

Gazette
officielle
DU Québec

Part

2

No. 50

9 December 2020

Laws and Regulations

Volume 152

Summary

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Gouvernement du Québec

O.C. 1270-2020, 25 November 2020

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

Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines — Amendment

Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (chapter D-2, r. 6);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties sent an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions was

published in Part 2 of the *Gazette officielle du Québec* of 17 June 2020 and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to make the Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions

An Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (chapter D-2, r. 6) is amended in section 1.01 by striking out paragraph 12.

2. Section 3.01 is amended by striking out “, the pump attendant” in paragraph 3.

3. Section 6.07 is amended

(1) by replacing “The pump attendant and the washer are entitled to the holiday provided for in section 6.01 if they are” in the first paragraph by “The washer is entitled to the holiday provided for in section 6.01 if he is” and “their” by “his”;

(2) by replacing “on employees” in the second paragraph by “on the employee”.

4. Section 9.01 is replaced by the following:

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

Trades	As of 9 December 2020	As of 1 January 2022	As of 1 January 2023
1. Apprentice:			
1st year	\$15.00	\$16.05	\$17.17
2nd year	\$16.00	\$17.12	\$18.32
3rd year	\$17.11	\$18.31	\$19.59
4th year	\$17.97	\$19.22	\$20.57
2. Journeyman:			
A	\$25.99	\$27.81	\$29.76
B	\$22.65	\$24.24	\$25.93
C	\$20.52	\$21.96	\$23.50
3. Parts Clerk:			
1st year	\$13.87	\$14.84	\$15.88
2nd year	\$14.74	\$15.77	\$16.88
3rd year	\$15.73	\$16.83	\$18.01
4th year	\$16.58	\$17.74	\$18.98
A	\$20.65	\$22.09	\$23.64
B	\$18.79	\$20.11	\$21.52
C	\$17.67	\$18.91	\$20.23
4. Messenger: *	—	—	—
5. Dismantler:			
1st grade	\$13.76	\$14.72	\$15.75
2nd grade	\$14.65	\$15.67	\$16.77
3rd grade	\$15.52	\$16.60	\$17.77
6. Washer: *	—	—	—
7. Semiskilled Worker:			
1st grade	\$13.76	\$14.72	\$15.75
2nd grade	\$14.65	\$15.67	\$16.77
3rd grade	\$15.52	\$16.60	\$17.77
4th grade	\$16.95	\$18.14	\$19.41

Trades	As of 9 December 2020	As of 1 January 2022	As of 1 January 2023
8. Vendor of tires and wheels:			
1st grade	\$14.00	\$14.98	\$16.03
2nd grade	\$14.88	\$15.92	\$17.04
3rd grade	\$15.88	\$16.99	\$18.18
4th grade	\$16.74	\$17.91	\$19.16
5th grade	\$17.67	\$18.91	\$20.23
6th grade	\$18.71	\$20.02	\$21.41
7th grade	\$19.31	\$20.67	\$22.11
9. Pump Attendant:	<i>Revoked</i>	<i>Revoked</i>	<i>Revoked</i>
10. Serviceman:			
1st grade	\$13.77	\$14.73	\$15.76
2nd grade	\$14.66	\$15.69	\$16.78
3rd grade	\$15.54	\$16.63	\$17.79
4th grade	\$16.43	\$17.58	\$18.81
5th grade	\$17.67	\$18.91	\$20.23
6th grade	\$18.89	\$20.21	\$21.63
11. Suspension Specialist:			
1st grade	\$14.53	\$15.55	\$16.64
2nd grade	\$15.85	\$16.96	\$18.14
3rd grade	\$17.11	\$18.31	\$19.59
4th grade	\$17.97	\$19.22	\$20.57
5th grade	\$18.87	\$20.19	\$21.60
6th grade	\$19.99	\$21.39	\$22.89
7th grade	\$21.28	\$22.77	\$24.37
12. Parts Assembler:			
1st grade	\$13.76	\$14.72	\$15.75
2nd grade	\$14.65	\$15.67	\$16.77
3rd grade	\$15.52	\$16.60	\$17.77
4th grade	\$16.43	\$17.58	\$18.81
5th grade	\$17.77	\$19.01	\$20.34
6th grade	\$19.26	\$20.61	\$22.05
7th grade	\$21.28	\$22.77	\$24.37

* The wage is equal to the minimum wage provided for in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3), increased by \$0.50.”

5. Section 9.01.1 is amended by replacing “\$0.25” by “\$0.50”.

6. Section 14.01 is amended by replacing “31 December 2020” and “June 2020” by “31 December 2023” and “June 2023”, respectively.

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

104740

Gouvernement du Québec

O.C. 1281-2020, 2 December 2020

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

Contribution by users of health and social services institutions

Contribution of users taken in charge by family-type resources or by intermediate resources — Amendment

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

Application of the Act — Amendment

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

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 the first paragraph of section 516 of that Act, a user or any person of whom payment of a financial contribution may be required must not, in the two years preceding the moment when the user was provided with lodging or taken in charge, have renounced his rights, or alienated property or liquid assets without due consideration, or have squandered such property or assets with the intention of making himself eligible for an exemption from payment or in such a way that he would be required to pay a lower contribution than what he would otherwise have been required to pay;

WHEREAS, under the second paragraph of section 516 of that Act, the Minister or the institution referred to in section 514 of that Act may, where provisions of the first paragraph of section 516 are violated, institute proceedings for the recovery of the value of the rights, property or liquid assets by which a third person has benefited as a result of the renunciation, alienation or squandering, after subtracting the just consideration paid by the third person, and he or it may also take any other measure provided for by regulation;

WHEREAS, under section 159 of the Act respecting health services and social services for Cree Native persons (chapter S-5), the Government shall determine, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution or taken in charge by a foster family, which contribution may vary according to the circumstances or the needs identified by regulation;

WHEREAS, under section 160 of that Act, the Minister or an institution designated by regulation may, upon the request of a person from whom payment of a contribution is required under section 159 of that Act, exempt such person from paying that contribution in accordance with the terms and conditions and in the cases determined by regulation;

WHEREAS, under section 161 of that Act, 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 section 161.1 of that Act, the Government may, in a regulation made under section 159, 160 or 161 of that Act, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, in accordance with the Pension Index established in conformity with section 117 of the Act respecting the Québec Pension Plan (chapter R-9);

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 contribution by users of health and social services institutions, the Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources and the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons was published in Part 2 of the *Gazette officielle du Québec* of 22 July 2020, 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 without 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 contribution by users of health and social services institutions, the Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources and the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

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

An Act respecting health services and social services (chapter S-4.2, ss. 512, 513, 1st para. and 516, 2nd para.)

An Act respecting health services and social services for Cree Native persons (chapter S-5, ss. 159, 160, 161 and 161.1)

1. The Regulation respecting the contribution by users of health and social services institutions (chapter S-4.2, r. 6) is amended by inserting, after section 1, the following section:

“**1.1.** Where provisions of the first paragraph of section 516 of the Act respecting health services and social services (chapter S-4.2) are violated, the Minister may reduce, refuse or cease to grant an exemption by including in its calculation, the value of the rights, property or liquid assets on the date of renunciation, alienation or squandering, after subtracting the consideration received and, for each month that has passed since that date and during a period of no more than 2 years, the amount corresponding to the monthly subtraction set out in section 175 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1).

A refusal or an omission by an adult or his representative to claim within a reasonable time assistance, a benefit or other advantage that he is entitled to demand *prima facie* and of whose existence he is informed of is deemed a renunciation of a right.

The first and second paragraphs do not apply to an adult user who is receiving, under a last resort assistance program set out in the Individual and Family Assistance Act (chapter A-13.1.1), a benefit that has already been reduced, refused or terminated pursuant to section 175 of the Individual and Family Assistance Regulation.”

2. The Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources (chapter S-4.2, r. 7) is amended by replacing, in the first paragraph of section 1.1, “in subparagraph *b* of the first paragraph of section 375” with “in subparagraph 4 of the first paragraph of section 363.3”.

3. Section 1.2 of that Regulation is amended by replacing, in the first paragraph, “in subparagraph *b* of the first paragraph of section 375” with “in subparagraph 4 of the first paragraph of section 363.3”.

4. Section 5 of that Regulation is amended by replacing, in the first paragraph, “361 to 370 and 373 to 375 of the Regulation apply” with “361 to 369.1, 373 and 374 of the Regulation and section 1.1 of the Regulation respecting the contribution by users of health and social services institutions (chapter S-4.2, r. 6) apply”.

5. 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 by adding, at the end of the third paragraph of section 355, the following sentence:

“They are rounded to the nearest dollar.”

6. That Regulation is amended by adding, at the end of section 360, the following section:

“For the purposes of this Subdivision, a “Québec resident” is understood as a person who is residing in Québec or who is residing in Québec temporarily within the meaning of sections 5 to 8 of the Health Insurance Act (chapter A-29).”

7. Section 362 of the French version of that Regulation is amended by replacing, “exemption” with “exonération”.

8. That Regulation is amended by replacing section 363 with the following sections:

“**363.** The contribution income is calculated according to the following formula:

Where: Contribution income = (A+B)-C

A = Family income established in keeping with the provisions of section 363.1;

B = Increase for property established in keeping with the provisions of section 363.2;

C = Sum of the deductions granted in keeping with the provisions of section 363.3.

Where the result is negative, the income contribution is nil.

Notwithstanding the provisions of sections 363.1 to 363.3, the following factors must not be taken into consideration for the purpose of establishing the contribution income:

(1) the presence of a spouse or a child with respect to whom a contribution may be required pursuant to section 159 of the Act or section 512 of the Act respecting health services and social services (chapter S-4.2) as a beneficiary or user who is accommodated in an institution referred to in one of these statutes or who is taken in charge by a resource referred to one of these statutes;

(2) the benefit to an adult consisting in relief in whole or in part from payment for his accommodation;

(3) the amount of the benefit received under a last resort assistance program in accordance with the Individual and Family Assistance Act (chapter A-13.1.1) as well as the interest produced by the liquid assets of the accommodated adult and his spouse, if applicable, whose value does not exceed the exclusion amounts set out in the first paragraph of section 369;

(4) the expenses incurred to maintain a dwelling or residence;

(5) the payments referred to in paragraph 29 of section 111 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), up to the maximum amount set out therein.

363.1. Family income includes the income of the adult and that of his spouse, if applicable, for the preceding month, within the meaning of section 28 of the Taxation Act (chapter I-3), as well as any non-taxable indemnity, pension, annuity, allowance or benefit arising from any source whatsoever.

363.2. The increase for property is equal to 1% of the amount by which the value of the property of the accommodated person and his spouse, if applicable, exceeds \$5,000 if the accommodated adult has a dependent spouse or child, and \$2,500, in all other cases.

For the purpose of calculating this increase, the total value of the property is determined in accordance with sections 145, 146, excluding paragraph 2, 148 and 150 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), given the necessary adaptations and excluding the total value of the following property from the calculation of the increase:

(1) the value of a residence or farm during the longer of the following periods:

(a) a period of one year from the time when a contribution may be required of the adult pursuant to section 159 of the Act, as a beneficiary who is accommodated in an institution;

(b) the period during which the dependent spouse or child of the accommodated adult lives in or operates this residence or farm on a continuous basis;

(2) the capital from an indemnity paid as compensation for immovable property following an expropriation, fire or other disaster, act of war, attack or criminal act if it is used in the 2 years following its receipt for the repair or replacement of this property or for the operation of an enterprise;

(3) the capital from the sale of a residence if it is used to purchase a new one or have a new one built within 6 months of the sale;

(4) the capital from an indemnity paid as compensation for movable property following a fire or other disaster, act of war, attack or criminal act if it is used within 90 days of its receipt;

(5) the value of the property used within the scope of self-employment or the operation of a farm.

Notwithstanding the first paragraph, with respect to the property referred to in subparagraphs 1 to 3 of the second paragraph, the increase for property applicable at the end of the time periods set out therein is equal to 1% of the amount by which the total value of the property exceeds the amount provided for in the first paragraph of section 164 of the Individual and Family Assistance Regulation. As well, with respect to automobiles, the increase for property is equal to 1% of the amount by which the value of these automobiles exceeds \$10,000.

363.3. The following monthly deductions are granted to an accommodated adult in the cases and conditions indicated:

- (1) \$1,252 where the accommodated adult has a spouse;
- (2) \$501 for each dependent child under age 18;
- (3) \$629 for each dependent child age 18 or over who is attending an educational institution full time;
- (4) \$260 as a personal expense allowance, where the deduction set out in subparagraph 1 is not granted to the accommodated adult;
- (5) a deduction for the payment of the rent indicated in the lease of the dwelling that the accommodated adult was occupying before his admission to an institution and which he is required to fulfil, up to the portion of the monthly lease assumed by this adult. For the purposes of determining the rent that the adult is required to pay, services other than those referred to in the provisions of the

third paragraph of section 1974 of the Civil Code are not taken into consideration. This deduction may be granted only for the first two contribution months on presentation of documents establishing the obligation to continue paying rent and the amount to be paid.

The amounts referred to in subparagraphs 1 to 4 of the first paragraph are 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). They are rounded to the nearest dollar.”

9. Section 365 of that Regulation is replaced with the following section:

“**365.** The adult who must pay a monthly rate may, in addition to the exemption he benefits from under section 362, be granted a supplementary exemption if he is in one of the situations referred to in section 366 or 368.”

10. Section 366 of that Regulation is replaced with the following section:

“**366.** The Minister shall grant a supplementary exemption to the adult who does not benefit from any of the deductions referred to in subparagraphs 1, 2 and 3 of the first paragraph of section 363.3 if his contribution income is less than twice the monthly rate that he has to pay.

The exemption referred to in the first paragraph is then equal to the difference between the amount which the adult would be exempt from paying, in accordance with section 362, if he only had to pay one-half of his contribution income as monthly rate, and the amount for which he is actually benefiting from an exemption under this section.”

11. Section 367 of that Regulation is amended by replacing “the personal expense allowance prescribed by section 375” with “the personal expense allowance prescribed in subparagraph 4 of the first paragraph of section 363.3”.

12. Section 368 of that Regulation is replaced with the following section:

“**368.** The Minister shall grant a supplementary exemption to the adult who benefits from one of the deductions referred to in subparagraphs 1, 2 and 3 of the first paragraph of section 363.3 if his contribution income is less than four times the monthly rate that he has to pay.

The exemption referred to in the first paragraph is then equal to the difference between the amount which the adult would be exempt from paying, in accordance with section 362, if he only had to pay 1/4 of his contribution income as monthly rate, and the amount for which he is actually benefiting from an exemption under this section.”

13. Section 369 of that Regulation is replaced with the following sections:

“**369.** The amount of the exemption granted to an accommodated adult is reduced by the amount by which the value of his liquid assets and those of his spouse, if applicable, exceed \$5,000, if the accommodated adult has a dependent spouse or child, and \$2,500, in all other cases.

Subject to section 369.1, the total value of the liquid assets is determined in accordance with sections 128 and 129 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), taking into consideration the necessary adaptations.

Notwithstanding the first paragraph, in the case of an adult whose accommodation predates 1 July 1975, the amount by which the value of his liquid assets and those of his spouse, if applicable, exceeds the exclusion amounts referred to therein is added instead to the value of his property for the purposes of the provisions of section 363.2.

369.1. For the purposes of section 369, the following amounts are not taken into consideration when establishing the total value of the liquid assets:

(1) the value of the sums referred to in sections 135 and 136 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);

(2) the value of the sums paid out pursuant to the judgment rendered by the Superior Court on 28 May 2013, confirming the agreement following the class action on behalf of users of résidence St-Charles-Borromée (CHSLD Centre-Ville);

(3) the value of the sums paid out pursuant to the judgment rendered by the Superior Court on 23 April 2014, confirming the agreement following the class action on behalf of the users of 89 residential and long-term care centres with respect to the laundry service for their personal garments;

(4) the value of the sums paid out pursuant to the judgment rendered by the Superior Court on 9 September 2014, confirming the agreement following the class action on behalf of users of hôpital Rivière-des-Prairies;

(5) the value of the sums paid out pursuant to the judgment rendered by the Superior Court on 15 May 2015, confirming the agreement following the class action on behalf of users of centre hospitalier régional du Suroît de Valleyfield;

(6) the value of the sums paid out in 2015 by Centre d’hébergement et de soins de longue durée (CHSLD) Jeanne-Le Ber to users of this centre, toward the reimbursement of financial losses resulting from irregular operations into their bank accounts;

(7) the value of the sums paid out pursuant to the settlement agreement, approved by the Federal Court in June 2018, following the class action filed on behalf of members of the Canadian Armed Forces, members of the Royal Canadian Mounted Police and employees of the federal public service having suffered prejudice due to their sexual orientation, gender identity or gender expression;

(8) the value of the sums paid out pursuant to the judgment rendered by the Federal Court on 30 January 2019, confirming the settlement agreement following the class action filed on behalf of war veterans receiving various benefits, including a disability pension;

(9) the sums accrued in a registered retirement savings plan, where the holder of the plan has not reached the age of eligibility for a full pension under the Old Age Security Act (R.S.C. 1985, c. O-9);

(10) the sums accrued in a registered disability savings plan, including those paid into it in the form of Canada disability savings bonds or Canada disability savings grants for the benefit of the adult, his spouse or one of his dependent children and which he cannot dispose of in the short term without incurring a penalty, according to the rules applicable to that plan.

The exclusions set out in subparagraphs 1 to 8 of the first paragraph apply as of the date of payment of these sums and only for the person who is entitled thereto.”

14. Section 370 of that Regulation is repealed.

15. Section 371 of that Regulation is replaced with the following section:

“**371.** The Minister shall grant, upon application of the adult accommodated in a reception centre, regardless of section 369 and the increase for property referred to in section 363.2, a supplementary exemption equal to the difference between the monthly rate payable to the reception centre less the exemption and the monthly rate that he would pay if he were accommodated in a hospital centre.”

16. Section 372 of that Regulation is amended by inserting, in the first and second paragraphs and after “section 369”, “and the increase for property referred to in section 363.2”.

17. Section 374 of that Regulation is replaced by the following section:

“**374.** An application for exemption must be addressed to the Minister using the appropriate form supplied to this end. The adult who files an application for exemption must transmit all information and documents necessary to process this application, including the documents necessary to establish the adult’s income and, if applicable, that of his spouse, as well as the total value of their property and liquid assets.

An exemption may be granted retroactively only up to six months preceding the receipt of the application for exemption by the Minister. However, the Minister may extend this time limit where it was impossible for the adult to file an application sooner.

The adult must notify the Minister of any change regarding the information or documents transmitted in support of an application for exemption within 30 days of such a change.”

18. Section 375 is replaced with the following:

“**375.** For the purposes of this Subdivision, the expression “reception centre” does not refer to a reception centre which operates without receiving sums of money derived from the Consolidated Revenue Fund.”

19. Section 376 of that Regulation is amended:

(1) by replacing, in the first paragraph, “in subparagraph *b* of the first paragraph of section 375” with “in subparagraph 4 of the first paragraph of section 363.3”;

(2) by replacing, in the second and third paragraphs, “in paragraph *b* of section 375” with “in subparagraph 4 of the first paragraph of section 363.3”.

20. Section 377 of that Regulation is amended by replacing “in paragraph *b* of section 375” with “in subparagraph 4 of the first paragraph of section 363.3”.

21. This Regulation comes into force on 1 January 2021.

104746

Gouvernement du Québec

O.C. 1282-2020, 2 December 2020

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

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

Application regulation — Amendment

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons

WHEREAS, under section 161 of the Act respecting health services and social services for Cree Native persons (chapter S-5), the Government is to 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 the beneficiary is sheltered, and also fix the amount of that allowance;

WHEREAS, under the second paragraph of section 512 of the Act respecting health services and social services (chapter S-4.2), the Government is to determine, by regulation, the amount of personal expense allowance which must be left each month at the disposal of users 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;

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 Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons was published in Part 2 of the *Gazette officielle du Québec* of 9 September 2020 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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, 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

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

An Act respecting health services and social services
(chapter S-4.2, s. 512, 2nd par.)

1. On 1 January 2021 and 2022, the personal expense allowance provided for 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 increased by \$10 in addition to the increase resulting from the indexation and the rounding off provided for in the second paragraph of that section.

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

104749

Gouvernement du Québec

O.C. 1293-2020, 2 December 2020

Québec Immigration Act
(chapter I-0.2.1)

Special program for asylum seekers during COVID-19

Special program for asylum seekers during COVID-19

WHEREAS, under paragraph 3 of section 7 of the Québec Immigration Act (chapter I-0.2.1), the humanitarian class is a class of foreign nationals wishing to settle permanently in Québec;

WHEREAS, under section 9 of the Act, for each class, the Government may, by regulation, determine immigration programs and, for each program, the selection conditions and any selection criteria applicable to foreign nationals;

WHEREAS, under section 34 of the Act, a foreign national who is in a special hardship situation may be selected by the Minister in the cases and on the conditions determined by government regulation;

WHEREAS, under the second paragraph of section 58 of the Act, the Government determines, by regulation, in particular the cases in which a decision made by the Minister lapses;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published in the *Gazette officielle du Québec* as set out in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it and the reason for such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force of the Special program for asylum seekers during COVID-19:

— the Government of Canada has established a temporary public policy to grant permanent resident status to certain foreign nationals in Québec, which will be implemented on 14 December 2020;

— the granting of the status requires their selection by the Minister of Immigration, Francization and Integration under the Special program for asylum seekers during COVID-19;

WHEREAS it is expedient to make the Special program for asylum seekers during COVID-19;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Francization and Integration:

THAT the Special program for asylum seekers during COVID-19, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Special program for asylum seekers during COVID-19

Québec Immigration Act
(chapter I-0.2.1, ss. 9, 34 and 58)

1. A foreign national may be selected by the Minister under the Special program for asylum seekers during COVID-19 if the foreign national meets the following conditions:

(1) the foreign national's application for permanent residence is processed in Canada under section 25.2 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(2) the foreign national has held eligible employment in Canada for a period of at least 750 hours before 1 September 2021, including 120 hours of actual work between 13 March 2020 and 14 August 2020.

2. For the purposes of this program, eligible employment means any of the following professions according to the National Occupational Classification, practiced in the health sector, with any related conditions:

(1) home support workers, housekeepers and related occupations (code 4412), but only when mainly performing one or more of the following duties:

(a) providing care to individuals during periods of incapacitation, convalescence or family disruption;

(b) administering bedside and personal care to clients such as aiding in ambulating, bathing, personal hygiene, dressing and undressing;

(c) performing routine health-related duties such as changing non-sterile dressing, assisting in the administration of medications and collecting specimens under the general direction of home care agency supervisors or nurses;

(2) nurse aides, orderlies and patient service associates (code 3413);

(3) nursing co-ordinators and supervisors (code 3011);

(4) registered nurses and registered psychiatric nurses (code 3012);

(5) licensed practical nurses (code 3233);

(6) allied primary health practitioners (code 3124).

A training period in the health sector under a program of studies leading to eligible employment or to meet requirements related to the performance of eligible employment, where the employment is governed by a professional order in Canada, is considered to be eligible employment.

3. A foreign national who has held eligible employment in Canada between 13 March 2020 and 14 August 2020 may be selected by the Minister if the foreign national meets the condition set out in paragraph 1 of section 1, but is unable to meet the other conditions of the program because the foreign national has contracted COVID-19 or is subject to a measure for preventing COVID-19.

4. A foreign national who is the widow or widower of an asylum seeker who has held eligible employment in Canada between 13 March 2020 and 14 August 2020, may be selected by the Minister if the condition set out in paragraph 1 of section 1 is met and if the asylum seeker has died from COVID-19.

5. Despite paragraph 1 of section 111 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3), a selection decision rendered under this program has not lapsed where the foreign national is subject to a removal order for which there is no stay, within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

AMENDING

6. Section 61 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3) is replaced by the following:

“**61.** A foreign national belongs to the humanitarian class if the foreign national is in a special hardship situation. The foreign national must, to settle in Québec, be selected by the Minister under

(1) the program for refugees abroad;

(2) the program for persons selected on the basis of humanitarian considerations; or

(3) the Special program for asylum seekers during COVID-19, made by Order in Council 1293-2020 dated 2 December 2020.”

FINAL

7. This program comes into force on 14 December 2020.

104748

Gouvernement du Québec

O.C. 1300-2020, 2 December 2020

An Act respecting prescription drug insurance (chapter A-29.01)

**Basic prescription drug insurance plan
— Amendment**

CONCERNING the Regulation to amend the Regulation respecting the basic prescription drug insurance plan

WHEREAS, under subparagraph (7) of the first paragraph of section 78 of the Act respecting prescription drug insurance (chapter A-29.01) the Government may, in addition to the regulatory powers conferred on it by that Act and after consultation with the Régie de l'assurance maladie du Québec, make a regulation to determine, for the purposes of sections 13.1 and 28.1 of that Act, the rules pursuant to which the rates of adjustment are to be fixed annually and specify the categories of persons to which they apply;

WHEREAS, the Government made the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);

WHEREAS it is expedient to amend that Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation amending the Regulation respecting the basic prescription drug insurance plan was published in Part 2 of the *Gazette officielle du Québec* of 16 September 2020 with notice that it may be made by the Government upon expiry of the 45-day period following that publication;

WHEREAS the Régie de l'assurance maladie du Québec has been consulted with respect to this draft regulation;

WHEREAS it is expedient to make that Regulation with amendments;

IT IS ORDERED therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the basic prescription drug insurance plan, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the basic prescription drug insurance plan

An Act respecting prescription drug insurance (chapter A-29.01, s. 78, first para., subpara. (7))

1. The Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4) is amended by replacing sections 6.1 and 6.2 with the following:

“**6.1.** The rate of adjustment of the maximum amount of the annual premium will be established on the basis of the experience of the months of April to March of the preceding fiscal year, while taking into account the following factors:

(1) the increase in the costs of the plan to the persons referred to in paragraph 4 of section 15 of the Act respecting prescription drug insurance (chapter A-29.01);

(2) the costs anticipated from changes to coverage under the plan, particularly by the introduction of new medications to the list of medications;

(3) the insufficiency of contributions to the plan where, in the application of the provisions of section 6.2 and 6.2.1, the rates of adjustment fixed do not allow for maintaining the proportion of the gross costs assumed by the persons referred to in the first and second paragraphs of section 28 of the Act respecting prescription drug insurance;

(4) any other factor having a direct effect on the costs of the plan.

6.2. The rates of adjustment of the maximum contribution, coinsurance and deductible to be assumed by the persons referred to in the first and second paragraphs of section 28 of the Act respecting prescription drug insurance (chapter A-29.01) will be determined on the basis of the experience of the months of April to March of the preceding fiscal year and by taking into account the increase in the costs of the plan to those categories of persons so as to maintain the proportion of the gross costs assumed by those persons.

However, the rate of adjustment of the coinsurance may not exceed zero where the percentage set out in section 27 if the Act respecting prescription drug insurance is more than 35%.

6.2.1. Notwithstanding the provisions of section 6.2, the rates of adjustment of the maximum contribution and deductible may not exceed the rate of increase in the Pension index established under the Act respecting the Québec Pension Plan (chapter R-9) applicable on January 1 of the year where the adjustment takes place, which rate is:

(1) for the maximum contribution:

(a) reduced by 0.5% in regard to the persons referred to in the first paragraph of section 28 of the Act respecting prescription drug insurance (chapter A-29.01);

(b) increased by 0.5%, in regard to the persons referred to in the second paragraph of section 28 of the Act respecting prescription drug insurance;

(2) for the deductible, increased by 0.5%.

The rate of adjustment of the deductible may however be less than that established in accordance with the provisions of the first paragraph of this section and the first paragraph of section 6.2, where the amount of the deductible is equivalent to more than 20% of the amount of the maximum contribution in the case of the persons referred to in the second paragraph of section 28 of the Act respecting prescription drug insurance.”

2. The following is inserted before section 6.3:

“DIVISION IV.2

SPECIAL RULES APPLYING FOR THE PERIOD OF 1 JULY 2020 TO 30 JUNE 2021”.

