the adapted forestry regime for the Territory, Québec's forest standards apply in the Territory. Subject to section 3.75 of this Chapter, such adaptations and modifications shall not be interpreted so as to restrict or limit these standards.

3.6 The forestry regime applicable in the Territory will evolve over the duration of this Agreement taking into account the principles set out herein, any discussions that may take place between the parties in connection with major sustainable forest development issues, and the recommendations of the Cree-Québec Forestry Board.

MODALITIES OF THE ADAPTED FORESTRY REGIME

3.7 Limits of the territorial reference units

3.7.1 For the Territory referred to in section 3.3 of this Chapter as indicated on the map attached as Schedule C-1 of this Agreement, Cree traplines correspond to the territorial reference units (TRU), as provided for in section 18 of the *Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, approved by Order-in-Council n° 1161-2003 of November 5, 2003.

3.7.2 The CNG makes available to the Ministre des Forêts, de la Faune et des Parcs (hereinafter referred to as "Ministre") shapefiles containing the locations of said traplines, and any modifications to the locations where applicable.

3.8 Determination of the development units and calculation of the allowable cuts

3.8.1 For the territory contemplated by section 3.3 of this Chapter as indicated on the map attached as Schedule C-1 of this Agreement, the development units which, in principle, are composed of groupings of Cree traplines, were established jointly by the Crees and the Ministre, as provided for in section 19 and Schedule I of the *Agreement amending the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*, approved by Order-in-Council n° 1161-2003 of November 5, 2003, as amended by

section 12 of the *Agreement amending the Agreement concerning a new Relationship between le Gouvernement du Québec and the Crees of Québec with respect to forestry*, approved by Order-in-council 958-2005 of October 19, 2005.

3.8.2 In the event that a redefinition of the northern boundary line would be required, the Ministre shall consult with the Crees. In the event that a redefinition of the boundaries of the development units would be required, in particular when a modification to the boundaries would require a modification of the groupings of Cree traplines which form the development units, the Crees and the Ministre must proceed jointly to determine new groupings of Cree traplines, and in such case:

a) the groupings of three (3) to seven (7) traplines, with modulations if necessary, shall, as far as possible and with some exceptions, be contiguous and in a single block. To make the groupings, the following criteria shall also be taken into consideration:

—the host Cree community or the kindred relationship of the tallymen and the Cree users of certain traplines;

—the key historical and ecological factors;

—forest structure factors, to improve the distribution of age classes of forest stands.

b) Cree traplines that can only be partially included in a development unit shall be assigned an equivalence value based on the proportion of the Cree trapline that can be included in the development unit as a ratio of the total area of the trapline. Based on this, the fractions of Cree traplines included in the development unit are added to establish an equivalence value.

3.8.3 The allowable cuts and revisions thereto shall be calculated on the basis of these development units, in a manner that incorporates the rules established in this Chapter.

3.8.4 The Ministre shall provide, upon request, the data and the basis of calculation of the allowable cuts for each development unit to the responsible person designated by the Crees. The latter may make recommendations of which he will inform the joint working groups and the Cree-Québec Forestry Board.

3.8.5 If a dispute arises between the Crees and the Ministre in connection with the allowable cut calculation, the Ministre shall retain an independent specialist to make recommendations. The Cree-Québec Forestry Board may then propose a list of specialists to the Ministre. In the event that the Ministre does not select one of the specialists proposed by the Cree-Québec Forestry Board, he shall himself inform directly the Board of the reasons for his decision.

3.9 Areas of special interest to the Cree - Sites of interest to the Cree

3.9.1 Sites of interest are identified and mapped by the Crees, in cooperation with the Ministre. The total area of these sites will not exceed 1% of the total area of a trapline included in a development unit.

No forest development activities may be undertaken in these areas unless the tallyman agrees otherwise. In such cases, specific measures of protection and standards of forest development aimed at satisfying the specific needs of the Cree users will be agreed through the joint working group of each community concerned.

In addition, these sites cannot be the subject of protection measures provided for by the *Sustainable Forest Development Act*, such as biological refuges, with the exception of exceptional forest ecosystems.

3.9.2 In the absence of a Cree tallyman, or of a Cree user designated by the tallyman and able to provide the location of sites of interest to the Cree, another Cree representative may be appointed using the procedure selected by the community.

3.9.3 Sites of interest may include, notably, the following:

- a) Permanent camps;
- b) Seasonal camps;
- c) Traditional, cultural and sacred sites;
- d) Burial sites;
- e) Fruit picking areas;
- f) Archaeological sites;
- g) Sites with archaeological potential;
- h) Extension of protective strips;
- i) Portage trails;
- j) Bear dens;
- k) Waterfowl blinds;
- l) Drinking water supply sources;
- m) Other requests.

3.9.4 The CNG makes available to the Ministre shape-files containing the locations of the sites of interest and any modifications to those locations where applicable, for forest management and development purposes.

3.9.5 Sites of interest to the Cree which, on April 1st, 2013, overlap with biological refuges entered in the register of protected areas established in accordance with the *Natural Heritage Conservation Act* (CQLR, chapter C-61.01) may be moved before December 31, 2016, at the discretion of the Cree tallyman. The prohibition mentioned in the last paragraph of section 3.9.1 of this Chapter does not apply when the Cree tallyman does not move the site of interest to the Cree.

3.10 Areas of special interest to the Cree - Conservation of forested areas presenting wildlife interest for the Cree

3.10.1 Specific management standards are applied to maintain or improve the habitat of very important wildlife species (moose, marten, beaver, hare, fish, caribou, partridge) and portions of each trapline will benefit from specific protection to improve the level of harmonization between forest development activities and traditional activities including hunting, fishing and trapping.

3.10.2 The location of these areas of wildlife interest will be under the direct responsibility of the Cree tallyman, in a spirit of cooperation with other stakeholders on the Territory. The boundaries of the areas of special interest are identified on the basis of analyses identifying certain parts of watersheds that are particularly productive or intensively used by the Crees. The surface area of these sites of wildlife interest must in principle cover 25% of the productive forest area of each trapline included in a development unit without exceeding this percentage of 25%.

3.10.3 In the absence of a Cree tallyman, or of a Cree user designated by him and capable of identifying the forested areas presenting wildlife interest for the Cree, another Cree representative may be designated according to the method chosen by the community.

3.10.4 Within the selected areas, forest development activities will be planned with the priority goal of maintaining and improving a diversity of ecoforest stands, in terms of plant species, age classes and spatial distribution. With this in mind, it is possible to intervene in order to rejuvenate certain stands while still maintaining productive habitats throughout these areas of particular interest to Cree families.

3.10.5 Within the selected areas, the following measures must be applied:

a) Only mosaic cutting should be applied in these areas, unless better techniques are developed to protect wildlife habitats;

b) when planning mosaic cutting, the terms and conditions set out in Schedule C-2 of this Agreement are applied with the following amendments:

i) at least 50% of the productive area within stands over seven (7) meters in height must be left standing. At least 10% of this area is composed of forests over ninety (90) years old;

ii) within the selected areas, the location of the residual forest blocks to be preserved is decided by the Ministre, in cooperation with the Cree tallyman;

iii) the blocks are spread over the area in such a way that they are interconnected. Where necessary, breaks in the hiding cover should not be more than thirty (30) meters wide;

iv) the residual forest must be left standing for a period long enough to allow the forest regeneration to reach a minimum average height of seven (7) meters;

c) with the consent of the Cree tallyman, the area annually subjected to harvesting could exceed the applicable annual rates listed below, to the extent that, over a maximum of two (2) years, the total area harvested respects the sum of these annual rates. In such case, logging will not be permitted in these areas during the year following the aforesaid period of two (2) years.

If an agreement cannot be reached with the Cree tallyman, the annual rate of harvesting authorized in forested areas presenting wildlife interest to the Cree will be modulated according to the level of prior disturbance in each trapline. In a trapline where the level of disturbance in the last twenty (20) years is less than 15%, new logging activities may be carried out on an annual maximum of 4% of the productive area of the forested areas presenting wildlife interest of said trapline. This annual percentage should be reduced to 3% when the overall level of disturbance is between 15% and 30%, and to 2% when the overall level of disturbance is between 30% and 40%.

3.10.6 Within the selected areas, special attention is given in order to limit the installation of major access roads built for extraction of forest products.

In cases where it is not possible to limit such installation, the reasons will be presented in the concerned integrated forest development plan.

3.10.7 The CNG makes available shapefiles containing the locations of forested areas presenting wildlife interest for the Cree, and any modifications to those locations where applicable, to the Ministre for forest management and development purposes.

3.11 Maintaining forest cover in the whole of each trapline

3.11.1 The following measures are taken to ensure the protection of a residual forest cover:

a) conservation, per trapline, of a minimum of 30% of the productive surface area composed of stands measuring more than seven (7) meters in height;

b) logging will not be permitted in traplines that have been logged or burnt over more than 40% of their productive surface area in the last twenty (20) years;

c) 75% of the logging carried out must be mosaic cutting with protection of regeneration and soils (CPRS) (see the definition of mosaic cutting in Schedule C-2), unless mutually acceptable techniques are developed to better protect wildlife habitats;

d) limit to a maximum of one hundred (100) hectares the size of a single-block cutting area in sectors where cutting with separator strips will be carried out. In addition, 40% of the total logged area must be composed of blocks of less than fifty (50) hectares;

e) with the consent of the Cree tallyman, the area annually subjected to harvesting could exceed the applicable annual rates listed below, to the extent that, over a maximum of two (2) years, the total area harvested respects the sum of these annual rates. In such case, logging will not be permitted in these areas during the year following the aforesaid period of two (2) years.

If an agreement cannot be reached with the Cree tallyman, the annual rate of harvesting authorized will be modulated according to the level of prior disturbance in each trapline. A trapline where the level of disturbance in the last twenty (20) years is less than 15% should be subject to CPRS up to an annual maximum of 8% of the productive forest area. This annual percentage should be reduced to 6% when the overall level of disturbance is between 15% and 30%, and to 4% when the overall level of disturbance is between 30% and 40%.

f) protect tall regeneration, where the situation allows;

g) use silvicultural practices that foster the maintenance of diversified habitats, in particular by avoiding the elimination of hardwood trees (see Schedule C-3 of this Agreement);

h) develop a separate forest development approach for mixed stands (see Schedule C-3 of this Agreement);

i) develop directives guiding the elaboration of development strategies that can take into account the protection and development of wildlife habitats (see Schedule C-3 of this Agreement).

3.12 Protection of forests adjacent to watercourses and lakes

3.12.1 The following measures are taken to ensure the protection of forests adjacent to watercourses and lakes:

a) a twenty (20) meters wide protective strip is preserved on each side of all permanent watercourses and around lakes.

b) In order to address concerns related to the maintaining of a variety of wildlife habitats near major rivers, along rivers more than five (5) meters wide, a forest strip more than two hundred (200) meters wide will be maintained along one of the banks. Cutting areas should be distributed alternatively along the two banks of such rivers. Therefore, only mosaic cuttings can be authorized within the two hundred (200) meters band along the banks of such rivers.

c) To preserve the aesthetic appearance of landscapes along the shore of large lakes with a surface area of more than five square kilometers (5 km²), only mosaic cuttings will be allowed in forests that are visible from the shores of the lake, for a distance of one point five kilometer (1.5 km).

3.13 Mechanism related to biological refuges

The location of biological refuges, known but not registered as of April 1st, 2013, in the register of protected areas established in accordance with the *Natural Heritage Conservation Act*, shall be reviewed by the Ministre in order to take into account, notably, the Cree tallyman needs, including the need related to the enhancement of the protection of forests close to watercourses. The Cree tallyman needs are determined with the support of the joint working groups. Such modifications of location must be made before December 31, 2018. The prohibition mentioned in the last paragraph of section 3.9.1 does not apply to biological refuge for which the location has not been modified through this process.

3.14 Natural and human disturbances

3.14.1 If substantial damage to timber stands in a forest area is caused by a natural disturbance or human influence, special measures described in a guide annexed hereto as Schedule C-5 of this Agreement are applied through a special development plan. In such a case, sections 3.10.5, 3.11, 3.12 and Schedule C-2 of the Agreement do not apply.

3.14.2 The guide contains notably the mandatory content of a special development plan, the tools required to prepare it and special development modalities to be applied, depending on the severity of the disturbance and the condition of the trapline. The Ministre and the CNG can agree to modify the guide through a letter agreement.

3.14.3 Special development plans and amendments thereto are prepared and established in accordance with the rules applicable to the integrated forest development plans described in Schedule C-4 of this Agreement. In doing so, the Ministre must take concerted action with the Cree tallyman regarding the general outline and severity of the disturbance, the road network development and the location of salvage blocks.

3.14.4 In order to elaborate special development plans, the Ministre, among other things and when possible, uses the most appropriate methods (satellite images, aerial photos, aerial surveys) in order to establish the general outline and severity of the disturbance.

3.14.5 The areas of special interest to the Cree identified pursuant to sections 3.9 and 3.10 of this Chapter that are impacted by such a disturbance may be moved, at the discretion of the Cree tallyman.

3.14.6 As soon as possible after the completion of the special development plan, the Ministre provides the disturbance statistics to the relevant joint working group and to the CNG.

3.15 Development of the road access network

3.15.1 To facilitate the harmonization of the various uses of the Territory, the road network development must be subject to concerted action between the Ministre and the tallyman responsible for each trapline.

Due consideration shall be given to:

a) limit the number of road connections between two traplines. In this spirit, road junctions must be planned in such a manner as to form closed circuits that do not permit easy passage to the roads of neighbouring traplines. The construction of winter roads may also be encouraged in areas where limiting connections are desirable;

b) limit the construction of new direct access routes from forestry roads to permanent watercourses and lakes except for the construction of bridges and culverts.

3.15.2 The possibility of a temporary or permanent closure of roads may be addressed through the participation process for the planning contemplated by Schedule C-4 of this Agreement. Roads which may be subjected to a temporary or permanent closure may be submitted to the Ministre by the joint working groups. The Ministre may close these roads after consulting the relevant integrated resource management panel and the relevant bodies (for the Category II lands of the Territory: the CNG; for the Category III lands of the Territory: the EIJBRG).

3.15.3 When a culvert or a bridge is constructed, the Ministre shall use the best available practices to protect the important spawning grounds. These best practices, such as those defined for the wildlife sites of interest (also known as “SFI”, for the acronym of “Site Faunique d’Intérêt”), will be described in the wildlife habitat management directives contemplated in Schedule C-3 of this Agreement. The identification of important spawning grounds can notably be made through the participation process for the planning contemplated by Schedule C-4 of this Agreement.

IMPLEMENTATION MECHANISMS

3.16 Three (3) levels of intervention are provided for: a) the Cree-Québec Forestry Board; b) the joint working groups; and (c) the joint working group coordinators.

CREE-QUÉBEC FORESTRY BOARD

3.17 The main functions of the Cree-Québec Forestry Board are to allow for close consultation of the Crees during the different steps of planning and managing forest development activities in order to implement the adapted forestry regime.

3.18 The CNG and Québec shall each appoint five (5) members to the Cree-Québec Forestry Board. In addition, a Chairperson shall be appointed to the Cree-Québec Forestry Board by le Gouvernement du Québec upon recommendation of the Ministre.

3.19 Before recommending to le Gouvernement du Québec a person to be appointed as Chairperson of the Cree-Québec Forestry Board, the Ministre must consult with the CNG on possible candidates in order to reach a joint recommendation.

