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Contents

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 28 OCTOBER 2020

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 28 October 2020

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

53 Credit Assessment Agents Act

56 An Act to recognize and support caregivers and to amend various legislative provisions

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

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-SECOND LEGISLATURE

Bill 53
(2020, chapter 21)

Credit Assessment Agents Act

Introduced 5 December 2019
Passed in principle 17 September 2020
Passed 22 October 2020
Assented to 28 October 2020

Québec Official Publisher
2020

EXPLANATORY NOTES

This Act regulates the commercial practices and management practices of credit assessment agents. It entrusts the supervision and control of credit assessment agents to the Autorité des marchés financiers (the Authority), which will be responsible for designating the agents to whom the Act applies where the agent's business with financial institutions is significant enough to justify the designation.

The Act proposes three protection measures that a credit assessment agent must take when asked as regards the records the agent holds on each person concerned, namely a security freeze, a security alert and an explanatory statement. The Act therefore confers the right on any person concerned by a record held by a credit assessment agent to take each of those protection measures regarding his or her record. It also confers the right on every person concerned to the communication of their credit rating.

The Act sets out the terms and conditions for the exercise of those rights as well as the recourses and complaints that may be respectively exercised before the Commission d'accès à l'information or submitted to the Authority.

The Act prescribes the commercial practices that credit assessment agents must adhere to and imposes the obligation for them to adhere to appropriate management practices.

The Act also sets out the administrative measures and the other powers of the Authority, such as the power to issue instructions, guidelines and orders and to request an injunction and participate in proceedings relating to the administration of the Act.

Lastly, the Act prescribes monetary administrative penalties and sets out penal provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the regulation of the financial sector (chapter E-6.1);

– Act respecting the protection of personal information in the private sector (chapter P-39.1).

Bill 53

CREDIT ASSESSMENT AGENTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

INTRODUCTORY PROVISIONS

1. This Act applies to the supervision and control of credit assessment agents' commercial practices and management practices.

It also confers rights on the persons concerned by the records the agents hold and governs the exercise of those rights, in particular so that the persons may avail themselves of the protection measures the Act establishes.

2. For the purposes of this Act, a credit assessment agent means a personal information agent, within the meaning of the second paragraph of section 70 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), where designated by the Autorité des marchés financiers (the Authority).

CHAPTER II

DESIGNATION AND DESIGNATION REVOCATION

3. The Authority designates a personal information agent where it considers that the agent's business with authorized financial institutions or banks, within the meaning of the Bank Act (Statutes of Canada, 1991, chapter 46), is significant enough to justify the designation.

It revokes the designation, on its own initiative or on an application made by the credit assessment agent concerned, where it considers that the significance of the business no longer justifies it.

Before designating a personal information agent or rejecting an application for the revocation of the designation of a credit assessment agent, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the agent and grant the latter at least 10 days to submit observations.

4. The following are authorized financial institutions:

(1) insurers authorized under the Insurers Act (chapter A-32.1);

(2) deposit institutions authorized under the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2);

(3) financial services cooperatives within the meaning of the Act respecting financial services cooperatives (chapter C-67.3);

(4) trust companies authorized under the Trust Companies and Savings Companies Act (chapter S-29.02); and

(5) legal persons registered as dealers or advisers under the Derivatives Act (chapter I-14.01) or the Securities Act (chapter V-1.1) or registered as investment fund managers under the latter Act.

5. Where the Authority designates a personal information agent or revokes a credit assessment agent's designation, it notifies a document to the agent attesting that decision. The Authority sends a reproduction of the document to the Minister and the Commission d'accès à l'information.

The document must include the date and time of the Authority's decision and, if different, the date and time of the designation or designation revocation, as the case may be.

6. The Authority publishes the decision in its bulletin.

7. A decision referred to in section 3 may, within 30 days of its notification, be contested before the Financial Markets Administrative Tribunal.

The Tribunal may only confirm or quash a contested decision.