3. Section 6.3 is amended by replacing, in the first and second paragraphs, “and 6.2” by “to 6.2.1”.

4. For the period of 1 January 2021 to 30 June 2021, the Board has fixed the rates of adjustment of the maximum amount of the annual premium, deductible and maximum contribution, as well as the percentage of the coinsurance, in accordance with the rules derived from this Regulation.

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

104747

Notice

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure

An Act respecting legal aid and the provision of certain other legal services (chapter A-14)

Notice is hereby given that the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure, appearing below, was entered into on 4 December 2020.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the Agreement has force of law and takes effect on the date of its publication in the *Gazette officielle du Québec*.

SIMON JOLIN-BARRETTE,
Minister of Justice

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure

An Act respecting legal aid and the provision of certain other legal services (chapter A-14, s. 83.21)

1. This Agreement establishes the tariff of fees applicable to advocates in private practice who render services in criminal and penal matters to persons who receive legal aid or other legal services under the Act respecting legal aid and the provision of certain other legal services (chapter A-14), except advocates who have entered into a professional services contract with the Commission des services juridiques.

The Agreement also establishes rules dealing with expenses and dispute settlement.

PART I
TARIFF OF FEES

CHAPTER I
GENERAL

2. A day comprises a maximum of three work periods, one in the morning, one in the afternoon and one in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

A preparation period, a period of participation in a conference ordered or convened by a judge and a hearing period are work periods.

3. For the purposes of this Agreement,

(1) a trial begins with the presentation of the prosecutor's evidence when it is held before judge only, and a trial held before a jury begins by jury selection; and

(2) a trial ends with a decision on a conviction.

4. The fees applicable to services rendered by an advocate are as follows:

(1) if the court refuses or is unable to proceed in the presence of the parties on the very day set for the hearing: \$106;

(2) services related to an application to extend the time limits for execution of a sentence or an order of the court: \$84;

(3) if, to cease representing, the advocate must file a motion: \$65;

(4) if the advocate is replaced at a hearing: \$65.

5. For services rendered during a facilitation conference or a case management conference in criminal and penal matters, the fees are \$290 per period.

6. The Commission determines the fees applicable to services not included in the tariff taking into account, if applicable, the fees set in this Agreement for similar services.

CHAPTER II
SPECIAL RULES

DIVISION I
FEES APPLICABLE UNDER THE LEGAL AID PLAN AND FOLLOWING A COURT DESIGNATION ORDER ISSUED PURSUANT TO THE CRIMINAL CODE (R.S.C., 1985, c. C-46) OR FOLLOWING A DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

§1. General

7. Subject to section 27, a flat fee includes up to two hearing periods on the same day, one in the morning and one in the afternoon.

If, once under way, the hearing or conference is unable to end before 6:00 p.m. on the same day, an advocate is entitled, for the evening and for each additional work period, to fees of,

(1) in first instance, \$290; and

(2) in appeal, \$300.

8. An advocate who receives a mandate during the proceedings and who sees a case through is entitled to full remuneration where a flat fee is provided for and no other advocate has rendered services in the case.

Where a mandate is assigned following an order issued pursuant to the Criminal Code, an advocate is entitled to the full flat-rate remuneration on completion of the mandate.

9. Where a flat fee is set for services and more than one advocate has rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services personally rendered, subject to sections 81.1 and 104 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4).

10. Where a recipient's legal aid is suspended or withdrawn or a recipient ceases to be eligible for legal aid or waives it, an advocate is remunerated for the services rendered until receipt of the notice referred to in section 74 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) and for the legal

services rendered subsequently for the performance of conservatory acts necessary to safeguard the recipient's rights or required by the court.

11. Services rendered on a finding or a plea of guilty to a lesser and included offence are remunerated according to the tariff applicable in respect of the charge as laid.

12. Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to full remuneration for the highest paid information and to one-half of the set tariff for each other information.

13. An advocate who represents two or more persons charged with the same offence or with a like offence arising from the same course of events and for which the proceedings are held in the same court at or about the same time is entitled to the remuneration applicable to a mandate, increased by the following percentage according to the number of persons represented:

- (1) two persons: 50%;
- (2) three persons: 100%;
- (3) four persons: 150%;
- (4) five persons or more: 200%.

14. Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case, an advocate may submit an application for special consideration to have the Commission determine the excess fees.

15. The fees of an advocate who renders services in a region or locality served on an itinerant basis in the judicial district of Abitibi or Mingan are increased by 5%.

16. Where an advocate must, at the director general's request, justify in writing an application for a legal aid mandate, fees in the amount of \$80 are payable to the advocate if the mandate is assigned.

17. For all services rendered under a consultation mandate, a mandate that ends with a consultation or a mandate related to a proposal to participate in the program for the non-judicial treatment of certain criminal offences, the fees are \$70.

18. To represent, for appearance, a person arrested under a warrant issued in another judicial district, regardless of the technological means used, the fees are \$106.

19. To represent a detained person for the purposes of section 503 of the Criminal Code, where the appearance is held using technological means, outside regular court house hours and under a presiding justice of the peace, the fees are \$158.

20. For a release hearing actually held, the fees are \$158.

21. For all services related to a granted request to change location, if the advocate subsequently ceases to act, the fees are \$84.

22. Where an advocate pleads in writing, at the court's request or under its authorization, the fees are \$290.

23. An advocate rendering services to a beneficiary taking part in the Alternative Measures Program or the Alternative Measures Program in Aboriginal communities is entitled to additional fees of \$200.

24. An advocate rendering services to a beneficiary taking part in the Court of Québec Addiction Treatment Program or the Justice and Mental Health Support Program is entitled to additional fees of \$400.

§2. Fees for certain services in first instance

25. For all services rendered to persons charged with a summary conviction offence under Part XXVII of the Criminal Code, until sentencing, where applicable, the fees are \$400.

26. For all services rendered to persons charged with an indictable offence under section 553 of the Criminal Code or charged with an offence that may be prosecuted by indictment or by summary conviction, the fees are \$415.

27. For all services rendered to persons charged with an indictable offence other than an offence referred to in section 26 or in section 239 of the Criminal Code, or within the exclusive jurisdiction of the Superior Court under section 469 of that Code, until sentencing, where applicable, the fees are \$600.

The tariff includes up to two hearing periods for the preliminary inquiry and up to two hearing periods for the trial, where in each case, the hearings are held on the same day and before the evening. For the other hearing periods, the fees are \$290 each for the preliminary inquiry and for trial before judge only and \$420 each for trial before judge and jury.

By exception, the tariff set in this section is also applicable to the services referred to in section 26 when they are rendered to a person liable to a minimum term of imprisonment or charged with a sexual offence.

§3. Fees for services rendered to persons charged with indictable offences under section 239 of the Criminal Code or offences within the exclusive jurisdiction of the Superior Court under section 469 of that Code

28. Sections 13, 14 and 20 do not apply to this subdivision.

29. For preparation of hearings and pre-trial conferences, and during the hearings and conferences, the fees are \$290 per period.

The number of preparation periods payable to an advocate is limited to five periods per application heard by the court.

30. For preparation of the trial, the fees are \$290 per period.

The number of preparation periods for the trial payable to an advocate is limited

(1) to three periods for each day of hearing scheduled for presentation of the prosecution's evidence, as established at the pre-trial conference or as indicated in the court record; and

(2) to one period for each day of hearing during the trial.

31. If the trial is interrupted for more than three consecutive weeks, a maximum of eight additional preparation periods to be worked during the interruption are payable to the advocate.

32. Where an advocate represents more than one accused in the same trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 30, increased by 50%, regardless of the number of accused the advocate represents.

33. The Commission must, at an advocate's request, reconsider the number of preparation periods to which the advocate was entitled under subparagraph 1 of the second paragraph of section 30 or section 32 if the number of hearing days actually held for the trial is greater than one and one-half the number of hearing days scheduled for presentation of the prosecution's evidence.

The advocate submits the request in the final statement of fees.

34. Where during the proceedings an advocate replaces an advocate whose remuneration is governed by this subdivision, the advocate must provide the Commission with an application detailing the preparation time the advocate considers necessary to represent the client.

The Commission examines the application taking into account the circumstances of the case and determines the maximum number of preparation periods available to the advocate in place of the preparation periods provided for in subparagraph 1 of the second paragraph of section 30 or in section 32.

35. During the trial, the fees are \$420 per hearing period.

36. For services rendered during representations on sentence, the fees are \$290 per period.

§4. Fees for services other than in criminal and penal matters

37. Where a judgment orders an attorney be appointed, the fees are \$158.

38. For all services rendered before the Review Board under sections 672.38 et seq. of the Criminal Code, the fees are \$525.

39. For all services rendered until sentencing, where applicable, the fees are as follows for hearings held

(1) under section 742.6 of the Criminal Code: \$210; and

(2) under sections 110, 111, 112, 810.01(5) and 810.2(5) of the Criminal Code: \$210.

40. In matters of extraordinary remedies provided for in the Criminal Code, the fees are as follows:

(1) for preparation and service of the proceeding: \$315;

(2) per hearing period: \$290.

41. For services rendered following an order made under section 486.3 of the Criminal Code, the fees are \$290 per work period. An advocate is entitled to three preparation periods per day of hearing already held at the time the mandate is assigned to the advocate and to a maximum of four additional preparation periods.

For all services rendered following an order made under section 672.24 of the Criminal Code, the fees are \$400.

42. For all services rendered for an application for release from custody or for review of the decision rendered on release addressed to a judge of the Superior Court, the fees are \$210.

43. In matters of preventive detention,

(1) for preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code, including interviews and other necessary services, the fees are \$1,050; and

(2) per hearing period, the fees are \$290.

44. For all services rendered for an application for a change to a probation order under section 732.2(5) of the Criminal Code, the fees are \$158.

45. For all services rendered for an application for the issue of a warrant of committal or an order of imprisonment for default of payment of fines under section 734.7 of the Criminal Code or article 346 of the Code of Penal Procedure (chapter C-25.1), the fees are \$232.

46. For all services rendered until sentencing, where applicable, under the Youth Criminal Justice Act (S.C. 2002, c. 1), the fees are as follows:

(1) on an application for review under subsection 59(1) of that Act: \$195;

(2) on an application under subsection 64(1) of that Act: \$450.

§5. Fees for services rendered in appeal

47. For an appeal on extraordinary remedies, an appeal in matters of preventive detention or an appeal from the decision on a conviction, sentence or both, the fees are as follows:

(1) preparation of all proceedings preliminary to the appeal, including drafting and filing of the notice of appeal: \$630;

(2) hearing of the application for leave to appeal: \$232;

(3) motion for extension of the time to appeal: \$210\$;

(4) preparation of the factum: \$840;

(5) hearing of the appeal: \$840.

48. For all services rendered for an application for release from custody until a decision on the appeal, the fees are \$285.

49. For services rendered following an order made under section 684 of the Criminal Code, the fees are \$840 for the hearing at the Court of Appeal. An advocate is entitled to a maximum of four preparation periods remunerated at \$300 each.

50. For an appeal to the Supreme Court, the fees are as follows:

(1) preparation of all proceedings preliminary to the appeal, including drafting and filing of the notice of appeal or the application for leave to appeal: \$3,150;

(2) preparation of the factum: \$3,150;

(3) hearing of the appeal: \$4,200.

51. For services rendered following an order made under section 694.1 of the Criminal Code, the fees are \$2,100 for the hearing at the Supreme Court. An advocate is entitled to a maximum of eight preparation periods remunerated at \$300 each.

DIVISION II

FEES APPLICABLE IN A LENGTHY AND COMPLEX CASE, FOLLOWING A DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

52. Section 14 does not apply to this Division.

53. For preparation of hearings and pre-trial conferences, and at the hearings or conferences, the fees are \$290 per period.

The number of preparation periods payable to an advocate is limited to five periods per application heard by the court.

54. For preparation of the trial, the fees are \$290 per period.

The number of preparation periods payable to an advocate is limited

(1) to three periods for each day of hearing scheduled for presentation of the prosecution's evidence, as established at the pre-trial conference or as indicated in the court record; and

(2) to one period for each day of hearing during the trial.

55. If the trial is interrupted for more than three consecutive weeks, a maximum of eight additional preparation periods to be worked during the interruption are payable to the advocate.

56. Where an advocate represents more than one accused in the same trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 54, increased by 50%, regardless of the number of accused the advocate represents.

57. The Commission must, at the advocate's request, reconsider the number of preparation periods to which the advocate was entitled under subparagraph 1 of the second paragraph of section 54 or section 56 if the number of hearing days actually held for the trial is greater than one and one-half the number of hearing days scheduled for presentation of the prosecution's evidence.

The advocate submits the request in the final statement of fees.

58. Where an advocate replaces an advocate whose remuneration was governed by this Division, or where an advocate's remuneration becomes governed by this Division during the proceedings, the advocate must provide the Commission with an application detailing the preparation time the advocate considers necessary to represent the client.

The Commission examines the application taking into account the circumstances of the case and determines the maximum number of preparation periods available to the advocate in place of the preparation periods provided for in subparagraph 1 of the second paragraph of section 54 or in section 56.

59. During the trial, the fees are \$420 per hearing period.

60. Where an advocate pleads in writing, at the court's request or under its authorization, the fees are \$290 per work period, for a maximum of ten periods.

61. For preparation and hearings of representations on sentence, the fees are \$290 per period.

The number of preparation periods is limited to 15 periods.

62. Subdivision 5 of Division I of this Chapter applies to appeals, with the necessary modifications.

PART II EXPENSES

63. Expenses include travel allowances and costs authorized by the director general or the Commission, as applicable, in particular expert fees and other costs pertaining to the cases and proceedings incidental to the mandate.

The fees of legal counsel are treated as expert fees. The same applies to fees pertaining to the professional services of an advocate assisting during hearing of the trial, which are limited to \$185 per hearing period and are eligible only for the services rendered for mandates assigned in accordance with Chapter II of the Act respecting legal aid and the provision of certain other legal services (chapter A-14).

64. An advocate is entitled to reimbursement of \$0.10 per page for photocopies made during written proceedings or to reproduce authorities.

65. At the end of a legal aid mandate, an advocate who sees a case through receives \$50 as reimbursement of administrative overhead costs, except for consultation mandates and mandates that end with a consultation.

66. An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from the advocate's office.

When using a personal motor vehicle, an advocate is entitled to the travel allowance per kilometre provided for in section 8 of the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 216155 dated 22 March 2016) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

(1) based on the distance actually travelled, if the travel is within the boundaries of the judicial district of the advocate's office;

(2) based on the distance actually travelled up to a maximum of 200 km, if the travel is outside the boundaries of the judicial district of the advocate's office;

(3) based on the distance actually travelled if the travel is to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court, tribunal or body having jurisdiction outside the boundaries of the judicial district of the advocate's office. If an advocate's office is in a judicial district other than the district where

the legal aid centre that issued the mandate is located, the advocate receives either the allowance under subparagraph 2, or an allowance established on the basis of the distance between the place where the mandate was issued and the place where the relevant court, tribunal or body sits, at the advocate's option; and

(4) based on the distance actually travelled, with the authorization of the director general of the legal aid centre, if the travel is outside the boundaries of the judicial district of the advocate's office and the nature or complexity of the matter requires that the mandate be assigned to that advocate.

An advocate entitled to a kilometric allowance is also entitled to reimbursement of any parking expenses incurred.

67. Subject to sections 64 and 65, expenses cannot exceed the actual amount incurred by the advocate; they are paid on presentation of supporting documents.

PART III DISPUTE SETTLEMENT PROCEDURE

CHAPTER I SUBMITTING OF A DISPUTE AND CONCILIATION

68. A dispute means any disagreement concerning the interpretation or application of this Agreement, including any disagreement concerning a claim for fees for a service not included in the tariff or an application for special consideration, and any disagreement concerning a statement of fees or expenses submitted pursuant to the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

A dispute must be submitted within six months after receipt of the notice referred to in section 8 of that Regulation.

69. A dispute is submitted by an advocate by means of a notice addressed to the regional centre or to the Commission, as applicable. The notice must contain a summary of the facts and the relief sought.

70. The regional centre or the Commission, as applicable, provides a written reply to the notice of dispute it receives.

71. Before submitting a dispute, an advocate may resort to conciliation by means of written notice to the director general of the regional centre, to the Commission and to the section of the Barreau du Québec to which the advocate belongs.

72. Resorting to conciliation interrupts the six-month prescription.

73. Within 15 days after receiving the notice referred to in section 71, the director general of the regional centre and the bâtonnier of the section each designate an advocate.

74. Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to come to an agreement.

CHAPTER II ARBITRATION

75. An advocate who submitted a dispute may, if no reply is received within 30 days after sending the notice, or the advocate is dissatisfied with the reply, refer the dispute to arbitration.

Resorting to arbitration is prescribed by six months.

An application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, and is also sent to the regional centre, to the Commission and to the Barreau du Québec.

The chief judge designates one of the judges of that court to act as arbitrator.

76. After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene or take up the defence of an advocate who refers a dispute to arbitration.

77. Stenography fees and fees to reproduce a recording of the hearings, if any, are borne by the regional centre or by the Commission, as applicable.

78. The arbitrator has jurisdiction, to the exclusion of any court or tribunal, to decide a dispute within the meaning of this Agreement. The arbitrator may uphold, vary or rescind the disputed decision and, under the terms of the arbitration award, order payment or determine compensation, restore a right or issue any order considered by the arbitrator to be fair in the circumstances.

The arbitration award is final and binding on the parties.

79. The arbitrator may issue an interim award at any time.

80. The arbitrator sends every arbitration award to the parties and to the Barreau du Québec.

PART IV
MISCELLANEOUS, TRANSITIONAL AND FINAL

81. This Agreement replaces the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (chapter A-14, r. 5.2).

It comes into force on the day of its publication in the *Gazette officielle du Québec* and applies to services rendered in connection with legal aid mandates assigned since 1 June 2019.

82. For mandates assigned between 1 October 2017 and 31 May 2019, the fees applicable are those set out in the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (chapter A-14, r. 5.2), increased by 5%

83. The maximum level of the fees payable to an advocate who renders services under the legal aid plan is set at \$140,000 for mandates assigned to the advocate between 1 April and 31 March of the years covered by this Agreement. Beyond that amount, the fees paid to the advocate are reduced by 35% for each mandate.

84. This Agreement ends on 30 September 2022. It remains in force after that date until it is replaced by a new agreement or by a regulation.

104754

Notice

An Act respecting legal aid and the provision of certain other legal services
(chapter A-14)

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure

Notice is hereby given that the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure, appearing below, was entered into on 4 December 2020.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the Agreement has force of law and takes effect on the date of its publication in the *Gazette officielle du Québec*.

SIMON JOLIN-BARRETTE,
Minister of Justice

Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure

An Act respecting legal aid and the provision of certain other legal services
(chapter A-14, s. 83.21)

1. This Agreement establishes the tariff of fees applicable to advocates in private practice to whom a legal aid mandate is assigned, except for services rendered in criminal and penal matters.

The Agreement also establishes rules dealing with expenses and dispute settlement.

PART I
TARIFF OF FEES

CHAPTER I
GENERAL

2. A day comprises a maximum of three work periods, one in the morning, one in the afternoon and one in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

Work periods are periods spent participating in prevention and dispute resolution processes and hearing periods.

3. Unless provided otherwise, a flat fee includes up to two work periods on the same day, one in the morning and one in the afternoon.

If, once under way, the hearing, conference or conciliation or mediation session is unable to end before 6:00 p.m. the same day, an advocate is entitled, for the evening and for each additional work period, to fees of,

- (1) in first instance: \$290; and
- (2) in appeal: \$300.

4. Where flat-rate fees are set for services and more than one advocate has rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services personally rendered, subject to section 81.1 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4).

5. Where legal aid of a recipient is suspended or withdrawn or where a recipient is no longer eligible for or waives legal aid, an advocate is remunerated for the services rendered up to receipt of the notice referred to in section 74 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) and for the legal services subsequently rendered for the performance of conservatory acts necessary to safeguard the recipient's rights or required by the court.

6. The Commission des services juridiques determines the fees applicable to services not included in the tariff taking into account, if applicable, the fees set in this Agreement for similar services.

7. Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the matter, an advocate may submit an application for special consideration to have the Commission determine the excess fees.

8. Where an advocate must, at the director general's request, justify in writing an application to obtain a legal aid mandate, fees in the amount of \$80 are payable to the advocate if the mandate is assigned.

9. The fees for all services rendered under a consultation mandate are \$70. If the advocate's mandate is to prepare a formal notice, a letter or a notice, the fees are \$106.

10. The fees applicable to services rendered by an advocate are as follows:

(1) if the court refuses or is unable to proceed in the presence of the parties on the very day set for the hearing: \$106;

(2) for a formal notice to appoint a new advocate: \$80;

(3) if the advocate must submit or file a notice of substitution of attorney or withdrawal of mandate, or a statement or an application to cease representing: \$65.

11. Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$290 are payable.

12. For an advocate's participation in a settlement conference, a special case management conference or a pre-trial conference referred to in article 179 of the Code of Civil Procedure (chapter C-25.01) (C.C.P.), the fees are \$290 per period.

For any participation of the advocate in other case management proceedings, convened by the court or requested by a party, the fees are \$70 per period.

13. The fees of an advocate who renders services in a region or locality served on an itinerant basis in the judicial district of Abitibi or Mingan are increased by 5%.

14. No fees set under this Agreement are payable to an advocate who instigated a judicial application or any other pleading that has been declared abusive, in particular pursuant to articles 51 *et seq.* of the C.C.P.

CHAPTER II TARIFF IN CIVIL MATTERS

DIVISION I GENERAL

15. For the purposes of this Chapter, unless the context indicates otherwise, a settlement is considered to be reached when there is a discontinuance of an application, a transaction takes place or there is full acquiescence in an application. Cases that come to an end following a bankruptcy proceeding are also considered settled.

16. For a declaration of intervention referred to in article 186 of the C.C.P., the fees are \$315 if there is no opposition and \$370 if there is opposition.

17. Where two or more defendants file separate contestations, the advocate of the plaintiff receives, for each additional contestation, half of the fees set in section 40 or section 43, according to the stage of the proceedings.

For the purposes of this provision, an intervenor, an impleaded party and a defendant in warranty, if they ask for dismissal of the principal action, are each considered to be a defendant filing a separate contestation.

18. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once despite the multiplicity of proceedings.

19. An advocate must apply for costs in the application.

20. Where legal costs are owed to the recipient by an adverse party who is not a recipient, the advocate prepares a bill of costs and sends it to the legal aid body from which

the advocate received the mandate, which is subrogated to the rights of the recipient up to the amount appearing in the bill of costs.

The advocate is entitled to fees of \$53, unless the bill of costs is contested, in which case the fees are \$122.

DIVISION II CLASSES OF ACTIONS

21. Actions are classed as follows:

Class I: actions whose amount or value in dispute is \$85,000 or less, or whose amount or value in dispute is undeterminable or inexistent;

Class II: actions whose amount or value in dispute is greater than \$85,000 but less than \$200,000;

Class III: actions whose amount or value in dispute is \$200,000 or greater and applications for judicial review under the C.C.P.

22. The Class II tariff applies for the following actions and proceedings:

- (1) actions for declaration or denial of a servitude;
- (2) proceedings relating to filiation, including adoption;
- (3) proceedings relating to disavowal and deprivation of parental authority;
- (4) boundary delimitation, possessory and petitory proceedings;
- (5) proceedings provided for in the C.C.P. relating to legal persons.

23. In the matter of a determination of an issue of law and a declaratory judgment, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those set for Class II actions.

24. An injunction applied for with no conclusion other than that of article 509 of the C.C.P. is considered to be a Class III action in first instance and a Class II action in appeal.

If other conclusions are sought, the tariff is that of Class III in first instance and Class II in appeal.

25. For the procedure governing the sale of the property of another referred to in article 307 of the C.C.P., the class of action is determined by the value of the property.

26. In expropriation proceedings, the class of action is determined by the amount of the indemnity.

Contestation of the right to expropriation is a separate proceeding and the tariff set for Class II actions applies.

27. Hypothecary actions are considered to be purely personal actions and the class of action is determined by the balance of the obligation.

28. In matters of judicial partition and licitation, the class of action is determined by the value of the matter in dispute.

29. In an action in which a creditor exercises a right to become the absolute owner of an immovable, the class of action is determined by the value of the immovable.

30. Unless otherwise provided by law, every action to set aside a contract or a will is classed according to the value of the contract or the succession; if in addition a sum of money is claimed, the class of action is determined by the total value of the application.

31. Where a cross-application is presented, an advocate receives only one amount of fees and the class of action is determined by the highest of the amounts granted.

DIVISION III TARIFF FOR NON-CONTENTIOUS PROCEEDINGS, FOR PRIVATE DISPUTE PREVENTION AND RESOLUTION PROCESSES AND FOR PROCEEDINGS IN FIRST INSTANCE

32. For an application to have a change entered in the register of civil status, the fees are \$122.

For other applications dealt with under non-contentious proceedings, the fees are \$200, with the exception of the procedure governing the sale of property of another, for which the class is determined in accordance with section 25.

33. For a notice or formal notice preceding service of the originating application:

- (1) required by law: \$80;
- (2) not required by law: \$53.

The fees in subparagraph 2 paragraph are payable only once per mandate.

34. For services rendered within a collaborative law process, the fees are \$290 per period, for a maximum of two periods.

Collaborative law means participation in negotiation in view of a settlement before the filing of an originating application, governed by a protocol and where the advocates discontinue the matter if there is no settlement.

If there is a settlement, additional fees of \$106 are payable.

35. For services rendered at a mediation session in which the advocate assists the recipient, the fees are \$290, for a maximum of two periods.

36. For a seizure before judgment: \$106.

37. Where a settlement is reached before or after an originating application but before notification of an answer or a contestation, the fees are as follows:

(1) to the advocate representing the applicant:

Class I: \$290;

Class II: \$475;

Class III: \$575.

(2) to the advocate representing the defendant:

Class I: \$250;

Class II: \$460;

Class III: \$560.

38. Where a judgment on the merits, by default to answer the summons or to plead is rendered, the fees are as follows:

(1) to the advocate representing the applicant:

Class I: \$400;

Class II: \$540;

Class III: \$640.

(2) to the advocate representing the defendant:

Class I: \$200;

Class II: \$240;

Class III: \$290.

39. For the examination on discovery of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial, the fees are \$290.

40. Where a settlement is reached after notification of an answer or contestation on the merits, or where an application is dismissed following an application for dismissal, the fees are as follows:

Class I: \$625;

Class II: \$880;

Class III: \$980.

41. For all services rendered in matters of incidental proceedings if there is contestation, the fees are \$115.

If the incidental proceedings terminate the dispute, the following additional fees are payable:

Class I: \$400;

Class II: \$540;

Class III: \$640.

42. For the preparation and registration in the land register of a prior claim, legal hypothec or formal demand, as required by article 1743 of the Civil Code: \$115.

43. Where a judgment on the merits is rendered in a contested action, the fees are as follows:

Class I: \$750;

Class II: \$1,565;

Class III: \$1,725.

Those fees also apply to a judgment on an application for an interlocutory injunction that terminates the action or to a judgment on an application for a permanent injunction that was not preceded by a judgment on an interlocutory injunction.

44. The fees set in section 43 are increased by 50% if a judgment on an application for a permanent injunction is rendered following a judgment on an interlocutory injunction.

45. For the filing of a declaration of voluntary deposit and for a claim on seizure of salary or wages or on voluntary deposit, the fees are \$53.

46. For services rendered to obtain the issue of a writ of execution, whatever its nature, the fees are \$53.

47. For examination of the debtor after judgment, the fees are \$80.

48. For a judgment by default against a garnishee or on the garnishee's declaration, the fees are \$53.

49. In adoption proceedings, an application for a declaration of eligibility for adoption, an application for placement of a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.

Where an advocate submits separate applications for two or more children in the same family and the grounds for the various applications are identical, the fees payable for each additional application are set at \$106.