3.20 Failing a joint recommendation by the Ministre and the CNG on a candidate for Chairperson of the Cree-Québec Forestry Board, the Ministre:

a) must submit a candidate to the CNG which will have a delay of thirty (30) days to accept or refuse to agree to the appointment;

b) in case of refusal by the CNG, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the Ministre must submit another candidate to the CNG which will again have a delay of thirty (30) days to accept or to refuse to agree to the appointment;

c) in case of a second refusal by the CNG, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the Ministre must submit another candidate to the CNG which will again have another delay of thirty (30) days to accept or refuse to agree to the appointment;

d) in case of a third refusal by the CNG, the candidate may not be appointed as Chairperson of the Cree-Québec Forestry Board and the Ministre may either continue submitting other candidates to the CNG, though not obliged to do so, or recommend another candidate to le Gouvernement du Québec for appointment as Chairperson of the Cree-Québec Forestry Board.

3.21 Unless the CNG and Québec agree otherwise, the Chairperson of the Cree-Québec Forestry Board may not be employed by le Gouvernement du Québec or a Crown corporation and cannot have a financial interest in, or be an employee of, any forestry enterprise having interests in the Territory.

3.22 The members appointed by the CNG and Québec shall be appointed and replaced from time to time at the discretion of the respective appointing party. The Chairperson shall however be appointed for a fixed term not exceeding three (3) years. The term of the Chairperson is not renewable unless the CNG and Québec agree otherwise. At the end of his mandate of three (3) years, the Chairperson shall remain in office until the appointment of his successor, who shall be appointed within twelve (12) months from the end of his mandate.

3.23 The Vice-Chairperson of the Cree-Québec Forestry Board shall be appointed by the members of that Board from among those members appointed by the CNG.

3.24 The Chairperson, or any member designated by the Chairperson in his absence, presides over the meetings.

3.25 Quorum at meetings of the Cree-Québec Forestry Board shall be a majority of its members insofar as at least three (3) members appointed by the CNG and three (3) members appointed by Québec are present.

3.26 A member of the Cree-Québec Forestry Board may, upon being appointed, execute a written proxy in the form provided by the Cree-Québec Forestry Board in favour of another member. The holder of such a proxy has the right to vote and otherwise act in the place of the absent member from whom the proxy has been obtained, in addition to the voting and other rights that the member holding the proxy is entitled to exercise in his or her own right.

3.27 The members appointed by the CNG may be accompanied at meetings of the Cree- Québec Forestry Board by up to two (2) technical advisors who will have the right to address the Cree-Québec Forestry Board and participate in its deliberations but who will not have the right to vote. The members appointed by Québec may also be accompanied by up to two (2) technical advisors under the same conditions. The joint working group coordinators may also accompany the members in addition of the two (2) technical advisors.

3.28 Every decision at the Cree-Québec Forestry Board shall be made by a majority of the votes cast. Dissents by Board members shall be recorded and reported.

However, in the case where the decision of the Board relates to a forest planning issue, the members of a party directly in charge of said planning will not be entitled to vote. In such a case, the number of members appointed by the other party and having the right to vote shall be reduced proportionally.

3.29 The Cree-Québec Forestry Board shall meet at least six (6) times each year unless its members decide otherwise. Such meetings will be held regularly in the Territory. The Board may hold its meetings elsewhere in Québec if necessary.

3.30 A secretariat is hereby created for the needs of the Cree-Québec Forestry Board. The secretariat is located in Waswanipi. The Ministre shall make available to the secretariat all relevant and available information required for the adequate execution of its mandate and operations.

In order to implement the previous paragraph related to the location of the secretariat, the parties agree to put in place a bipartite committee in order to:

a) evaluate the office space and lodging possibilities for the secretariat in Waswanipi;

b) recommend to the parties ways to ensure the gradual location of the secretariat in Waswanipi for a definitive location before December 31, 2018.

The parties are equally represented on this committee.

The location of the secretariat in Waswanipi is confirmed by a letter agreement between the Ministre and the CNG.

3.31 The Cree-Québec Forestry Board may establish and adopt by-laws regulating its own internal operations, including notice and place of its meetings and other matters relating to the administration of the Cree-Québec Forestry Board. Such by laws must be in conformity with the provisions of this Chapter and will be subject to the approval of a majority of members appointed by the CNG and a majority of members appointed by Québec.

3.32 The Cree-Québec Forestry Board shall have the following main responsibilities:

a) to monitor, analyse and assess the implementation of the forestry provisions of this Agreement which contemplate an adapted forestry regime for the Territory;

b) to recommend to the parties, as the case may be, adjustments or modifications to the forestry provisions of this Agreement;

c) to bring to the attention of the Ministre proposals, preoccupations and comments related to laws, regulations, policies, programs, management guides and field guides related to forestry as well as guidelines, directives or instructions related to the elaboration of all integrated forest development plans;

d) to review the implementation mechanisms for the joint working groups regarding the elaboration, the consultations, and the monitoring of all integrated forest development plans applicable in the Territory;

e) to be involved in the different planning processes of forest development activities in the Territory and to participate in the different stages of the management of forest activities, in particular those connected to the review of the integrated forest development plans prior to their coming into force, as well as in regard to proposed modifications to those plans. The Board will have sixty (60) days from the receipt of the tactical and operational plans and forty-five (45) days from the receipt of the modifications to make comments to the Ministre prior to the coming into force of the plans or modification thereto; the Ministre may extend these timeframes if he considers it appropriate;

f) any other responsibilities in regard to forestry which may be assigned to it from time to time jointly by the parties.

3.33 The Ministre shall consider the comments and views of the Cree-Québec Forestry Board and shall himself inform it directly of his position or, as the case may be, of the main reasons justifying his decision, within a reasonable timeframe.

3.34 The Cree-Québec Forestry Board must produce and submit to the parties an annual report.

JOINT WORKING GROUPS

3.35 Joint working groups operate in each Cree community.

3.36 The joint working group for the community of Nemaska, Mistissini, Waskaganish and Oujé-Bougoumou is composed of four members, and the joint working group for Waswanipi is composed of six members.

3.37 The Cree members of the joint working group are appointed by the CNG. The Québec members of the joint working groups are appointed by the Ministre. Members of the joint working group cannot be in charge of the elaboration of the integrated forest development plans.

However, the responsible persons for the elaboration of integrated forest development plans may attend the meetings of the joint working groups, when requested by the Cree tallymen.

3.38 The Cree members and the Québec members shall be replaced from time to time at the discretion of the respective party.

3.39 Each joint working group may adopt any internal operating rule, such as the use of specific mapping standards and statistical tables in accordance with sections 35 and 36 of Schedule C-4 of this Agreement, that is consistent with its mandate and with the basic procedures established by joint working group coordinators.

3.40 If the parties so agree, the number of members of the joint working groups may be modified to take into account the particular circumstances of each community. However, joint working groups must be of equal representation from both parties.

3.41 Each party shall identify one representative who shall be responsible for ensuring the smooth progress of the work.

3.42 In all cases in which the joint working groups make recommendations, they may be unanimous or not. In the latter case, the respective positions of the members of the joint working groups shall be sent to the Ministre and to the Cree-Québec Forestry Board.

3.43 The joint working groups have the following mandate:

a) to integrate and implement the specific rules agreed upon in this Chapter;

b) when required, to elaborate harmonization measures flowing from the technical provisions of this Chapter;

c) to ensure that each party places all relevant and available forestry-related information at the disposal of the other party;

d) to review conflictual uses in order to find acceptable solutions;

e) to discuss any technical issues, including the acquisition of knowledge considered necessary by the joint working group;

f) to ensure the implementation of the processes relating to the elaboration, consultation and monitoring of the forest development plans;

g) to adopt internal operating rules;

h) to inform the Ministre of their proposals in regard to temporary or permanent closing of roads.

3.44 In all cases in which the Ministre receives recommendations from the joint working groups, he must take into consideration the recommendations of the joint working groups, of their members and of the conciliator appointed pursuant to Schedule C-4 of this Agreement, he must explain, within a reasonable timeframe, his position and must inform the joint working groups of his reasons for not accepting the recommendations or corrections sought, as the case may be.

3.45 The Ministre shall provide the Cree members of the joint working groups with the necessary and available ecological and forestry information as well as the data from the forest inventory (including the digital format) and computer programs developed by and for the Ministre so as to allow them to perform their activities and mandates. This includes, among others, ecoforestry maps, silvicultural and ecological guides as well as the standards established by the Ministre in respect to forest development activities.

3.46 Each joint working group shall identify the relevant documents that shall be drafted and provided in terms and language understood by the Crees and the Cree communities. It is understood that, at the very least, the Cree section of the tactical integrated forest development plans shall be entirely translated into English by the Ministre. Moreover, summaries of plans and documents deemed to

be important by each joint working group shall be provided by the Ministre in English. To this end, the parties will agree during the implementation of the present adapted forestry regime on lists of documents that are deemed important and of summaries to be provided in English.

3.47 The joint working groups shall make the information they have available to the Cree tallymen for use in the process of elaboration, consultation and monitoring of forest development plans.

3.48 If so required by the Cree tallyman, the joint working groups shall take all necessary measures to protect the confidentiality of the information derived from Cree traditional expertise and may, at their discretion, establish a system of identification and protection of such information.

This system of identification and protection of information includes the measures designed to protect the confidentiality of the information derived from Cree traditional expertise agreed in December 2006 between the Ministre and the CNG and their subsequent amendments.

3.49 The stages of the elaboration, consultation and monitoring of forest development plans are described in Schedule C-4 of this Agreement.

3.50 A copy of harvesting agreements, permits to harvest timber to supply a wood processing plant and timber sale contracts entered into by the Bureau de mise en marché des bois and their modifications, applicable to the Territory described in section 3.3 of this Chapter, is transmitted, upon request, to the Joint Working group coordinators by the Ministre. However, no confidential information pursuant to an *Act respecting Access to documents held by public bodies and the Protection of personal information* (CQLR, chapter A-2.1) will be so transmitted.

JOINT WORKING GROUP COORDINATORS

3.51 The main function of the coordinators of the joint working groups is to ensure that, despite their local specificities, the joint working groups contribute to the implementation of the adapted forestry regime of this Agreement.

3.52 The Cree coordinator of the joint working groups is appointed by the CNG. The Québec coordinator of the joint working groups is appointed by the Ministre.

3.53 The coordinators have the following mandate:

a) to establish basic procedures to be followed by joint working groups. Such procedures may, notably, specify the functioning of the meetings held with Cree tallymen within the context of the planning process of forest development activities;

b) to report periodically to the Cree-Québec Forestry Board of the operations of the joint working groups;

c) to provide support to and to supervise the members of the joint working groups when they address conflicting issues;

d) to provide to the joint working groups the information they require for the application of the adapted forestry regime or to acquire such information from the parties;

e) to inform the Cree-Québec Forestry Board and the respective parties of amendments or modifications to the Agreement which are, in their opinion, required to ensure the implementation of the adapted forestry regime;

f) to jointly submit to the Ministre a statement of the situation together with their recommendations, in accordance with section 20 of Schedule C-4 of this Agreement.

FUNDING

The funding of the Cree-Québec Forestry Board and the joint working groups shall be as follows:

3.54 Each party shall assume the remuneration and the travel costs of its own members on the Cree-Québec Forestry Board.

3.55 The remuneration and the expenses of the Chairperson of the Cree-Québec Forestry Board shall be assumed by Québec.

3.56 Each party shall assume the costs of the members of the joint working groups and the coordinator that they appoint.

3.57 Each party shall assume half the costs of the Cree-Québec Forestry Board and the joint working groups, it being understood that the costs are presently estimated at a total of one million dollars (\$1,000,000) per Financial Year.

3.58 Québec shall assume the reasonable costs of providing the tools and the relevant and available information for the purposes of the application of the adapted forestry regime.

EFFECT OF THE ADAPTED FORESTRY REGIME

3.59 The adapted forestry regime shall not have the effect of modifying the boundaries of the Cree traplines. Furthermore, it shall not affect the hunting, fishing and trapping rights of the Crees provided for in the JBNQA for this Territory, including the harvesting rights provided for in Section 24 of the JBNQA.

ACCESS TO FOREST RESOURCES

3.60 Québec shall guarantee to the Cree Enterprises an annual volume of three hundred fifty thousand (350,000) cubic meters of timber within the limits of the commercial forest situated in the Territory in order to encourage and facilitate employment and contracts to James Bay Crees and to Cree Enterprises. For further clarification, this timber volume is guaranteed and shall be in addition to any timber volume found on Category I lands.

3.61 This timber volume shall be allocated pursuant to the provisions of the *Sustainable Forest Development Act*. Prior recommendations may be made by the CNG to the Ministre in regard to the type of the forestry right granted.

3.62 The distribution of this timber volume is determined by the CNG, who will notify the Ministre thereof.

3.63 At the request of the Crees, all or a part of the annual timber volume provided for in section 3.60 of this Chapter may be sold on the open market by the Bureau de mise en marché des bois of the Ministre. When the Bureau is selling such timber, the sale is made upon the conditions it determines and free of administrative fees until March 31, 2022.

EMPLOYMENT AND CONTRACTS

3.64 Québec will encourage forestry enterprises operating in the Territory to employ James Bay Crees in their forestry activities and to provide contracts to James Bay Crees and Cree Enterprises and will facilitate such employment and contracts by:

- a) requiring such forestry enterprises to provide in their forestry reports:
 - i) the number of Crees employed as well as the number of contracts concluded with Crees and Cree Enterprises;
 - ii) the employment and contract opportunities expected in the subsequent year;
- b) providing such information to the CNG;
- c) facilitating and encouraging forums and discussions between the James Bay Crees and the forestry enterprises operating in the Territory in order to review employment, contracts and partnership opportunities in forest activities.

3.65 Québec encourages access by Cree Enterprises to contracts to carry out non-commercial silvicultural works. Accordingly, the opportunity to conclude contracts for 15% of the budget of non-commercial silvicultural works (including land preparation, reforestation and pre-commercial thinnings) to be carried out within the Territory

shall be offered to Cree Enterprises in priority, until March 31, 2020. This opportunity to conclude contracts that is offered in priority to Cree Enterprises depends on a quality assessment of the work carried out according to the criteria established by the Ministre.

The CNG shall, not later than December 31, 2018, agree with the Ministre on a mechanism allowing to annually identify the Cree Enterprises to which the opportunity to conclude these contracts shall be offered. This mechanism shall be based on a set of criteria, such as Cree participation in businesses, employment and contracts.

Before March 31, 2020, the CNG and the Ministre may negotiate to renew this opportunity, offered in priority, to conclude contracts for 15% of the budget of non-commercial silvicultural works (including land preparation, reforestation and pre-commercial thinnings) to be carried out in the Territory.

CREE-QUÉBEC FORESTRY ECONOMIC COUNCIL

3.66 The Cree-Québec Forestry Economic Council (CQFEC) is composed of an equal number of representatives designated by the CNG and by the Ministre. Forestry enterprises may be invited to participate in the works of the CQFEC.

3.67 The CQFEC shall promote the development of economic and business opportunities for the Crees in forest development activities. It shall also ensure the implementation of sections 3.64 to 3.70 of this Chapter.

3.68 The CNG ensures the availability of a list of Cree Enterprises that are interested in carrying out forest development activities to the CQFEC.