CHAPTER III

PROTECTION MEASURES, RIGHTS OF PERSONS CONCERNED, RECOURSES AND COMPLAINTS

DIVISION I

PROTECTION MEASURES

8. The protection measures to which a record held by a credit assessment agent is liable to be subject are a security freeze, a security alert and an explanatory statement.

Such measures may be revoked; the security freeze may also be suspended.

9. A security freeze prohibits the credit assessment agent holding the record concerned from communicating personal information and the information produced on the basis of that information, where the communication is for the purpose of entering into a credit contract, increasing credit extended under such a contract or entering into a long-term contract of lease of goods or a contract involving sequential performance for a service provided at a distance.

The agent must notify the third party, to whom the agent is prohibited from communicating the personal information due to the security freeze, of the existence of the freeze.

For the purposes of this section:

(1) credit that is the subject of a contract has the meaning assigned by subparagraph *f* of the first paragraph of section 1 of the Consumer Protection Act (chapter P-40.1);

(2) long-term contract of lease of goods has the meaning assigned by section 150.2 of that Act; and

(3) contract involving sequential performance for a service provided at a distance is a contract to which Division VII of Chapter III of Title I of that Act applies.

However, these definitions apply even if the person concerned is not a consumer.

10. A security alert requires the credit assessment agent holding the record concerned to notify the third party, to whom the agent communicates personal information the record contains or information produced on the basis of that information, of the third party's obligation under section 19.1 of the Act respecting the protection of personal information in the private sector and of a telephone number at which the person concerned or, if applicable, the representative of the person concerned or the person having parental authority over the person concerned may be contacted to prove his or her identity.

Where an agent communicates such information in a credit report or other document, the notice provided for in the first paragraph must clearly appear on the report or document.

The first and second paragraphs do not apply if the law provides that the information may be communicated to a third party without the consent of the person concerned.

11. The explanatory statement requires the credit assessment agent holding the record concerned to communicate the statement to any third party to whom the agent communicates personal information the record contains or information produced on the basis of that information.

The explanatory statement reports the existence of a disagreement between the person concerned by the record and the agent over the application of a legislative provision on access to personal information or the correction of such information.

12. A record ceases to be the subject of a protection measure on revocation of the measure.

If the measure is an explanatory statement, the record also ceases to be the subject of such a measure on the first of the following occurrences:

(1) the time at which the parties agree to end the disagreement;

(2) the time at which the Commission d'accès à l'information refuses or ceases to examine the disagreement under section 52 of the Act respecting the protection of personal information in the private sector; or

(3) the time at which a decision that has become final puts an end to the disagreement.

DIVISION II

RIGHTS OF PERSONS CONCERNED

§1. — *General provisions*

13. In addition to the rights conferred by articles 35 to 40 of the Civil Code and the Act respecting the protection of personal information in the private sector, a person concerned by a record a credit assessment agent holds is entitled to obtain from the agent communication, in particular via Internet, of his or her credit rating, together with the explanations necessary to understand it.

The person concerned is also entitled to have the agent take, with regard to that record, each of the protection measures provided for in Division I. The person is also entitled to obtain the revocation and, in the case of a security freeze, the suspension of such measures.

The rights conferred by this Act are to be exercised in accordance with subdivision 2.

14. For the purposes of this Act, "credit rating" means the rating that is similar to ratings usually communicated to money lenders who request them.

15. A person must be able to exercise a right conferred by this Act, other than the right to have a security freeze placed on a record, free of charge.

16. A credit assessment agent may not take into account the exercise of a right conferred by this Act in the production of a credit rating nor of any other personal information concerning the person who exercises such a right.

§2. — *Request to exercise a right*

17. Exercising a right conferred by this Act requires a person to send a request to exercise the right to the credit assessment agent which proves that he or she is the person concerned, the representative of the person concerned or the person having parental authority over the person concerned.

Unless it is necessary to submit an explanatory statement with it, a request to exercise a right may be made verbally.

18. Payment of the reasonable fees the credit assessment agent may demand must be submitted, if applicable, with the request for the exercise of the right to have a security freeze placed on a record.

19. A request for the exercise of the right to have a security alert added to a record must include the telephone number referred to in section 10.