50. In expropriation proceedings, the fees are as follows:

(1) for any proceeding commenced under the Expropriation Act (chapter E-24) before a court other than the Administrative Tribunal of Québec, immovable property division: \$106;

(2) for any uncontested proceeding relating to payment of the money awarded: \$106.

Additional fees of 1% of the indemnity are added to the fees under the first paragraph if it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, on a motion accompanied by an affidavit of the advocate, that the advocate's services during the preparation of the case or at the hearing, or during the negotiations leading to a transaction, so justify.

51. Where an advocate represents a minor following an order made pursuant to article 90 of the C.C.P., the fees are \$315 if not contested and \$370 if contested.

Those fees apply for every judgment ruling on the minor's rights and privileges and that required the intervention or presence of the advocate.

By exception, in the case of a judgment extending the application of measures ordered by the preceding judgment or renewing it, the fees are \$90, for a maximum of two judgments in a same case.

52. For the purposes of section 51, if an advocate represents two or more minors in the same case, the fees set for representing a minor are increased by the following percentage according to the number of minors represented:

- (1) two minors: 50%;
- (2) three minors or more: 100%.

53. In matters concerning confinement in an establishment and psychiatric evaluation, the fees are:

- (1) \$100 if there is discontinuance of suit;
- (2) \$310 if a judgment on the merits is rendered.

DIVISION IV TARIFF FOR PROCEEDINGS IN APPEAL

54. For an application for leave to appeal, an application for dismissal of an appeal or any other contested incidental proceeding, the fees are \$315.

55. For services rendered in appeal from any judgment rendered in the course of a proceeding, excluding an injunction, judicial review and habeas corpus, the fees applicable are one-half of the fees set for a judgment on the merits, according to the class of action determined by the amount in dispute.

56. For all services rendered when an appeal is not heard following the filing of a notice of appeal, the fees are as follows:

Class I: \$560;

Class II: \$950;

Class III: \$1,050.

57. For an application for extension of the time limit for filing a brief, the fees are \$180.

58. For the filing of an additional brief on request by the court, the fees are \$295.

59. For all services rendered when an appeal is not heard following the filing of the appellant's brief, including when a settlement is reached, the fees are as follows:

(1) to the advocate representing the appellant:

Class I: \$1,050;

Class II: \$1,320;

Class III: \$1,600;

(2) to the advocate representing the respondent:

Class I: \$660;

Class II: \$850;

Class III: \$1,050.

60. For all services rendered when an appeal is not heard following the filing of the respondent's brief, including when a settlement is reached, the fees are as follows:

Class I: \$1,120;

Class II: \$1,400;

Class III: \$1,700.

61. Where a judgment of the Court of Appeal on an action for a permanent injunction is rendered after a judgment from that Court on an action for an interlocutory injunction, the fees are as follows:

Class I: \$800;

Class II: \$950;

Class III: \$1,120.

62. Where a judgment on the merits is rendered, the fees are as follows:

Class I: \$1,600;

Class II: \$1,900;

Class III: \$2,240.

Those fees are also applicable to a judgment of the Court of Appeal rendered on an application for an interlocutory injunction that terminates the case or to a judgment from that Court on an action for a permanent injunction that was not preceded by a judgment it would have rendered on an interlocutory application.

63. For an appeal to the Supreme Court, the fees are as follows:

(1) for the preparation of all proceedings preliminary to the appeal, including drafting and filing of the notice of appeal or application for leave to appeal: \$3,150;

(2) for preparation of the factum: \$3,150;

(3) for the appeal hearing: \$4,200.

CHAPTER III

SPECIAL TARIFF FOR CERTAIN PROCEEDINGS IN FAMILY MATTERS

64. The tariff in civil matters provided for in Chapter II applies to the proceedings to which this Chapter applies, subject to the special provisions set forth therein.

DIVISION I

APPLICATIONS BASED ON THE DIVORCE ACT (R.S.C., 1985, c. 3 (2ND SUPPL.)) OR ON TITLES 1 AND 1.1 OF BOOK 2 OF THE CIVIL CODE

65. An advocate who files evidence by affidavit without being present at the evidence stage is entitled to the fees set in subdivisions 1 to 4.

§1. Originating applications

66. Where there is reconciliation, abandonment or discontinuance of proceedings, the fees are as follows:

(1) after the filing of the originating application with the Court, to the advocate representing the applicant: \$250;

(2) after notification of the answer to the summons and before notification of a contestation, to the advocate representing the defendant: \$250;

(3) in an action by agreement, to the advocate representing both parties: \$400.

67. Where there is reconciliation, abandonment or discontinuance of proceedings after notification of a contestation and before judgment on the merits, the fees are as follows:

(1) to the advocate representing the applicant: \$450;

(2) to the advocate representing the defendant: \$400.

68. Where a judgment by default to answer a summons or to plead is rendered, the fees are as follows:

(1) to the advocate representing the applicant: \$650;

(2) to the advocate representing the defendant: \$400.

69. Where a judgment confirms an agreement filed in a joint application, the fees to the advocate representing both parties are \$925.

70. Where a judgment on the merits is rendered in a contested action or an agreement is concluded, the fees are \$925.

§2. Safeguard orders and provisional measures

71. For the first judgment on the measures applicable during the proceedings, whether a safeguard order or a judgment on provisional measures, and for every judgment that amends those measures, the fees are \$350.

Those fees also apply if the special clerk refuses to confirm an agreement or a transaction and refers the parties to the judge.

72. For a judgment rendered on measures applicable during the proceedings that extends application of the measures ordered by the preceding judgment, or renewing the preceding judgment, an advocate is entitled to the following fees for a maximum of two judgments in a single case: \$90.

73. If, for the same provisional measure or safeguard order, a separate application is filed by each party, a single amount of fees is payable regardless of the number of applications.

74. The fees of an advocate to whom a mandate is assigned to represent an applicant in proceedings for separation from bed and board or for divorce are reduced by half if the advocate has previously represented the party in similar proceedings in the course of the previous year.

§3. Execution of judgments

75. For a seizure of movables and immovables after judgment, the fees are \$80.

76. For a judgment for seizure by garnishment after judgment, the fees are \$106.

77. For registration of a judgment at the registry office, the fees are \$53.

§4. Applications subsequent to judgment on merits

78. The fees applicable for the appointment of a practitioner, the homologation of a practitioner's report or for inscription following a homologated report are \$53.

79. For every judgment

(1) relating to an application for variation of support, child custody rights, visiting and outing rights, if there is no hearing, the fees are \$350; and

(2) relating to an application to vary the measures referred to in subparagraph 1, if there is a hearing, the fees are \$475.

This provision applies subject to section 72.

80. For drafting and registration of a declaration of family residence in the land register, the fees are \$106.

DIVISION II OTHER PROCEEDINGS IN FAMILY MATTERS

81. For a judgment ordering measures applicable during the proceedings:

- (1) after an agreement or transaction, the fees are \$350;
- (2) after presentation of evidence, the fees are \$475.

82. For a judgment on the action on the merits, an advocate is entitled to the following fees, only once per case:

- (1) without presentation of evidence: \$470;
- (2) after presentation of evidence: \$620.

83. For a judgment extending the application during the proceedings of the measures ordered by the preceding judgment, or renewing the preceding judgment without amending it, an advocate is entitled to the following fees for a maximum of two judgments in a single case: \$90.

DIVISION III PROCEEDINGS IN APPEAL IN FAMILY MATTERS

84. For an application for leave to appeal, for dismissal of an appeal or any other contested incidental proceeding, the fees are \$300.

85. For an appeal from a judgment in the course of a proceeding, the fees are \$850.

86. For all services rendered where an appeal is not heard following the filing of the appellant's brief, including when a settlement is reached, the fees are \$425.

87. For the filing of an additional brief on request by the court, the fees are \$295.

88. For all services rendered where an appeal is not heard after the appellant's brief has been filed, the fees are as follows:

- (1) to the advocate representing the appellant: \$1,050;
- (2) to the advocate representing the respondent: \$660.

89. For all services rendered where an appeal is not heard after the respondent's brief has been filed and before the hearing, the fees are \$1,120.

90. Where a judgment on the merits is rendered, the fees are \$1,600.

CHAPTER IV TARIFF FOR MISCELLANEOUS MATTERS

DIVISION I GENERAL

91. Where an advocate represents two or more recipients who are judicially or de facto joined and are parties to a dispute based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the fees of the advocate are limited to those set for the services rendered to a recipient.

92. For an appeal heard in the Court of Québec, the fees are based on those set for Class I of the tariff in civil matters in first instance.

93. For an appeal heard in Superior Court, the fees are based on those set for Class II of the tariff in civil matters in first instance.

94. For an appeal heard in the Court of Appeal, the fees are based on those set for Class I of the tariff in civil matters for appeal proceedings.

DIVISION II PROCEEDINGS IN MATTERS OF YOUTH PROTECTION

95. For the presence of an advocate during an intervention with the director of youth protection, including an intervention with a view to reaching an agreement on the voluntary measures prior to the judicial intervention: \$106.

96. For participation in a conciliation or mediation procedure, the fees are

- (1) \$500 if the procedure settles the dispute; and
- (2) \$290 per period if the procedure does not settle the dispute.

97. Where the court hears together the cases of two or more children concerned by the proceedings of the director of youth protection, an advocate who represents more than one child from the same parent or who represents a party is entitled to the remuneration set for representing one person, increased by the following percentage:

- (1) if there are two children: 50%;
- (2) if there are three children or more: 100%.

This provision also applies to the advocate of an interested person or intervenor.

98. The following fees apply when the presence of an advocate is required:

- (1) for a postponement, after being called by a party: \$27;
- (2) for the rendering of a judgment: \$53.

99. For all services related to an application for intervention provided for in section 81 of the Youth Protection Act (chapter P-34.1), the fees are \$148 if the judgement is rendered without contestation and \$315 if there is contestation.

100. For all services related to an application for provisional measures or foster care, or related to an application to extend immediate protective measures under section 47 or 76.1 of the Youth Protection Act (chapter P-34.1), the fees are as follows:

- (1) if there is discontinuance: \$84;
- (2) if a final decision is rendered: \$175.

101. For all services rendered, including in connection with measures on an application to have a child declared to be in danger under section 74.1 of the Youth Protection Act (chapter P-34.1) or an application for the review or extension of a decision or order under section 95 of that Act, the fees are as follows:

- (1) if there is discontinuance: \$190;
- (2) if a final decision is rendered: \$450.

DIVISION III PROCEEDINGS IN MATTERS OF HOUSING

102. This Division applies solely to proceedings in matters of housing undertaken pursuant to the Act respecting the Administrative Housing Tribunal (chapter T-15.01).

103. For participation in a conciliation procedure, the fees are

- (1) \$475 if the procedure settles the dispute;
- (2) \$290 per period, if the procedure does not settle the dispute.

104. For an incidental application, the fees are \$100.

105. For all the other services rendered,

(1) if there is discontinuance, conclusion of an agreement or the decision is rendered without contestation, the fees are \$290;

(2) if a final decision is rendered after contestation, the fees are \$475.

106. For an application for provisional execution of a decision of the Administrative Housing Tribunal, the fees are \$130.

107. For an application for revocation of a decision of the Administrative Housing Tribunal, the fees are \$170.

108. For all services related to an application for review under section 90 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01):

(1) if there is discontinuance or an agreement is concluded, the fees are \$170;

(2) if a final decision is rendered, the fees are \$315.

109. For all services related to an application for leave to appeal to the Court of Québec under section 91 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01):

(1) if an agreement is concluded before the hearing, the fees are \$175;

(2) if a final decision is rendered, the fees are \$230.

110. For an application to suspend the execution of a decision of the Administrative Housing Tribunal, the fees are \$130.

DIVISION IV PROCEEDINGS RELATED TO ADMINISTRATIVE DECISIONS

111. This Division applies to the services for which legal aid is granted pursuant to section 44 of the Regulation respecting legal aid (chapter A-14, r. 2) and to property assessment proceedings.

112. For all services related to an application for review of a decision of an administrative officer, until the final decision, the fees are \$300.

113. For all services related to a recourse exercised before an administrative tribunal of last instance, if there is discontinuance or conclusion of an agreement before the hearing, the fees are \$600 following a conciliation procedure and \$300 in the absence of a conciliation procedure.

114. For all services related to a recourse exercised before an administrative tribunal of last instance if there is a hearing, the fees are as follows:

(1) following a conciliation procedure: \$600, plus \$290 per period of hearing as of the first period;

(2) in the absence of a conciliation procedure: \$600.

115. For all services related to an application for leave to appeal to the Court of Québec, the fees are as follows:

(1) if an agreement is concluded before the hearing: \$175;

(2) if a judgment is rendered: \$235.

DIVISION V BANKRUPTCY PROCEEDINGS

116. For all services related to an application for discharge until judgment on the merits, the fees are as follows:

(1) if not contested: \$116;

(2) if contested: \$343.

117. For an incidental application, the fees are \$63.

118. For all services related to the contestation of an application for an order requiring payment of a part of salary to the trustee, until judgment on the merits, the fees are \$116.

119. For all services related to an application to withdraw property from the assets assigned to the creditors, the fees are \$116.

DIVISION VI ASYLUM AND IMMIGRATION PROCEEDINGS

*§1. Department of Citizenship and Immigration
Canada and Canada Border Services Agency*

120. For a meeting with the claimant and preparation of the asylum claim, the fees are \$200.

Additional fees of \$100 per person in the same family if Schedules A and 12 are filled out for that person.

121. For preparation of the form to apply for permanent residence on humanitarian and compassionate or public policy grounds, the fees are \$225.

For the filing of each additional written submission, the fees are \$290.

§2. Immigration and Refugee Board

122. For preparation of the pre-removal risk assessment form and danger opinions, the fees are \$225 per person covered by the form.

For the filing of additional written submissions, the fees are \$200.

123. For preparation of the Personal Information Form, the fees are \$250 for the refugee status claimant and \$150 for each other member of the family in the same file.

124. For all other services rendered, until the final decision, the fees are \$425.

125. For services rendered before the Immigration Division during a hearing concerning detention, the fees are \$225.

126. For all services rendered before the Immigration Appeal Division, the fees are as follows:

- (1) if there is discontinuance: \$300;
- (2) if there is a final decision: \$600.

127. For participation in a conciliation or mediation procedure, the fees are \$290 per period.

§3. Federal Court

128. For preparation of an application for authorization to institute judicial review proceedings, the fees are \$550.

129. For preparation of the hearing on the merits, the fees are \$615.

130. For an application for stay, the fees are \$500.

131. For a contested incidental proceeding, the fees are \$127.

132. For the hearing on the merits, the fees are \$290 per period.

§4. Federal Court of Appeal

133. For all services rendered if the appeal is heard, the fees are \$1,190.

If there is no hearing after the notice of appeal has been filed, the fees are \$450.

DIVISION VII **PAROLE PROCEEDINGS**

§1. Commission québécoise des libérations conditionnelles

134. For all services related to an application for examination of conditional release, an application for review of a condition or an application for re-examination (post suspension), until the final decision:

(1) rendered following a standard hearing:

(a) for preparation, the fees are \$165;

(b) for the hearing, the fees are \$290 per period;

(2) rendered following a hearing on the record, the fees are \$238.

135. For all services rendered during a review, the fees are \$436.

136. For an application for judicial review of a decision of the Commission québécoise des libérations conditionnelles, the fees are based on those set for Class II of the tariff in civil matters in first instance.

§2. National Parole Board

137. For all services related to an application for the examination of parole or an application for the review of a condition, until the final decision:

(1) rendered following a standard hearing:

(a) for preparation, the fees are \$400;

(b) for the hearing, the fees are \$290 per period;

(2) rendered following a hearing on the record, the fees are \$500.

138. For all services related to an application for re-examination (post suspension), until the final decision:

(1) rendered following a standard hearing:

(a) for preparation, the fees are \$135;

(b) for the hearing, the fees are \$290 per period;

(2) rendered following a hearing on the record, the fees are \$240.

139. For a postponement,

(1) if the National Parole Board has not begun to hear the case, the fees are \$33;

(2) if the Board has begun to hear the case, the fees are \$290 per hearing period.

140. For all services rendered during an appeal, the fees are \$910.

141. For services related to an application for judicial review by the Federal Court of a decision of the National Parole Board or Correctional Service Canada, including its disciplinary tribunal:

(1) for preparation, the fees are \$1,050;

(2) for any presence required before the Court, including to present the file, the fees are \$290 per period;

(3) for the examination or cross-examination of a declarant, the fees are \$158.

142. For all services related to an application for judicial review concerning a reduction in the number of years of imprisonment without eligibility for parole made pursuant to subsection 745.6(1) of the Criminal Code, the fees are \$263.

For all services related to a proceeding under section 745.61 of the Criminal Code, the fees are \$580.

If applicable, additional fees of \$420 apply per period of additional hearing.

DIVISION VIII PROCEEDINGS IN CORRECTIONAL LAW

143. For a disciplinary hearing, the fees are as follows:

(1) for preparation: \$150;

(2) for the hearing: \$150.

However, if an advocate represents a recipient in respect of offences that are related to each other, the fees for the services rendered during the hearings, in each file,

are reduced by half as of the second file if the hearings take place during the same period and before the same administrative authority.

144. The postponement rules set out in section 139 apply, with the necessary modifications.

145. For contestation of a detainee's transfer, the fees are \$210.

DIVISION IX OTHER PROCEEDINGS

146. For a hearing before the review committee of the Commission des services juridiques, if the advocate is successful, the fees are \$116.

147. For an administrative application for a change of name, the fees are \$116.

PART II EXPENSES

148. Expenses include travel allowances and costs authorized by the director general, in particular expert fees and other costs pertaining to the cases and proceedings incidental to the mandate.

The services of legal counsel are treated as expert fees. The same applies to fees for the professional services of an advocate assisting during the hearing referred to in section 142, which are limited to \$185 per hearing period.

149. For each mandate assigned to an advocate, an amount of \$11 is paid as reimbursement of photocopy, fax, courier and postage expense.

150. At the end of the mandate, an advocate who sees a case through receives \$50 as reimbursement of administrative overhead costs, except for consultation and formal demand mandates and those that end with a consultation.

151. An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from the advocate's office.

When using a personal motor vehicle, an advocate is entitled to the travel allowance per kilometre provided for in section 8 of the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 216155 dated 22 March 2016) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

(1) based on the distance actually travelled, if the travel is within the boundaries of the judicial district of the advocate's office;

(2) based on the distance actually travelled up to a maximum of 200 km, if the travel is outside the boundaries of the judicial district of the advocate's office;

(3) based on the distance actually travelled if the travel is to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court, tribunal or body having jurisdiction outside the boundaries of the judicial district of the advocate's office. If an advocate's office is in a judicial district other than the district where the legal aid centre that issued the mandate is located, the advocate receives either the allowance under subparagraph 2, or an allowance established on the basis of the distance between the place where the mandate was issued and the place where the relevant court, tribunal or body sits, at the advocate's option; and

(4) based on the distance actually travelled, with the authorization of the director general of the legal aid centre, if the travel is outside the boundaries of the judicial district of the advocate's office and the nature or complexity of the matter requires that the mandate be assigned to that advocate.

An advocate entitled to a kilometric allowance is also entitled to reimbursement of any parking expenses incurred.

152. Subject to sections 149 and 150, expenses cannot exceed the actual amount incurred by the advocate; they are paid on presentation of supporting documents.

PART III DISPUTE SETTLEMENT PROCEDURE

CHAPTER I SUBMITTING OF A DISPUTE AND CONCILIATION

153. A dispute means any disagreement concerning the interpretation or application of this Agreement, including any disagreement concerning a claim for fees for a service not included in the tariff or an application for special consideration, and any disagreement concerning a statement of fees or expenses submitted pursuant to the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

A dispute must be submitted within six months after receipt of the notice referred to in section 8 of that Regulation.

154. A dispute is submitted by an advocate by means of a notice addressed to the regional centre or to the Commission, as applicable. The notice must contain a summary statement of the facts and the relief sought.

155. The regional centre or the Commission, as applicable, provides a written reply to the notice of dispute it receives.

156. Before submitting a dispute, an advocate may resort to conciliation by means of a written notice to the director general of the regional centre, to the Commission and to the section of the Barreau du Québec to which the advocate belongs.

157. Resorting to conciliation interrupts the six-month prescription.

158. Within 15 days after receiving the notice referred to in section 156, the director general of the regional centre and the bâtonnier of the section each designate an advocate.

159. Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to come to an agreement.

CHAPTER II ARBITRATION

160. An advocate who submitted a dispute may, if no reply is received within 30 days after sending the notice, or the advocate is dissatisfied with the reply, refer the dispute to arbitration.

Resorting to arbitration is prescribed by six months.

An application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, and is also sent to the regional centre, to the Commission and to the Barreau du Québec.

The chief judge designates one of the judges of that court to act as arbitrator.

161. After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene or take up the defence of an advocate who refers a dispute to arbitration.

162. Stenography fees and fees to reproduce a recording of the hearings, if any, are borne by the regional centre or by the Commission, as applicable.

163. The arbitrator has jurisdiction, to the exclusion of any court or tribunal, to decide a dispute within the meaning of this Agreement. The arbitrator may uphold, vary or rescind the disputed decision and, under the terms of the arbitration award, order payment or determine compensation, restore a right or make any order considered by the arbitrator to be fair in the circumstances.

The arbitration award is final and binding on the parties.

164. The arbitrator may issue an interim award at any time.

165. The arbitrator sends every arbitration award to the parties and to the Barreau du Québec.

PART IV MISCELLANEOUS, TRANSITIONAL AND FINAL

166. This Agreement replaces the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure (chapter A-14, r. 5.1).

It comes into force on the day of its publication in the *Gazette officielle du Québec* and applies to services rendered in connection with legal aid mandates assigned since 1 June 2019.

Subject to section 168, it does not operate to reduce fees already paid before its publication.

167. For mandates assigned between 1 October 2017 and 31 May 2019, the fees applicable are those set out in the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure (chapter A-14, r. 5.1), increased by 5%.

168. The maximum level of the fees payable to an advocate who renders services under the legal aid plan is set at \$140,000 for mandates assigned to the advocate between 1 April and 31 March of the years covered by this Agreement. Beyond that amount, the fees paid to the advocate are reduced by 35% for each mandate.

169. This Agreement ends on 30 September 2022. It remains in force after that date until it is replaced by a new agreement or by a regulation.

104751

M.O., 2020

Order 2020-006 of the Minister of Immigration, Francization and Integration dated 3 December 2020

Québec Immigration Act
(chapter I-0.2.1)

Regulation to amend the Immigration Procedure
Regulation

THE MINISTER OF IMMIGRATION, FRANCIZATION
AND INTEGRATION,

CONSIDERING that section 41 of the Québec Immigration Act (chapter I-0.2.1) provides that the conditions relating to the filing of any application made under the Act are determined by ministerial regulation;

CONSIDERING that the first paragraph of section 104 of the Act provides, in particular, that a regulation made under section 41 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

CONSIDERING that the Government made the Special program for asylum seekers during COVID-19 by Order in Council 1293-2020 dated 2 December 2020;

CONSIDERING that it is expedient to make the Regulation to amend the Immigration Procedure Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Immigration Procedure Regulation, attached to this Order, is hereby made.

Montréal, 3 December 2020

NADINE GIRAULT,
*Minister of Immigration,
Francization and Integration*

Regulation to amend the Immigration Procedure Regulation

Québec Immigration Act
(chapter I-0.2.1, s. 41)

1. The Immigration Procedure Regulation (chapter I-0.2.1, r. 5) is amended in section 1 by replacing “the Regular Skilled Worker Program must be filed using the online form.” in the second paragraph by “one of the following programs must be filed through the website made available for that purpose by the Minister:

- (1) international student program;
- (2) Québec experience program;
- (3) regular skilled worker program;
- (4) any permanent immigration pilot program.”.

2. The following is inserted after section 1:

“**1.1.** Any document provided in support of an application filed pursuant to the international student program, the Québec experience program or a permanent immigration pilot program must be uploaded on the website made available for that purpose by the Minister.

Any document provided in support of an application filed pursuant to the regular skilled worker program must be sent to the Québec immigration office in Montréal.”.

3. The following is inserted after section 4:

“**4.1.** For a foreign national to file an application for selection with the Minister pursuant to the Special program for asylum seekers during COVID-19, made by Order in Council XXXX-2020 dated 2 December 2020, the foreign national must be authorized by the Minister responsible for the Immigration and Refugee Protection Act (S.C. 2001, c. 27) to apply for permanent resident status for humanitarian and compassionate considerations under section 25.2 of that Act.”.

4. Sections 1 and 2 of this Regulation come into force on 26 January 2021, and section 3 comes into force on 14 December 2020.

104745

A.M., 2020

Order 4366 of the Minister of Justice and the Minister of Health and Social Services dated 23 November 2020

Youth Criminal Justice Act
(S.C. 2002, c. 1)

Replacement of the extrajudicial sanctions program for young persons within the meaning of the Youth Criminal Justice Act (S.C. 2002, c.1)

THE MINISTER OF JUSTICE AND THE MINISTER OF HEALTH AND SOCIAL SERVICES,

WHEREAS paragraph *a* of subsection 2 of section 10 of the Youth Criminal Justice Act (S.C. 2002, c. 1) provides that an extrajudicial sanction may be used for young persons who have committed certain offences if the sanction is part of a program of sanctions that may be authorized by the Attorney General or authorized by a person, or a member of a class of persons, designated by the lieutenant governor in council of the province;

WHEREAS, under Décret 480-2003 dated 31 March 2003, the Minister of Justice and the Minister of Health and Social Services were designated to jointly authorize an extrajudicial sanctions program for young persons who have committed certain offences, in accordance with that Act;

WHEREAS the extrajudicial sanctions program for young persons who have committed certain offences was authorized by Arrêté 3739 dated 21 April 2016 (*G.O.* 2, 2570) made in accordance with the Youth Criminal Justice Act;

WHEREAS, under the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapitre J-1.1), in the case of a regulation or other instrument of a legislative nature which was required to be published in French and in English and was not, the authority empowered to adopt the instrument may replace the instrument with a text which reproduces it, without amendment, this time in French and in English;

WHEREAS, under that provision, once the text is published in the *Gazette officielle du Québec*, each provision of the text may have effect on the same date as that provided for the corresponding provision of the replaced instrument;

WHEREAS it is expedient to replace the extrajudicial sanctions program made by Arrêté 3739 dated 21 April 2016 with a text which reproduces it;

ORDER AS FOLLOWS:

THAT the extrajudicial sanctions program for young persons within the meaning of the Youth Criminal Justice Act (S.C. 2002, c. 1) be replaced by the text attached to this Order to have effect from 21 April 2016.

Quebec, 23 November 2020

SIMON JOLIN-BARRETTE, CHRISTIAN DUBÉ,
Minister of Justice *Minister of Health and
Social Services*

Extrajudicial sanctions program authorized by the Minister of Justice and the Minister of Health and Social Services

Youth Criminal Justice Act
(S.C. 2002, c. 1)

Preamble and Declaration of Principle

The extrajudicial sanctions program originates from a desire to develop alternatives to the judicial process for certain offences committed by young persons by calling on resources in the community so as to meet the specific needs of those young persons in a more suitable way, ensure that they take responsibility for their delinquent behaviour, and avoid having them appear before a court when social intervention is sufficient to prevent re-offending. Québec has been a pioneer in the application of alternative measures for young offenders in Canada. Beginning in the late 1970s, alternative measures were established for young offenders in Québec, and in 1984 Québec's Minister of Social Affairs and Minister of Justice jointly authorized the first alternative measures program. This sharing of responsibility reflects Québec's objective of promoting cooperation between the judicial and social systems in order to intervene swiftly and effectively while taking the needs of young persons into account.