3.69 a) The CNG shall hold discussions with the Waswanipi Band, the Cree Nation of Mistissini, the Ouje-Bougoumou Band, the Cree Nation of Nemaska and the Crees of the First Nation of Waskaganish in order to review the options available to find better ways to use the guaranteed annual volume of section 3.60 of this Chapter, with a view to enhance Cree involvement in forestry businesses, employment and contracts;

b) The CQFEC shall:

(i) gather and provide relevant information to enhance the discussions referred to in paragraph a) of this section;

(ii) review and provide available options in order to find better ways to use the guaranteed annual volume of section 3.60 of this Chapter with a view to enhance Cree involvement in forestry businesses, employment and contracts; and

(iii) suggest to the Standing Liaison Committee ways to resolve any dispute relating to economic issues that may arise between the parties.

3.70 At the latest on December 31, 2018, the CQFEC recommends to the parties ways for the provisions of sections 3.64 to 3.70 of this Chapter to evolve in order to improve the Cree economic involvement in forest development activities.

FIREWOOD

3.71 In order to respond to the needs of the Cree trappers for firewood, non-Aboriginal holders of permits delivered to this end in virtue of the *Sustainable Forest Development Act* shall not harvest firewood within an area of seventy-five (75) hectares surrounding each permanent Cree camp. It is understood that this measure shall apply outside of the area identified around each permanent camp as a site of special interest for the Crees.

3.72 In cases where there is no firewood available near the camp, firewood cutting areas covering seventy-five (75) hectares are set aside and the Ministre will not deliver any firewood harvesting permits to non-Aboriginals within such areas.

3.73 No harvesting firewood permit for commercial purposes is delivered in forested areas presenting wildlife interest for the Cree identified pursuant to section 3.10 of this Chapter.

AGREEMENTS WITH FORESTRY ENTERPRISES

3.74 Nothing in this Agreement precludes or restricts agreements between Cree individuals or Bands and forestry enterprises.

CONFLICT AND INCOMPATIBILITY

3.75 Subject to the provisions of the JBNQA, in the case of a conflict or incompatibility between the *Sustainable Forest Development Act* and the regulations thereunder or any other related law and the present adapted forestry regime, the provisions of the adapted forestry regime shall take precedence to the degree necessary to resolve such conflict or incompatibility.

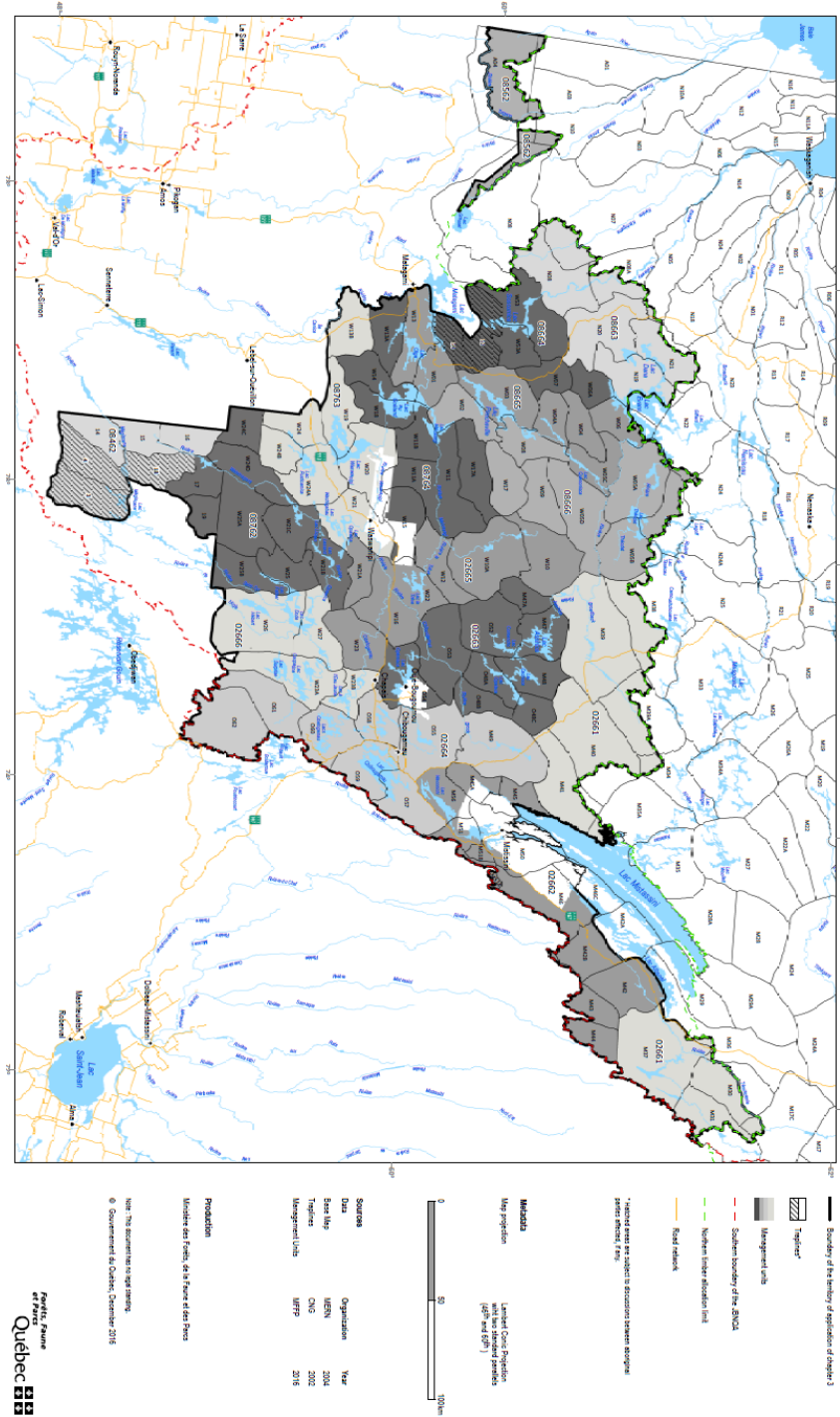
SCHEDULE

3.76 Schedule C of this Agreement, which includes Part I (C-1), Part II (C-2), Part III (C-3), Part IV (C-4) and Part V (C-5) forms an integral part of this Chapter.

SCHEDULE C
FORESTRY

Part I (C-1) - MAP OF THE TERRITORY OF APPLICATION OF CHAPTER 3

Schedule C - Forestry
Part I (C-1) - Map of the Territory of Application of Chapter 3



Part II (C-2) - MOSAIC CUTTING WITH PROTECTION OF REGENERATION AND SOILS

A) Definition

Cutting with protection of regeneration and soils carried out in such a way as to preserve an area of forest between two cutting areas that is at least equivalent in area to the stand harvested.

B) Evaluation criteria

Given that the goal is to offer an alternative to the use of separator strips in a given area, logging operations must therefore be distributed so as to promote and maintain, both temporally and spatially, a set of blocks of different shapes and sizes. Thus:

a) for each logging sector identified in an integrated operational forest development plan (PAFIO), the residual stands to be preserved and those to be cut are shown clearly on maps;

b) subject to the forest development strategies adopted in the tactical integrated forest development plan (PAFIT), in the first phase, logging priority is given to the most mature stands, in order to minimize timber losses;

c) the harvested areas vary in size. At least 20% of the blocks must be less than fifty (50) hectares and at least 70% must be less than one hundred (100) hectares. No more than 30% of the blocks are larger than one hundred (100) hectares, and no block may exceed one hundred and fifty (150) hectares;

d) the residual stands to be preserved are located in priority in mixed forests, as they are relatively rare and play an important role as wildlife habitats;

e) the forest to be preserved between two cutting areas is at least equal in size to the area of the stand harvested (this equivalency may also be calculated for a set of stands located within an annual harvesting sector);

f) the residual forest is composed of productive forest stands more than seven (7) meters high (this will include many remaining stands of twelve (12) meters high, in light of the present composition of the standing forest);

g) the residual forest between two cutting areas is at least two hundred (200) meters wide (long strips of unvarying width must be avoided);

h) the residual forest is left standing for a period long enough to allow the new growth to achieve the required level of development (minimum three (3) meters);

i) except for protective strips described at paragraph a) of section 3.12.1 of Chapter 3 of this Agreement, no residual forest may overlay an existing legally protected area or a site described at section 3.13 of Chapter 3 of this Agreement unless the cree tallyman agrees otherwise.

Part III (C-3) - MAINTENANCE OF A FOREST COVER

A) Hardwood Component in the Whole of each Cree Trapline

In pre-commercial thinning and stand release operations, special attention is given to the conservation of different habitats. For example, it is possible to:

—preserve a certain number of small fruit trees such as sorb and cherry trees;

—preserve hardwood trees in open spaces where there are no coniferous trees;

—provide for operations to be spread over two phases, two (2) or three (3) years apart, in sectors where large regenerated areas are the object of such work;

—on certain rich sites conducive to good hardwood growth, promote the maintaining of enough hardwood trees to ensure the development of mixed forests.

B) Protection of Pre-established Regeneration in the Whole of each Cree Trapline

To limit the impacts of extensive logging in the Territory, it is important to improve the protection given to pre-established regeneration, especially tall regeneration whose presence shortens the revegetation period and restores good habitats for small wildlife species such as hare.

When the conditions allow, cuttings with protection of regeneration and soils must be carried out under a special framework in order to protect tall regeneration. To do this, the following is required:

—adopt appropriate logging techniques (such as multi-functional cutting heads) that leave the best regenerating trees intact;

—select appropriate hauling equipment to limit damage to the new growth;

—survey the new growth before logging, in order to identify the stands that have tall under-storey regeneration.

C) Mixed Forest Stands Development Strategy

Given the importance of mixed stands as wildlife habitats and their rarity in the Territory, it is necessary to develop a distinct development approach for these stands. To this effect, a development guide applicable specifically to the mixed forests is elaborated by the Ministre in close collaboration with the CNG prior to April 1st, 2018. The wildlife and forest-related development objectives will be described, as well as the operational methods required to maintain and renew these stands (logging techniques, features of the stands to be preserved, etc). A copy of the development guide is forwarded to the Cree-Québec Forestry Board for comment and recommendation.

D) Wildlife Habitat Development Directives

Prior to April 1st, 2018, the Ministre elaborates, in close collaboration with the CNG, practical directives guiding the forest development planning process in order to foster the protection and development of wildlife habitats. The Ministre retains the required services of governmental expertise in this field. A copy of the directives is forwarded to the Cree- Québec Forestry Board for comment and recommendation.

Part IV (C-4) - ELABORATION, CONSULTATION AND MONITORING OF FOREST DEVELOPMENT PLANS

OBJECTIVES OF THE JOINT WORKING GROUPS

1. Without restricting the generality of the provisions of the present Agreement, the creation of joint working groups in the concerned Cree communities has, amongst others, the following objectives:

—to ensure the real and significant participation of the Crees in the planning of forest development activities in the Territory in keeping with the principles established in the Agreement;

—to ensure that forest development takes into account the protection of wildlife habitats, and;

—to resolve disputes between users in regard to forestry as they arise.

OBJECTIVES OF LOCAL INTEGRATED LAND AND RESOURCE MANAGEMENT PANELS

2. The integrated resource management table and the local integrated land and resource management panels established in accordance with the *Sustainable Forest*

Development Act and the *Agreement on Governance in the James Bay Eeyou Istchee Territory between the Cree of Eeyou Istchee and the Gouvernement du Québec* (hereinafter referred to as “local integrated land and resource management panels”) are respectively set up to pursue the following goals:

a) on the Category II lands of the Territory, to ensure that the interests and concerns of the Cree are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Prior to this, the CNG takes concerted action with the Cree tallymen and other Cree stakeholders concerned in this respect;

b) on the Category III lands of the Territory to ensure that the interests and concerns of the relevant Crees and the relevant Jamésiens are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Prior to this, the EIJBRC takes concerted action with all the relevant Cree and Jamésiens stakeholders in this respect. Cree and Jamésiens stakeholders are equally represented on those panels.

CONSULTATION WITH CREE TALLYMEN AND OTHER RELEVANT CREE STAKEHOLDERS

3. The joint working groups consult with the Cree tallymen and other relevant Cree stakeholders about forest development activities in order to provide information to the local integrated land and resource management panels prior to the elaboration and consultation process related to forest development plans.

Concerning the Category II lands of the Territory, these consultations are carried out under the supervision of the CNG, as provided for by section 2a) of this schedule. In addition, representatives of the Ministre who are members of the relevant local integrated land and resource management panels, may be invited to take part in the meetings of the joint working groups.

A) ELABORATION AND CONSULTATION PROCESS FOR FOREST DEVELOPMENT PLANS

4. The planning process is afterwards implemented in accordance with the measures provided for by the adapted forestry regime and in a manner to take into account the local objectives and the harmonization measures agreed upon by the local integrated land and resource management panels.

TACTICAL INTEGRATED FOREST DEVELOPMENT PLAN (PAFIT)

As stipulated in the *Sustainable Forest Development Act*, the tactical plan covers a five- year period and contains, among other things, the allowable cuts assigned to the unit, the sustainable forest development objectives, the forest development strategies adopted to ensure that allowable cuts are respected and its objectives are achieved, and the location of the main infrastructures and the areas of increased timber production. In the event the Ministre identifies potential areas of increased timber production in the Territory, the Ministre shall consult with the Crees.

Preparing the Tactical Plan

5. The tactical plan contains a Cree section presenting the location of the sites of interest to the Cree and the forested areas presenting wildlife interest for the Cree. It also contains a statistical overview of the state of the forest in the whole of the Cree trapline, and in the sites of interest to the Cree and the forested areas presenting wildlife interest for the Cree. In addition, it contains a register of the tactical harmonization measures adopted by the Ministre which concern the Crees. The Cree section is not subject to the public consultation process provided for by section 11 of this schedule, neither is it forwarded, as provided for by section 6 thereafter, to the relevant local integrated land and resource management panel in the Category III lands of the Territory.

6. Following the preparation of the draft tactical plan, the Ministre submits it to the relevant local integrated land and resource management panel, in order to ensure that its content is compatible with the interests and concerns of the relevant Cree stakeholders and, with regard to the Category III lands of the Territory, with those of the relevant Jamésien stakeholders. The panel must submit its recommendations to the Ministre no later than thirty (30) days after it receives the draft tactical plan.

With respect to Category II lands of the Territory, each party of the local integrated land and resource management panel can request that a concern, an interest or a local sustainable forest development objective determined by this panel and that has not been taken into account by the Ministre be submitted to a committee composed of a person designated by the CNG and a person designated by the sous-ministre des Forêts, de la Faune et des Parcs from his office. This committee has thirty (30) days, after receipt of this request, to submit its recommendations to the Ministre. The Ministre informs the parties of his decision and his reasons thereof.

With respect to Category III lands of the Territory, a local integrated land and resource management panel can request that a concern, an interest or a local sustainable forest development objective determined by this panel and that has not been taken into account by the Ministre be submitted, with the consent of the EIJB RG, to a committee composed of a person designated by the EIJB RG and a person designated by the sous-ministre des Forêts, de la Faune et des Parcs from his office. This committee has thirty (30) days, after the reception of this request, to submit its recommendations to the Ministre. The Ministre informs the parties of his decision and his reasons thereof.

7. The Ministre adjusts the draft plan if necessary.

Finalization of the Tactical Plan

8. The plan is sent to the joint working groups in each community, and to the Cree-Québec Forestry Board, which ensures that it is processed in accordance with its mandate.

9. No later than thirty (30) days after receiving the plan, the joint working groups transmit their recommendations concerning the submitted plan to the Ministre and to the Cree-Québec Forestry Board, and request any modifications that may be necessary.