20. An explanatory statement must be submitted with the request for the exercise of the right to have such a statement added to the record, unless the person concerned consents to the statement proposed by the credit assessment agent from whom that protection measure is requested.

Explanatory statements must

(1) contain a description of the disagreement referred to in section 11;

(2) present the point of view of the person concerned as regards the disagreement, without it being defamatory; and

(3) not exceed the number of words prescribed by government regulation and comply with any other conditions so prescribed.

21. A credit assessment agent must grant a request to exercise a right if it is compliant with the requirements of this subdivision.

22. The credit assessment agent holding a record that is the subject of a request for the exercise of a right must send a reply in writing to the person making the request, which either grants the request or gives reasons for its refusal to do so, and informs the person of his or her recourses and the time limit for bringing them.

The agent must send the reply promptly and not later than on the expiry of the time limit prescribed by government regulation.

23. A credit assessment agent who grants a request for the exercise of a right must, promptly and not later than on the expiry of the time limit prescribed by government regulation, communicate to the person making the request the credit rating of the person concerned, together with the explanations necessary to understand it or, as the case may be, take, suspend or revoke the protection measure that is the subject of the request.

DIVISION III

RECOURSES AND COMPLAINTS

24. Any interested person may submit an application to the Commission d'accès à l'information for the examination of a disagreement on the merits of a reason for refusing to grant a request for the exercise of a right conferred by this Act.

Division V of the Act respecting the protection of personal information in the private sector applies to the examination by the Commission of such a disagreement.

25. A person who made a request for the exercise of a right to whom the credit assessment agent failed to reply before the expiry of the applicable time limit may file a complaint with the Authority.

The person may also file a complaint with the Authority where an agent, after having granted the request, does not follow up on it in accordance with section 23.

26. On receipt of a complaint concerning a matter under the jurisdiction of the Authority, the Commission d'accès à l'information must send the record to the Authority, which is thereby seized of the matter by operation of law.

Likewise, on receipt of a complaint concerning a matter under the jurisdiction of the Commission, the Authority must send the record to the Commission, which is thereby seized of the matter by operation of law.

If the complaint concerns a matter under the jurisdiction of both the Authority and the Commission, the matter is not removed from the jurisdiction of the one sending the record.

27. Despite section 81 of the Act respecting the protection of personal information in the private sector, a complaint concerning accessing personal information free of charge as provided for in section 33 of that Act is not under the jurisdiction of the Commission d'accès à l'information insofar as it concerns the application of section 46 of this Act.

CHAPTER IV

SUPERVISION AND CONTROL OF CREDIT ASSESSMENT AGENTS' COMMERCIAL PRACTICES AND MANAGEMENT PRACTICES

DIVISION I

GENERAL PROVISION

28. The Authority supervises and controls the commercial practices and management practices of credit assessment agents.

DIVISION II

APPLICATION OF CERTAIN PROVISIONS TO GROUPS AND THIRD PARTIES ACTING ON BEHALF OF A CREDIT ASSESSMENT AGENT

29. The obligations of a credit assessment agent under the provisions of this Act remain unchanged by the mere fact that the agent entrusts a third party to carry on any part of an activity governed by those provisions.

30. A credit assessment agent must ensure that any group in respect of which the agent is the holder of control complies with the prohibitions imposed on the agent by this Act.

A prohibition imposed on such an agent applies to the groups in respect of which it is the holder of control not only when each of them is acting alone, but also when the acts or omissions of all or some of them would have contravened that prohibition had they been done or made by only one of them.

31. A credit assessment agent is liable for failures to comply with this Act by a group in respect of which the agent is the holder of control or by whoever is the holder of control of the group and performs an obligation of the agent on the agent's behalf, as if those failures to comply were the agent's own.

32. The Authority's inspection functions and powers, provided for by the Act respecting the regulation of the financial sector (chapter E-6.1), that may be exercised in relation to a credit assessment agent extend to any affiliated group if the person authorized to conduct an inspection of the agent considers it necessary to inspect the group in order to complete the verification of the agent's compliance with this Act, even though the group does not carry on activities governed by an Act referred to in section 7 of that Act.