The intervention philosophy promoted in Québec in the field of juvenile delinquency emphasizes that young persons have diminished moral culpability compared to adults; it also supports the rehabilitation of offenders as a way to provide ongoing protection for the general public, and encourages consideration for the cultural realities of young persons in decisions made in their regard. The decision on whether or not to use extrajudicial sanctions requires a clinical review of the young person's situation, taking the following principles into account:

(a) the use of extrajudicial sanctions must be consistent with the rights and freedoms of young persons and take into perspective their needs, the seriousness of the offence, and the interest of victims and society;

(b) extrajudicial sanctions must be designed to provide an effective and timely response;

(c) most offences committed by young persons can be described as common delinquency¹, which can best be dealt with through extrajudicial sanctions;

(d) extrajudicial sanctions are presumed to be adequate to hold young persons accountable for their offending behaviour if they have committed a non-violent offence and have not previously been found guilty of an offence;

(e) in all other cases, extrajudicial sanctions should be used if they are adequate to hold young persons accountable for their offending behaviour;

(f) victims must be treated with courtesy, compassion and respect for their rights; the use of extrajudicial sanctions must allow them to obtain all legally available information, promote their involvement and seek reparation for the harm they have suffered;

(g) the use of extrajudicial sanctions must promote the involvement of the community and repair of harm done to the community; and

(h) the use of extrajudicial sanctions must allow parents to remain informed and must promote their involvement, given the importance of parental support for young persons.

CHAPTER I INTERPRETATION AND APPLICATION

1. This text constitutes the extrajudicial sanctions program authorized in Québec pursuant to section 10 of the Youth Criminal Justice Act (S.C. 2002, c. 1) (or "YCJA"), and the program must be interpreted in accordance with that Act.

¹ Common delinquency: Common or routine behaviour for almost all young people, characterized by the following elements: it is apparent in almost all boys in their mid-teen years, manifests itself in a limited number of benign or intermediate offences, is connected with developmental variations that are part of the process of assimilating standards, and leads to a genuine understanding of normative prescriptions. It is a transient failing connected with young people's need to test social limits, and this type of delinquency disappears of its own accord (adapted from: M. Fréchette and M. Le Blanc, *Délinquance et délinquants*, Chicoutimi, G. Morin, 1987).

2. In this program,

(a) “provincial director” means a director of youth protection appointed in accordance with the Youth Protection Act (chapter P-34.1), acting as a provincial director within the meaning of the Youth Criminal Justice Act;

(b) “Director of Criminal and Penal Prosecutions” or “DCPP” means the Director of Criminal and Penal Prosecutions within the meaning of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1);

(c) “organization” means any organization established under a law of Québec or Canada and that works, in particular, to administer the YCJA with young persons;

(d) “court” means a youth court within the meaning of section 13 of the Youth Criminal Justice Act.

“Institution” has the meaning given by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), as the case may be.

“Young person”, “parent”, “extrajudicial sanction” and “victim” have the meaning given by the Youth Criminal Justice Act.

3. The provincial director may authorize a person or organization, in writing, to perform, generally or in a specific case, any of the duties under this program. In such a case, the duties performed by the person or organization so authorized are deemed to have been performed by the provincial director.

CHAPTER II
PROCEDURE TO DETERMINE IF
EXTRAJUDICIAL SANCTIONS ARE
APPROPRIATE

4. [Referral to the Director of Criminal and Penal Prosecutions] Under the authority of the Director of Criminal and Penal Prosecutions, a criminal and penal prosecuting attorney examines the proceedings and documents relating to an offence committed by a young person under an Act of the Parliament of Canada or any regulatory instrument under such an Act and, wherever possible within two weeks after receiving them, makes a decision pursuant to section 5 or 6.

5. [Criminal and penal prosecuting attorney] A criminal and penal prosecuting attorney who considers that there is sufficient evidence to proceed with the prosecution of the offence, subject to sections 6 and 7,

(a) must refer the case to the provincial director if the offence or situation is listed in Chapter IV; and

(b) may authorize the prosecution of the young person or refer the case to the provincial director if the offence or situation is not listed in Chapter IV.

When referring a case to the provincial director, the criminal and penal prosecuting attorney must indicate the date on which the offence will become prescribed, and the recall date for the case.

The recall date is the date already set for another case concerning the same young person, or the earlier of

—2 months from the decision of the criminal and penal prosecuting attorney, and

—2 weeks before the date on which the offence becomes prescribed.

6. [Idem] When, having regard to the protection of society, it is appropriate to consider not authorizing the prosecution and not referring the case to the provincial director, the criminal and penal prosecuting attorney may close the record.

7. [Young person aged 12 or 13] When a young person is aged 12 or 13 at the time of committing an offence not listed in Chapter IV, the criminal and penal prosecuting attorney must consult the provincial director before making a decision under subparagraph *b* of the first paragraph of section 5.

8. [Provincial director] The provincial director, on receiving the case of a young person under section 5 of this program, must assess the advisability of using extrajudicial sanctions to deal with the young person; the assessment is conducted in accordance with the Preamble and the Declaration of Principle in this extrajudicial sanctions program and with the terms and conditions set out in Chapter III.

After completing the assessment, the provincial director must decide

(a) to use one or more of the sanctions listed in section 13 with respect to the young person;

(b) to refer the young person’s case to the criminal and penal prosecuting attorney to have prosecution of the offence authorized, if applicable; or

(c) to terminate the intervention.

9. [Notice] The provincial director must send to the criminal and penal prosecuting attorney, within a reasonable time, a notice stating the nature of the decision made under the second paragraph of section 8, and the notice must take into account the recall date referred to in section 5.

If the decision of the provincial director is to use an extrajudicial sanction to deal with the young person, the notice must state the nature of the extrajudicial sanction and its duration.

A notice must also be sent for any subsequent change made to an agreement on extrajudicial sanctions when the change concerns the nature of an extrajudicial sanction or leads to an extension of its application beyond the date on which the right of prosecution is prescribed.

When an extrajudicial sanction has been completed by the young person, the provincial director must inform the criminal and penal prosecuting attorney of that fact to allow the file to be closed.

When a young person fails to complete an extrajudicial sanction, the provincial director must inform the criminal and penal prosecuting attorney of that fact, specifying the nature of the failure, within sufficient time to allow, if applicable, for prosecution of the offence.

10. [Idem] The criminal and penal prosecuting attorney must inform the provincial director and the police force that conducted the investigation, without delay, of the decision made under section 5.

11. [Idem] The provincial director must inform the young person, the parents and the police force that conducted the investigation, without delay, of the nature of the decision made under subparagraph *a* or *c* of the second paragraph of section 8 and, where applicable, of the nature and duration of the extrajudicial sanction.

12. [Following an information] After an information has been laid against a young person, the criminal and penal prosecuting attorney may, if considered appropriate, refer the case to the provincial director for an assessment under section 8 if an assessment could not be completed previously, or when new considerations are such that the assessment by the provincial director could lead to a different conclusion. In such a case, the criminal and penal prosecuting attorney must indicate to the provincial director the date of the next stage in the judicial process.

CHAPTER III TERMS AND CONDITIONS FOR THE USE OF EXTRAJUDICIAL SANCTIONS

13. [Nature of sanction] The provincial director may propose one or more of the following as extrajudicial sanctions for a young person:

(a) reparation of the harm caused to the victim, as decided through mediation, in particular in the form of financial compensation, work performed for the victim, restitution of property, or a verbal or written apology;

(b) reparation to the community, in particular in the form of financial compensation or community service; or

(c) the development of social skills, in particular through training activities, social reintegration activities and support activities.

14. [Conditions] An extrajudicial sanction for a young person must respect the following:

(a) the young person cannot, as an extrajudicial sanction, be lodged in an institution operating a rehabilitation centre;

(b) the extrajudicial sanction cannot include more than 120 hours of community service or services performed for a person, an organization or the community;

(c) the time allowed for the completion of the extrajudicial sanction used with respect to the young person may not exceed 6 months beginning on the date on which the young person consents to be subject to the sanction;

(d) an extrajudicial sanction must take into account the financial resources and the degree of development and maturity of the young person, and the compensation or reparation measures must not exceed the fair value of the harm caused; and

(e) when proposing an extrajudicial sanction, the provincial director must as far as possible involve the young person's parents and the persons and organizations working in the young person's living environment.

15. [The provincial director informs the young person and the young person's parents] If satisfied that an extrajudicial sanction is appropriate, the provincial director must inform the young person of the sanctions that may be considered.

The provincial director must set out in a draft agreement with the young person the most appropriate sanction and, if applicable, the terms and conditions for its use, and give a copy of the agreement to the young person and to the young person's parents.

Before consenting to an extrajudicial sanction, the young person must be informed by the provincial director of his or her right to consult counsel, and be given a reasonable opportunity to do so.

16. [Agreement recording the young person's undertaking] The young person's consent to comply with the terms and conditions of the extrajudicial sanction must be recorded in writing in an agreement signed by the young person and the provincial director. A copy of the agreement must be given to the young person and the young person's parents.

17. [Content of agreement] Any agreement on extrajudicial sanctions must contain, in particular,

(a) an indication of the offences alleged to have been committed by the young person, including their nature and the place and date of commission;

(b) the nature of the extrajudicial sanction and, where applicable, the terms and conditions for its use;

(c) the duration of the agreement, with an indication of the day on which it begins and ends; and

(d) a statement by the young person that he or she

i. accepts responsibility for the act or omission that forms the basis of the offence that he or she is alleged to have committed;

ii. has not expressed a wish to see the charge or charges against him or her dealt with by a court;

iii. has been advised of his or her right to retain and instruct counsel and has been given a reasonable opportunity to consult with counsel; and

iv. has undertaken, after being informed of the extrajudicial sanction proposed, to be subject to the sanction.

18. [Idem] In addition to the requirements of section 17, an agreement must contain a statement to the effect that

(a) a failure by the young person to comply with the terms and conditions of the extrajudicial sanction may lead to prosecution for the alleged offence;

(b) the use of the extrajudicial sanction will not prevent a person from filing a complaint concerning the alleged offence or from starting civil proceedings for the harm caused;

(c) any admission, confession or statement accepting responsibility for a given act or omission that is made by the young person as a condition of being dealt with by extrajudicial sanctions is inadmissible in evidence against any young person in civil or criminal proceedings;

(d) depending on the degree to which the young person has complied with the terms and conditions of the extrajudicial sanction, the court should or may dismiss the charges against the young person if judicial proceedings are started under the Youth Criminal Justice Act (S.C. 2002, c. 1); and

(e) if the young person is found guilty of other offences, the extrajudicial sanction may be taken into consideration by the court when imposing a custodial sentence.

19. [Amendment of the agreement] The terms and conditions and the duration of an extrajudicial sanction may be amended with the consent of the young person and the provincial director.

20. [Administration] The provincial director sees to the administration of any extrajudicial sanction to which the young person consents to be subject.

21. [Prescription] The young person, after being given a reasonable opportunity to consult with counsel on the matter, may consent to an extension of the 6-month limitation on the institution of proceedings after the time when the subject-matter of the proceedings arose (section 786(2) Cr. C., via section 140 YCJA), subject to the consent of the criminal and penal prosecuting attorney.

22. [Idem] An institution must facilitate, by every means at its disposal, the administration of an extrajudicial sanction. The same applies to persons or organizations that agree to administer the sanction.

CHAPTER IV

OFFENCES OR SITUATIONS TO BE REFERRED BY THE CRIMINAL AND PENAL PROSECUTING ATTORNEY TO THE PROVINCIAL DIRECTOR

22. For the purposes of this program, the criminal and penal prosecuting attorney must refer a case to the provincial director when the charge against the young person is a conspiracy or attempt to commit or the commission of any of the following offences:

CRIMINAL CODE
(R.S.C., 1985, c. C-46)

Section	Offence	Section	Offence
		184.5(1)	Interception of radio-based telephone communications
54	Assisting deserter	191(1)	Possession of device useful for interception of private communications communications
56	Offences in relation to members of R.C.M.P.	193(1)	Disclosure of information
56.1	Identity documents	193.1(1)	Disclosure of information received from interception of radio-based telephone communications
57(2)	False statement in relation to passport		
58(1)	Fraudulent use of certificate of citizenship	201(1)	Keeping gaming or betting house
66(1)	Member of an unlawful assembly	201(2)	Person found in or owner permitting use
66(2)	Concealment of identity	202(2)a)	Betting, pool-selling, book-making, etc.
69	Neglect by peace officer	203d)	Placing bets on behalf of others
71	Duelling	204(10)	Regulations regarding gaming and betting
73	Forcible entry or forcible detainer	206(1)	Offence in relation to lotteries and games of chance
83(1)	Engaging in prize fight	206(4)	Offence in relation to lotteries and games of chance
126(1)	Disobeying a statute		
129	Offences relating to public or peace officer	207(3)a)	Authorized lotteries
134(1)	Give oath without authorization	207.1(3)a)	Things not authorized for lottery scheme on international cruise ships
143	Advertising reward and immunity	209	Cheating at play
146	Permitting or assisting escape	250(1)	Failure to keep watch on person towed
169	Corrupting morals, tied sale, immoral theatrical performance	258.1(5)	Unauthorized use of bodily substance or results
171b)	Householder permitting prohibited sexual activity - between 16 and 18 years old	264.1(3)	Uttering threats to harm property or animals
173(1)	Indecent acts	266 a) b)	Assault (without gravity or consequence for the victim)
173(2)	Exposure	287(2)	Woman procuring her own miscarriage
174(1)	Nudity	288	Supplying noxious things
175(1)	Causing disturbance, indecent exhibition, loitering, etc.	294	Pretending to solemnize marriage
176(1)	Obstructing or violence to or arrest of officiating clergyman	295	Marriage contrary to law
176(2)	Disturbing religious worship or certain meetings	296(1)	Blasphemous libel
176(3)	Disturbing religious worship or certain meetings	301	Libel
177	Trespassing at night	319(1)	Public incitement of hatred
178	Offensive volatile substance	319(2)	Wilful promotion of hatred
179(2)	Vagrancy	327(1)	Possession of device to obtain use of telecommunication facility or service
180(1)	Common nuisance	333.1(1)	Motor vehicle theft
181	Spreading false news	334	Theft
184(1)	Interception of communications		

Section	Offence	Section	Offence
335(1)	Taking motor vehicle or vessel or found therein without consent	369	Exchequer bill paper, public seals, etc.
337	Public servant refusing to deliver property	370	Counterfeit proclamation, etc.
338(1)	Fraudulently taking cattle or defacing brand	371	Message in false name
338(2)	Theft of cattle	372(1)	False information
339(1)	Taking possession, etc., of drift timber	372(2)	Indecent communications
339(2)	Dealer in second-hand goods	374	Drawing document without authority, etc.
340	Destroying documents of title	375	Obtaining, etc., by instrument based on forged document
341	Fraudulent concealment	376	Counterfeiting stamp, etc.
342.2(1)	Possession of device to obtain unauthorized use of computer system or to commit mischief	377(1)	Damaging documents
347(1)	Criminal interest rate	378	Offences in relation to registers
348(1)e)	Breaking and entering with intent, place other than a dwelling-house	380(1)	Fraud
351(1)	Possession of break-in instrument	380(1)b)	Fraud less than \$5000
352	Possession of instruments for breaking into coin-operated or currency exchange devices	380(2)	Affecting public market
353(1)	Selling, etc., automobile master key	381	Using mails to defraud
353.1(4)	Tampering with vehicle identification number	382	Fraudulent manipulation of stock exchange transactions
355	Possession of property obtained by crime	382.1(1)	Prohibited insider trading
355b)	Possession of property obtained by crime (less than \$5000)	382.1(2)	Tipping
355.5a)	Possession or trafficking of property obtained by crime (more than \$5000)	383(1)	Gaming in stocks or merchandise
355.5b)	Possession or trafficking of property obtained by crime (less than \$5000)	384	Broker reducing stock by selling for their own account
356(3)	Theft from mail	385(1)	Fraudulent concealment of title documents
357	Bringing into Canada property obtained by crime	386	Fraudulent registration of title
362	False pretence or false statement	387	Fraudulent sale of real property
363	Obtaining execution of valuable security by fraud	388	Misleading receipt
364(1)	Fraudulently obtaining food, beverage or accommodation	389(1)	Fraudulent disposal of goods on which money advanced
365	Pretending to practise witchcraft, etc.	390	Fraudulent receipts under <i>Bank Act</i>
367	Forgery	392	Disposal of property to defraud creditors
368(1.1)	Use, trafficking or possession of forged document	393(1)	Fraud in relation to fares, etc.
368.1	Forgery instruments	393(2)	Fraud in relation to fares, etc.
		393(3)	Fraudulently obtaining transportation
		394(5)	Fraud in relation to valuable minerals
		394.1(3)	Possession of stolen or fraudulently obtained valuable minerals
		396(1)	Offences in relation to mines
		397	Falsification of books and documents

Section	Offence
398	Falsifying employment record
399	False return by public officer
400	False prospectus, etc.
401(1)	Obtaining carriage by false billing
402(1)	Trader failing to keep accounts
404	Personation at examination
412(1)	Forgery of trade-marks and trade descriptions (407, 408, 409, 410 or 411)
413	Falsely claiming royal warrant
415	Offences in relation to wreck
417(1)	Applying or removing marks without authority
417(2)	Unlawful transactions in public stores
418(1)	Selling defective stores to Her Majesty
418(2)	Offences by representatives
419	Unlawful use of military uniforms or certificates
420(1)	Military stores
422(1)	Criminal breach of contract
425	Offences by employers
427(1)	Issuing trading stamps
427(2)	Giving to purchaser of goods
430	Mischief except 430 (2)
432	Unauthorized recording of a movie
432(2)	Unauthorized recording for purpose of sale, etc.
437	False alarm of fire
438(2)	Interfering with saving of wreck
439(1)	Interfering with marine signal, etc.
440	Removing natural bar without permission
442	Interfering with boundary lines
446(2)	Causing damage or injury to animals or birds
453	Uttering coin
454	Slugs and tokens
456	Defacing current coins
457(3)	Likeness of bank-notes
462.2	Manufactures, sells, imports, exports instruments or literature for illicit drug use

CONTROLLED DRUGS AND SUBSTANCES ACT

(S.C. 1996, c.19)

Section Offence

4(1) (5) Possession of substance

CHAPTER V

SITUATIONS THAT MAY BE REFERRED BY THE CRIMINAL AND PENAL PROSECUTING ATTORNEY TO THE PROVINCIAL DIRECTOR

24. When two extrajudicial sanctions have already been used to deal with a young person, the criminal and penal prosecuting attorney may refer the case to the provincial director or authorize proceedings against the young person.

When an extrajudicial sanction and one or more extrajudicial measures have already been used to deal with the young person, the criminal and penal prosecuting attorney may refer the case to the provincial director or authorize proceedings against the young person.

25. When, as part of the same incident, a young person is involved in several offences, one of which is listed in section 23, the Director of Criminal and Penal Prosecutions may refer the case to the provincial director or authorize prosecution of all the offences.

26. When a young person is involved in a series of offences connected with several incidents on different dates, one of the offences of which is listed in section 23, the Director of Criminal and Penal Prosecutions may authorize prosecution of all the offences if

(a) the young person's behaviour was not an isolated occurrence; and

(b) the public interest requires prosecution of the offences before the court.

27. The criminal and penal prosecuting attorney may refer a case to the provincial director or authorize prosecution of any offence committed while the young person has a case pending before the court or is serving or has already served a youth sentence as defined in section 2 of the Youth Criminal Justice Act (S.C. 2002, c. 1), in relation to an offence under the Criminal Code (R.S.C., 1985, c. C-46) or the Controlled Drugs and Substances Act (S.C. 1996, c. 19).

28. The criminal and penal prosecuting attorney may refer a case to the provincial director or start judicial proceedings in respect of any offence listed in section 23

for which the provincial director has authorized detention of the young person under subsection 30(8) of the Youth Criminal Justice Act following an arrest without a warrant.

29. When a young person is charged with an offence listed in section 23 and the aggravating circumstances of the offence are such that the use of an extrajudicial sanction would be inconsistent with the principles and objectives of this program, the criminal and penal prosecuting attorney may, exceptionally and with the agreement of the provincial director, start judicial proceedings in respect of the offence.

30. If an offence listed in section 23 is replaced or amended by the Parliament of Canada, the criminal and penal prosecuting attorney may, until the date of coming into force of a new agreement concerning this program, refer a case to the provincial director or start judicial proceedings in respect of any new offence created or amended that concerns the same subject-matter as the offence initially listed in that section.

31. When a young person not permanently resident in Québec is alleged to have committed an offence, the criminal and penal prosecuting attorney may start judicial proceedings in respect of any offence if he or she is of the opinion that it would not be feasible to have an assessment conducted by the provincial director or an agreement made concerning an extrajudicial sanction.

32. When a young person resident in Canada but not permanently resident in Québec is alleged to have committed an offence, the provincial director may, after assessing the situation and reaching an agreement with the young person's province of residence, transfer the assessment or administration of the extrajudicial sanction to that province.

33. After the case of a young person has been referred to the provincial director, the criminal and penal prosecuting attorney may, after consulting the provincial director, authorize proceedings in respect of any offence allegedly committed after the recall date referred to in section 5.

CHAPTER VI OTHER PROVISION

34. A subcommittee, under the responsibility of the YCJA intersectoral committee made up of representatives from the Ministère de la Justice, the Ministère de la Santé et des Services sociaux, the provincial director, the Director of Criminal and Penal Prosecutions and certain organizations sitting on the intersectoral committee on the

application of the YCJA, will monitor the application of this extrajudicial sanctions program and propose amendments to it as required.

CHAPTER VII COMING INTO FORCE

35. This program comes into force on the day of its authorization.

Pursuant to Décret 480-2003 made by the Gouvernement du Québec, the Minister of Justice and the Minister of Health and Social Services jointly authorize this extrajudicial sanctions program for young persons who have committed certain offences; it replaces the alternative measures program authorized on 7 January 1994.

104735

M.O., 2020

Order 4367 of the Minister of Justice and the Minister of Health and Social Services dated 23 November 2020

Youth Criminal Justice Act
(S.C. 2002, c. 1)

Amendment to the extrajudicial sanctions program for young persons authorized under the Youth Criminal Justice Act (S.C. 2002, c. 1)

THE MINISTER OF JUSTICE AND THE MINISTER OF HEALTH AND SOCIAL SERVICES,

WHEREAS paragraph *a* of subsection 2 of section 10 of the Youth Criminal Justice Act (S.C. 2002, c. 1) provides that an extrajudicial sanction may be used for young persons who have committed certain offences if the sanction is part of a program of sanctions that may be authorized by the Attorney General or authorized by a person, or a member of a class of persons, designated by the lieutenant governor in council of the province;

WHEREAS, under Décret 480-2003 dated 31 March 2003, the Minister of Justice and the Minister of Health and Social Services were designated to jointly authorize an extrajudicial sanctions program for young persons who have committed certain offences, in accordance with that Act;

CONSIDERING that the extrajudicial sanctions program for young persons who have committed certain offences was authorized by Arrêté 3739 dated 21 April 2016 (*G.O.* 2, 2570) made in accordance with the Youth Criminal Justice Act;

CONSIDERING that Arrêté 3739 dated 21 April 2016 was replaced by Order 4366 dated 23 November 2020 in accordance with the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapitre J-1.1);

CONSIDERING that an amendment must be made to the extrajudicial sanctions program;

ORDER AS FOLLOWS:

1. Order 4366 dated 23 November 2020 is amended in section 14

(1) by replacing paragraph *c* by the following:

“(c) the time allowed for the completion of the extrajudicial sanction used with respect to the young person may not exceed 6 months beginning on the date on which the young person consents to be subject to the sanction, except if the time allowed may not be complied with owing to a public health emergency declared by the Government or a situation that makes it impossible, following the recommendations of the public health authorities, to have access to the program or its application in which case the time period is extended by that much from the end of the public health emergency or the impossibility, whichever occurs first.”;

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

“Before extending the time period provided for in paragraph *c*, the provincial director must assess the possibility of applying measures other than those initially provided for the completion of extrajudicial sanctions and, where applicable, take the necessary means to allow the young person to complete them.”.

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

Québec, 23 November 2020

SIMON JOLIN-BARRETTE,
Minister of Justice

CHRISTIAN DUBÉ,
*Minister of Health and
Social Services*

104736

M.O., 2020

Order number 4370 of the Minister of Justice dated 30 November 2020

Code of Civil Procedure
(chapter C-25.01)

Regulation to amend the Regulation respecting the Basic Parental Contribution Determination Table

MINISTER OF JUSTICE,

CONSIDERING the second paragraph of article 443 of the Code of Civil Procedure (chapter C-25.01), which provides that the Minister of Justice prescribes and publishes a table determining the combined basic child support contribution payable by the parents on the basis of their disposable income and the number of children they have;

CONSIDERING the publication of a draft Regulation to amend the Regulation respecting the Basic Parental Contribution Determination Table in Part 2 of the *Gazette officielle du Québec* of 23 September 2020, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the Basic Parental Contribution Determination Table, attached to this Order, is made.

Québec, 30 November 2020

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the Basic Parental Contribution Determination Table

Code of Civil procedure
(chapter C-25.01, a. 443, 2nd par.)

1. The Regulation respecting the Basic Parental Contribution Determination Table (chapter C-25.01, r. 12) is amended by replacing Schedule I by Schedule I attached to this Regulation.