10. The Ministre adjusts the plan if necessary.

11. The public consultation is then held by:

a) with regard to planning of forest development activities of the Category II lands of the Territory, the local integrated land and resource management panel;

b) with regard to planning of forest development activities of the Category III lands of the Territory, the EIJB RG;

The body responsible of public consultation sends to the Ministre, no later than thirty (30) days after the public consultation, a report summarizing the comments obtained in the course of the consultation and propose any solutions it deems appropriate where divergent opinions exist.

The Ministre participates in the public consultation in order to provide explanations on the content of the plan.

12. The joint working groups may at this stage assist the concerned communities to participate in the consultations, if the council of each Cree community so chooses, within the framework of the public consultation process.

13. If necessary, the Ministre adjusts the plan before deciding on the date on which it will come into force.

Modifications to the Tactical Plan

14. Amendments to the tactical plan are subject to the same preparation and finalization process as described above.

INTEGRATED OPERATIONAL FOREST DEVELOPMENT PLAN (PAFIO)

As provided for by the *Sustainable Forest Development Act*, the operational plan basically sets out the forest operations zones in which timber harvesting or other forest development activities are planned under the tactical plan. It also contains the harmonization measures adopted by the Ministre.

15. More precisely, the PAFIO covers the period when the PAFIT applies which corresponds to a period of five (5) years.

The PAFIO also contains a register of the operational harmonization measures of land use adopted by the Ministre and which concern the Crees. This register is not subject to the public consultation process provided for by Section 27 of this Schedule, neither is it forwarded, pursuant to section 17, to the relevant local integrated land and resource management panel in the Category III lands of the Territory.

Preparation of the Operational Plan

16. Prior to the drafting of the PAFIO, the CNG forwards to the Ministre information it holds which is provided by the tallymen and which could be required for the elaboration process of the PAFIO. The joint working groups may organise meetings between Cree tallymen and the Ministre to favour a deeper understanding of the information thus forwarded. The frequency of these meetings is determined by the joint working groups.

17. Following the preparation of the draft PAFIO, it is sent to the relevant local integrated land and resource management panel, to ensure that its content is compatible with the interests and concerns of the relevant Cree stakeholders and, with regard to the Category III lands of the Territory, with those of the relevant Jamésien stakeholders.

18. Following the preparation of the draft PAFIO, the Ministre and the Cree tallyman shall cooperate concerning its content, particularly regarding the choice of location of residual forest blocks to be conserved in the forested areas presenting wildlife interest for the Cree, regarding the road network development and the improvement or repair of impassable roads, regarding the identification of important spawning grounds and regarding harmonization measures to prevent conflictual uses. Amongst other things, the exercise is aimed at allowing the Crees to transmit

Cree knowledge that will permit the identification of all their concerns other than the locations of sites of special interest and the forested areas presenting wildlife interest already provided, or any other information relative to those elements composing the Cree section of the PAFIT implemented by the PAFIO. The joint working groups ensure that the Cree tallymen take part in this consultation exercise. Holders of a timber supply guarantee and holders of permits to harvest timber to supply a wood processing plant may be invited to this consultation exercise by the joint working groups.

19. The joint working groups shall provide the necessary support for the resolution of conflicts between the activities of the Crees and forest development activities. These conflicts may be raised as much by the community councils, the Cree Tallymen or by Cree users designated by a Cree Tallyman. The joint working group shall encourage direct dialogue between the parties concerned so as to favour the harmonization of land use. To achieve this, the joint working group may, for example, initiate meetings and provide the information necessary for the resolution of the conflict. Moreover, it shall document and examine these disputes and find solutions that are acceptable to the parties. If no acceptable solution is found, the coordinators examine the dispute and act as mediators.

20. If the mediation fails or at the expiry of a period of forty-five (45) days, both coordinators shall submit a joint statement of the situation to the Ministre together with their recommendations, whether such recommendations are unanimous or not. The Ministre shall thereafter appoint a conciliator. The conciliator shall be the chairman of the Cree-Québec Forestry Board or a person that is independent of the parties and of the holders of timber supply guarantee or of the holders of permits to harvest timber to supply a wood processing plant operating in the Territory, whom will be chosen from a list prepared in advance by the Cree-Québec Forestry Board.

21. The conciliator shall examine the dispute, shall hear the parties and shall present his recommendations to the parties and to the Ministre, at the latest forty-five (45) days after his appointment. The Ministre decides on the measures to apply and informs the parties of his decisions and the reasons therefore. The Ministre sends a copy of his decision to the concerned joint working groups and to the Cree-Québec Forestry Board.

22. The result of the conciliation shall not modify the results of the PAFIT elaboration process and in particular the information provided by the Cree tallyman concerning sites of interest to the Cree and forested areas presenting wildlife interest for the Cree.

23. The Ministre adjusts the draft plan if necessary.

Finalization of the PAFIO

24. The Ministre carries out an internal analysis of the PAFIO to ensure that the applicable provisions of the section entitled “Modalities of the adapted forestry regime” in Chapter 3 of this Agreement are respected, and forwards the results to the joint working groups.

25. The PAFIO shall be sent to the joint working groups of each community as well as to the Cree-Québec Forestry Board, which will treat the plan in conformity with its mandate.

26. Within thirty (30) days of the receipt of the plan, the joint working groups shall forward to the Ministre and to the Cree-Québec Forestry Board their recommendations regarding the plan submitted and shall ask, if applicable, for any necessary corrections. The joint working groups ensure, among other things, that the PAFIO respects the Cree section of the PAFIT.

27. The public consultations are then held by:

a) with regard to planning of forest development activities of the Category II lands of the Territory, the local integrated land and resource management panel;

b) with regard to planning of forest development activities of the Category III lands of the Territory, the EIJBRC.

The body responsible of the public consultation sends to the Ministre, no later than 30 days after the public consultation, a report summarizing the comments obtained in the course of said public consultation and proposes any solutions it deems appropriate where divergent opinions exist.

The Ministre participates to the public consultation in order to provide explanations on the contents of the plan.

28. The joint working groups may at this stage assist the concerned communities to participate in the consultations, if the council of each Cree community so chooses, within the framework of the public consultation process.

29. The joint working groups or certain of their members may seize the Cree-Québec Forestry Board of any dispute, problem or concern relative to the PAFIO, and the Board shall treat the matter in conformity with its mandate.

30. If necessary, the Ministre adjusts the plan before deciding on the date on which it will come into force. The Ministre then sends a notice to the Cree party of the joint working group and to the Cree-Québec Forestry Board, and sends a copy of any amendments to the joint working group.

Modifications to the PAFIO

31. Modifications to the PAFIO that require a modification of the forest development activities provided for in the plan (changes in the field activities) are subject to the same process of preparation and finalization as that previously described.

Annual selection of forest operations zones

32. Each year, the Ministre selects within the PAFIO twice as many forest operation zones than what he can actually authorize during a single year, in order to enhance flexibility in the operational management of timber harvesting or of other forest development activities. The Ministre and the Cree tallyman shall cooperate concerning the content of the annual selection and hold a meeting, at least once a year, for this purpose. The joint working groups ensure that the Cree tallymen take part in this consultation exercise. Holders of a timber supply guarantee and holders of permits to harvest timber to supply a wood processing plant may be invited to this consultation exercise by the joint working groups.

32.1 Each year, the Ministre submits the annual selection to the joint working groups. In the event joint working groups identify problems or concerns regarding its content, they have thirty (30) days after receipt to submit their recommendations to the Ministre.

32.2 The Ministre adjusts the annual selection if necessary and adds to the register referred to in section 15 of this schedule any harmonization measure which is agreed upon, provided that section 31 of this schedule applies to any modification to the PAFIO which substantially change the planned forest development activities.

32.3 Forest operations zones included in an annual selection and which have to be carried over the following year, are presented again by the Ministre to the joint working groups. They may decide to invite the Ministre and the Cree tallyman to a new meeting regarding these forest operations zones.

Conformity of harvesting activities

33. Every year, the Ministre presents to the joint working groups and their coordinators the shapefile of all harvesting activities authorised by the Ministre, and the internal conformity analysis of these activities with the annual statistics of the present Agreement.

B) MONITORING OF FOREST DEVELOPMENT PLANS

Annual monitoring of forest development activities

34. The annual monitoring of forest development activities is aimed at ensuring the respect of the development strategies described in the PAFIT and the activities forecasted in the PAFIO. The forestry monitoring extends to the volumes of wood harvested, the silvicultural treatments undertaken and the application of the standards of forestry development.

35. In the Territory, particular attention shall be given, notably by the joint working groups, to monitor the application of the standards described in the present Agreement as well as the other measures that are set out in the forest development plans, particularly the measures of the Cree section of the PAFIT and those stated in the operational harmonization measures register.

In this context, the joint working groups may act as liaison agent with the planning officers of the ministère des Forêts, de la Faune et des Parcs, to favour an adequate implementation of the operational harmonization measures by holders of timber supply guarantee, holders of permits to harvest timber to supply a wood processing plant and purchasers of standing timber from the Bureau de mise en marché des bois.

36. When they deem it necessary, the joint working groups shall be involved in the process of establishing the program of the annual verification of interventions undertaken by the Ministre. The program includes notably the list of works and standards that will be verified, such as the standards set out in paragraphs c) and d) of section 3.11 of Chapter 3 and paragraph c) of Schedule C-2 of this Agreement, as well as the sampling methods that will be used.

37. The involvement of the joint working groups can take place at the stage of elaborating the annual program or upon receipt of a proposed program from the Ministre. In the latter case, the joint working groups may propose modifications to this annual program. The joint working groups make the necessary recommendations in both cases.

38. In the event that the Ministre refuses to integrate these recommendations into the annual verification program, he explains his position and shall inform the joint working groups or their members of the reasons for not accepting their recommendations.

39. The results of the forest development verification shall be provided to the joint working groups in the form of periodic progress reports on the work and in the form of annual statements of the forest development monitoring, which are prepared by the Ministre. The joint working groups first decide on the method of presenting this annual statement.

40. To allow members of the joint working groups to familiarize themselves with the various forest development activities undertaken as well as the methods of verification applied, joint visits of on-site monitoring operations in Cree traplines shall take place during the season, at a frequency to be determined by the joint working groups.

41. In addition, the information contained in the reports received by the Ministre from any person or body carrying out forest development activities in the forests in the domain of the State are provided to the joint working groups.

42. The joint working groups or their members may make recommendations to the Cree-Québec Forestry Board and to the Ministre regarding any issue connected to the monitoring of forest development activities or such activities. The Cree-Québec Forestry Board may, upon request, obtain copies of documents produced within the framework of the annual monitoring of forest development activities.

Monitoring of the evolution of the forest

43. Each year, the Ministre performs evaluations to assess the evolution of the forest. These inventories permit an evaluation of whether the works previously performed are likely to produce the expected results. These inventories also make it possible to evaluate the evolution of the natural regeneration of forests following forest development activities.

44. To ensure that this monitoring also reflects Cree concerns, the joint working groups shall be involved in the process of establishing its program. The program includes, among other things, the list of works that will be verified as well as the sampling methods that will be used.

45. The joint working groups shall inform the Cree-Québec Forestry Board of proposals for sampling methods for the protection of wildlife habitats.

46. The joint working groups may be involved at the program elaboration stage, or upon receipt of a proposed program from the Ministre. In the latter case, the joint working groups may propose modifications to the program. In both cases, they may make recommendations.

47. The results of the forest development verification are sent to the joint working groups and to the Cree-Québec Forestry Board.

48. The joint working groups or their members may make recommendations to the Cree-Québec Forestry Board and to the Ministre concerning the current state of the forest.

Five-year report

49. Every five (5) years, the Ministre provides the members of the joint working groups with a report concerning the verification and monitoring of the application of the standards and measures set out in the Agreement for each Cree trapline. The report will also contain a description of the state of regeneration for each development unit.

Monitoring of the forest development plans and the standards of this adapted forestry regime

50. When the joint working groups find forestry operations that are not in conformity with the PAFIT or the PAFIO in force, or with other standards of this adapted forestry regime, that the regeneration is inadequate, or any other problem resulting from forest development activities, they shall immediately inform the Cree-Québec Forestry Board and the Ministre, and make recommendations concerning the measures to be taken.

C) TRANSITIONAL MEASURES

51. Following the set-up of the local integrated land and resource management panel on the Category II lands of the Territory, the Ministre consults this panel regarding the PAFIT in force in order to ensure that the interests and concerns of the relevant Crees are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Following this consultation, the Ministre adjusts the plan if required.

52. Following the set-up of the integrated land and resource management panels by the EIJBRG, the Ministre consults these panels regarding the PAFIT in force in order to ensure that the interests and concerns of the relevant Crees and the relevant Jamésiens are taken into account, to set local sustainable forest development objectives and to agree upon measures for the harmonization of uses. Following this consultation, the Ministre adjusts the plan if required.

Part V (C-5) - GUIDE

GUIDE

PREPARATION OF SPECIAL DEVELOPMENT PLANS FOR TIMBER DAMAGED BY NATURAL DISTURBANCES

Introduction

In December 2003, the parties agreed on an addition to Chapter 3 of the Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec ("the Agreement"), with a view of setting out the rules governing the salvage of timber damaged by natural disturbances.

Subsequently, following harmonization of the adapted forestry regime and the new forest regime described in the Sustainable Forest Development Act, the parties decided, in 2013, to produce a Guide setting out a framework for producing special development plans, which would become a schedule to Chapter 3 of the Agreement.

The Guide applies to every timber salvage operation and every operation designed to bring back production, carried out following a natural disturbance in the territory of the Agreement, as stated at section 3.3. Consequently, all salvage and production restoration activities must be carried out so as to:

- (a) mitigate the ecological and environmental impacts;
- (b) mitigate the impacts on animal populations;
- (c) mitigate the impacts on the Cree traditional way of life;
- (d) mitigate other social impacts;
- (e) generate positive economic spin-offs for Cree and non-Cree employment; and
- (f) mitigate the negative impacts for timber stocks.

All the steps and procedures presented in this guide have been prepared using the ecosystem-based approach. Therefore, timber damaged by natural disturbances can be salvaged, but salvage operations must allow the ecological integrity of the disturbed ecosystem to be maintained. Five main goals are proposed as guidelines:

1. Preservation of biodiversity:
 - Maintain sufficient diversity in fire-damaged stands.
 - Reproduce the footprint left by the natural disturbance in terms of natural forest attributes.

2. Protection of forest soils and water quality.
3. Development of natural regeneration.
4. Social acceptability.
5. Compliance with the principles of the Agreement.

“Productive forest area”: An area used for forestry, i.e. a natural forest or plantation, capable of producing 30 m³ of timber per hectare (10 cm and over) in less than 120 years (Ecoforest Mapping Standard, 1999).

As stated in articles 3.5 and 3.75 of the Agreement:

“3.5 Subject to adaptations and modifications resulting from the adapted forestry regime for the Territory, Québec’s forest standards apply in the Territory. Subject to section 3.75 of this Chapter, such adaptations and modifications shall not be interpreted so as to restrict or limit these standards.”

“3.75 Subject to the provisions of the JBNQA, in the case of a conflict or incompatibility between the *Sustainable Forest Development Act* and the regulations thereunder or any other related law and the present adapted forestry regime, the provisions of the adapted forestry regime shall take precedence to the degree necessary to resolve such conflict or incompatibility.”

Definitions

The following terms have the following meaning:

“Dead tree”: A tree whose cambium layer is dead throughout the base circumference. The leaves or needles may remain on the tree for some time, but are no longer green.

“Fire-damaged retention forest”: A fire-damaged forest, regardless of whether or not it is suitable for harvesting based on forest maturity criteria, which is left in place as part of a special development plan.