33. The Authority may prohibit a credit assessment agent's obligations under this Act from being performed by a third party on the agent's behalf if, in the Authority's opinion, such performance would render the application of this Act difficult or ineffective. Before rendering its decision, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the agent in writing and grant the latter at least 15 days to submit observations.

34. Sections 8 to 19 of the Insurers Act apply to this Act, with the necessary modifications.

DIVISION III

COMMERCIAL PRACTICES

§1. — *General provisions*

35. A credit assessment agent must adhere to sound commercial practices.

Such practices include providing fair treatment to the persons concerned whose record the agent holds, in particular by

(1) providing appropriate information, in particular as regards the exercise of the rights conferred on them by this Act;

(2) making available to them appropriate means of communication to facilitate the timely exercise of those rights;

(3) adopting a policy for processing complaints filed by the persons concerned and resolving disputes with them; and

(4) keeping a complaints register.

36. A credit assessment agent must be able to show to the Authority that it adheres to sound commercial practices.

§2. — *Complaint processing and dispute resolution policy and examination of complaints records by the Authority*

37. The complaint processing and dispute resolution policy adopted under subparagraph 3 of the second paragraph of section 35 must, in particular,

(1) set out the characteristics that make a communication to the credit assessment agent a complaint that must be entered in the complaints register kept under subparagraph 4 of the second paragraph of section 35; and

(2) provide for a record to be opened for each complaint and prescribe rules for keeping such records.

The agent must make a summary of the policy, including the elements specified in subparagraphs 1 and 2 of the first paragraph, publicly available on its website and disseminate it by any appropriate means to reach the persons concerned.

38. The Authority may, by regulation, determine the policy that credit assessment agents must adhere to under subparagraph 3 of the second paragraph of section 35 or components of such a policy.

39. Within 10 days after a complaint is entered in the complaints register, the credit assessment agent must send the complainant a notice stating the complaint registration date and the complainant's right, under section 40, to have the complaint record examined.

40. A complainant whose complaint has been entered in the complaints register may, if dissatisfied with the processing of the complaint by the credit assessment agent or the outcome, make a request to the agent to have the complaint record examined by the Authority.

The agent is required to comply with the complainant's request and to send the record to the Authority.

41. The Authority examines the complaint records that are sent to it.

The Authority may, with the parties' consent, act as conciliator or mediator or designate a person to act as such.

In addition, the Authority may invite a third party to participate in the conciliation or mediation, if it considers that such participation could contribute to resolving the situation that gave rise to a complaint.

42. Conciliation or mediation may not, alone or in combination, continue for more than 60 days after the date of the first conciliation or mediation session, as the case may be, unless the parties consent to it.

Conciliation and mediation are free of charge.

43. Unless the parties agree otherwise, nothing that is said or written in the course of a conciliation or mediation session may be admitted into evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

A conciliator or mediator may not be compelled to disclose anything revealed or learned in the exercise of conciliation or mediation functions or to produce a document prepared or obtained in the course of such functions before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one has a right of access to a document contained in the conciliation or mediation record.

44. Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Authority may not communicate a complaint record without the authorization of the credit assessment agent that sent it.

45. On the date set by the Authority, a credit assessment agent must send the Authority a report on the complaint processing and dispute resolution policy adopted under subparagraph 3 of the second paragraph of section 35 stating, among other things, the number of complaints that the agent has entered in the complaints register and their nature.

The report must cover the period determined by the Authority.

§3. — *Access to personal information contained in a record*

46. A credit assessment agent must allow any person concerned by a record the agent holds to access, free of charge, the personal information it contains via Internet.

DIVISION IV

MANAGEMENT PRACTICES

47. A credit assessment agent must adhere to appropriate management practices ensuring that the rights conferred by this Act are respected.

48. A credit assessment agent must be able to show to the Authority that it adheres to appropriate management practices.

DIVISION V

ANNUAL STATEMENTS AND OTHER COMMUNICATIONS WITH THE AUTHORITY

49. A credit assessment agent must prepare an annual statement of the position of its affairs in Québec as at the date determined by the Authority.