2. This Regulation comes into force on 1 January 2021.

SCHEDULE I

(s. 1)

BASIC PARENTAL CONTRIBUTION DETERMINATION TABLE
(EFFECTIVE AS OF 1 JANUARY 2021)

Disposable Income of Parents (\$)	Basic Annual Contribution (\$)					
	Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children ⁽¹⁾
1 - 1 000	500	500	500	500	500	500
1 001 - 2 000	1 000	1 000	1 000	1 000	1 000	1 000
2 001 - 3 000	1 500	1 500	1 500	1 500	1 500	1 500
3 001 - 4 000	2 000	2 000	2 000	2 000	2 000	2 000
4 001 - 5 000	2 500	2 500	2 500	2 500	2 500	2 500
5 001 - 6 000	3 000	3 000	3 000	3 000	3 000	3 000
6 001 - 7 000	3 310	3 500	3 500	3 500	3 500	3 500
7 001 - 8 000	3 360	4 000	4 000	4 000	4 000	4 000
8 001 - 9 000	3 380	4 500	4 500	4 500	4 500	4 500
9 001 - 10 000	3 380	5 000	5 000	5 000	5 000	5 000
10 001 - 12 000	3 520	5 460	6 000	6 000	6 000	6 000
12 001 - 14 000	3 630	5 650	6 690	7 000	7 000	7 000
14 001 - 16 000	3 810	5 880	7 030	8 000	8 000	8 000
16 001 - 18 000	4 000	6 170	7 410	8 660	9 000	9 000
18 001 - 20 000	4 210	6 480	7 830	9 210	10 000	10 000
20 001 - 22 000	4 500	6 900	8 390	9 860	11 000	11 000
22 001 - 24 000	4 760	7 320	8 910	10 480	12 000	12 000
24 001 - 26 000	5 040	7 750	9 450	11 160	12 870	13 000
26 001 - 28 000	5 280	8 070	9 950	11 780	13 660	14 000
28 001 - 30 000	5 510	8 380	10 330	12 320	14 290	15 000
30 001 - 32 000	5 690	8 630	10 730	12 850	14 920	16 000
32 001 - 34 000	5 870	8 880	11 120	13 300	15 520	17 000
34 001 - 36 000	6 060	9 100	11 430	13 740	16 060	18 000
36 001 - 38 000	6 200	9 350	11 690	14 030	16 390	18 740
38 001 - 40 000	6 380	9 540	11 930	14 330	16 730	19 110
40 001 - 42 000	6 540	9 740	12 200	14 630	17 070	19 520
42 001 - 44 000	6 730	9 990	12 470	14 940	17 420	19 890
44 001 - 46 000	6 910	10 210	12 750	15 300	17 830	20 380
46 001 - 48 000	7 090	10 500	13 090	15 710	18 330	20 940
48 001 - 50 000	7 290	10 730	13 440	16 140	18 840	21 540
50 001 - 52 000	7 500	11 000	13 800	16 610	19 390	22 200
52 001 - 54 000	7 700	11 290	14 160	17 020	19 890	22 770
54 001 - 56 000	7 890	11 550	14 510	17 510	20 470	23 430
56 001 - 58 000	8 090	11 830	14 870	17 900	20 960	24 000
58 001 - 60 000	8 290	12 070	15 200	18 330	21 480	24 600
60 001 - 62 000	8 490	12 340	15 540	18 750	21 960	25 150
62 001 - 64 000	8 660	12 580	15 890	19 190	22 490	25 800
64 001 - 66 000	8 840	12 840	16 240	19 610	22 990	26 360
66 001 - 68 000	9 050	13 070	16 530	20 010	23 470	26 950
68 001 - 70 000	9 190	13 300	16 860	20 440	24 010	27 580
70 001 - 72 000	9 360	13 530	17 180	20 810	24 470	28 110
72 001 - 74 000	9 520	13 760	17 500	21 230	24 980	28 720
74 001 - 76 000	9 720	13 980	17 810	21 660	25 510	29 340
76 001 - 78 000	9 850	14 160	18 060	21 980	25 870	29 780
78 001 - 80 000	9 980	14 360	18 330	22 300	26 270	30 240
80 001 - 82 000	10 110	14 520	18 550	22 580	26 610	30 650
82 001 - 84 000	10 230	14 690	18 790	22 880	26 980	31 080
84 001 - 86 000	10 410	14 860	19 030	23 160	27 330	31 470
86 001 - 88 000	10 490	14 980	19 180	23 390	27 600	31 800
88 001 - 90 000	10 560	15 090	19 320	23 560	27 790	32 040
90 001 - 92 000	10 640	15 200	19 510	23 780	28 090	32 380
92 001 - 94 000	10 730	15 310	19 650	23 970	28 290	32 610
94 001 - 96 000	10 840	15 430	19 820	24 190	28 570	32 930
96 001 - 98 000	10 900	15 540	19 940	24 370	28 780	33 220
98 001 - 100 000	10 990	15 630	20 080	24 510	28 970	33 420

Disposable Income of Parents (\$)	Basic Annual Contribution (\$)					
	Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children ⁽¹⁾
100 001 - 102 000	11 060	15 720	20 220	24 690	29 190	33 680
102 001 - 104 000	11 120	15 800	20 350	24 840	29 400	33 910
104 001 - 106 000	11 200	15 900	20 460	25 030	29 600	34 150
106 001 - 108 000	11 260	16 000	20 610	25 200	29 820	34 390
108 001 - 110 000	11 330	16 080	20 760	25 370	30 020	34 630
110 001 - 112 000	11 410	16 170	20 890	25 510	30 240	34 890
112 001 - 114 000	11 490	16 250	21 030	25 690	30 470	35 120
114 001 - 116 000	11 570	16 350	21 160	25 860	30 660	35 370
116 001 - 118 000	11 650	16 450	21 300	26 020	30 880	35 630
118 001 - 120 000	11 720	16 540	21 440	26 220	31 090	35 850
120 001 - 122 000	11 790	16 630	21 560	26 370	31 300	36 100
122 001 - 124 000	11 850	16 740	21 710	26 550	31 520	36 340
124 001 - 126 000	11 930	16 830	21 840	26 700	31 740	36 600
126 001 - 128 000	12 020	16 910	21 990	26 890	31 960	36 860
128 001 - 130 000	12 080	17 020	22 120	27 050	32 160	37 100
130 001 - 132 000	12 160	17 120	22 280	27 220	32 380	37 340
132 001 - 134 000	12 220	17 200	22 400	27 410	32 600	37 590
134 001 - 136 000	12 300	17 300	22 530	27 570	32 800	37 840
136 001 - 138 000	12 390	17 380	22 690	27 730	33 030	38 080
138 001 - 140 000	12 450	17 480	22 820	27 920	33 240	38 340
140 001 - 142 000	12 520	17 560	22 940	28 060	33 440	38 560
142 001 - 144 000	12 590	17 670	23 080	28 220	33 640	38 790
144 001 - 146 000	12 660	17 740	23 200	28 360	33 850	39 020
146 001 - 148 000	12 740	17 830	23 340	28 560	34 030	39 260
148 001 - 150 000	12 810	17 930	23 460	28 700	34 250	39 490
150 001 - 152 000	12 880	18 010	23 590	28 850	34 440	39 710
152 001 - 154 000	12 940	18 090	23 710	29 020	34 650	39 920
154 001 - 156 000	13 020	18 190	23 870	29 180	34 860	40 180
156 001 - 158 000	13 080	18 280	23 980	29 330	35 040	40 420
158 001 - 160 000	13 150	18 360	24 090	29 490	35 260	40 650
160 001 - 162 000	13 210	18 440	24 240	29 670	35 460	40 870
162 001 - 164 000	13 300	18 520	24 370	29 830	35 650	41 090
164 001 - 166 000	13 360	18 630	24 510	29 980	35 860	41 350
166 001 - 168 000	13 420	18 720	24 640	30 140	36 080	41 570
168 001 - 170 000	13 490	18 800	24 750	30 300	36 270	41 800
170 001 - 172 000	13 570	18 890	24 900	30 470	36 480	42 050
172 001 - 174 000	13 650	18 990	25 020	30 630	36 660	42 260
174 001 - 176 000	13 720	19 070	25 160	30 790	36 890	42 520
176 001 - 178 000	13 780	19 170	25 270	30 960	37 090	42 750
178 001 - 180 000	13 850	19 270	25 440	31 120	37 290	42 990
180 001 - 182 000	13 940	19 340	25 560	31 270	37 500	43 220
182 001 - 184 000	14 000	19 440	25 690	31 440	37 700	43 440
184 001 - 186 000	14 060	19 520	25 820	31 600	37 890	43 690
186 001 - 188 000	14 150	19 600	25 960	31 780	38 110	43 930
188 001 - 190 000	14 210	19 690	26 090	31 920	38 320	44 170
190 001 - 192 000	14 280	19 790	26 210	32 110	38 520	44 400
192 001 - 194 000	14 350	19 890	26 340	32 270	38 730	44 650
194 001 - 196 000	14 430	19 970	26 500	32 430	38 940	44 880
196 001 - 198 000	14 490	20 070	26 630	32 590	39 120	45 120
198 001 - 200 000	14 560	20 160	26 760	32 760	39 360	45 350
Disposable income greater than \$200,000⁽²⁾	14 560 plus 3.5% of excess amount	20 160 plus 4.5% of excess amount	26 760 plus 6.5% of excess amount	32 760 plus 8.0% of excess amount	39 360 plus 10.0% of excess amount	45 350 plus 11.5% of excess amount

(1) If the number of children is greater than 6, the basic parental contribution is determined by multiplying the difference between the amounts prescribed in the Table for 5 and 6 children by the number of additional children and by adding the product thus obtained to the amount prescribed for 6 children (s. 1, 2nd par. of the Regulation respecting the Basic Parental Contribution Determination Table).

(2) For the part of income exceeding \$200,000, the percentage indicated is shown for information purposes only. The court may, if it deems it appropriate, fix for that part of the disposable income an amount different from the amount that would be obtained using that percentage (s. 10 of the Regulation respecting the determination of child support payments (chapter C-25.01, r. 0.4)).

Amount of the basic deduction for the purpose of calculating disposable income (line 301 on the Child Support Determination Form) effective as of 1 January 2021: \$11,965

M.O., 2020

**Order of the Minister of the Environment
and the Fight Against Climate Change
dated 23 November 2020**

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of a temporary protection status to a territory located on Île d'Anticosti in the Côte-Nord region, as Réserve de biodiversité projetée d'Anticosti, for a period of four years, and establishment of the plan and conservation plan of the area

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

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

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

CONSIDERING that the Municipalité de L'Île-d'Anticosti has initiated procedures in order for Île d'Anticosti to be recognized as a UNESCO World Heritage Site;

CONSIDERING that on 20 December 2017, the Government of Canada added Île d'Anticosti to Canada's tentative List, which is a preliminary stage for the inclusion of a site on the UNESCO World Heritage List;

CONSIDERING that for the purpose of promoting the protection and maintenance of biodiversity and natural and cultural resources associated with Île d'Anticosti, and more particularly the protection of the geodiversity representative elements of the island territory that has an outstanding universal value, and achieving the nomination of Île d'Anticosti as a UNESCO World Heritage Site, the Minister of the Environment and the Fight Against Climate Change suggests assigning a temporary protection status to a territory located on Île d'Anticosti, as Réserve de biodiversité projetée d'Anticosti, with a view to subsequently assign it a permanent protection status;

CONSIDERING that the Gouvernement du Québec supports the candidacy of Île d'Anticosti as a UNESCO World Heritage Site and takes the measures necessary to protect it;

CONSIDERING Order in Council 826-2020 dated 12 August 2020 that authorizes the Minister of the Environment and the Fight Against Climate Change to assign a temporary protection status to a territory located on Île d'Anticosti, in the Côte-Nord region, as Réserve de biodiversité projetée d'Anticosti, to prepare the plan for that area and establish its conservation plan;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 16 September 2020, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of the draft conservation plan of the Réserve de biodiversité projetée d'Anticosti with a notice of the Minister's intention to assign a temporary protection status to the territory appearing as a schedule to the document on the expiry of 45 days following its publication;

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

CONSIDERING that this Minister's Order constitutes the notice published in the *Gazette officielle du Québec* required by that section;

CONSIDERING that it is expedient to assign a temporary protection status to that territory;

ORDERS AS FOLLOWS:

Temporary protection status is assigned to a territory located on Île d'Anticosti, as Réserve de biodiversité projetée d'Anticosti, for a period of four years starting on the fifteenth day following the date of publication of this Minister's Order in the *Gazette officielle du Québec*;

The conservation plan of the Réserve de biodiversité projetée d'Anticosti, attached to this Order, is established;

The plan of the Réserve de biodiversité projetée d'Anticosti, attached to the conservation plan, is prepared.

Québec, 23 November 2020

BENOIT CHARETTE,
*Minister of the Environment and
the Fight Against Climate Change*

**Temporary protection status
assigned as Réserve de biodiversité
projetée d'Anticosti**

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

- 1.** The conservation plan of the Réserve de biodiversité projetée d'Anticosti appears in Schedule A.
- 2.** The territory in the Schedule to the conservation plan constitutes the Réserve de biodiversité projetée d'Anticosti.
- 3.** The temporary status as proposed biodiversity reserve, for a period of four years, and the conservation plan of the Réserve de biodiversité projetée d'Anticosti, applicable to the territory appearing as a schedule to the document, come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

SCHEDULE A**CONSERVATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ PROJÉTÉE
D'ANTICOSTI**

(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS



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Schedule IV: Activities framework

1. Protection status and geographic name

The protection status of the area described in this conservation plan is “proposed biodiversity reserve.” Ultimately, the permanent protection status of this area will be that of a “biodiversity reserve.” These two legal statuses are governed by the *Natural Heritage Conservation Act* (chapter C-61.01).

The provisional name is “proposed Anticosti biodiversity reserve.” The official name will be determined when this area is granted permanent protection status.

2. Conservation objectives

The proposed Anticosti biodiversity reserve was created as part of the process of applying for UNESCO World Heritage Site status for Anticosti Island. More specifically, establishing a conservation area helps protect elements that are representative of the island's geodiversity¹ and have outstanding universal value. Anticosti Island is known around the world for its unique fossils from the period stretching from the Upper Ordovician to the Lower Silurian. This period is an important milestone in Earth's history as it saw the first mass global extinction of animal life. The fossils' abundance, diversity, and state of conservation are exceptional and should be properly protected. The purpose of the proposed Anticosti biodiversity reserve is to conserve that outstanding universal value, which complements the other protected areas on the island, the main ones being Anticosti National Park, the Pointe-Heath and Grand-Lac-Salé ecological reserves, the Lac Wickenden rare forest, and a number of protected wildlife habitats.

Another aim of the proposed Anticosti biodiversity reserve is to protect ecosystems that are representative of the island's biodiversity and to strengthen the protection afforded by the national park and ecological reserve statuses. The combination of protected areas in the proposed biodiversity reserve covers almost a third of the island (28.5% of its 7,943 km²), including the coastline and the Pointe Ouest, Pointe-Sud-Ouest/Jupiter River watershed, and Pointe Est sectors.

A management plan will be produced as part of the process of developing the nomination of Anticosti Island as a World Heritage site. This management plan will detail the conservation objectives as well as the management arrangements necessary to achieve these objectives.

¹ **Geodiversity:** Defined by the International Union for the Conservation of Nature (IUCN) as “the variety of rocks, minerals, fossils, landforms, sediments, and soils, together with the natural processes which form and alter them” (Dudley, 2008).

3. Description of the area

3.1. Geographic location, boundaries, and access

The location and boundaries of the proposed Anticosti biodiversity reserve are shown on the map in Appendix 1.

LOCATION

The proposed Anticosti biodiversity reserve lies in the Municipality of Île-d'Anticosti. This administrative unit is an integral part of the Minganie RCM and the Côte Nord administrative region. The protected area is located between 49°3' and 49°58' north latitude and 61°40' and 64°32' west longitude.

AREA AND BOUNDARIES

The proposed Anticosti biodiversity reserve covers an area of 1,651.5 km² and includes the coastal strip around the island and the Pointe Ouest, Pointe-Sud-Ouest/Rivière Jupiter watershed, and Pointe Est sectors. The coastal strip comprises the coastal platform, the coast itself, and a kilometer-wide strip bounded by the top of the inshore bank or cliff. The outer boundary of the protected area corresponds to the edge of the coastal platform, which is delimited by the low water line.² For the three other sectors listed above, the interior boundaries are wider and are briefly described as follows:

- The eastern boundary of the Pointe-Ouest sector runs along Rivière Plantain to the south and then follows part of the western shores of Lac Plantain and Lac Supérieur. Colline Makasti is also included in the northern part of this sector.
- The boundaries of the Rivière Jupiter sector essentially correspond to those of the river's watershed.
- The inner boundaries of the Pointe-Est sector roughly follow the dividing lines of the Petite Rivière and Ruisseau du Pêcheur watersheds.

The urban area of the Municipality of Île-d'Anticosti, private land, concentrated resort areas, a few areas with high resort development potential, and two sites with surface mineral rights have been excluded from the proposed Anticosti biodiversity reserve.

ACCESS

Anticosti Island can be reached by air or by sea. On the island, the road dubbed the "Transanticostienne" leads to several sectors of the proposed biodiversity reserve. This unpaved road crosses the area, running more than 270 km northwest to southeast from Port-Menier to Cap Sandtop. Numerous logging roads and offroad vehicle trails provide access to the proposed biodiversity reserve.

² **Low water line:** a hydrological term that refers to the lowest level of a watercourse or water body in the dry season or due to natural fluctuations such as tides.

3.2. Ecological profile

Located in the Gulf of St. Lawrence, Anticosti Island covers an area of 7,943 km², with a coastline that stretches over more than 550 km. The island is divided into four physiographic units based on topography, surface deposits, and hydrographic features, i.e. the 3rd level of the Québec Ecological Reference Framework. The western and eastern units are low lying, whereas the two units in the central part consist of plateaus. The western sector is covered mainly by lowlands less than 120 m in altitude, including cuestas, depressions, north-south valleys, and coastal beaches. The dendritic hydrographical network is well developed. Deposits are dominated by thin till and littoral and organic deposits.

The purpose of the proposed Anticosti biodiversity reserve is to conserve ecosystems that are representative of these four physiographic units and protect significant geodiversity elements and the island's biodiversity.

GEODIVERSITY

The geological formations of Anticosti Island are gently dipping and appear as outcrops on the coast and in the main valleys. This provides easy access to one of the most complete sedimentary sequences from the Ordovician and Silurian periods in the world (Desrochers and Guthier, 2009). Anticosti Island has a very complete and fully exposed fossil record of its geological period, covering approximately 10 million years of Earth's history, namely the Upper Ordovician and Lower Silurian, i.e., 437–447 million years ago. The island has a unique set of natural processes of outstanding scientific and landscape significance, including the following geodiversity elements: structural geology, surficial geology, stratigraphy, paleontology, and geomorphology.

The structural geology³ of Anticosti Island is simple. The sedimentary sequence is a homoclinal structure⁴ dipping slightly to the southwest and with few folds (Bordet et al., 2010). Normal faults and folds have been observed at some locations, but these are small and local in scale. However, major localized subsurface movements occur in extensional normal faults. The largest subsurface fault is the Jupiter Fault. This extension fault running northwest to southwest dips steeply to the southwest. The Jupiter Fault crosses most of the island. It affects mainly the lower part of the stratigraphic sequence and doesn't reach the surface. An orthogonal system of joints⁵ is omnipresent and runs parallel and perpendicular to the strata. The joints played a key role in the development of the current drainage network. A recent structural analysis has improved our understanding of certain structural elements (joints, folds, and faults) that affect the subhorizontal strata of the island (Bordet et al., 2010). Their development is related to the tectonic history of the Appalachians in the northern part of the Gaspé Peninsula. Some of these structures are the

³ **Structural geology:** study of the distortions rocks are subject to on various scales and the forces and stresses that cause them. Geologists study faults, joints, and folds.

⁴ **Homocline:** a geological structure in which the layers in a sequence of rocky, sedimentary, or igneous layers all descend in the same direction and at the same angle.

⁵ **Joint:** natural fracture in the rock that shows no visible or measurable movement parallel to its surface. Joints are usually found in large numbers, forming a regular system of cracks meters apart.

result of active stress fields during Taconian and Acadian orogenies⁶. Other structures are associated with later events, such as the opening of the Atlantic Ocean during the Jurassic, since two dikes⁷ or vertical diabase veins 8 and 15 m thick are found near the Puyjalon cliff in the north-central part of the island (Desrochers and Gauthier, 2009). The proposed Anticosti biodiversity reserve clearly illustrates all the structural geological elements, including the predominant homoclinal structure, vast network of joints, two bedded diabase veins, and, more generally, its occasional faults and folds.

The surface geology⁸ shows that the Quaternary deposits are generally thin on Anticosti Island (Dubois et al., 1985; Roberge, 1996). Over much of the island, above 70 m in elevation, the lowlands and plateaus are covered by thin discontinuous veneers of basal till or by peat bogs and wetlands forming organic deposits less than one meter thick. Below 70 m in altitude, the island is covered by coastal marine sediments and recent fluvial sediments. The large fluvial valleys (namely Jupiter, Aux Saumons, and À la Patate) contain larger Quaternary deposits. On one side of Rivière à la Patate, researchers have described a stratigraphic sequence of till, glaciofluvial gravel, and marine sediments totaling 60 m in depth. There is a 5 to 35 m high moraine ridge along the western edge of the island that runs for more than 50 km. The limited glacial sedimentation is thought to be due to the island's location on the edge of the Gulf near the edge of the ice sheet at the beginning of the Holocene about 12,000 years ago. The proposed Anticosti biodiversity reserve has a representative selection of surficial geological elements, including Quaternary deposits of glacial, fluvioglacial, fluvial, and marine origin.

The cliffs and rocky coastal platforms show relatively undeformed, fossiliferous sedimentary layers that have enabled geologists to identify the entire stratigraphy of Anticosti Island (Desrochers and Gauthier, 2009; Copper and Jin, 2017). Large rocky outcrops are found in the main valleys and sometimes along the roads. Exposed strata from the Upper Ordovician and Lower Silurian have a total thickness of 900 m and comprise eight geological formations: the Ordovician Vauréal and Ellis Bay formations and the Silurian Becscie, Merrimack, Gun River, Menier, Jupiter, and Chicotte formations. The proposed Anticosti biodiversity reserve contains a wide range of geological formations, including the best exposed and most accessible fossiliferous outcrops on the island, mainly along its coastline. Another sector, just as representative, includes outcrops in the Rivière Jupiter and Rivière Vauréal watersheds in the center of the island. The first lies in the proposed Anticosti biodiversity reserve and the second in Anticosti National Park. This strategic choice brings together all the elements necessary to fully express the reserve's outstanding universal value as defined by the UNESCO World Heritage program.⁹

⁶ **Orogeny**: a set of geodynamic processes that depend on plate tectonics and result in the formation of a mountain system in the broadest sense.

⁷ **Dike**: rock vein that runs through a fissure.

⁸ **Surface geology**: geology of surface deposits, also called Quaternary geology, which refers to unconsolidated materials lying on top of the bedrock. Although the Quaternary period covers the past 1.81 million years of Earth's history, almost all the surface sediments on Anticosti Island are much more recent. The sediments were deposited during or after the last glacial period.

⁹ **Stratigraphy**: A branch of earth sciences that studies the different geological layers or strata and dates them based mainly on paleontological data.

The outstanding paleontological resources¹⁰ of Anticosti Island have been renowned since the middle of the 19th century for their abundance and diversity of marine invertebrate fossils compared to other fossil-bearing sites of the same era (Twenhofel, 1927; Lespérance, 1981; Copper, 1988; Copper and Jin, 2017). The fossils' state of conservation makes high caliber research possible, from species descriptions to studies on the ecological structure of ecosystems. The fossils and sedimentary layers are in such good shape that fundamental questions on the state of the oceans and climate during this period can be addressed using innovative geochemical tracers, which boosts the potential of cutting-edge research on the island's geology. The fossils on Anticosti Island collectively have great value because they are the best record of Earth's first global mass extinction of animals at the end of the Ordovician. The invertebrate fossils and fossil remains found in the fossiliferous limestone of Anticosti Island attest to a major crisis in paleodiversity, with the disappearance of approximately 85% of the marine species of the time (Copper, 1988). These marine fossils bear witness not only to this serious crisis related to global changes in the climate and the oceans at the end of the Ordovician, but also to the slow reconstruction of marine ecosystems during the Silurian. As of July 1, 2019, a comprehensive review of over 750 publications on the geology and paleontology of Anticosti Island shows that 794 fossil species have been scientifically described, including the following groups: cyanobacteria (2), blue-green algae (10), red algae (12), acritarchs (110), chitinozoans (83), sponges (23), stromatoporoids, tabulate and rugose corals (54), annelids (27), scolecodonts (27), bryozoans (87), brachiopods (202), molluscs (106), fossil remains (34), arthropods (215), echinoderms (84), hemicordates (64), chordates (70), and unidentified fossils (34). The proposed Anticosti biodiversity reserve harbors a wide array of geological formations, including the best preserved and most fossiliferous (along the coast, of outstanding universal value) and two of the island's major rivers.

The physiography of Anticosti Island is strongly affected by its monoclinical structure, which slopes slightly to the southwest. It features *cuestas* that were probably formed during the Tertiary Period and partially modified by glaciers during the Quaternary (Roberge, 1996). Its central plateau, bordered by lowlands at the eastern and western ends, is the biggest karst area in southern Québec. The island's geomorphology is distinctive mainly for its karst, fluvial, and coastal aspects (Dubois et al., 1985; Roberge, 1996). At the surface, karst landforms feature sinkholes, enlarged joints, small caves, and karst lakes. These are closely linked to the network of joints that determine their position and orientation. The entire Haute-Saumons karst (38 km²), the biggest in Québec, is now part of Anticosti National Park. The incised valleys, and especially the canyons, also characterize the fluvial geomorphology in the island's interior. The numerous canyons on the island are some of the longest and deepest in Québec. They characterize the morphology of the island and are a distinctive feature of its landscape. The canyons of Rivière Vauréal, Rivière Observation, and Rivière du Brick are some of the most accessible. A number of other rivers show a morphological contrast between the head of the river system and the incised valleys

¹⁰ **Paleontology:** a branch of earth sciences that studies the fossil remains of living organisms from the past and their evolutionary implications.

downstream, an interesting element of the island's landscape. With its 550 km of coastline, the island's coastal geomorphology is a key component of its physical landscape. The cliffs and rocky coastal platforms are perhaps the most representative and distinctive features of this geomorphology. The coastal platforms (called reefs by the inhabitants of the island) are remarkable for both their size and abundance. The flat rocky strands sloping slightly seaward are the result of coastal retreat due to shoreline erosion. A few hundred meters wide, these platforms encircle portions of the island shoreline. They are up to two kilometers wide in the western part of the island. This area also features discrete gravel bars oriented perpendicular to the coastline. These are extremely rare in the rest of Québec. The island is bordered by sheer cliffs subject to coastal erosion and often accompanied by coastal platforms and dead cliffs, i.e., cliffs that are no longer subject to wave attack. Given the structural context, the cliffs are generally lower and less abundant on the southern coast, where wetlands behind the beaches are more common. The southern cliffs rarely exceed 15 meters, except between Rivière Loutre and Rivière Jupiter, whereas the sheer northern cliffs can be more than 100 m high between Cap de l'Ours and Anse du Sentier Vert. At the river mouths, the cliffs give way to beaches, sand bars, and spits. Lagoons are more abundant on the southern coast between Pointe du Sud-Ouest and Pointe Heath, whereas there are only three on the northern coast, at the end of Baie de la Tour, Baie des Homards, and Baie du Renard. In addition, coastal currents have formed spits at the mouth of a number of rivers. In the summer, the water in the lagoons drains toward the sea, percolating through the spits. The proposed Anticosti biodiversity reserve encompasses many elements of coastal geomorphology and aspects representative of fluvial geomorphology at the mouths of all the island's rivers and along Rivière Vauréal and Rivière Jupiter. Key elements of karst geomorphology are ubiquitous in the proposed Anticosti biodiversity reserve upstream of the Rivière Jupiter watershed.

CLIMATE

Anticosti Island has a subpolar, subhumid maritime climate. The growing season is relatively constant, with an average length of 152 to 192 days (Gérardin and McKenney, 2001). The average annual temperature is 1.57°C and annual precipitation is 861 mm to 1,303 mm, approximately 40% of which is in the form of snow. Winds are predominantly from the west, including the northwest and southwest, with an annual frequency of about 53%.

HYDROGRAPHY

Approximately 100 Level 1 watersheds (rivers draining into the St. Lawrence) have been mapped on Anticosti Island. The vast majority of the outlets of these rivers are in the proposed biodiversity reserve. The surface area of the watersheds varies enormously from one river to another. The watershed of Rivière Jupiter is by far the biggest on the island, with a surface area of 955 km², and it lies almost entirely inside the proposed biodiversity reserve.

The proposed biodiversity reserve protects 4 ponds and 34 lakes, the biggest being Lac Wickenden at 6.2 km². The coastal platform, located between the low water and high water marks, with a surface area of 76 km², also lies within the proposed biodiversity reserve.

FLORA

The proposed Anticosti biodiversity reserve belongs to the balsam fir–white birch domain of the continuous boreal forest. The introduction of white-tailed deer over 100 years ago profoundly affected the island's vegetation. At the expense of balsam fir, established mainly on fine-textured mineral deposits, and the deciduous species associated with balsam fir stands, browsing promotes the regeneration of white spruce, which accounts for 40% of the island's total area. Due to a lack of regeneration, the fir forests are old and represent less than 20% of the total area of the island. Without an appropriate ecological restoration strategy, the balsam fir forests will disappear within 50 years, with the exception of rare sites that are naturally well regenerated (Potvin et al., 2000). Disturbances caused by deer density are in addition to insect epidemics, forest fires, windfalls, and logging. Signs of fire are particularly evident on the vast central plateau of Anticosti Island, where black spruce-moss or ericaceous spruce stands are regenerated by fire or evolve towards more open stands, such as very stony black spruce–lichen stands or very stony lichen or moss barrens. Old forests are still abundant on Anticosti, covering nearly 40% of the island.

Coastal lichen or moss barrens are relatively rare on Anticosti Island. They are limited to a narrow fringe in exposed areas of the coastline and upper cliffs. Like freshwater and saltwater marshes and swamps and coastal areas, they are environments that are small in area but botanically diverse.