“Patch of fire-damaged trees”: A group of dead trees or trees at an advanced stage of decline, which were partially or completely burned.

“Patch of live trees”: A group of trees covering more than a hectare that have not been damaged by fire and exhibit no trace of fire damage at ground level or on their trunks or canopies.

“Natural disturbance”: A forest fire, windfall, insect epidemics or cryptogamic diseases likely to trigger salvage operations.

“Ecosystem-based salvage”: An ecological approach applied to planning and implementation of salvage operations in forests disturbed by fire, aimed at ensuring preservation of biodiversity and viability in all the forest ecosystems while meeting socio-economic needs with due respect for the social values associated with the forest environment.

Methodologies and Preparation of Special Plans

Note to readers: The MFFP is responsible for preparing special plans. The CNG will assess the plans when they are presented to the concerned tallymen and users by the JWG's.

Table of contents of special development plan

Table of Contents: Special Development Plan for the Territory Covered by the Agreement		REMARKS
SECTION		
Production		
(1) Contact information for the concerned management unit office		
(2) Signature of the F.Eng. who supervised the plan		
(e) Names of persons responsible for producing the plan		
Introduction		
(a) Disturbance	(a) Disturbance (b) Fire number, where applicable (c) Reference to the Act, instructions and agreements (d) Purpose of the plan or addendum	The presence of Aboriginal communities in the area covered by the plan must be mentioned
(b) Fire number, where applicable		
(c) Reference to the Act, instructions and agreements		
(d) Purpose of the plan or addendum		
Description of the disturbance		
(a) Nature and location, extent and severity		
(b) Geographic delimitation of the event		This should include geographic coordinates of the centroid and the shape files (ArcGIS) for the disturbance polygons. Addition, in the text, of the landscape unit concerned

Table of Contents of Special Development Plan for the Territory Covered by the Agreement	
SECTION	REMARKS
	The data should be available in digital format and copied onto a CD attached to the plan
- Characterization of the disturbance and calculation of the area by disturbance class, for the disturbance and for the trapline	Reference to a systematic classification based on the best available technique(s)
- Mention of existing biophysical elements and infrastructures, as points of reference	
- Map of the disturbance concerned	At trapline level, including the biophysical elements, infrastructures and past disturbances
- Importance of prior disturbances damaged by the fire (area by type of disturbance by trapline)	
(b) Guarantee holders affected by the disturbance	
- List of holders and their allocated volumes	
(c) Evaluation of damaged timber	
- Ecoforest stratification (volume and area) of the damaged stands	
(d) Evaluation of timber to be salvaged	
- Method used to calculate the volume and area of the stands to be salvaged, including:	Add the productive area of the trapline to the current table
- Cutting level for harvesting per trapline	
- Statistical profile of the trapline pre- and post-disturbance	
- Conditions of the Agreement concerning relocation of sites of wildlife interest and sites of special interest (1% and 25%)	
- Description of the ecosystem-based approach used	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
<ul style="list-style-type: none"> - Conditions applicable based on the decision of the salvage plan preparation team - Conditions applicable under Québec's forest standards, including the wildlife component, with impacts on the volumes of timber to be harvested - Breakdown of the cutting blocks (as a percentage of areas) and of volumes for the following size classes: <ul style="list-style-type: none"> - 0-50 ha - 51-150 ha - 151-250 ha - Map of cutting blocks at trapline and disturbance level - Total volume of timber to be salvaged 	<p>The following remark must appear: Québec's forest standards apply in its entirety, except for the following sections, which are adjusted for timber salvage :</p> <ul style="list-style-type: none"> -the area, location of forest operations; -the protection of lakes, watercourses and riparian areas; -the installation and use of piling, lopping, sawing and transfer areas; -the location and construction of roads; -the site of forest camps; -the regulation of forest development activities; -the application of silvicultural treatments; -the protection of forest regeneration.
(e) Conditions and results of consultation	
<ul style="list-style-type: none"> - Names of organizations and communities consulted - Other harmonization measures (including new proposed infrastructures) 	Mainly those requested by the

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
	tallymen
- Map of other harmonization measures	At trapline level
- Detailed report of the consultation	Where applicable, for each JWG meeting with the tallyman (per trapline)
(f) Anticipated period for salvage of the timber	
(g) Special salvage conditions	
- Additional protection measures	
- For sites of wildlife, recreational or special interest	
- Description and location of the proposed infrastructures	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
- Map at trapline level	
- Monitoring of operations	
- Detailed description of activities (access/transportation, etc.)	
- Appendices (monitoring sheet used)	
- Identification of designated people	
(h) Restoration of production in the areas concerned	
- Restoration of production management plan, where needed, will be included in the operational plan for subsequent years	
(i) Destination of timber to be salvaged	
- Cree companies concerned	
- Breakdown of the volume of timber to be harvested, by species and by right holders	If any
(j) Impact on timber allocations	
- Note that allocations have been met, or state any authorized excess (impact of salvaging damaged timber on the allocations of the holder(s) concerned, in each development unit concerned)	By volume concerned and harvesting period
(k) Scaling of timber	
- Mention of any separate unit	
(l) Estimate of financial assistance	
- Financial assistance estimate calculation	
(m) Approval of plan	
- Conditions of support and signature by the Associate Deputy Minister, Regional Operations	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Agreement	
SECTION	REMARKS
(n) Economic considerations - Rates and amounts of anticipated forest dues per tariff zone	
(o) Social considerations	To be completed where applicable
<i>Appendices</i>	
1. Map of disturbance	<p>All the maps must be at trapline level and show the disturbance contour as well as the geographic coordinates (latitude and longitude)</p> <p>Including:</p> <ul style="list-style-type: none"> - Major biophysical elements - Main past disturbances - Infrastructures (before salvage) - At least one reference point (e.g. watercourses, camps, etc.)
2. Map of cutting blocks	
3. Map of other harmonization measures	
4. Map of proposed infrastructures	

Table of Contents for the Special Development Plan Applicable to the Territory Covered by the Cree-Québec Agreement	
SECTION	REMARKS
5. Operations monitoring sheet	Form used by the MFPP for monitoring
6. Map showing restoration of production	Including: - Sectors affected by land preparation, reforestation, infrastructures and other elements
7. JW/G recommendation	Based on the conditions of the Agreement (to be revised)

Tools to be used when preparing a special plan

In view of the requirements to be met when preparing a special plan, the MFFP's planners cannot rely solely on standard ecoforest maps.

To begin preparing a plan, the MFFP will require:

- A satellite image to a resolution of 30 m/pixel or less
- The fire characterization map produced by the SOPFEU, or
- An in-house characterization produced in partnership with the Crees (joint flight)
- A tool to predict the regeneration potential of the fire-damaged forests (optional)

Planning and Harvesting Conditions

A. Ecosystem-based salvage

The following conditions will be applied in traplines where salvage operations are likely to be carried out.

The ecosystem-based approach specific to special plans, developed by the MFFP, will be applied in traplines where salvage operations are to be carried out. Under this approach, at least 30% of mature fire-damaged forest will be left in place as part of a special development plan, to allow for maintenance of ecosystem viability.

A.1) Management of patches of live tree

In all cases, the following principles must be applied to patches of live trees located in fire-damaged areas:

- Undamaged stands within the fire's boundaries should not be harvested, provided they cover at least one hectare and are at least 50 metres wide.
- Crossings are permitted in patches of live trees, but must not exceed 6 metres in width.
- All patches of undamaged forest within the fire perimeter must be preserved.
- Maintenance of a certain percentage will be managed operationally, when harvesting work is carried out, depending on local constraints.

A.2) Typology used

To ensure that a representative portion of fire-damaged retention forest is maintained, the area located inside the fire perimeter is characterized and broken down to show what has and has not been damaged by the fire (live vs. burned). A typology of damaged stand types, taking into account commercial stand values (mature, immature and unproductive) is used to decide on the area that will be maintained as a retention forest. A typology (six to ten types) based on a superposition of fire coverage severity and a group of ecological types is used for this.

A.3) Retention calculation

After six years of using a method in which the percentage of retention forest to be left standing was variable, the parties have now agreed to apply a single retention percentage (30%). This scenario will apply to all fires and windfalls in the territory, regardless of the level of trapline disturbance.

Thirty percent of the fire-damaged forest must be retained for each burn area.

Fire-damaged retention forests are required only in the mature portion of the fire-damaged forest (established using forest maturity criteria).

For mature stands, all elements to be left in place as a result of the various constraints and retention forest requirements are identified and compiled, and the contribution of these areas to the achievement of the retention forest target is calculated. Large retention blocks (over 20 ha), intermediate retention blocks (from 4 ha to 20 ha) and sparse retention blocks (under 4 ha) are included in the calculation.

A.4) Characteristics of retention forests

The contribution of the unsalvaged forest is compared to that of the harvested forest to check for gaps in the diversity of harvest types, identified in section A.2.

To ensure that the retention forest plays its role to the full, its size and shape must reflect certain factors. The plan should be guided by the following aims:

- Ensure that at least 50% of the retention forest is composed of blocks of more than 20 ha.
- Maintain several large blocks (and blocks of varying sizes) rather than a single-block retention forest, to ensure that all stand types are represented properly, and to ensure connectivity for the fire-damaged ecosystem.

–Make sure the different types of stands are properly represented within the blocks.

When fire-damaged retention forests must be added to make up for the gaps identified in the gap analysis, wherever possible a strip of fire-damaged forest should be left around certain types of live patches of more than one hectare, or around burn area peninsulas.

To ensure connectivity between retention forests, they should, as far as possible, be linked by strips of forest alongside watercourses, or by other forest strips.

To ensure that retention forests (fire-damaged and live) are distributed evenly, and to limit any visual impacts, 100% of the logged areas must be located less than 500 metres from retention forest areas of 10 ha or more. To address concerns regarding the visual impact of logging, the parties agree to limit the size of single-block logging areas to no more than 350 ha, by leaving wooded strips where necessary (separated by strips of at least 200 m in the case of blocks covering more than 300 hectares, and strips of at least 40 m in the case of blocks covering less than 300 hectares).

The same precautions as those stipulated in Québec's forest standards must be taken to protect waterside areas, lakes, watercourses and water quality. Increased protection is required for some mapped intermittent watercourses; in these cases, a wooded strip at least 10 metres in width must be left on both banks¹.

Where necessary, a 40-metre wide riparian strip must be left on either side of certain permanent watercourses, to allow for better connectivity between retention forests and to limit the visual impact of salvage blocks, or where the territory concerned is at high risk of erosion or leaching¹.

In addition:

– Where possible, in-forest cutting and lopping systems must be used in locations where regeneration conditions are suitable.

– Timber with no market value must be left standing.

– Where the sector permits, as many mixed strata and hardwood-dominated strata as possible must be left in the retention forest.

– Ideally, work should not be carried out on sites sensitive to harvesting (steep slopes, coarse texture, very severe fire at ground level). If harvesting is required, biological legacies should be left and/or harvesting should take place in winter.

B. Relationship between the special plan and the current annual plan

As soon as it is applied by the authorities, the special plan will replace the approved development plan (with PRAN) in the development unit concerned, for the year in question. The PRAN can be maintained if the special plan does not allow for all the Minister's forest management undertakings to be fulfilled in the area.

If the special plan causes the allowable cut to be exceeded in the first four years of the period, the plans for subsequent years in those sectors should compensate for this, by reducing harvesting in neighbouring development units for the period in which the special plan applies, and then increasing it again in subsequent years and reducing it in the area covered by the special plan.

When the allowable cut is exceeded in the last year of the five-year period, compensation is no longer possible, and the Minister must therefore give approval for harvesting carried out under the special plan. The DGSL must be informed of this, since it will prepare a note from the Minister for the Associate Deputy Minister, Regional Operations, with a copy to the chief forester.

C. Producing a preliminary special plan

Since optimal salvaging of timber depends on many factors, including the quality of the salvaged timber, it is vital that the salvage process should begin as soon as possible. Accordingly, it is agreed that a preliminary special plan will be tabled as soon as the final disturbance contour is presented to the JWG and the tallymen. The preliminary plan must be checked by the CNG before being presented to the tallymen. It must show the entire road network to be developed and some of the major cutting blocks whose total area should represent, at most, 15% of the entire special plan area. The preliminary plan can be implemented as soon as consultations with the tallyman on the fire contour have been completed.

The blocks and roads presented must be included in the final plan produced pursuant to Section A of this guide.

D. Restoration of production

In the fire-damaged area, following a salvage operation, production restoration activities may be prepared if necessary, directly in the subsequent operational plans. Depending on the state of natural regeneration, the plan

¹ Refer to the document entitled *La récolte dans les forêts brûlées – Enjeux et orientations pour un aménagement écosystémique* to see the conditions in which this would be most appropriate: <https://www.mffp.gouv.qc.ca/publications/forets/amenagement/forets-brulees-enjeux.pdf>

will be carried out in every trapline damaged by the natural disturbance, mainly with a view to speeding up tree regeneration and restoring wildlife populations, after sufficient time has been allowed for natural growth to become established.

In addition, the 30% of mature fire-damaged forest left in place as a retention area may also be restored to production after a period of ten years, depending on its capacity to regenerate itself.

The same logic will be applied to immature fire-damaged forests.

Section specific to windfall

Tools to be used when preparing a special plan

To target damaged areas accurately, only aerial photographs will be used.

Planning and Harvesting Conditions

Given that these disturbances are caused by wind, affected areas often take the form of long, thin strips where the systematic presence of retention forests would remove a significant portion of the area to be salvaged.

In addition, windfall severity is not as variable as fire severity, and it is therefore not appropriate to use a varied typology. For the purpose of special development plans, reference is made to windfall classes, and support is given only if more than 33% of the trees in a given area have been overturned.

Special windfall salvage plans will first be presented to the tallymen without retention. During the Cree consultations organized by the JWG, and depending on the specific situation, the MFFP will aim for a final retention of 30% of the damaged forest. The retention area will be arranged basically in blocks of abandoned areas or strips of windfall close to live forests, to ensure connectivity between the two environments. All this will be done in close collaboration, as described in section 18 of Schedule C-4 of this Agreement.

The 30% retention described in the previous paragraph may be lower, and may even be zero, if the tallyman and planner so agree during the consultation.

Insect epidemics section

The guidelines named *L'aménagement écosystémique dans un contexte d'épidémie de la tordeuse des bourgeons de l'épinette* (MFFP, 2014) prepared by the Forest Management and environment direction will be used as starting point for the Parties to convene of specific salvage modalities in case of Insect epidemics in the Territory.

Cryptogamic Diseases section

Since cases requiring special salvage plans for forests damaged by cryptogamic diseases are rare, the parties agree that plans will be managed on a case-by-case basis.

Section for all types of natural disturbances

Relocation of sites of interest to the Crees

In cases where a natural disturbance affects a site of interest to the Cree (pursuant to 3.9 or 3.10 of the Agreement), the joint working group will meet with the tallymen concerned, or their representatives, to decide whether or not the area should be moved within the trapline, at the tallyman's discretion. If it is agreed that the site should be moved, it must be taken into account for subsequent amendments to the tactical and operational integrated forest development plans.

Updating of the Guide

The ecosystem-based approach used for this Agreement is currently under development. This Guide may be updated annually, with the consent of the parties, to reflect new knowledge and progress made by the MFFP in its work on the application of the ecosystem-based approach to the salvage of fire-damaged timber.

Monitoring and study

In connection with the updating of this Guide, as mentioned above, the parties agree, as far as possible, to encourage the production of studies on the aspects of biodiversity, economic profitability and social acceptability of current salvage scenarios or past scenarios from the period 2002 to 2014.