Data from the fourth inventory program of the ecoforestry information system (SIEF) of Ministère des Forêts, de la Faune et des Parcs (MFFP) shows that nearly 68% of the proposed biodiversity reserve is covered in forest. The forest is primarily composed of conifers, mainly black spruce (*Picea mariana*), white spruce (*Picea glauca*), and balsam fir (*Abies balsamea*). The forest is dominated by black spruce, which accounts for 41% of the protected area's forest cover. Some 28% of the black spruce stands are almost pure. They often grow with white spruce, tamarack (*Larix laricina*), and balsam fir. Stands dominated by balsam, tamarack, and white spruce are also found, representing 34%, 13%, and 6% of the forest cover, respectively. Stands that are over 70 years old cover 53% of the proposed biodiversity reserve's forest area.

Apart from intensive browsing by deer, 42% of the forest cover is subject to other types of disturbances, mainly of natural origin: 20% burns, 10% windfalls, and 9% epidemics. A large forest fire burned 209 km² in the Lac Wickenden sector in 1958. The fire was so intense that the forest has not yet fully regenerated because the organic soil layer was almost completely destroyed.¹¹

¹¹ It should be noted that partial windfalls and mild epidemics are not included in the ecoforestry information system (SIEF).

The island also features numerous wetlands. Vast minerotrophic peat fens, much richer in terms of plant diversity than ombrotrophic bogs, grow on the island's limestone soils. Anticosti Island probably has the biggest expanses of rich minerotrophic peat fens in southern Québec. Minerotrophic and ombrotrophic wetlands cover nearly 13% of the proposed reserve.

The inventory of threatened or vulnerable plant species on the island is not yet complete. The areas that have been the most intensively surveyed are along the main rivers on the north and south coast, the Rivière Vauréal watershed, and the western tip of the island. However, there are lesser known areas that should be explored in more depth, namely the area around Lac Wickenden, the center of the island, and the area at the eastern tip of the island. Very few surveys of rare, threatened, or vulnerable plant species have been conducted in the proposed reserve.

According to the centre de données sur le patrimoine naturel du Québec, as of April 21, 2020, 14 threatened or vulnerable plant species or species likely to be so designated had been listed on Anticosti Island, four nonvascular species and ten vascular species. Only two species have a status under the *Act respecting threatened or vulnerable species*. (chapter E-12.01): the Anticosti aster (*Symphyotrichum anticostense*), which is endangered, and the ram's head lady's-slipper (*Cypripedium arietinum*), which is vulnerable. In Québec, certain species are almost exclusive to this area, namely the Alaskan bog orchid (*Platanthera unalascensis*), the low braya (*Braya humilis*) and the arctic bladderpod (*Lesquerella arctica*). Others grow only on Anticosti Island and Îles de Mingan: Rolland's bullrush (*Trichophorum pumilum*) and the Laurentian dandelion (*Taraxacum laurentianum*). The island fringed gentian (*Gentianopsis detonsa* subsp. *Nesophila*) and the knotted pearlwort (*Sagina nodosa* subsp. *Nodosa*) were observed at the beginning and the middle of the 20th century. However, white-tailed deer have had a heavy impact on these species' ability to regenerate and recolonize the area, which probably means they are no longer present. Ten occurrences of the Anticosti aster, which is threatened, have been recorded, as well as nine occurrences of vascular plant species likely to be so designated. Measures could be taken to limit the number of deer in areas where these plants are growing. Areas where occurrences have been recorded in the past could be checked to see whether seed banks are still present. Exclosures could also be set up.

FAUNA

The wildlife on Anticosti Island is the result of massive introductions made by the French chocolate maker Henri Menier at the end of the 19th century. Anticosti Island originally had seven native terrestrial mammal species: the black bear, the river otter, the red fox, the American pine marten, the deer mouse, and two species of bat (the little brown bat and the northern long-eared bat). The black bear and the American pine marten disappeared after the introduction of 16 species, including 220 white-tailed deer (*Odocoileus virginianus*). Eleven introduced species are still present today: six mammal species, three amphibian species, and two non-migrating bird species. There are currently over 245 wildlife species, including 221 bird species and 24 mammal species.

The proposed Anticosti biodiversity reserve is home to Anticosti Island's main terrestrial mammal species such as the white-tailed deer, the moose (*Alces alces*), the red fox (*Vulpes vulpes*), the deer mouse (*Peromyscus maniculatus*), and the American beaver (*Castor canadensis*). White-tailed deer are abundant on the island, with an estimated population of 37,137 and a density of $4.76 \pm 11\%$ individuals per square kilometer in 2018, the year the latest inventory was published (MFFP, 2019). However the deer population seems to fluctuate considerably, as at the time of the previous inventory in 2006, it was estimated to be $166,000 \pm 7\%$. Profound changes in the structure and composition of certain herbaceous plant and forest communities have been observed since its introduction. Measures could be taken to reduce browsing in targeted areas to limit these changes and restore the island's plant diversity. Of the various mammal species in the proposed biodiversity reserve, only one occurrence of a species likely to be designated threatened or vulnerable in Québec has been identified: the eastern red bat (*Lasiurus borealis*).

A number of marine mammal species can also be found along the coast in the proposed reserve. Of the 14 species recorded, the grey seal (*Halichoerus grypus*) and the harbor seal (*Phoca vitulina*) use the different coastal environments to rest and feed. These mammals are particularly abundant when capelin are spawning. Grey seal and harbor seal can be observed on the coastal platforms or feeding along the coast. Cetaceans can also be seen roaming through the cold waters of the Gulf.

The proposed biodiversity reserve provides protection for a number of bird species designated as vulnerable under the *Act respecting threatened and vulnerable species*. There have been two occurrences of the golden eagle (*Aquila chrysaetos*), one occurrence of the harlequin duck (*Histrionicus histrionicus*, Eastern population), and 44 occurrences of the bald eagle (*Haliaeetus leucocephalus*) recorded as of April 21, 2020. The island has numerous known nesting sites of the bald eagle, a permanent resident on the island's coast. Anticosti Island is one of the province's major nesting areas for this species.

Seventeen waterfowl concentration areas are found around the island. The eastern area of the island harbors the densest and most diversified seabird colonies in North America. Identified species include the black guillemot (*Cepphus grylle*), the thick-billed murre (*Uria lomvia*), the Atlantic puffin (*Fratercula arctica*), the razor-billed auk (*Alca torda*), the black-legged kittiwake (*Rissa tridactyla*), the northern gannet (*Morus bassanus*), the double-crested cormorant (*Phalacrocorax auritus*), and the great cormorant (*Phalacrocorax carbo*). These birds nest in colonies on the cliffs in the northern part of the island. Four of these colonies are found in the proposed biodiversity reserve, in Baie Innomé, Cap de la Table, Cap Observation, and Cap Tunnel. Two colonies are located in the national park and two others in the Pointe-Heath ecological reserve.

Three species of amphibians are listed on the island: the mink frog (*Lithobates septentrionalis*), the leopard frog (*Lithobates pipiens*), and the green frog (*Lithobates clamitans*). Like the white-tailed deer, they were introduced by Henri Menier's development company at the end of the 19th century.

According to Labonté (2015), the main freshwater fish species found on Anticosti Island are Atlantic salmon (*Salmo salar*), the brook trout (*Salvelinus fontinalis*), the American eel (*Anguilla rostrata*, a species likely to be designated threatened or vulnerable), the three-spined stickleback (*Gasterosteus aculeatus*), and the banded killifish (*Fundulus diaphanus*). The rainbow smelt (*Osmerus mordax*), the alewife (*Alosa pseudoharengus*), the American shad (*Alosa sapidissima*), the nine-spined stickleback (*Pungitius pungitius*), and the rainbow trout (*Oncorhynchus mykiss*) are also seen from time to time.

In the sea around the island, recorded species include the capelin (*Mallotus villosus*), the Atlantic cod (*Gadus morhua*), the Atlantic whiting (*Merluccius bilinearis*), the Atlantic killifish (*Fundulus heteroclitus*), the redfish (*Sebastes marinus*), the shorthorn sculpin (*Myoxocephalus scorpius*), the lumpfish (*Cyclopterus lumpus*), the gulf snailfish (*Liparis coheni*), Vahl's eelpout (*Lycodes vahlii*), the ocean pout (*Macrozoarces americanus*), the Atlantic warbonnet (*Chirolophis ascanii*), the snake prickleback (*Lumpenus sagitta*), the rock gunnel (*Pholis gunnellus*), the Atlantic wolffish (*Anarhichas lupus*), the Atlantic mackerel (*Scomber scombrus*), the bluefin tuna (*Thunnus thynnus*), the winter flounder (*Pseudopleuronectes americanus*), and the Greenland halibut (*Reinhardtius hippoglossoides*) (MEF, 1998).

3.3. Land use

Activities and infrastructure before the proposed biodiversity reserve status was granted are shown on the map in Appendix II.

FIRST NATIONS

The proposed biodiversity reserve is likely to have been used by certain Innu communities, who engaged in traditional hunting and fishing activities. The protected area is subject to Indigenous claims, especially by the Innu communities of Nutashkuan and Ekuanitshit. In fact, approximately two-thirds of Anticosti Island is part of Nitassinan of the community of Nutashkuan within the meaning of the Agreement-in-Principle of a General Nature between the First Nations of Mamuitun and Nutashkuan and the Government of Québec and the Government of Canada. The legal status of the proposed biodiversity reserve, like the eventual permanent status, does not limit established or credibly asserted ancestral or treaty rights.

ARCHEOLOGICAL SITES

Of a total of 14 archeological sites recorded by Ministère de la Culture et des Communications (MCC), 13 are in the proposed biodiversity reserve. Of these, five consist of evidence of undetermined prehistoric Indigenous occupation (12,000 to 450 AA) and eight are associated with occupation by Europeans or Quebecers (1800 to 1950). However, we need to improve our knowledge of the prehistoric and historical occupation of the island. Various areas with potential have been mapped based on a study of the archeological potential of Anticosti Island (Pintal, 2018). The proposed Anticosti biodiversity reserve

includes the vast majority of the areas of archaeological potential identified in this study, i.e., 90 potential areas of occupation by Indigenous peoples and 78 potential areas of occupation by Europeans or Quebecers.

ESTABLISHED RIGHTS AND LAND USE

Like Anticosti Island as a whole, the proposed Anticosti biodiversity reserve is used mainly for hunting, fishing, and other recreational, tourist, and outdoor activities. The proposed biodiversity reserve contains seven white-tailed deer seclusion areas that cover the entire island (except around the village of Port-Menier). Enclosures were installed in the reserve before it was officially created to allow the vegetation to regenerate. Maintaining and dismantling these enclosures is permitted in the protected area.

The protected biodiversity reserve is located in fishing and hunting areas no. 20 and 21 (Gulf of St. Lawrence) and in fur-bearing animal management unit no. 68. The Pointe-Ouest sector contains part of the Lac Geneviève exclusive rights outfitting area, whereas the Rivière Jupiter and Pointe Est sectors are in the Sépaq Anticosti outfitting area. Parts of the coastal strip in the proposed reserve east of Anticosti National Park are in the Safari Anticosti exclusive rights outfitting area.

At the time of writing, a hiking trail that will eventually circle the entire island is being built. Ministère de l'Énergie et des Ressources naturelles (MERN) has granted a private license for telecommunication towers along Chemin de la Baie-Sainte-Claire and four oil and gas exploration licenses are still in effect to allow exploration wells to be closed and secured.

INFRASTRUCTURE

Existing infrastructure in the proposed Anticosti biodiversity reserve reflects the past and present use of the island. The Pointe-Nord (Cap-de-Rabast), Pointe-Carleton, Cap-de-la-Table, Pointe-du-Sud (Bagot Escarpment), and Pointe-du-Sud-Ouest lighthouses are in the protected area and are remnants of the time when Anticosti was considered one of the greatest navigation hazards in the Gulf of St. Lawrence. In 1967, the Pointe-Ouest lighthouse, which was demolished in 1961, was replaced by a metal tower, while the Pointe-Heath (Pointe aux Bruyères) lighthouse was demolished and replaced by an automatic lighthouse and weather station (Matte and Cyr, 2017).

The Transanticostienne, described as a resource access road, connects Port-Menier with Cap Sandtop. Slightly over 28 km of this road is in the proposed biodiversity reserve as well as nearly 15 km of Chemin de la Baie-Sainte-Claire. A total of 1,241 km of road run through the proposed biodiversity reserve, including 450 km of rough logging roads, 670 km of Class 4 logging roads, and 70 km of Class 3 logging roads. These roads are used mainly by hunters and were built in conjunction with forest management operations.

A number of buildings are located in the proposed biodiversity reserve. Most are associated with various outfitting camps, even though the most intensely developed areas were excluded from the protected area.

For example, the cottages and other buildings in the Lac Geneviève outfitting camp at Pointe-Nord are inside the protected area, as are the following Sépaq camps: Rivière-à-la-Loutre, Pointe-Carleton, Anse-du-Castor, Rivière-Sainte-Marie, Rivière-du-Brick, Cormoran, Rivière-à-l'Huile, Jupiter 30, Chicotte-la-Mer, Martin-la-Mer, and those of Safari Anticosti at Rivière-de-la-Chaloupe.

Lastly, 13 oil and gas exploration wells that are plugged or being plugged are located in the proposed reserve.

4. Activities framework

4.1. Introduction

The proposed Anticosti biodiversity reserve is designed primarily to protect significant elements of Anticosti Island's geodiversity and biodiversity. Therefore activities that could have major impacts on ecosystems, biodiversity, and geodiversity are banned, particularly industrial activities. However this type of protected area permits various types of recreational, wildlife, ecotourism, and low-impact educational activities and land use that are compatible with the conservation objectives. Infrastructure that already existed before the proposed Anticosti biodiversity reserve received its official protection status may remain for the moment. When the reserve receives permanent protection status, more precise protection objectives will be laid out and the compatibility of the existing activities and infrastructure will be evaluated in more depth.

4.2. Activity framework established by the *Natural Heritage Conservation Act*

The activities carried out in the proposed biodiversity reserve are governed mainly by the provisions of the *Natural Heritage Conservation Act* (chapter C-61.01). Under Section 34 of the Act, the main activities that are prohibited in an area with proposed biodiversity reserve status are as follows:

- Mining, gas, or oil development
- Forest development activities within the meaning of Section 4 of the *Sustainable Forest Development Act* (chapter A-18.1)
- Development of hydraulic resources and any commercial or industrial mode of energy production

Although they are fundamental for the protection of the area and its ecosystems, these prohibitions are insufficient to ensure proper management of the proposed biodiversity reserve and protection of the natural environments in question. Section 34 of the *Natural Heritage Conservation Act* allows the conservation plan to include provisions clarifying the legal framework applicable in the protected area.

4.3. Activities framework established by the conservation plan

The provisions in Appendix III of this conservation set out prohibitions in addition to those in Section 34 of the *Natural Heritage Conservation Act*. They provide a framework for certain authorized activities to better

protect the natural environment in line with conservation principles and other management objectives of the proposed biodiversity reserve. Therefore certain activities require prior authorization from the minister.

The proposed Anticosti biodiversity reserve should be considered as an area set aside for nature discovery and recreational activities and the protection of geodiversity and biodiversity. To meet the conservation objectives of the proposed Anticosti biodiversity reserve, sections 1 and 2 of the activities framework set out provisions specific to the protection aspect. As the fossils of Anticosti Island are of outstanding universal value, applications for authorization will be reviewed in terms of the impact that the activity could have on significant geodiversity elements. For example, collecting loose fossils of less than 10 cm for non-commercial purposes is permitted when certain conditions are met (see Section 2 of the Activities Regime). Collecting fossils with tools or mechanized equipment may be permitted, subject to certain conditions. For example, authorization could be conditional on the applicant agreeing that the fossils collected remain the property of the Government of Québec and the municipality, that the specimens be made available for study and loan to other qualified researchers, that copies of all publications resulting from study of the specimens be shared with the government and the municipality, etc. Applications for authorization submitted to Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) must demonstrate that fossils will be collected in such a way as to protect significant geodiversity elements as much as possible. In this regard, applications for authorization are expected to be submitted or supported by qualified paleontologists or scientists in related fields affiliated with an academic institution or research center with recognized expertise in paleontology. Applications for authorization must be sent to MELCC's Direction régionale de la Côte-Nord, whose contact information is as follows:

Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques.

818 boulevard Laure
Sept-Îles, Québec G4R 1Y8
Phone: 418-964-8888
Fax: 418-964-8023
Email: cote-nord@environnement.gouv.qc.ca

The measures in Appendix III mainly apply to new facilities and activities in the proposed reserve. They do not apply to existing facilities or certain current activities. For certain activities, the measures also provide for exemptions from the requirement to obtain authorization under the *Natural Heritage Conservation Act*.

However, among all the activities subject to authorization, the measures listed in Appendix III do not distinguish between those which are compatible and those which are incompatible with the purpose of a proposed biodiversity reserve and which therefore may not be authorized. The status of proposed biodiversity reserve is treated much like a permanent status. General information regarding the

compatibility or incompatibility of each type of activity can be found in the document *Activity Framework for Biodiversity Reserves and Aquatic Reserves*, available on the MELCC website at

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

This plain-language document summarizes the activity framework that generally applies to biodiversity reserves but does not take into account adaptations specific to certain reserves. For example, the objective of protecting geodiversity and fossils is specific to the proposed Anticosti biodiversity reserve and therefore is not covered in this document.

4.4. Zoning

The proposed Anticosti biodiversity reserve is divided into three zones (Appendix 3):

- The Fossil Protection Zone, corresponds to the property of outstanding universal value where the main fossil sites of the proposed biodiversity reserve are found. The management of this zone will focus primarily on the protection of fossils and sedimentary strata and any request for authorisation will be analysed in this light;
- The buffer zone, where management will focus on ensuring that no activities threaten the adjacent fossil protection zone and the protection of biodiversity;
- The residual zone where management will focus on biodiversity protection and ecological restoration.

Zoning may be modified in light of research work and consultations when the reserve is granted permanent protection status.

5. Activities governed by other laws

Certain activities that may be permitted within the proposed Anticosti biodiversity reserve are also governed by certain other laws and regulations, including those requiring a permit or authorization or the payment of certain fees. In addition, certain activities may be prohibited or limited under other laws or regulations that apply to the area covered by the proposed biodiversity reserve.

In the proposed Anticosti biodiversity reserve, a special legal framework may set out the activities permitted in the following areas:

- **Environmental protection:** Measures under the *Environment Quality Act* (chapter C-2) and its regulations
- **Plant species designated as threatened or vulnerable:** Measures prohibiting the removal of such species under the *Act respecting threatened or vulnerable species* (chapter E-12.01)

- **Exceptional forest ecosystems:** Protective measures provided for in sections 31 to 35 of the *Sustainable Forest Development Act* (chapter A-18.1)
- **Development and conservation of wildlife resources:** measures set out in the *Act respecting the conservation and development of wildlife* (chapter C-61.1) and its regulations. For example, provisions regarding threatened or vulnerable wildlife species, wildlife habitats, and outfitting operations, as well as certain measures in federal laws and regulations, including in the area of fisheries, may apply.
- **Archaeological research:** For example, measures set out in the *Cultural Heritage Act* (chapter P-9.002)
- **Access and land rights related to the domain of the State:** especially measures set out in the *Act respecting the lands in the domain of the State* (chapter T-8.1) and the *Watercourses Act* (chapter R-13)
- **Issuance and follow-up of permits for forest management operations and issuance of authorizations :** measures set out in the *Sustainable Forest Development Act* (chapter A-18.1) and its regulations, covering activities such as harvesting firewood for domestic purposes, wildlife and recreational development, and roads in forest areas
- **Vehicle traffic:** Especially measures set out in the *Act respecting the lands in the domain of the State* and regulations governing motor vehicle traffic in certain fragile environments under the *Environment Quality Act*
- **Construction and development standards:** Regulatory measures adopted by regional and local municipal authorities under the acts applicable to them

6. Responsibilities of Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques

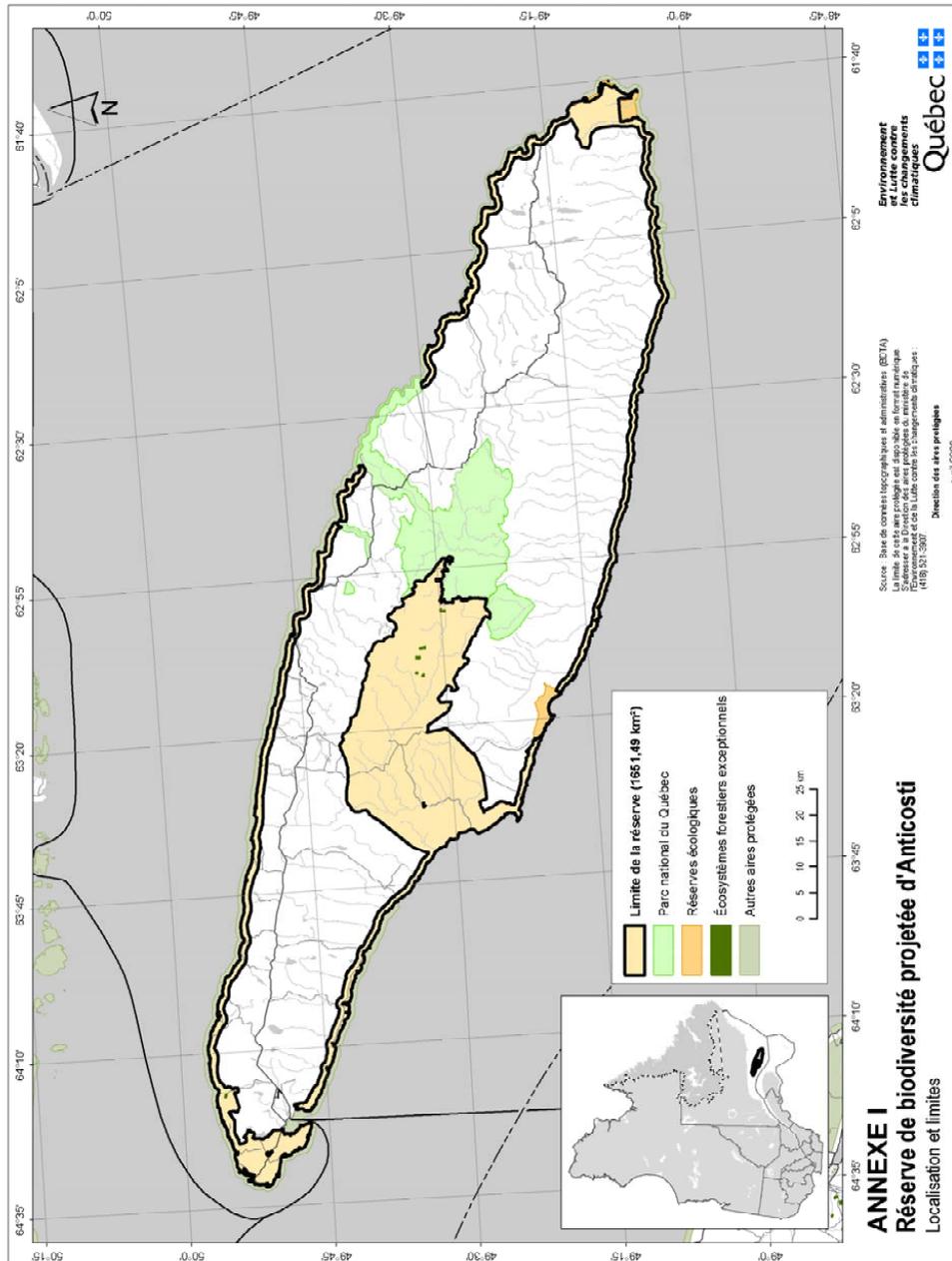
The Minister of the Environment and the Fight against Climate Change is responsible for enforcing the *Natural Heritage Conservation Act* and promoting conservation of the proposed Anticosti biodiversity reserve. The Minister supervises and monitors the activities that are permitted there. In managing the reserve, the Minister will work collaboratively with other government stakeholders having specific responsibilities in the reserve or on adjoining land, including the Minister of Energy and Natural Resources and the Minister of Forests, Wildlife and Parks and their representatives. They must exercise their powers in light of the desired protection for these natural environments and the protection status they currently enjoy.