Monitoring of special plans will allow, among other things, for identification of potential improvements to management practices, and for verification of the level of satisfaction of the actors involved in implementing them.

Work practices

The methods described here must always be implemented with due regard for safe working practices, established jointly with the Safety Policy. Forestry workers must be free to remove obstacles where necessary, to ensure a safe workplace.

104180

Gouvernement du Québec

O.C. 1167-2019, 27 November 2019

An Act respecting health services and social services
for Cree Native persons
(chapter S-5)

Regulation respecting the application — Amendment

An Act respecting health services and social services
(chapter S-4.2)

Contribution of users taken in charge by intermediate resources

CONCERNING the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources

WHEREAS, under section 512 of the Act respecting health services and social services (chapter S-4.2), the Government shall determine, by regulation, the contribution that may be required of a user lodged in a facility maintained by a public or private institution under agreement, or taken in charge by an intermediate resource of a public institution or by a family-type resource, as well as the amount of personal expense allowance which must be left at the disposal of the user each month;

WHEREAS, under the first paragraph of section 513 of that Act, the amount of the contribution may vary according to the circumstances or needs identified by regulation;

WHEREAS, under section 514 of that Act, the Minister or an institution designated by regulation may, at the request of a person of whom payment of a contribution is required, exempt such person from paying the contribution, in accordance with the terms and conditions and in the circumstances determined by regulation;

WHEREAS, under subparagraph (1) of section 515 of that Act, the Government may, in a regulation made under sections 512 to 514, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, according to the index provided therein;

WHEREAS, under section 161 of the Act respecting health services and social services for Cree Native persons (chapter S-5), the Government shall determine, by regulation, the conditions and cases in which the Minister may pay an expense allowance to a beneficiary sheltered in an institution or pay that expense allowance in the name of a beneficiary to the institution where he is sheltered and also fix the amount of that allowance;

WHEREAS, under the first paragraph of section 174 of that Act, every regulation made by the Government under this Act comes into force on the day of the publication in the *Gazette officielle du Québec* of a notice indicating that it has received the approval of the Government, or, if amended by it, of its final text, or on any other later date fixed in the notice or in the final text;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act, (chapter R-18.1) and the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons, a draft of the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources was published in Part 2 of the *Gazette officielle du Québec* dated 21 August 2019, with notice that it may be made by the Government on the expiry of the 60-day period following that publication;

WHEREAS it is expedient to make that Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Seniors and Informal Caregivers and the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources

An Act respecting health services and social services
for Cree Native persons
(chapter S-5, ss. 161 and 173)

An Act respecting health services and social services
(chapter S-4.2, ss. 512, 513, 1st para., 514 and 515)

1. Section 375 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is amended:

(1) by replacing, in subparagraph *b* of the first paragraph “\$215” with “\$245”;

(2) by adding, at the end of the second paragraph, the following sentence: “The amount so indexed is rounded off to the nearest dollar.”.

2. The Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) is amended by inserting, in its title, and after “charge”, “by family-type resources or”.

3. The Regulation is amended by inserting, before section 1, the following:

**“CHAPTER I
GENERAL PROVISION”.**

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

**“CHAPTER II
USERS OF FULL AGE TAKEN IN CHARGE
BY FAMILY-TYPE RESOURCES**

1.1 Where a user of full age taken in charge by a family-type resource has not reached the age of eligibility for the full pension under the Old Age Security Act (S.R.C. (1985), c. O-9), his monthly contribution is equal to the basic benefit, the adjustments and allowances for an independent adult applicable to him under the Individual and Family Assistance Act (chapter A-13.1.1), minus the personal expense allowance referred to in subparagraph *b* of the first paragraph of section 375 of the Regulation.

If this user is not receiving any benefit under the Individual and Family Assistance Act, the benefit amount used for the calculation of the contribution referred to in the first paragraph corresponds to the basic benefit amount applicable to an independent adult under the Social Solidarity Program established by that Act, adjusted in accordance with section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1).

1.2 Where a user of full age taken in charge by a family-type resource has reached the age of eligibility for the full pension under the Old Age Security Act (S.R.C. (1985), c. O-9), his monthly contribution is equal to the Old Age Security pension and the maximum guaranteed income supplement payable under that Act, minus the personal expense allowance referred to in subparagraph *b* of the first paragraph of section 375 of the Regulation. However, the monthly contribution may not exceed \$963.

Notwithstanding the first paragraph, the contribution of a user of full age is determined in accordance with section 1.1 where this user, although he has reached the age of eligibility for the full pension under the Old Age Security Act, is ineligible for a pension under that Act.

The maximum monthly contribution referred to in the first paragraph is indexed, on 1 January of each year, on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9). The amount so indexed is rounded off to the closest dollar.

1.3 Where the period of taking charge of a user of full age is less than 30 days within a given month, the monthly contribution is prorated to the number of days of presence. For the application of this section, each month is considered to comprise 30 days.

The initial day of taking charge of the user is considered a day of presence, but the day of the user’s departure is not counted. The user’s days of temporary leave are counted in the days of presence.

**CHAPTER III
USERS TAKEN IN CHARGE BY
INTERMEDIATE RESOURCES”.**

5. Section 2 of the Regulation is amended:

(1) by replacing, in the first paragraph, “Regulation” with “chapter”;

(2) by deleting the second paragraph.

6. The Regulation is amended by replacing section 4 with the following section:

“4. The provisions of chapter II apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age taken in charge by an intermediate resource in the following cases:

(1) the user receives benefits under a last resort financial assistance program provided for in the Individual and Family Assistance Act (chapter A-13.1.1);

(2) the intervention plan of the user provides for the reintegration of the user into his natural environment within 2 years of his taking in charge by the intermediate resource;

(3) the user is taken in charge by an intermediate resource referred to in section 1 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2).

Notwithstanding subparagraph (2) of the first paragraph, the amount of the contribution exigible from a user of full age is determined in accordance with section 5 from first day of the month following the moment the user is taken in charge by an intermediate resource on a continuous basis for 2 years or more.”.

7. Section 5 of the Regulation is replaced with the following section:

“**5.** The provisions of sections 361 to 370 and 373 to 375 of the Regulation apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age not referred to in the first paragraph of section 4.

The daily sum applicable for the purposes of the monthly billing referred to in section 361 of the Regulation is \$42.08. That amount is indexed at the beginning of each year on 1 January on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).”.

8. Section 6 of the Regulation is amended by replacing “For the purposes of this Regulation” with “For the purposes of this chapter”.

9. Section 8 of the Regulation is repealed.

10. Section 9 of the Regulation is amended by deleting “and designated for that purpose by the agency responsible for recognizing the intermediate resource”.

11. Section 10 of the Regulation is repealed.

12. On 1 January 2020, the personal expense allowance referred to in subparagraph *b* of the first paragraph of section 375 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is to be increased by \$10 over the increase resulting from the indexation and rounding off provided for in the second paragraph of this section.

13. This Regulation comes into force on 1 January 2020, except for sections 1 and 12 which come into force on the fifteenth day following the date of publication of this Regulation in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 1186-2019, 27 November 2019

Code of Penal Procedure
(chapter C-25.1)

Court of Appeal of Québec in penal matters

Regulation of the Court of Appeal of Québec in penal matters

WHEREAS, under the first paragraph of article 368 of the Code of Penal Procedure (chapter C-25.1), the judges of the Court of Appeal may adopt, for the exercise of their respective jurisdictions, the regulations judged necessary for the proper carrying out of the Code;

WHEREAS, under the second paragraph of article 368 of the Code, the regulations of the Court of Appeal must be adopted by a majority of the judges concerned, either at a meeting convened for the purpose by the chief justice or upon consultation held with the judges at the request of the chief justice using the most appropriate means of consultation, as determined by the chief justice;

WHEREAS, under the third paragraph of article 368 of the Code, the regulations are subject to approval by the Government and come into force fifteen days after their date of publication in the *Gazette officielle du Québec*.

WHEREAS the judges of the Court of Appeal adopted the Regulation of the Court of Appeal of Québec in penal matters on 9 October 2019;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation of the Court of Appeal of Québec in penal matters, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation of the Court of Appeal of Québec in penal matters

Code of Penal Procedure
(chapter C-25.1, art. 368)

PRELIMINARY AND DEFINITION

1. Interpretation. This Regulation is supplemental to the Code of Penal Procedure (chapter C-25.1); it is to be interpreted and applied in the same manner.

2. Working days. Working days are from Monday to Friday, excluding the holidays listed in article 18 of the Code of Penal Procedure.

CHAPTER I PUBLIC HEARINGS AND DECORUM

3. Sitting days. The days on which the Court or the judge sits are posted on the Court's website.

4. Court usher. The court usher is present during all hearings, is responsible for the opening and closing of sittings and sees to it that good order at sittings is maintained.

5. Decorum. All persons in attendance at a hearing must respect the decorum.

6. Sound devices. Persons in attendance must ensure that the sound of any device in their possession has been turned off.

7. Dress code. In Court, the following dress code requirements apply:

(1) for counsel: gown, bands, white collar and dark garment;

(2) for articling students: gown and dark garment;

(3) for clerks and court ushers: gown and dark garment.

Before a judge, simple and unadorned attire is sufficient.

The same requirements apply when a hearing is held using technological means.

CHAPTER II CONFIDENTIALITY

8. Express mention. A notice of appeal for an appeal by operation of law under the third paragraph of article 292 and a motion for leave to appeal under article 291 and the second paragraph of article 292 of the Code of

Penal Procedure must include an express mention that the record contains no element of confidential information. If the record does contain such an element, the pleadings must include an express mention to that effect and clearly specify the confidential element and the legislative provision or the order on which the confidentiality is based. The respondent must indicate any correction considered necessary.

Additional mention. Each pleading referring to an element of confidential information must call attention to the confidentiality with the word "CONFIDENTIAL" written beneath the court record number.

9. Restricted access. Where access to records or documents is restricted under an Act or an order of a judge because of the presence of an element of confidential information, the only persons that may consult them or make copies are the parties, their counsel, the persons authorized by law and those who, having established a legitimate interest, have been authorized by the Court or one of its judges in accordance with the conditions and procedure determined.

10. Red binding. To indicate the confidential nature of a volume, the binding (spiral or tape) of the volume must be red. The confidential portion of a brief must be produced in a separate volume.

CHAPTER III TECHNOLOGICAL MEANS

11. Technological version. Unless exempted by the clerk where circumstances so warrant, the parties must attach a technological version on a USB key to each copy of their brief, or if the appeal proceeds on the fast track, to the documents filed in lieu of the brief. That version must permit keyword searches and include hyperlinks from the table of contents to the brief and from the argument to the schedules.

The USB key must be identified in the same manner as a pleading (record number, abbreviated designation of the parties and title, mention of confidentiality in red lettering).

12. Management. If a party has been specifically authorized by a judge or by the Court under articles 186.1, 285 and 312 of the Code of Penal Procedure to file Schedule III of its brief as a technological version, the party is nevertheless required to file one paper copy of the complete Schedule III for archival purposes.

The pagination of the technological version must be identical to that of the paper version.

CHAPTER IV OFFICES OF THE COURT

13. Office hours. The offices of the Court are open Monday to Friday from 8:30 a.m. to 4:30 p.m., local time, unless otherwise specified. The days on which the offices are open are posted on the Court's website.

14. Register. The clerk maintains a computerized register (docket) which contains all relevant information for each record including the contact information of the parties and counsel, receipt of documents and matters arising during the appeal.

15. Contact. The clerk uses the last known contact information of the parties and counsel to contact them. The parties and their counsel must immediately inform the clerk of any change to that information. In each pleading, counsel of record must provide their name, that of their law firm and full contact information including email address, permanent court number and locker number, if any. An unrepresented party must provide contact information in the notice of appeal or the motion for leave to appeal and in each subsequent pleading.

Change of counsel. A party may change counsel by sending the other parties, the clerk and former counsel a notice of change giving the name, address, telephone number and email address of new counsel.

Withdrawal of mandate. A party no longer wishing to be represented by counsel must also send to the other parties, to the party's own counsel and to the clerk a notice to that effect in which the party's full contact information including email, if available, is provided.

A change of counsel or a decision to no longer be represented by counsel has no effect on the hearing date unless a judge decides otherwise after considering the consequences of the decision on timelines.

16. Access to record. Consultation of a record or removal of a document takes place under the authority of the clerk. On payment of the fees under the Tariff of court costs in penal matters (chapter C-25.1, r. 6), the clerk delivers copies of any document.

CHAPTER V PLEADINGS

17. Format. Pleadings are to be drafted on good quality white letter-size paper (21.5 cm by 28 cm). The paper format may be 21.5 cm by 35.5 cm for documents accompanying a motion or filed when an appeal proceeds on the fast track, if the original exhibit is of that size.

The text is to appear on the front of each page and have a minimum 1.5 line spacing, except for citations which are to be single spaced and indented. Arial 12-point font must be used for the entire text. As an exception, Arial 11-point font may be used for citations and Arial 10-point font for footnotes. Margins must be no less than 2.5 cm.

Signature. All pleadings must be signed by the party or the party's counsel.

18. Designation of parties. The following must be indicated beneath the name of each party: the party's status in appeal in upper-case letters, followed by the party's status in first instance and, if applicable, status in Superior Court, in lower-case letters.

An intervenor in first instance or before the Superior Court is designated as APPELLANT, RESPONDENT or IMPEADED PARTY, as the case may be. The designation "INTERVENOR" is reserved solely for the party authorized to intervene in appeal.

The status in appeal of a decision-maker affected by an application for judicial review is that of IMPEADED PARTY.

19. Title. The title to be entered on the backing and on the first page of a pleading must provide the date of the pleading, the party filing it, its nature and, if the pleading includes a request, the provision on which it is based.

20. Amendment. An amendment to a pleading must be identified by a vertical line in the margin, by underlining or by text struck out.

21. Service. Pleadings and attached documents are served in the manner provided in the Code of Penal Procedure. The notice of appeal and the motion for leave to appeal are served by bailiff or peace officer.

CHAPTER VI NOTICE OF APPEAL, MOTION FOR LEAVE TO APPEAL AND PREPARATION OF RECORD

22. Time period. A notice of appeal for an appeal by operation of law under the third paragraph of article 292 of the Code of Penal Procedure must be served and filed within ten days after the judgment under appeal. The time period for serving and filing a motion for leave to appeal is that set out in article 296 of the Code of Penal Procedure.

23. Notice. If the appellant or the applicant is not represented by counsel, the clerk informs the respondent by sending the respondent a copy of the pleading.

In the case of an appeal brought by the prosecutor, the notice of appeal or the motion for leave to appeal must be served on the respondent personally unless a judge, considering the interests of justice, orders otherwise.

24. Content. The notice of appeal and the motion for leave to appeal must set forth:

- (1) the offence;
- (2) the sentence imposed, if applicable;
- (3) the date of the judgment under appeal, of the judgment in first instance and of the sentence, if any;
- (4) the place and duration of the trial;
- (5) the court of first instance and, if applicable, the court having decided the judicial review or the appeal, and the record number(s);
- (6) the facts and the grounds of appeal stated concisely, in a maximum of ten pages (the designation of the parties and the conclusions sought being excluded from the page count);
- (7) the contact information and, if available, email address of the appellant and the appellant's counsel; and
- (8) the name, contact information and, if available, email address of the respondent and, as the case may be, of the other parties and their counsel before the court that rendered the judgment under appeal.