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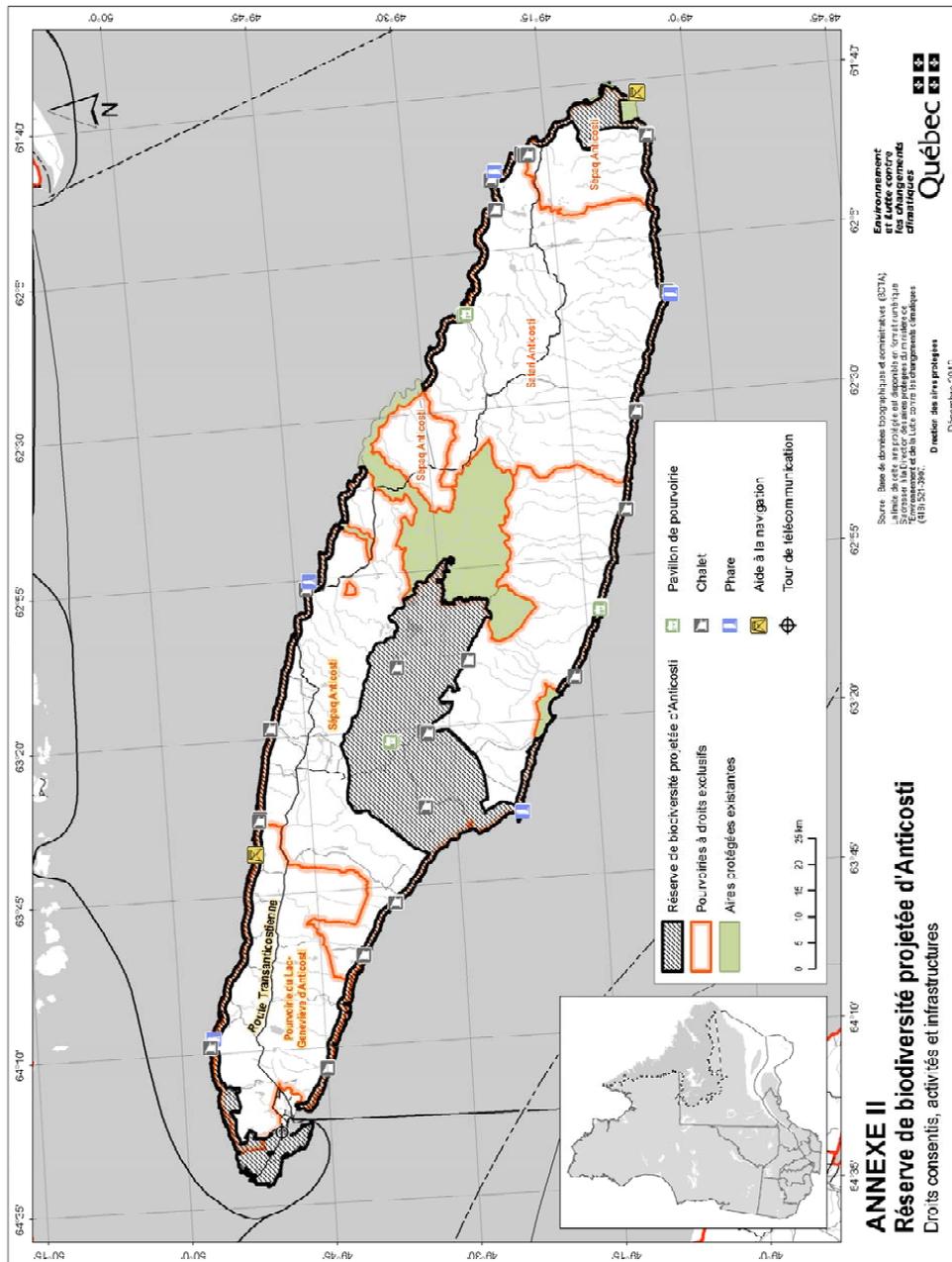
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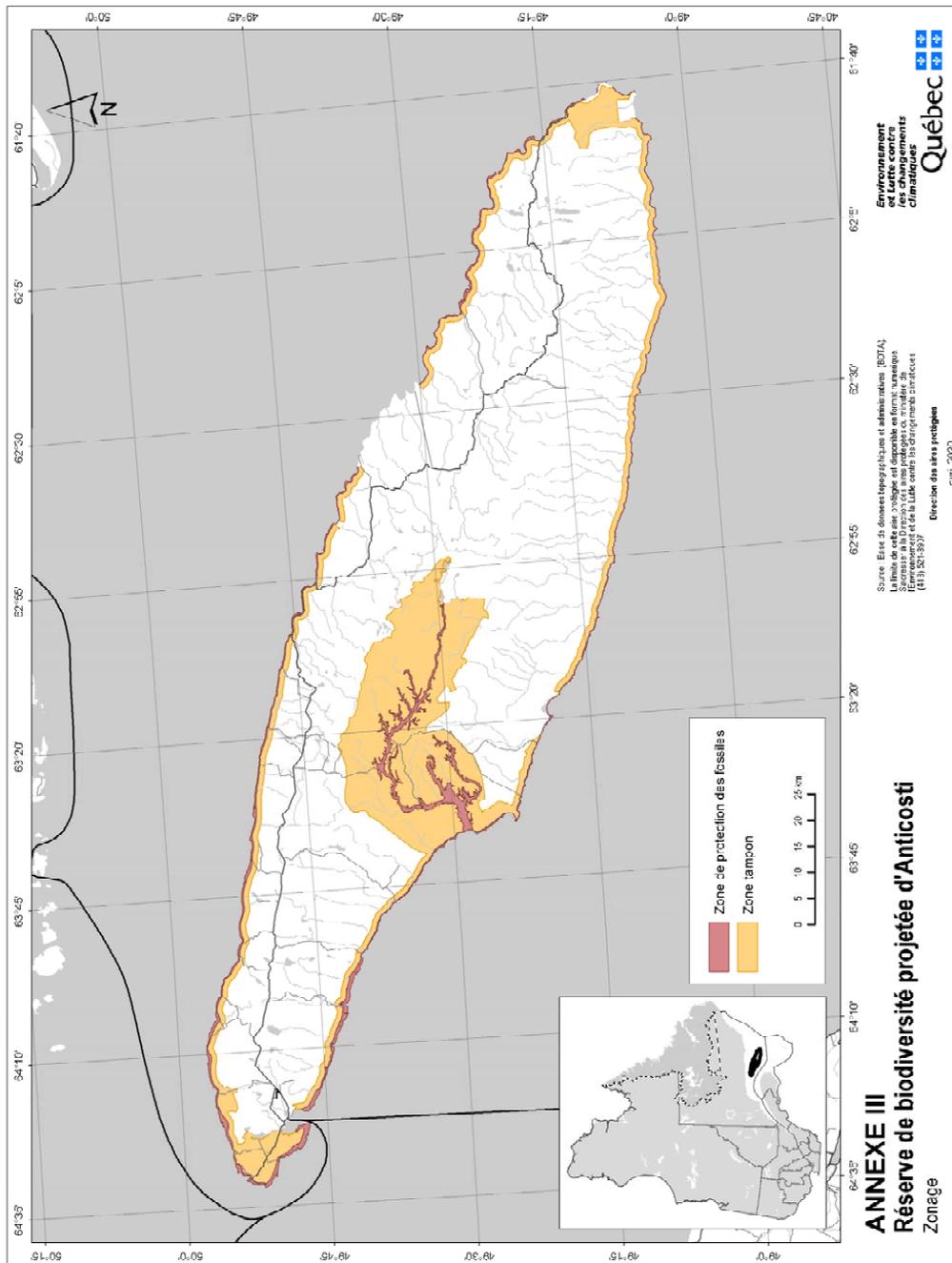
Annexe I : Location and boundaries of Réserve de biodiversité projetée d'Anticosti



Annexe II : Established rights, activities and infrastructure of Réserve de biodiversité projetée d'Anticosti



Annexe III : Zoning of Réserve de biodiversité projetée d'Anticosti



Schedule IV: Activities framework

PROHIBITIONS, PRIOR AUTHORIZATIONS AND OTHER CONDITIONS GOVERNING CERTAIN ACTIVITIES IN THE RÉSERVE DE BIODIVERSITÉ PROJETÉE D'ANTICOSTI

§1 – Protection of resources and the natural environment

1. Except with the authorization of the Minister, no person may remove, extract, excavate or damage a fossil in the proposed biodiversity reserve.
2. Despite section 1, no authorization is required to remove fossils if the following conditions are met:
 - (1) the removal is carried out for non-commercial purposes;
 - (2) removed fossils are exposed on the ground surface;
 - (3) removed fossils are separated from the bedrock;
 - (4) the removal does not require excavation by mechanical means or extraction using tools;
 - (5) the removal is limited to a maximum of five fossils measuring less than 10 cm per person per year;
 - (6) the removal is only carried out where no signage erected by the Minister prohibits it in order to preserve fossiliferous sectors, the integrity of which must be maintained due to their representative and/or outstanding features.
3. Except with the authorization of the Minister, no person may remove, capture, move, disturb or harm fauna or flora species designated threatened or vulnerable or likely to be designated as such in the proposed biodiversity reserve.
4. Subject to the prohibition in the second paragraph, no person may introduce any individuals of a native or non-native species of fauna into the proposed biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

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

Except with the authorization of the Minister, no person may introduce non-native species of flora into the proposed biodiversity reserve.

5. No person may use fertilizers in the proposed biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a lake or watercourse, measured from the high-water mark.

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

6. No person may remove from the proposed biodiversity reserve species of flora, small fruits or any other non-timber forest product by mechanical means.
7. No person may in the proposed biodiversity reserve, unless the person has been authorized by the Minister,
 - (1) intervene in a wetland area, including a marsh, swamp or peat bog;

- (2) modify the natural drainage or water regime, including by creating or developing lakes and watercourses;
 - (3) dig, fill, obstruct or divert a lake or watercourse;
 - (4) install or erect any construction, infrastructure or new works in the littoral zone, on the banks or shores or the floodplains of a lake or watercourse; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);
 - (5) carry on an activity other than those referred to in paragraphs 1 to 4 likely to directly and substantially affect the biochemical characteristics or quality of wetlands and bodies of water in the proposed biodiversity reserve, including by discharging or dumping residual materials or contaminants into the wetlands or bodies of water;
 - (6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;
 - (7) install or construct a structure, infrastructure or new works;
 - (8) reconstruct or demolish a structure, infrastructure or works;
 - (9) use a pesticide; no authorization is required for the use of personal insect repellent;
 - (10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or
 - (11) hold a sports event, tournament, rally or any other similar event where
 - (a) fauna or flora species are taken or are likely to be taken; or
 - (b) motor vehicles or craft are used.
- 8.** Despite paragraphs 6, 7 and 8 of section 7, if the requirements provided for in the second paragraph are met, no authorization is required to carry out the following work:
- (1) the maintenance, repair or improvement of any construction, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;
 - (2) the construction or installation
 - (a) of a dependency or a facility ancillary to a rough shelter, a shelter or a cabin, including a shed, a water withdrawal facility or a discharge and disposal of waste water, grey water and toilet effluents; or
 - (b) a rough shelter, a shelter or a cabin if, on the date on which status as a proposed biodiversity reserve takes effect, such a building was allowed under the right of use or occupancy granted, but was not yet carried out; or
 - (3) the demolition or reconstruction of a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a construction, including a shed, a water

withdrawal facility or a discharge and disposal of waste water, grey water and toilet effluents.

The carrying out of the work referred to in the first paragraph must comply with the following:

- (1) the work involves a construction, infrastructure or works whose presence is allowed in the territory of the proposed biodiversity reserve;
- (2) the work is carried out within the area of the land or right of way covered by the right of use or occupancy in the proposed biodiversity reserve, whether the right results from a lease, a servitude or another form of title, permit or authorization;
- (3) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits allowed by the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that construction, works or infrastructure;
- (4) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the construction, infrastructure or works to which it is related, as well as in compliance with the applicable legislative and regulatory measures;
- (5) in the case of forest roads, the work must not result in altering or exceeding the existing right of way, enlarging the driving roadway or converting the road into a higher class road.

For the purposes of this section, repair and improvement work includes work to replace or install structures or facilities with a view to complying with the requirements of environmental regulations.

- 9.** No person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister or, in other cases, with the authorization of the Minister.

Despite the first paragraph, an outfitting operation does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the outfitting operation was already using the facility or site on the date on which status as a proposed biodiversity reserve takes effect.

§2 – Rules of conduct for users

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

- 11.** No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the proposed biodiversity reserve.

§3 – Activities requiring an authorization

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

For the purposes of the first paragraph,

- (1) the occupation or use of a site includes
 - (a) staying or settling in the proposed biodiversity reserve, for instance for vacation purposes;
 - (b) setting up a camp or shelter; and
 - (c) installing, burying or abandoning any property in the reserve, including equipment, a device or a vehicle; and
- (2) the expression “same site” includes any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, an authorization is not required if a person,

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

13. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, persons staying or residing in the proposed biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

No such authorization is required if a person collects firewood to meet domestic needs to supply a rough shelter permitted within the proposed biodiversity reserve in the following cases and on the following conditions:

- (1) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued under the Sustainable Forest Development Act (chapter A-18.1);
- (2) the quantity of wood collected does not exceed 7 apparent cubic metres per year;
- (3) in other cases:

- (a) the wood is collected within a sector identified by the Minister of Forests, Wildlife and Parks as a sector for which a permit for the harvest of firewood for domestic purposes may be issued under the Sustainable Forest Development Act, and which was already identified as such by the Minister on the date on which status as a proposed biodiversity reserve takes effect;
- (b) the wood is collected by a person who, on the date on which status as a proposed biodiversity reserve takes effect or within the previous three years, holds a permit for the harvest of firewood for domestic purposes enabling him or her to collect firewood within the proposed biodiversity reserve;
- (c) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act.

In addition, no authorization to carry on a forest management activity is required if a person authorized by lease to occupy land within the proposed biodiversity reserve in accordance with this conservation plan carries on the forest management activity for the purpose of

- (1) clearing, maintaining or creating visual openings, and any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State, including for access roads, stairs or other trails permitted under those provisions; or
- (2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or improvement of power, water, sewer or telecommunication lines, facilities and mains.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in section 15.

14. No person may carry on commercial activities in the proposed biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

- (1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or
- (2) to carry on commercial activities if, on the date on which status as a proposed biodiversity reserve takes effect, the activities were the subject of a right of use of the land for such purpose, whether or not the right results from a lease or another form of title, permit or authorization, within the limits of what the right allows.

§4 – Authorization exemptions

15. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed biodiversity reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

16. Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the proposed biodiversity reserve where that

intervention is part of the exercise of rights covered by section 35 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) and those rights are credibly established or asserted.

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

- (1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (R.S.Q., chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;
- (2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;
- (3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request;
- (4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions. The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the reserve.

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

Draft Regulations

Notice

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

Building service employees – Montréal — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application from the contracting parties to amend the Decree respecting building service employees in the Montréal region (chapter D-2, r. 15) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting building service employees in the Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Decree is to require employers to have their employees under 71 years of age complete, date and sign the group retirement plan enrolment form. It also provides certain standards for adapted equipment and occupational health and safety.

The draft Decree also brings certain provisions of the Decree into conformity with the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21).

Study of the regulatory impact shows that the amendments have no impact on small and medium-sized businesses.

Further information may be obtained by contacting Jonathan Vaillancourt, Policy Development Advisor, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1; telephone: 418 643-3840; fax: 418 643-9454; email: jonathan.vaillancourt@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,
*Minister of Labour, Employment and
Social Solidarity*

Decree to amend the Decree respecting building service employees in the Montréal region

An Act respecting collective agreement decrees (chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting building service employees in the Montréal region (chapter D-2, r. 15) is amended in the portion before Division 1.00 by replacing “The Service Employees’ Union, local 800 — QFL” by “Union des employés et employées de service, section locale 800”.

2. Section 1.01 is amended by adding the following after paragraph k:

“(l) “Parity Committee”: Comité paritaire de l’entretien d’édifices publics, région de Montréal.”.

3. Section 3.01 is amended in the French text by replacing “comité” in subparagraph 7 of the second paragraph by “Comité”.

4. Section 3.03 is amended by replacing “parity committee” by “Parity Committee”.

5. The following is added after section 3.07:

“(Insert, as provided for in section 5 of this Decree, sections 5.01 to 5.03, so that they become sections 3.08 to 3.10).”.

6. Section 4.03 is amended by replacing “not more than 7 hours” in subparagraph 2 of the first paragraph by “less than 7 hours”.

7. The following text before section 5.01 is struck out:

**“DIVISION 5.00
CALL-BACK AND CALL-IN”.**

8. Sections 5.01 to 5.03 become sections 3.08 to 3.10.

9. Section 6.102 is replaced by the following:

“**6.102.** The employer’s contribution to the plan is \$0.45 per hour paid to the employee.”.

10. Section 6.103 is amended in the French text by replacing “comité” by “Comité”.

11. The following is added after section 6.104:

“**6.105.** The employer must, from the first day of employment, have his employees under 71 years of age complete, date and sign the group retirement plan enrolment form provided by the Parity Committee.

It is the employer’s responsibility to ask the Parity Committee to renew its supply of forms in a timely manner.

The employer must send, not later than the 15th day of each month, the enrolment forms, dated and signed by his employees.”.

12. Sections 7.02 and 7.04 are amended by replacing “3 weeks” in the second paragraph by “8 weeks”.

13. Section 7.06 is amended by replacing “due to illness” in paragraph 2 by “for any reason set out in Division 9.00 of the Decree or in Division V.1 of Chapter IV of the Act respecting labour standards (chapter N-1.1)”.

14. Section 8.05 is replaced by the following:

“**8.05.** The employer must give the employee his vacation pay in a lump sum before the employee goes on vacation or in the manner applicable for the regular payment of his wages.”.

15. Section 8.11 is amended by replacing “owing to sickness or accident” by “for one of the reasons set out in section 8.04.3”.

16. Section 9.01 is amended by replacing subsection 1 by the following:

“(1) On the occasion of the death or the funeral of a member of his family, the regular employee is entitled to the following leaves:

(a) 5 paid days, in the case of the death of his spouse, his child or the child of his spouse;

(b) 3 paid days and 2 additional days without pay, in the case of the death of his father, mother, brother or sister;

(c) 1 day with pay, in the case of the death of his father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather or grandmother;

(d) 1 day without pay, in the case of the death of his son-in-law, daughter-in-law or grandchildren.”.

17. Section 9.03 is amended by replacing “1 day” and “4 more days” in paragraph 1 by “2 days” and “3 more days”, respectively.

18. Section 9.05 is amended

(1) by striking out “if the employee has 60 days of uninterrupted service” in the first paragraph;

(2) by striking out the fourth paragraph.

19. Section 9.06 is replaced by the following:

“**9.06.** For the purposes of this section, the definition of relative refers to the definition set out in section 79.6.1 of the Act respecting labour standards (chapter N-1.1).

An employee may be absent from work for 10 days per year to fulfill obligations relating to the care, health or education of the employee’s child or the child of the employee’s spouse, or because of the state of health of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26).

The leave may be divided into days. A day may also be divided if the employer consents thereto.

If it is warranted, by the duration of the absence for instance, the employer may request that the employee provide a document attesting to the reasons for the absence.

The employee must notify his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave.

Subject to the provisions of Division 12.00, the first 2 days of leave taken annually must be remunerated according to the following formula: 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the leave, excluding overtime hours, and with any adjustments required in the case of division. The employee

becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if he was absent previously. However, the employer is not required to pay remuneration for more than 2 days of absence during the same calendar year, when the employee is absent from work for any of the reasons set out in this section or in section 9.09.”.

20. The following is added after section 9.08:

“**9.09.** The employee may be absent from work for a period of not more than 26 weeks over a period of 12 months for any of the reasons set out in section 79.1 of the Act respecting labour standards (chapter N-1.1).

The employee must notify the employer of his absence as soon as possible, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the employer may request that the employee provide a document attesting to those reasons.

Subject to the provisions set out in Division 12.00, the right provided for in the sixth paragraph of section 9.06 applies in the same manner to absences authorized under this section. However, the employer is not required to pay remuneration for more than 2 days of absence during the same calendar year, when the employee is absent from work for any of the reasons set out in this section or in section 9.06, in the event that the accumulated days of leave are insufficient.”.

21. The following is added after section 10.03:

“**10.04.** An employer cannot require an amount of money from an employee to pay for expenses related to the operations and mandatory employment-related costs of the enterprise.”.

22. The title of Division 11.00 is amended by adding “AND ADAPTED EQUIPMENT” at the end.

23. Section 11.01 is amended by adding the following at the end:

“Where required for the tasks, the employer provides adapted equipment, including protective footwear, stripping boots or shoe cover. The employer must pay the cost of adapted equipment and replace it, if necessary.”.

24. Section 11.02 is amended by adding “and adapted equipment” after “special clothing”.

25. The following is added after section 11.03:

“DIVISION 11.100 OCCUPATIONAL HEALTH AND SAFETY

11.101 The duration of use of a backpack vacuum cleaner is limited to a maximum of 3 hours per working day, but cannot exceed more than 2 consecutive hours. When the use of a backpack vacuum cleaner exceeds 2 hours in a working day, the employee must interrupt the task for a period of at least 1 consecutive hour.”.

26. The following is added after section 12.02:

“**12.02.1.** The indemnities paid under the sixth paragraph of section 9.06 or the third paragraph of section 9.09 are deducted from the employee’s accumulated leave hour credits.

However, if the indemnities are paid to the employee when he has not yet acquired regular status, or when the balance of his leave credit is insufficient or zero, they are deducted from the leave hour credit subsequently accumulated by the employee.

Despite the foregoing, no employer may require or obtain by any other means the reimbursement of the indemnities paid to the employee during the year under the sixth paragraph of section 9.06 or the third paragraph of section 9.09 when the employee has not yet acquired regular status, or when the balance of his leave credit is insufficient or zero, on the ground that the indemnities could not be reimbursed under the second paragraph of this section.”.

27. Despite the first paragraph of section 6.105, the employer has 6 months as of (*insert the date of coming into force of this Decree*) to have his employees under 71 years of age, already in his employ and who have not already done so on that date, complete, date and sign the group retirement plan enrolment form.

28. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

104738

Draft conservation plan

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité projetée des Caribous- Forestiers-de-Manouane-Manicouagan — Temporary protection status

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Minister of the Environment and the Fight Against Climate Change intends to assign a temporary protection status as a proposed biodiversity reserve to the territory in the conservation plan established for the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan, appearing below, on the expiry of 45 days following this publication.

The boundaries of the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan include the territories of the Réserve de biodiversité projetée du lac Plétipi, the Réserve de biodiversité projetée de la rivière de la Racine de Bouleau and the Réserve de biodiversité projetée des Montagnes-Blanches the plans of which will be revoked.

The setting aside of the territory, authorized by Order in Council 1181-2020 dated 11 November 2020, in accordance with the Natural Heritage Conservation Act, will be for a period of four years. The assignment of a temporary protection status as a proposed biodiversity reserve will make the activities framework provided for in the Act and in the conservation plan established for the proposed biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities framework is set out in section 4 of the draft conservation plan of the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan. It provides for prohibitions in addition to those set out in the Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the proposed biodiversity reserve. Certain activities are subject to the prior authorization from the Minister.

Further information on the setting aside of land may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: consultation.GOQ@environnement.gouv.qc.ca

Any person wishing to comment on the draft setting aside is requested to submit written comments within the 45-day period to Francis Bouchard, at the above contact information.

BENOIT CHARETTE,
*Minister of the Environment and
the Fight Against Climate Change*

Temporary protection status assigned as Réserve de biodiversité projetée des Caribous-Forestiers-de- Manouane-Manicouagan

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

1. The conservation plan of the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan appears in Schedule A.
2. The territory in the Schedule to the conservation plan constitutes the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan.
3. The temporary status as proposed biodiversity reserve, for a period of 4 years, and the conservation plan of the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan, applicable to the territory appearing as a schedule to the document, come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

SCHEDULE A**CONSERVATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ PROJETÉE DES
CARIBOUS-FORESTIERS-DE-MANOUANE-MANICOUAGAN**

(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS

**Réserve de
biodiversité
projetée des
Caribous-
Forestiers-de-
Manouane-
Manicouagan****Conservation plan**

June 2020

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1 Protection status and toponym

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

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

The provisional toponym is “Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan”. The official toponym will be determined when the territory is given permanent protection status.

2 Conservation objectives

Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan was created specifically to protect the woodland caribou and its habitat. This ecotype of the woodland caribou (*Rangifer tarandus caribou*) is designated vulnerable in Québec, under the *Act respecting threatened or vulnerable species* (chapter E-12.01), and threatened in Canada, under the *Species at Risk Act* (SC 2002, c 29). Given the close association between the woodland caribou and culture of the Innus, the proposed reserve will also contribute to the protection and advancement of their *traditional activities*¹. The proposed reserve will also protect representative ecosystems of several large

ecological units of this part of Québec (see section 3.2).

3 Plan and description

3.1 Geographical location, boundaries and dimensions

Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan will eventually be enlarged to include, in whole or in part, the adjacent Réserve de territoire aux fins d'aire protégée des Caribous-Forestiers-de-Manouane-Manicouagan (land reserve for purposes of a protected area). The boundaries and location of the proposed reserve and adjacent land reserve are illustrated in Schedule 1. Where they adjoin Réservoir Manicouagan, these boundaries correspond to the maximum critical water level of the reserve, which is 362.7 m.

The proposed reserve covers an area of 7,814 km² split almost equally between the regions of Côte-Nord (49%) and Saguenay–Lac-Saint-Jean (51%). Ultimately, with the annexation of the land reserve for purposes of a protected area, its total area will be more than 10,000 km², with the largest part being in Côte-Nord. The proposed reserve extends between 50°32' and 52°29' north latitude and between 68°18' and 70°58' west longitude.

To the west, the proposed reserve is in the MRC (regional county municipality) of Fjord-du-Saguenay, in the region of Saguenay–Lac-Saint-Jean. To the east, it is split between Caniapiscau MRC (to the north) and Manicouagan MRC (to the south), in Côte-Nord. The proposed reserve is mostly in the Nitassinan of the Innu community of Pessamit, with a portion to the west being in

¹ “Innu Aitun” in the *Entente de principe d'ordre général entre les Premières Nations de Mamuitun et de Nutashkuan et le gouvernement du Québec et le gouvernement du Canada* (2004).

the Nitassinan of the community of Mashteuiatsh². Northeastern portion coincides with a territory of interest for the Innu communities of Matimekush-Lac John and Uashat mak Mani-Utenam.

The proposed reserve is composed of five sectors. The first sector extends from Réservoir Manouane to the west bank of Rivière Mouchalagane and includes some of the islands in Réservoir Manouane, lakes Double and Manouanis, part of the Montagnes Blanches, and lakes À la Croix and Plétipi. It covers 5,995 km² and includes (to the southeast) an arm running the upper slopes of the west bank of Rivière aux Outardes. The second sector (235 km²) is on the other side of the same river. The third sector is to the west of Réservoir Manicouagan and south of Rivière Mouchalagane (756 km²). The fourth sector is north of Réservoir Manicouagan (222 km²), while the fifth (606 km²) straddles a stretch of Rivière de la Racine de Bouleau.

Three of the sectors are linked by the Réserve de territoire aux fins d'aire protégée des Caribous-Forestiers-de-Manouane-Manicouagan (2,377 km²). The five sectors combined, together with the land reserve for purposes of a protected area, form a protected area of 10,194 km², which is within the range recommended in the literature for a protected area to be able to sustain a population of woodland caribou, namely from 9,000 km² to 13,000 km² (Wilkinson, 2008).

The following sections describe the combined territories of the proposed reserve and land

reserve. The latter covers 2,377 km² and is located north of Réservoir Manicouagan, nearly 200 km northwest of Baie-Comeau and about 85 km southwest of Fermont. For simplicity, the two territories combined will be referred to as "Aire protégée des Caribous-Forestiers-de-Manouane-Manicouagan".

3.2 Ecological portrait

Aire protégée des Caribous-Forestiers-de-Manouane-Manicouagan is for the most part in three natural regions: the Lac Manouane depression, the Manouanis massif and the basin of Réservoir Manicouagan, all of which are in the heart of the Central Laurentian natural province. A small portion to the north of Lac Plétipi is in the Mistassini Highlands natural province.

Climate

The territory is subject to a cold subarctic climate (-6.0 °C to 1.5 °C), subhumid with annual precipitation ranging from 800 mm to 1,359 mm, with a medium growing season (150 to 179 days). In the northern part of the protected area and on higher elevations, the growing season is short (120 to 149 days).

² *Entente de principe d'ordre général entre les Premières Nations de Mamuitun et de Nutashkuan et le gouvernement du Québec et le gouvernement du Canada (2004).*

Geology and geomorphology

The territory of Aire protégée des Caribous-Forestiers-de-Manouane-Manicouagan is in Grenville geological province. The western portion is mostly in the Complexe d'Épervanche, which dates from the Archean and is composed essentially of undivided gneisses, with paragneiss around Lac Plétipi. However, the Montagnes Blanches massif and the Lac Tétépisca sector are part of a complex dating from the Paleoproterozoic that is mostly anorthosite. The Duley Formation, in the Lac Matonipi sector, is characterized by the presence of marbles, dolomites and calcareous rocks of interest for plant life. The eastern portion of the protected area is part of the Gagnon Group (chiefly composed of graphitic schistose paragneiss), and also overlaps the Wabush Formation (composed of iron formations).

With a varied geomorphology due to its large surface area, the proposed protected area is representative of the four main physiographic complexes in which it is located.

The portions that are in the physiographic complexes of the Lac Manouane mounds and Lac Plétipi mounds, which are very similar, essentially consist of mounds and low hills, with undifferentiated glacial deposits. Organic deposits are also present, in hollows and flat areas, while fluvioglacial deposits are found in the valleys and on the banks of water bodies.

Separating the two complexes above, the physiographic complex of Lac Manouanis low hills is quite rugged, corresponding to the part of the massif that is in the protected area. It is composed of low hills in the Lac Manouanis sector, and high hills and mountains in the

Montagnes Blanches massif sector, all the way to Lac Tétépisca. The surface deposits are mostly undifferentiated till, thinning with elevation. There are numerous summits and escarpments with outcrops of rock.

Lastly, the most northern physiographic complex is the Gagnon low hills. Most of the land reserve for purposes of a protected area is located here. It consists essentially of knolls, mounds and low hills. East of Rivière Seignelay there are a few high hills around Réservoir Manicouagan. Surface deposits are mostly undifferentiated till, with dead-ice moraines here and there. Organic deposits are also found, in the hollows, though they are more common in the land reserve for purposes of a protected area than in the proposed reserve.

Hydrography

Spread across the watersheds of the Manicouagan, Aux Outardes, Betsiamites and Saguenay rivers, the protected area will contribute to the protection of these water courses.

With its large area, the protected area will include more than 8,100 lakes and other bodies of water totalling over 1,000 km² of aquatic environments and nearly 9,000 km of shoreline. At about 339 km², the largest body of water is Lac Plétipi. There are some 5,500 km of streams and small rivers.

Flora

The territory lies in the bioclimatic domain of black spruce/moss forests in the continuous boreal forest sub-zone. Forests dominated by black spruce (*Picea mariana*) cover almost 62% of the land. There are nearly pure stands of spruce

(30% minimum), but the black spruce can also be accompanied by balsam fir (*Abies balsamea*), jack pine (*Pinus banksiana*), paper birch (*Betula papyrifera*), trembling aspen (*Populus tremuloïdes*), tamarack (*Larix laricina*) and white spruce (*Picea glauca*). Beneath these stands of mostly black spruce there are either mosses (69%) or lichens (31%). Stands dominated by jack pine, fir, white birch, trembling aspen and tamarack can also be found, but the proportions of each represent less than 3% of the territory's terrestrial area.