25. Number of copies. The notice of appeal or the motion for leave to appeal and, as applicable, three or four copies including one copy for the clerk, two copies for the office of the court that rendered the judgment under appeal and, if the appellant is not represented by counsel, one copy for the respondent, must be filed at the appropriate office of the Court. The notice given to the Attorney General pursuant to articles 76 to 78 of the Code of Civil Procedure (chapter C-25.01) is delivered in accordance with the procedure set out in those articles.

26. Transcript of record of court that rendered judgment under appeal. At the request of the appellant, the clerk of the court that rendered the judgment under appeal must take the necessary steps to obtain, as soon as possible, the complete transcript of the record and the exhibits, unless the parties waive in whole or in part their right to the transcript and the exhibits, or agree to a joint statement of facts. If the parties agree to a joint statement of facts instead of a transcript, they must, as soon as possible, inform the clerk of the court that rendered the judgment under appeal.

Private stenographer. An appellant requesting a private stenographer to prepare the transcript must so inform the respondent and the clerk of the court that rendered the judgment under appeal. The appellant must also inform them when the transcript is completed.

27. Payment of fees. If fees under the Tariff of fees for the recording and transcription of depositions of witnesses (chapter S-33, r. 1) are incurred for a transcript or a translation, the clerk of the court that rendered the judgment under appeal may require payment in advance and, in any event, the appellant is not entitled to the documents until the fees have been paid. If a portion of the transcript is required only by the prosecutor, the fees are borne by the prosecutor.

CHAPTER VII

RELEASE FROM CUSTODY FOR DURATION OF APPEAL

28. Content. An appellant seeking release from custody under article 298 or 314 of the Code of Penal Procedure must attach an affidavit to the application attesting to:

- (1) the appellant's places of residence in the three years before conviction and the place the appellant intends to reside if released;
- (2) if applicable, the appellant's last employment and the name and contact information of the employer, and the employment the appellant intends to hold if released;
- (3) if applicable, the appellant's previous convictions, including convictions outside Canada;
- (4) any charges pending against the appellant in Canada and elsewhere at the time of the application;
- (5) whether or not the appellant holds a Canadian or foreign passport or has a pending passport application; and
- (6) whether or not the appellant is a Canadian citizen.

Exemption from affidavit. The judge to whom the application is made may waive the requirement of an affidavit and rely on a written statement of facts signed by the appellant's counsel and the respondent's counsel.

Release from custody pending appeal to Supreme Court. An application for release from custody for the duration of an appeal to the Supreme Court of Canada under article 314 of the Code of Penal Procedure must be accompanied by a certificate from the registrar of that Court attesting that a motion for leave to appeal or a notice of appeal has been filed.

CHAPTER VIII APPEAL MANAGEMENT

29. *Leave to appeal.* A judge granting leave to appeal under article 291 or the second paragraph of article 292 of the Code of Penal Procedure may, to ensure efficient conduct of the appeal, decide that the appeal will proceed on the fast track, which is the procedure used in an appeal without briefs within a reduced timeframe. In such a case, the judge manages the proceedings, among other things setting the date and length of the hearing and establishing the timetable for the filing of the documents that are to be produced.

30. *Request for management.* A party seeking the holding of a management conference to define the issues genuinely in dispute and to establish appropriate means to simplify the proceedings and reduce the duration of the hearing must, as soon as possible, so inform the clerk by letter setting out the grounds for the request. A judge may initiate and preside such a conference or do so at the request of a party.

31. *Orders and directives.* The Court may make any order to ensure the proper administration of justice.

Directives. A party may apply to the chief justice, or to a judge designated by the chief justice, to request directions as to the conduct of an appeal.

The chief justice or a judge designated by the chief justice may, in the interests of justice, make any order and take any measure to accelerate the appeal process.

32. *Remote hearing.* A party wishing to have a remote hearing by technological means, including teleconference or videoconference, must make a request to that effect by letter to the clerk. The judge who is to preside the hearing decides the request and informs the parties accordingly.

A party who is in custody and who is represented by counsel is not entitled to be present at the hearing of any appeal proceedings, unless the Court or a judge of the Court gives the party leave to be present, in particular if that presence is essential for the party to assert rights.

A party who is in custody and who is not represented by counsel is entitled to be present at all appeal proceedings. The Court or a judge of the Court may order the party to appear by an available technological means, including by teleconference or videoconference.

The parties must take the necessary steps to enable the remote hearing to be held.

The costs relating to the remote hearing, if any, are borne by the party making the request.

CHAPTER IX BRIEFS

33. *Content.* The appellant's brief contains its argument and three schedules; that of the respondent contains its argument and, if necessary, elements supplemental to those in any of the appellant's schedules.

34. *Argument.* Each argument is divided into five parts:

(1) Part I (facts): The appellant succinctly states its position and recites the facts. The respondent may comment on them and relate additional facts.

(2) Part II (issues in dispute): The appellant concisely states the issues in dispute. An appellant wishing to raise questions of law not stated in the notice of appeal must state and describe those questions in clear terms. An appellant wishing to raise questions of law not stated in the notice of appeal or the motion for leave to appeal must first apply for and obtain leave in writing from a judge, unless the judge refers the matter to the panel that will hear the appeal. The respondent responds to the issues raised by the appellant and may add any further issue the respondent intends to argue, including those rejected or not considered by the court that rendered the judgment under appeal.

(3) Part III (submissions): Each party develops its submissions, with precise references to the content of the schedules. A respondent seeking to have the second or third paragraph of article 286 of the Code of Penal Procedure apply must so specify and provide the grounds of fact and law relied on.

(4) Part IV (conclusions): Each party states the precise conclusions it seeks.

(5) Part V (authorities): Each party prepares a list of authorities in the order in which they appear in the argument, with reference to the paragraphs at which they are cited.

35. *Joint statement of facts.* The parties may agree to a joint statement of facts in lieu of transcripts of the depositions and exhibits or any part of them. The joint statement must be produced by the appellant at the beginning of Schedule III.

36. *Number of pages.* Parts I to IV of the argument may not exceed 30 pages, except with leave of a judge, in particular when the nature and complexity of the appeal demands a more extensive argument.

37. Schedules. The schedules to the appellant's brief consist of the following:

(1) Schedule I: the judgment under appeal, including reasons, and in the case of an application for judicial review or an appeal from a judgment of the Superior Court sitting in appeal, the impugned decision;

(2) Schedule II:

(a) the notice of appeal and, if applicable, the motion for leave to appeal and the judgment granting leave;

(b) the information laid and the minutes of the hearing on the merits in first instance and in Superior Court, if applicable; and

(c) all statutory and regulatory provisions relied on, other than those in the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), (1982, c. 11), the Code of Penal Procedure, the Criminal Code (R.S.C. 1985, c. C-46) or the Canada Evidence Act (R.S.C. 1985, c. C-5), in both official languages, if available; and

(3) Schedule III: the exhibits and depositions or excerpts of the exhibits and depositions necessary for the Court to adjudicate the issues in dispute.

38. Final requirements. On the last page of the brief, the author

(1) attests that the brief conforms to this Regulation;

(2) undertakes to make available to the other parties, at no cost, any depositions obtained in paper or technological format; and

(3) indicates the time sought for oral argument including, in the case of the appellant, the reply.

39. Format. The brief must be formatted in compliance with the following rules:

(1) **Colour.** The cover page is yellow for the appellant, green for the respondent and grey for any other party.

(2) **Cover page.** The following must be indicated on the cover page:

(a) the record number in appeal;

(b) the court that rendered the judgment under appeal, the judicial district, the name of the judge, the date of the judgment and the record number;

(c) the style of cause of a pleading in accordance with section 18;

(d) the title of the brief by reference to the status of the party in accordance with section 19; and;

(e) the name of the attesting author and the author's contact information as well as the names and contact information of counsel for the other parties. If space is insufficient, the information required for the other counsel is indicated on the following page.

(3) **Table of contents.** The first volume of the brief begins with a general table of contents, and each subsequent volume begins with a table of its contents.

(4) **Pagination.** Brief page numbers are consecutive and centered at the top of the page.

(5) **Spacing, font and margins.** The text of the argument is to have at least 1.5 line spacing, except for citations which are to be single-spaced and indented. Arial 12-point font must be used for the entire text. As an exception, Arial 11-point font may be used for citations and Arial 10-point font for footnotes. Margins must be no less than 2.5 cm.

(6) **Numbering of paragraphs.** The paragraphs of the argument must be numbered.

(7) **Printing.** The argument and Schedule I are printed on the left-hand pages; the other schedules are printed on both sides.

(8) **Number of pages.** Each volume has a maximum of 225 sheets.

(9) **Volumes.** Each volume is numbered on the cover page and its bottom edge. The sequence of pages it contains is also printed thereon.

(10) **Exhibits.** All exhibits must be reproduced legibly. They are reproduced consecutively as they are numbered. Each exhibit is reproduced beginning on a new page titled by the exhibit number and the date and nature of the exhibit. Reproductions of photographs are permitted if they are clear. If a handwritten document is illegible, it must be accompanied by a transcript.

(11) **Depositions.** Reproduction of each deposition begins on a new page titled by the surname of the witness in upper-case letters followed by the given name, age and place of residence of the witness in lower-case letters, if those particulars have been provided, and abbreviated mentions in parentheses of

- (a) the status of the party who called the witness;
- (b) the stage of the hearing (case in chief, defence, rebuttal); and
- (c) the stage of the examination (examination in chief, cross-examination, re-examination).

The title of each following page must restate the name of the witness and the abbreviated mentions

(12) “Four in one” format. Depositions may be reproduced in paper form with four pages printed on one page, using Arial 10-point font or its equivalent. The four pages contain a maximum of 25 lines, numbered on the left-hand side of the page, and are in vertical sequence. The full page itself has only one title (corresponding to the commencement of the text).

40. Number of copies. The parties must file their brief referred to in article 304 of the Code of Penal Procedure at the office of the Court in seven copies in paper form; in accordance with section 11, they must also file a technological version for each copy filed in paper form. The parties must serve two other copies in paper form and one technological version on the other parties.

41. Non-compliance. If a brief does not comply with the foregoing requirements, the clerk informs its author of the required corrections and sets a time limit within which they must be made. The clerk informs the other parties accordingly.

Failing correction, the brief is refused. The clerk’s decision may be reviewed by a judge on a motion filed within ten days after the refusal.

CHAPTER X BOOK OF AUTHORITIES

42. Book of authorities. Each party may file a book of authorities containing statutory and regulatory provisions, other than those referred to in subparagraph c of paragraph 2 of section 37, in both official languages, if available, and case law or doctrine, printed on both sides of each page and tabbed. The relevant extracts are to be identified by underlining, highlighting or a vertical line in the margin.

The cover page of each volume of the book of authorities must show the record number in appeal, the designation of the parties, the title and the status of the filing party.

The text of judgments of the Supreme Court of Canada is the text published in the Supreme Court’s reports and, failing that, the text available before publication.

Case law or doctrine may be reduced to only relevant extracts, submitted with the preceding and succeeding page and, if available, the headnote.

A technological version of the book of authorities filed on a USB key pursuant to a management decision or as a complement to a paper version must be searchable by keyword.

43. Judgments deemed to be included in book of authorities. The Court publishes a list of judgments that the parties need not reproduce in their book of authorities. The list is available at the office of the Court and on its website.

44. Filing. Four copies of the book of authorities, in one or more volumes, must be filed for a panel; only one copy must be filed for a single decision-maker. The book of authorities must be served and filed 30 days before the appeal hearing and as soon as possible before the hearing of a motion.

CHAPTER XI MOTIONS

45. Motion. A motion must not exceed ten pages, excluding the designation of the parties and the conclusions sought, and must be accompanied by all that is necessary for its adjudication, including pleadings, judgments and reasons, exhibits, depositions, minutes, laws and regulations or extracts of those documents. A motion presented to the Court must be filed in four copies and a motion presented to a judge must be filed in duplicate.

A party may apply to be excused from filing paper copies of the documents that accompany the motion, or certain of those documents, if all the parties to the motion consent to their being filed as a technological version on a USB key. The motion must be in writing and filed at the office of the Court, with a copy to the other parties, and is decided by a judge.

46. Affidavit. Any motion containing allegations based on facts that do not appear in the record must be supported by the affidavit of a person who has personal knowledge of the facts.

47. Presentation date. The clerk posts on the Court’s website the calendar of hearing dates for motions before the Court or a judge. For a motion before the Court, the applicant must reserve a presentation date with the clerk.

48. *Service and notice of presentation.* A motion must be accompanied by a notice of presentation and its schedules and be served and filed at the office of the Court at least five working days before its presentation date in the case of a motion presented to the Court, and at least two working days before the presentation date in the case of a motion presented to a judge. In addition to the date and time, the notice of presentation must specify the courtroom in which the motion will be presented. An application for release from custody made under article 298 of the Code of Penal Procedure must be served on the prosecutor and filed at the office of the Court with at least one working day's notice before its presentation date.

Motion to dismiss. A motion presented by the prosecutor to dismiss an appeal must be served on the appellant and, if applicable, on the appellant's counsel in the manner provided unless a judge orders otherwise, in particular if the recipient cannot be located.

49. *Time of presentation.* A motion before the Court or a judge is presented at 9:30 a.m. The parties may, however, be convened at a different time.

50. *Incomplete or irregular motion.* The clerk informs the applicant if a motion is incomplete. If the applicant does not remedy the default by the deadline preceding the day on which the motion is to be presented, that deadline being either five or two working days, the clerk postpones the motion to a later date and informs the parties accordingly.

Before the hearing, a judge may strike a motion from the roll if it is irregular on its face and in such a case, the clerk informs the parties accordingly.

51. *Party excused from attendance.* Except in the case of release from custody, a party stating in writing that a motion will not be contested may apply in writing to the judge to be excused from attendance at the hearing.

52. *Absence.* If a party fails to appear on the day and at the time set for a motion to be presented, the Court or the judge may hear the parties in attendance and adjudicate the matter, if circumstances so warrant, without hearing the duly informed absent party or, alternatively, adjourn the hearing on the conditions determined.

53. *Hearing using technological means.* Where circumstances permit and the parties so consent, a motion may be heard using technological means, in particular by videoconference or teleconference.

54. *Request for adjournment.* A party seeking an adjournment must, as soon as possible, so inform the judge presiding the panel, the judge or the clerk, who then grants or dismisses the request or postpones the decision until the beginning of the hearing. The party's request must state the reason the adjournment is sought and whether or not the other party or parties consent to it.

55. *Motion to admit new evidence.* A party seeking leave to admit new evidence under the second paragraph of article 312 of the Code of Penal Procedure must first present a motion setting forth how the party exercised due diligence in obtaining the evidence and how it is relevant, credible and, if believed, likely to affect the result.

Notice and procedure. A party presenting such a motion must inform the other parties as soon as possible and attempt to secure an agreement on the timetable and procedure for the exchange of relevant documents and for cross-examinations, if applicable. The proposed timetable and procedure must be submitted to the Court.

Two-stage determination. Once seized of the motion, the Court first permits or refuses the gathering of the proposed evidence and determines, if applicable, the procedure and timetable according to which the evidence will be gathered and any cross-examinations undertaken. Once seized of the appeal on the merits, the Court then decides the admissibility of the evidence.

CHAPTER XII

INEFFECTIVE ASSISTANCE OF COUNSEL

56. *Allegation of ineffective assistance of counsel.* An appellant alleging the ineffective assistance of counsel who represented the appellant in first instance or before the Superior Court must inform that counsel by sending a copy of the written pleadings containing the allegation. The parties must complete the required form, available at the office of the Court and on the Court's website, within the time indicated on the document.