The great majority (79%) of forest stands in the protected area are over 80 years old, a crucial fact because in order to feed in winter, woodland caribou need old coniferous forests that are rich in ground and tree lichens (Hins and coll., 2009). Almost 95% of the forest stands are over 40 years old. Within or on the borders of the protected area, 36 biological refuges have been created to conserve mature or overmature forests and to maintain their biological diversity.

Using the disturbance rate calculation method set out in the *Lignes directrices pour l'aménagement de l'habitat du caribou forestier* (Équipe de rétablissement du caribou forestier du Québec, 2013b), about 17% of the territory of the protected area can be considered disturbed. However, almost all the disturbances are of a temporary nature. Over 16% of the territory has been disturbed by forest fires, the principal natural disturbance here. Such fires are the chief cause of forest rejuvenation in the area, since it has never undergone forestry development. Permanent disturbances take up only 0.3% of the territory, mostly recreation leases scattered fairly evenly throughout the protected area.

Turning to plant species that are rare, vulnerable, threatened or likely to be so designated, very few plant surveys have been done in the territory. However, a colony of Drummond's mountain-avens (*Dryas drummondii*), a rare calcicolous species, has been found on a cliff on Île Phil, in Lac Matonipis (Cossette et Blondeau, 2006).

Fauna

The protected area will chiefly serve to protect sectors of importance for woodland caribou. The boundaries were drawn to include high quality woodland caribou habitats that had been identified previously as priorities for the creation of large protected areas for woodland caribou (Leblond et coll., 2015).

Use of the territory by caribou was confirmed by a survey conducted in 2014. Certain sectors, such as the one stretching from Lac Plétipi to Rivière de la Racine de Bouleau, which includes the land reserve for purposes of a protected area, have the highest levels of caribou use identified in Québec (Heppell, 2015).

In the 2014 survey, the various demographic parameters observed suggest that the sector³ has a stable caribou population, with 56 males per 100 females and 30.3 fawns per 100 females, for a recruitment rate of 16%. Mortality rates have yet to be determined, which would better define the demographic trend of populations in the protected area (Heppell, 2015). Fortin *et al.* (2017) have identified three populations that use the territory: the

³ Note that woodland caribou populations in Côte-Nord are currently defined by sector, not by counts of the individuals in common staging areas.

Témiscamie population, which uses the area north of Réservoir Manouane; the population west of the Manicouagan; and the population east of the Manicouagan. The three territories partially overlap. In recent years a large number of caribou have been outfitted with telemetry collars, which will validate and refine our understanding of local populations in the area.

The woodland caribou is considered an “umbrella species” (Bichet and coll., 2016), meaning one whose habitat needs and home range size are such that protecting them will also serve to protect other species using the same ecosystem. Drever *et al.* (2019) have analyzed the value of woodland caribou as an umbrella species (or focal species). Their conclusion underlines the high value of this species for the conservation of wildlife diversity in the boreal forest, a factor to consider when choosing which areas to protect in its range.

Other vulnerable wildlife species have also been identified in the protected area, including occurrences of bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*) and the eastern population of Barrow’s goldeneye (*Bucephala islandica*).

3.3 Sociocultural portrait and land uses

The Ministère de la Culture et des Communications has yet to identify archeological sites that would confirm an Aboriginal presence in the protected area; however, the many place names of Innu origin testify to their presence and ancestral use of the territory. As with lakes Plétipi and Manouane, Rivière aux Outardes and Rivière Betsiamites were important water routes for the Innu. Woodland caribou have always been of great cultural and spiritual importance to the

Innu, the caribou being a key symbol in Innu culture. For centuries, caribou and bear have been the only large game animals in this region, making a major contribution to Innu subsistence. Apart from being food, caribou also served in the making of clothing, shelters, tools and handicrafts. A 1982 study by the Conseil Attikamek-Montagnais (CAM) showed that there are Innu cultural and heritage sites throughout the protected area.

Aire protégée des Caribous-Forestiers-de-Manouane-Manicouagan is entirely on Crown lands. It chiefly overlap the Pessamit Nitassinan but also to the west part of the Mashteuiatsh Nitassinan⁴. To the northeast, it also overlies part of the territory of interest to the Innu communities of Matimekush-Lac John and Uashat mak Mani-Utenam.

The protected area is in the Bersimis beaver reserve (fur-bearing animal management unit [FAMU] 56), touching on a small part of Roberval beaver reserve (UGAF 50) to the west, and a small part of Saguenay beaver reserve (UGAF 60) to the east. Note that the *Regulation respecting beaver reserves* (chapter C-61.01, r 28) stipulates that in certain beaver reserves, including Bersimis and Roberval, only Aboriginals may engage in the trapping or hunting of fur-bearing animals.

Some 87 land rights have been granted in the protected area. These include 16 leases for a temporary forest shelter and 61 resort leases. Some are within the territory covered by an authorization granted to Hydro-Québec for the

⁴ *Entente de principe d'ordre général entre les Premières Nations de Mamuitun et de Nutashkuan et le gouvernement du Québec et le gouvernement du Canada* (2004).

operation of Réservoir Manicouagan. Relocation of these authorized leases, with or without construction, will be possible in both the proposed reserve and the land reserve for purposes of a protected area. However, notwithstanding the provisions of Schedule 2 of this conservation plan, such relocation will require (administratively) that new rights be issued for the new location, to be agreed between the MERN and the MELCC, including buildings and improvements associated with the use for which the rights are issued. In addition to the above, there are six outfitters in the protected area, all dating from before it was given protected status. The Lac Matonipi outfitter has exclusive fishing rights in lakes Matonipis and Matonipi; all of its territory is in the protected area. The Plétipi and Normandin outfitters, also entirely inside the protected area, do not have exclusive hunting or fishing rights, offering fishing or big game hunting with accommodation. The remaining three outfitters have most of their territory outside the protected area. Finally, there is one lease for forest conservation and protection.

Three sites in the protected area have been placed at the disposal of Hydro-Québec⁵. The first is a meteorological station near Rivière Seignelay; the second is a snow-measuring site near Lac la Bouille; and the third is a proposed snow-measuring site. The eastern part of the protected area is in hunting and fishing zone 19,

⁵ Under section 32 of the *Hydro-Québec Act* (chapter H-5), the Minister of Energy and Natural Resources or the Minister of Environment and the Fight against Climate Change, each according to his competence, may, with the authorization of the Government and on the conditions it may fix, place at the disposal of the Company, for purposes of development, any immovables or water powers forming part of the domain of the State and required for the objects of the Company.

while the western part is in hunting and fishing zone 29.

On the subject of accessibility, no roads of any kind offer overland access to the protected area. The territory is only accessible by air, snowmobile or canoe. However, there is a non-passable track connecting buildings on the shores of lakes Matonipi and Matonipis.

In winter, off-trail snowmobilers from Lac Manouane can follow the south-north axis of Lac Plétipi to reach the Monts Otish massif to the north. Another off-trail snowmobile route from Relais-Gabriel goes from west to east to join the trail to the Monts Otish.

The lakes and water courses of the protected area are occasionally used by canoe-camping enthusiasts. After reaching Lac Bacouel by seaplane, they descend the Matonipi and Aux Outardes rivers, crossing lakes Matonipis and Matonipi.

4 Activities framework applicable to the proposed biodiversity reserve

The purpose of the reserve is to protect the woodland caribou and its habitat, together with natural environments and their components. For this reason, activities that could have a significant impact on ecosystems and biodiversity, especially of an industrial nature, are prohibited. For the moment, all activities and occupations present in the proposed reserve are maintained. Since woodland caribou are sensitive to human disturbance⁶, activities and applications

⁶ For further details, see the *Plan de rétablissement du caribou forestier* (Rangifer tarandus caribou) au Québec (Équipe de rétablissement du caribou forestier du Québec, 2013a).

for authorization will be studied in terms of their impact on the caribou.

When permanent protection status is granted to this territory, more precise protection objectives will be adopted and the compatibility of these activities and occupations will be evaluated.

4.1 Activities framework established by the Natural Heritage Conservation Act

Activities carried out within the biodiversity reserve are primarily governed by the provisions of the *Natural Heritage Conservation Act* (chapter C-61.01).

Under section 34 of the Act, the activities prohibited in an area with the status of proposed biodiversity reserve are primarily the following:

- mining and gas or oil extraction
- forest management within the meaning of section 4 of the *Sustainable Forest Development Act* (chapter A-18.1)
- the exploitation of hydraulic resources and any production of energy on a commercial or industrial basis

Though fundamental to protecting the territory and its ecosystems, the above prohibitions do not cover all of the standards considered desirable to ensure the proper management of the proposed reserve and the conservation of its natural environment. The *Natural Heritage Conservation Act* allows the conservation plan to detail the legal framework applicable on the territory of the proposed reserve.

4.2 Activities framework established by the present conservation plan

The provisions contained in Schedule 2 of the present conservation plan set out additional prohibitions beyond those already stipulated in the Act. They also provide a framework for certain permitted activities, to ensure the protection of the natural environment in accordance with the principles of conservation and other management objectives of the proposed reserve. Certain activities are therefore subject to prior authorization by the Minister.

The measures presented in Schedule 2 concern new interventions in particular, and generally do not affect activities that are already being practised or facilities that are already present. Many existing uses are thus preserved.

In listing the activities requiring authorization, Schedule 2 does not identify which ones would be considered incompatible with the vocation of the reserve and could therefore be refused authorization. A proposed biodiversity reserve is managed in a very similar way to a permanent biodiversity reserve. Thus, basic information about the compatibility or incompatibility of each type of activity can be found in the document *Activity Framework for Biodiversity Reserves and Aquatic Reserves, which is available on the website of the Ministère de l'Environnement et de la Lutte contre les changements climatiques* at:

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

Note that certain activities are exempted from the requirement to obtain authorization. These exemptions are also presented in Schedule 2.

When permanent protection status is granted, the activities framework of the biodiversity reserve could be modified, based on knowledge acquired and public consultations, to optimize protection of the woodland caribou.

4.3 Zoning

Since the common objective of the entire territory is to protect the habitat of the woodland caribou, the proposed reserve has a single zone. When permanent protection status is granted, zoning could be adapted if necessary, based on knowledge acquired and public consultations.

5 Activities governed by other laws

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

In the territory of the proposed reserve, a particular legal framework may govern permitted activities under the following categories:

– Protection of the environment

Measures stipulated by the *Environment Quality Act* (chapter Q-2) and its regulations.

– Biological refuges

Protection measures stipulated by the *Sustainable Forest Development Act* (chapter A-18.1, sections 27 to 30).

– Plant species designated as threatened or vulnerable

Measures prohibiting the harvesting of such species under the *Act respecting threatened or vulnerable species* (chapter E-12.01).

– Exploitation and conservation of wildlife resources

Measures stipulated by the *Act respecting the Conservation and Development of Wildlife* (chapter C-61.1) and its regulations, including provisions relating to threatened or vulnerable wildlife species, wildlife habitats, outfitters, controlled harvesting zones (ZECs), leases with exclusive hunting and fishing rights, and beaver reserves; and measures in the applicable federal laws and regulations, including the legislation and regulations on fisheries.

– Archeological research and discoveries

Measures stipulated by the *Cultural Heritage Act* (chapter P-9.002).

– Access and property rights related to the domain of the State

Measures set out in particular by the *Act Respecting the Lands in the Domain of the State* (chapter T-8.1) and the *Watercourses Act* (chapter R-13).

– Issuance and oversight of forest development permits (harvesting of firewood for domestic purposes, wildlife development, recreational development) and delivery of authorizations (forest roads)

Measures stipulated by the *Sustainable Forest Development Act* (chapter A-18.1).

– **Travel**

Measures stipulated by the *Act Respecting the Lands in the Domain of the State* and by the regulations on motor vehicle travel in fragile environments, under the *Environment Quality Act*.

– **Construction and development standards**

Regulatory measures adopted by local and regional municipal authorities in accordance with the applicable laws.

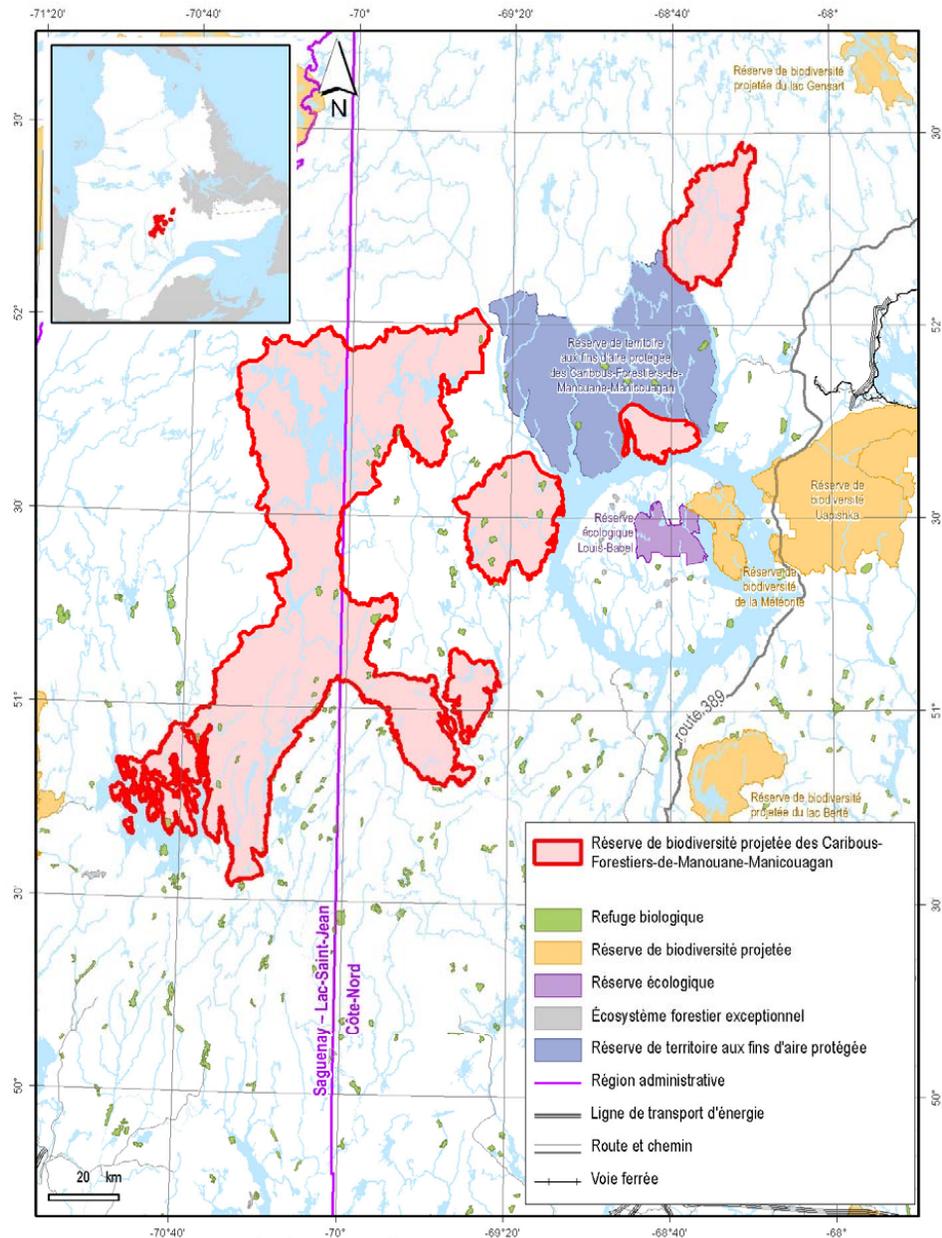
6 Responsibilities of the Minister of Environment and the Fight against Climate Change

The Minister of Environment and the Fight against Climate Change is responsible for the conservation and management of Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan. Among other things, the Minister sees to the control and supervision of activities that take place there. In his management, the Minister enjoys the collaboration and participation of other government representatives that have specific responsibilities in or adjacent to the territory, including the Minister of Energy and Natural Resources and the Minister of Forests, Wildlife and Parks, and their delegates. In performing their functions they will take into account the protection desired for these natural environments and the protection status they are now granted.

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SCHEDULE 1: MAP OF RÉSERVE DE BIODIVERSITÉ PROJÉTÉE DES CARIBOUS-FORESTIERS-DE-MANOUANE-MANICOUAGAN



Annexe 1. Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan

Localisation et contexte régional

SCHEDULE 2: ACTIVITIES FRAMEWORK

PROHIBITIONS, PRIOR AUTHORIZATIONS AND OTHER CONDITIONS GOVERNING CERTAIN ACTIVITIES IN THE RÉSERVE DE BIODIVERSITÉ PROJÉTÉE DES CARIBOUS-FORESTIERS-DE-MANOUANÉ-MANICOUAGAN

§1 – Protection of resources and the natural environment

1. No person may remove, capture, displace, disturb or harm a fauna or flora species designated as threatened, vulnerable or likely to become so in the proposed biodiversity reserve, unless the person has been authorized by the Minister.

Despite the first paragraph, the Minister of Forests, Wildlife and Parks is not required to obtain an authorization to capture or disturb woodland caribou for inventory and follow-up purposes.

2. Subject to the prohibition in the second paragraph, no person may introduce native or non-native species of fauna into the proposed biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

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

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

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

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

4. No person may remove in the proposed biodiversity reserve species of flora, small fruits or any other non-timber forest product by mechanical means.

5. No person may in the proposed biodiversity reserve, unless the person has been authorized by the Minister,

- (1) intervene in a wetland area, including a marsh, swamp or peatlands;
- (2) modify the natural drainage or water regime, including by creating or developing lakes or watercourses;
- (3) dig, fill, obstruct or divert a lake or watercourse;
- (4) install or erect any structure, infrastructure or new works in or on the littoral zone, banks, shores or floodplain of a lake or watercourse, although no authorization is required for minor works — wharf, platform or boathouse — erected for private purposes and free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

- (5) carry on any activity other than those referred to in paragraphs 1 to 4 that is likely to directly and substantially affect the quality or biochemical characteristics of wetlands and bodies of water in the proposed biodiversity reserve, including by discharging or dumping residual materials or pollutants therein;
- (6) carry out soil development work or carry on an activity that is likely to degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;
- (7) install or erect any structure, infrastructure or new works;
- (8) reconstruct or demolish a structure, infrastructure or works;
- (9) use a pesticide, although no authorization is required for the use of personal insect repellent;
- (10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used;
- (11) hold a sports event, tournament, rally or similar event if, as the case may be,
 - (a) fauna or flora species are removed or likely to be removed;
 - (b) vehicles or crafts are used.

6. Despite paragraphs 6, 7 and 8 of section 5, no authorization is required to carry out the following work when the requirements of the second paragraph are met:

- (1) work to maintain, repair or upgrade a structure, infrastructure or works such as a camp, cabin, road or trail, including ancillary facilities such as lookouts or stairs;
- (2) the construction or erection of
 - (a) an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cabin, including a shed, a water withdrawal facility or a discharge and disposal of waste water, grey water and toilet effluents;
 - (b) a trapping camp, a rough shelter, a shelter or a cabin if, on the effective date of the status as a proposed biodiversity reserve, such a building was allowed under the right of use or occupancy granted, but was not yet carried out;
- (3) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cabin, including an appurtenance or facility ancillary to such a construction, including a shed, a water withdrawal facility or a discharge and disposal of waste water, grey water and toilet effluents.

The work referred to in the first paragraph must comply with the following requirements:

- (1) the work involves a structure, infrastructure or works permitted within the proposed biodiversity reserve;
- (2) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the proposed biodiversity reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

- (3) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure;
- (4) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply;
- (5) in the case of forest roads, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

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

7. No person may bury, incinerate, abandon or dispose of residual materials or snow elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister.

Despite the first paragraph, an outfitting operation does not require an authorization to use a disposal facility or site in compliance with the Environment Quality Act (chapter Q-2) and its regulations if the operation was already using the facility or site on the effective date of the status as a proposed biodiversity reserve.

§2 – Rules of conduct for users

8. No person may enter, carry on an activity or operate a vehicle in a given sector of the proposed biodiversity reserve if the signage erected by the Minister restricts access, traffic or certain activities in the sector in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.
9. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed biodiversity reserve.

§3 – Activities requiring an authorization

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

For the purposes of the first paragraph,

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

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

- (1) on the effective date of the status as a proposed biodiversity reserve, was a party to a lease or had already obtained another form of right or authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (chapter T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees;
- (2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or
- (3) elects to acquire land the person legally occupies on the effective date of the status as a proposed biodiversity reserve, pursuant to the Act respecting the lands in the domain of the State.

11. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, the authorization of the Minister is not required if a person staying or residing in the proposed biodiversity reserve collects wood to make a campfire.

An authorization is also not required if a person collects firewood to meet domestic needs where the wood is collected to supply a trapping camp or a rough shelter permitted within the proposed biodiversity reserve in the following cases and on the following conditions:

- (1) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes under the Sustainable Forest Development Act (chapter A-18.1);
- (2) the quantity of wood collected does not exceed 7 apparent cubic metres per year;
- (3) in all other cases:
 - (a) the wood is collected within a sector designated by the Minister of Forests, Wildlife and Parks as a sector for which a permit for the harvest of firewood for domestic purposes under the Sustainable Forest Development Act may be issued, and for which, on the effective date of the protection status as a proposed biodiversity reserve, a designation as such had already been made by the Minister;
 - (b) the wood is collected by a person who, on the effective date of the protection status as a proposed biodiversity reserve or in any of the 3 preceding years, held a permit for the harvest of firewood for domestic purposes allowing the person to harvest firewood within the proposed biodiversity reserve;
 - (c) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued by the Minister of Forests, Wildlife and Parks under the Sustainable Forest Development Act.

In addition, an authorization to carry on a forest management activity is not required if a person authorized by lease to occupy land within the proposed reserve in accordance with this conservation plan carries on the forest management activity for the purpose of

- (1) clearing, maintaining or creating visual openings, or any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State, including work for access roads, stairs and other trails permitted under those provisions; or
- (2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions in sections 13 and 15.

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

Despite the first paragraph, no authorization is required

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

§4 – Authorization exemptions

13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed biodiversity reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

14. Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the proposed biodiversity reserve where that intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and those rights are credibly asserted or established.

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

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

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

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

104734

Draft Regulation

Québec Immigration Act
(chapter I-0.2.1)

Entrepreneur program — Amendment

Notice is hereby given of the publication of the Regulation to amend the Québec Immigration Regulation, appearing below. In accordance with section 104 of the Québec Immigration Act (chapter I-0.2.1), the draft Regulation is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). It is however provided that it may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the conditions that apply to the selection of foreign nationals under component 2 of the entrepreneur program. The amendments pertain, in particular, to the withdrawal of the conditions relating to the start-up and security deposits requirement. The draft Regulation also contains transitional provisions providing that those amendments will have an immediate effect on the applications filed before 1 November 2020 for which no decision had been rendered on that date.

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

Further information on the draft Regulation may be obtained by contacting Guillaume Vaillancourt, Director General, Direction générale des politiques et programmes d'immigration et de prospection, Ministère de l'Immigration, de la Francisation et de l'Intégration, 1200 boulevard Saint-Laurent, bureau 5.304, Montréal (Québec) H2X 0C9; email: guillaume.vaillancourt@mifi.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments to Guillaume Vaillancourt at the above-mentioned contact information.

NADINE GIRAULT,
*Minister of Immigration,
Francization and Integration*

Regulation to amend the Québec Immigration Regulation

Québec Immigration Act
(chapter I-0.2.1, ss. 9, 26, 30 and 106)

- 1.** The Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended in section 51 by striking out paragraph 4.
- 2.** Section 53 is revoked.
- 3.** Section 54 is amended by striking out paragraph 1.
- 4.** Sections 55 to 57 are revoked.
- 5.** Schedule A is amended by striking out criterion 11.2 of Factor 11.
- 6.** The amendments provided for in sections 1 to 5 of this Regulation apply to an application for selection for permanent immigration filed under the entrepreneur program before 1 November 2020 for which no decision had been rendered on that date.
- 7.** In the case of a foreign national who has been selected under section 51 of the Québec Immigration Regulation before 1 November 2020, the financial institution gives to the entrepreneur access to the amount withheld under paragraph 4 of section 53 of the Regulation, as it read before that date.
- 8.** This Regulation comes into force on *(insert the date of publication in the Gazette officielle du Québec)*.

104739

Index

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

	Page	Comments
Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (An Act respecting legal aid and the provision of certain other legal services, chapter A-14)	3243	N
Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure (An Act respecting legal aid and the provision of certain other legal services, chapter A-14)	3250	N
Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines (An Act respecting collective agreement decrees, chapter D-2)	3231	M
Basic Parental Contribution Determination Table. (Code of Civil Procedure, chapter C-25.01)	3272	M
Basic prescription drug insurance plan (An Act respecting prescription drug insurance, chapter A-29.01)	3242	M
Code of Civil Procedure — Basic Parental Contribution Determination Table (chapter C-25.01)	3272	M
Collective agreement decrees, An Act respecting. . . — Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines (chapter D-2)	3231	M
Collective agreement decrees, An Act respecting. . . — Decree respecting building service employees – Montréal (chapter D-2)	3305	Draft
Contribution by users of health and social services institutions (An Act respecting health services and social services, chapter S-4.2)	3234	M
Contribution of users taken in charge by family type resources or by intermediate resources. (An Act respecting health services and social services, chapter S-4.2)	3234	M
Decree respecting building service employees – Montréal. (An Act respecting collective agreement decrees, chapter D-2)	3305	Draft
Extrajudicial sanctions program for young persons authorized under the Youth Criminal Justice Act — Amendment (Youth Criminal Justice Act, S.C. 2002, c. 1)	3271	N
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Health services and social services for Cree Native persons, An Act respecting. . . — Regulation (chapter S-5)	3234	M

Health services and social services for Cree Native persons, An Act respecting... — Regulation (chapter S-5)	3239	M
Health services and social services, An Act respecting... — Contribution by users of health and social services institutions (chapter S-4.2)	3234	M
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Immigration Procedure (Québec Immigration Act, chapter I-0.2.1)	3262	M
Legal aid and the provision of certain other legal services, An Act respecting... — Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (chapter A-14)	3243	N
Legal aid and the provision of certain other legal services, An Act respecting... — Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure (chapter A-14)	3250	N
Natural Heritage Conservation Act — Réserve de biodiversité projetée d'Anticosti — Assignment of a temporary protection status to a territory located on Île d'Anticosti in the Côte-Nord region, for a period of four years, and establishment of the plan and conservation plan of the area (chapter C-61.01)	3275	N
Natural Heritage Conservation Act — Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan — Temporary protection status (chapter C-61.01)	3308	Draft
Prescription drug insurance, An Act respecting... — Basic prescription drug insurance plan. (chapter A-29.01)	3242	M
Québec Immigration Act — Immigration Procedure (chapter I-0.2.1)	3262	M
Québec Immigration Act — Québec Immigration (chapter I-0.1.2)	3327	Draft
Québec Immigration Act — Special program for asylum seekers during COVID 19 (chapter I-0.2.1)	3240	N
Québec Immigration. (Québec Immigration Act, chapter I-0.1.2)	3327	Draft
Réserve de biodiversité projetée d'Anticosti — Assignment of a temporary protection status to a territory located on Île d'Anticosti in the Côte-Nord region, for a period of four years, and establishment of the plan and conservation plan of the area (Natural Heritage Conservation Act, chapter C-61.01)	3275	N

Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan — Temporary protection status.	3308	Draft
(Natural Heritage Conservation Act, chapter C-61.01)		
Special program for asylum seekers during COVID 19	3240	N
(Québec Immigration Act, chapter I-0.2.1)		
Youth Criminal Justice Act — Extrajudicial sanctions program for young persons authorized under the Youth Criminal Justice Act — Amendment	3271	N
(S.C. 2002, c. 1)		
Youth Criminal Justice Act — Extrajudicial sanctions program for young persons within the meaning of the Youth Criminal Justice Act — Replacement	3263	N
(S.C. 2002, c. 1)		