Response from counsel. Counsel wishing to respond must so inform the chief justice and the other parties in writing, describing the means counsel considers appropriate to respond to the allegations.

Management. A judge may, by a management conference, endeavour to bring the parties to an agreement on the procedure by which the evidence will be gathered or, if necessary, impose such a procedure and a timetable.

New evidence. The parties must present the appropriate motions in order to be authorized to admit new evidence under the second paragraph of article 312 of the Code of Penal Procedure.

CHAPTER XIII

FACILITATION CONFERENCE IN PENAL MATTERS

57. *Request form.* Parties represented by counsel and requesting the holding of a facilitation conference in penal matters must do so using the form available at the office of the Court and on the Court's website. The conference is presided by a judge and brings counsel for the parties together for the purpose of seeking partial or full resolution of the appeal. The judge may direct the parties to provide any required documents. Filing the completed form at the office of the Court suspends the time limits applicable to the appeal proceedings, including those set out in articles 304 and 305 of the Code of Penal Procedure.

Participation. Only counsel participate in the conference unless the judge, with the consent of the parties, authorizes another person to participate. The judge facilitates the discussion and encourages dialogue, neither of which is recorded.

Confidentiality. Counsel must undertake in writing to keep the content of the discussions confidential. If the conference results in a resolution, the judge presiding the conference may be a member of the panel that will render judgment. Where no resolution is reached, the judge presiding the conference may not participate in the hearing of the appeal.

CHAPTER XIV

ROLLS

58. *Declaration of readiness.* When a hearing date has not been previously set by the Court or a judge and the appeal is ready to be heard, the clerk issues a declaration of readiness and sends it to counsel and to unrepresented parties.

59. *Rolls.* The clerk prepares the rolls for hearings following, to the extent possible, the chronological order of declarations of readiness, subject to any preferences set by law or granted by order. On the roll, the clerk indicates the time allocated to each party for oral argument, including the reply.

60. *Orders of preference.* The chief justice or the judge the chief justice designates may, on his or her own initiative or on a motion, order that a matter be heard by preference. The motion must be presented on the date and at the time agreed with the clerk. It must be served on the other parties and filed at the office of the Court at least two working days before its presentation.

61. *Notice of hearing.* The clerk informs counsel and unrepresented parties of the date set for the hearing of their appeal by sending them a copy of the roll at least 30 days in advance. The roll is available at the office of the Court and is posted on the Court's website.

CHAPTER XV

HEARINGS OF THE COURT

62. *Order of hearings.* Hearings of the Court begin at 9:30 a.m. The clerk may convene the parties at a different time for the hearing of their appeal. Appeals are heard in the sequence appearing on the roll. If circumstances so warrant, a matter may be heard in a duly informed party's absence.

63. *Oral argument.* A party's oral argument, excluding the reply, may be divided between and presented by two counsel. At the hearing of a motion, each party may call only one counsel, except with leave.

64. *Outline of oral argument.* At the beginning of a hearing, a party may produce an outline of its oral argument, not exceeding two pages, and may attach to it, with tabs, the sole extracts from its brief and the authorities to which it intends to refer during oral argument.

65. *Recording.* The reproduction of oral arguments in a technological format is available on payment of the applicable fees under the Tariff of fees for the recording and transcription of depositions of witnesses; reproduction of a decision must be authorized (the request form is available at the office of the Court).

66. *Adjournment.* A party seeking an adjournment must, as soon as possible, so inform the judge presiding the panel who then decides the matter or postpones the request to the beginning of the hearing. In the request, the party must state the reason the adjournment is sought and whether or not the other party or parties consent to it.

67. *Waiver of hearing.* By consent, the parties may request that an appeal be decided on the basis of each brief alone, without a hearing. The Court may require that the accused personally consent to the waiver.

The clerk informs the parties of the date on which the appeal is taken under advisement and the names of the judges assigned to the matter.

If the panel responsible for adjudicating the appeal considers that a hearing is necessary, the parties are informed that the matter is no longer under advisement and that the appeal has been returned to the general roll.

68. *Filing of judgment.* When a judgment is filed, the clerk sends a copy of it to all the parties or their counsel, to the judge who rendered the judgment under appeal and the office of that court and, if applicable, to the judge who rendered judgment in first instance and the office of that court.

69. *Discontinuance.* An appellant wishing to discontinue the appeal must file a notice of discontinuance signed personally or by counsel. If signed by the appellant, the signature must be certified by affidavit or countersigned by a lawyer or, if the appellant is detained, certified by an officer of the detention facility. An appellant who has been released under article 298 of the Code of Penal Procedure must surrender to the appropriate custodial authorities within three days after the filing of the notice of discontinuance or, if the appellant is on probation or is serving a suspended sentence, the appellant must send the notice to the probation officer or the supervision officer within that same time.

CHAPTER XVI MISCELLANEOUS

70. *Application of Regulation.* This Regulation applies, with the necessary modifications, to all proceedings brought before the Court under articles 291 and 292 of the Code of Penal Procedure.

71. *Time periods.* Any time period set by this Regulation may be extended or abridged by the Court or a judge, before or after its expiry, if so warranted by the ends of justice, in particular to promote access to justice.

72. *Exemption.* The clerk may exempt a party from complying with a provision of this Regulation dealing with presentation formalities for pleadings if the circumstances so warrant, in particular to promote access to justice. In such a case, the clerk informs the other parties accordingly and makes a note in the court record or mention of it on the document granting the exemption.

73. *Directive from clerk.* The clerk may publish a directive to explain and facilitate proper understanding of this Regulation.

74. *Different application.* Where warranted by the circumstances, the chief justice may ask counsel to apply the rules dealing with formalities in a manner that differs from the manner provided in this Regulation.

75. *Application of Code of Civil Procedure.* The provisions of the Code of Civil Procedure and the Civil Practice Regulation (Court of Appeal) (chapter C-25.01, r. 10) apply to appeals in penal matters, except where they are inconsistent with the Code of Penal Procedure or this Regulation.

CHAPTER XVII COMING INTO FORCE

76. *Coming into force.* This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

104188

Gouvernement du Québec

O.C. 1197-2019, 4 December 2019

CONCERNING the delegation of the exercise of the function related to the determination of the contribution of users of full age taken in charge by certain intermediate resources

WHEREAS, under section 9.2 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Government may authorize the Minister of Health and Social Services to delegate to an organization, by agreement, the exercise of functions assigned to the Minister by the Act or by another Act under the Minister's administration;

WHEREAS, under the eighth paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the Régie de l'assurance maladie du Québec (the "Board") shall exercise any function delegated to it pursuant to an agreement with a minister;

WHEREAS section 9 of the Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) provides that the contribution that may be required of a user of full age is determined by the Minister of Health and Social Services;

WHEREAS, under Order in Council 341-2001 dated 28 March 2001, the Minister of Health and Social Services has been authorized to delegate to the Board, in accordance with the provisions of the agreement attached thereto, the exercise of the function related to the determination of the contribution of users of full age taken in charge by intermediate resources;

WHEREAS it is expedient to replace the Agreement concerning the delegation of the exercise of the function related to the determination of the contribution of users of full age taken in charge by intermediate resources, attached to Order in Council 341-2001 dated 28 March 2001;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Seniors and Informal Caregivers and the Minister of Health and Social Services:

THAT the Minister of Health and Social Services be authorized to delegate to the Board the exercise of the function related to the determination of the contribution of users of full age taken in charge by certain intermediate resources in accordance with the provisions of an agreement whose terms and conditions will be substantially in keeping with those of the proposed agreement attached to the ministerial recommendation of this Order in Council;

THAT this Order in Council replace Order in Council 341-2001 dated 28 March 2001.

YVES OUELLET,
Clerk of the Conseil exécutif

AGREEMENT CONCERNING THE
DELEGATION OF THE EXERCISE OF
THE FUNCTION RELATED TO THE
DETERMINATION OF THE CONTRIBUTION OF
USERS OF FULL AGE TAKEN IN CHARGE BY
CERTAIN INTERMEDIATE RESOURCES

BETWEEN

The MINISTER OF HEALTH AND SOCIAL SERVICES, Danielle McCann, acting through Yvan Gendron, Deputy Minister of Health and Social Services, duly authorized under the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);

hereinafter, the “Minister”

AND

The RÉGIE DE L’ASSURANCE MALADIE DU QUÉBEC, a legal person established in the public interest, legally constituted pursuant to the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5) having its headquarters at 1125, Grande-Allée Ouest, Québec (Québec) G1S 1E7, acting through Marco Thibault, President and Chief Executive Officer, duly authorized for the purposes hereof;

hereinafter, the “Board”

WHEREAS, under section 9.2 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Government may authorize the Minister of Health and Social Services to delegate to an organization, by agreement, the exercise of functions assigned to the Minister by the Act or by another Act under the Minister’s administration;

WHEREAS, under the eighth paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5), the Board shall exercise any function delegated to it pursuant to an agreement with a minister;

WHEREAS section 9 of the Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) (hereinafter, the “Regulation”) provides that the contribution that may be required of a user of full age is determined by the Minister of Health and Social Services;

WHEREAS the Minister intends to delegate the exercise of this function to the Board;

CONSEQUENTLY, the parties agree as follows:

1. PURPOSE OF THE AGREEMENT

The Minister shall delegate to the Board the exercise of the function related to the determination of the contribution that may be required of a user of full age taken in charge by intermediate resources, in accordance with the provisions of this Agreement.

2. JOINT COMMITTEE

2.1 The parties agree to form a joint committee (hereinafter, the “Joint Committee”) having the mandate to evaluate and propose any legislative, regulatory or administrative amendment related to the function whose exercise is delegated to the Board by this Agreement.

2.2 The Joint Committee shall report or submit recommendations to the parties on all the questions regarding its mandate.

2.3 The Joint Committee is made up of representatives of each party.

3. OBLIGATIONS OF THE MINISTER

3.1 The Minister undertakes to inform the public institutions of the health and social services network that she has delegated to the Board the exercise of the function related to the determination of the contribution of users of full age taken in charge by intermediate resources, in accordance with the provisions of this Agreement.

3.2 The Minister shall exercise, through the Joint Committee, control measures regarding the delegated exercise of the function specified in this Agreement.

3.3 The Minister undertakes to consult the Joint Committee regarding any legislative or regulatory amendment having an effect on the function whose exercise is delegated to the Board by this Agreement.

4. OBLIGATIONS OF THE BOARD

4.1 The Board undertakes to determine, in accordance with the provisions of the Regulation, the contribution of users of full age taken in charge by intermediate resources, except for the contribution of users of full age taken in charge by the intermediate resources referred to in section 1 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2).

4.2 Through the Joint Committee, the Board undertakes to produce, upon request, a report to the Minister with respect to the function whose exercise is delegated to it.

5. ADMINISTRATION COSTS

5.1 The Minister undertakes to reimburse to the Board the administration costs related to the function whose exercise is delegated to it by this Agreement.

5.2 The administration costs are established based on an evaluation of the costs of each activity carried out by the Board within the scope of the function whose exercise is delegated to it by this Agreement. These costs consist of the following:

—development costs according to the financing terms to be agreed upon by the parties;

—annual operating costs.

5.3 The Board shall send the Minister, within 60 days following the end of each fiscal year, a statement of the administration costs for the completed fiscal year as well as an evaluation of the administration costs for the current fiscal year.

5.4 Every month, the Minister shall pay to the Board an amount equivalent to 1/12 of the amount of the evaluation of the administration costs related to the annual operating costs, for the current fiscal year, as set out in section 5.3.

6. VARIOUS PROVISIONS

6.1 Any notice or communication that a party or the Joint Committee may or must make pursuant to this Agreement must be addressed as follows:

For the Minister:

The Secretary General
Ministère de la Santé et des Services sociaux
1075, chemin Sainte-Foy, 14^e étage
Québec (Québec) G1S 2M1

For the Board:

The General Secretariat
Régie de l'assurance maladie du Québec
1125, Grande-Allée Ouest, 8^e étage
Québec (Québec) G1S 1E7

6.2 The persons responsible for the application of this Agreement are the following:

For the Minister:

The Assistant Deputy Minister
Direction générale des programmes dédiés aux
personnes, aux familles et aux communautés

The Assistant Deputy Minister
Direction générale des aînés et des proches aidants

The Assistant Deputy Minister
Direction générale du financement, de l'allocation des
ressources et du budget

For the Board:

The Director General, Programmes hors du Québec, des
aides techniques et financières

Any change to these designations must be made by way
of a notice, in accordance with section 6.1.

6.3 The Minister and the Board may review this Agreement and agree to any amendments, by written agreement, insofar as these amendments are in compliance with the framework and orientations of the Agreement.

7. COMING INTO FORCE

This Agreement comes into force on 1 January 2020 and will end on 31 December 2020. It will be renewed on 1 January of each year unless one of the parties notifies the other party to the contrary in writing no later than 30 days before the annual renewal date.

IN WITNESS WHEREOF, this Agreement is signed in duplicate,

At Québec, for the Minister of Health and Social Services,

YVAN GENDRON,
Deputy Minister

_____ Date

At Québec, for the Board,

MARCO THIBAUT,
*President and
Chief Executive Officer*

_____ Date

104189

M.O., 2019

Order number 2019-21 of the Minister of Transport dated 20 November 2019

Highway Safety Code
(chapter C-24.2)

Suspension of certain standards related to the construction of road vehicles adapted for the transportation of handicapped persons

THE MINISTER OF TRANSPORT,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that that section provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that that section provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section 633.2;

CONSIDERING that the manufacturers of buses or mini-buses adapted for the transportation of handicapped persons have, in the last years, developed innovative manufacturing methods without compromising passenger safety;

CONSIDERING that it is appropriate to suspend certain construction obligations applicable to buses used for the transportation of handicapped persons and to prescribe rules that ensure an equivalent level of safety;

CONSIDERING that the Minister considers that the suspension of those requirements is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted and supports the suspension of those requirements;

ORDERS AS FOLLOWS:

1. The application of sections 4 and 5 of the Regulation respecting road vehicles adapted for the transportation of handicapped persons (chapter C-24.2, r. 51) concerning the minimum standards for the construction of the structure of the body and roof of a bus or minibus used for the transportation of handicapped persons with respect to a bus or minibus that complies with the requirements provided for in section 6.16 of CSA Standard D-409-16, Motor vehicles for the transportation of persons with physical disabilities, published by the Canadian Standard Association is suspended.

2. The application of the requirement provided for in section 29 of the Regulation concerning the material used for the floor of the passenger compartment, with respect to a bus or minibus whose passenger compartment floor is made of a material with mechanical properties equivalent or better than those of a steel sheet metal of 14-gauge thickness, is solidly attached to the structure of the vehicle and is sealed so as to prevent any infiltration of vapours or fumes is suspended.

3. For the suspension provided for in sections 1 and 2 of this Order to apply to a bus or minibus, the design of the body, roof and floor for the adaptation for the transportation of handicapped persons and any alteration to any of those elements must be carried out by a person authorized to apply the national safety mark within the meaning of the Motor Vehicle Safety Act (Statutes of Canada 1993, chapter 16) or the compliance label prescribed by that Act.

The bus or minibus must also bear the national safety mark or the compliance label applied by the person who carried out the design or alteration of the body, roof or floor of the vehicle.

The materials used for the design or alteration must have the properties required to maintain their integrity over the useful life of the vehicle.

4. This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the fifth anniversary of its coming into force.

Québec, 20 November 2019

FRANÇOIS BONNARDEL,
Minister of Transport

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

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