The statement's certification, form and content and the date on which it must be sent to the Authority are determined by the Authority.

50. A credit assessment agent must send the Authority, according to the form and content and at the time or intervals the Authority determines, the documents it considers useful to determine whether the agent is complying with this Act.

51. The Authority may require a credit assessment agent to provide the documents or information the Authority considers useful for the purposes of this Act or that the agent otherwise provide access to those documents and information.

The agent is required to reply by not later than the date determined by the Authority.

CHAPTER V

ENFORCEMENT MEASURES AND OTHER POWERS OF THE AUTHORITY

DIVISION I

INSTRUCTIONS, GUIDELINES AND ORDERS

52. The Authority may establish instructions intended for a credit assessment agent.

Instructions must be in writing and must be specific to the addressee, but need not be published.

The Authority must, before sending an instruction, notify the addressee and give the addressee an opportunity to submit observations.

53. The Authority may establish guidelines intended for all credit assessment agents.

Guidelines must be general and impersonal; the Authority publishes them in its bulletin after sending a copy of them to the Minister.

54. An instruction informs its addressee of the obligations that, in the Authority's opinion, are incumbent on the addressee under Chapters III and IV.

For its part, a guideline informs its addressees of measures that, in the Authority's opinion, may be established to satisfy the obligations specific to credit assessment agents that are incumbent on them under those chapters.

55. The Authority may order a credit assessment agent to cease a course of action or to implement specified measures if the Authority is of the opinion that the agent is failing to perform its obligations under this Act in full, properly and without delay.

The Authority may, for the same reasons, issue an order against a third party that, on behalf of a credit assessment agent, carries on its activities or performs its obligations.

At least 15 days before issuing an order, the Authority must notify the prior notice prescribed by section 5 of the Act respecting administrative justice to the contravener in writing, stating the reasons which appear to justify the order, the date on which the order is to take effect and the contravener's right to submit observations. If the contravener is a third party that, on behalf of a credit assessment agent, carries on its activities or performs its obligations, the Authority must also notify the prior notice to the agent.

The Authority may not issue any order with respect to a disagreement submitted to the Commission d'accès à l'information or that is the object of an enforceable decision rendered by the latter.

56. The Authority's order must state the reasons for which it is issued. The order must be served on each person to whom it applies.

The order takes effect on the date it is served or on any later date specified in it.

57. The Authority may, without prior notice, issue a provisional order valid for up to 15 days if, in its opinion, any period of time granted to the person concerned to submit observations may be detrimental.

The order must include reasons and takes effect on the date it is served on the person concerned. The latter may, within six days after receiving the order, submit observations to the Authority.

58. The Authority may revoke or amend an order it has issued under this Act.

DIVISION II

INJUNCTION AND PARTICIPATION IN PROCEEDINGS

59. The Authority may apply to a judge of the Superior Court for an injunction in respect of any matter relating to the carrying out of this Act.

The application for an injunction constitutes a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure (chapter C-25.01) applies, except that the Authority cannot be required to give security.

60. The Authority may, on its own initiative and without notice, intervene in any proceeding relating to a provision of this Act.

DIVISION III

REGISTER, ADMINISTRATION OF THE ACT AND AUTHORITY'S REPORT

61. The Authority must establish and keep up to date a register of credit assessment agents that contains the following information for each of them:

(1) its name, the name it uses in Québec if different, the address of its head office and, if its head office is not in Québec, the address of its principal establishment in Québec; and

(2) any other information considered by the Authority to be useful to the public.

The information contained in the register is public information; it may be set up against third parties as of the date it is entered and is proof of its contents for the benefit of third parties in good faith.

62. A credit assessment agent must declare to the Authority any change required to be made to the information concerning that agent contained in the register, unless the Authority was otherwise informed by a document sent in accordance with this Act.

The declaration must be filed within 30 days of the date of the event giving rise to the change.

63. The costs that must be incurred by the Authority for the administration of this Act are to be borne by the credit assessment agents; they are determined annually by the Government based on the forecasts provided to it by the Authority.

The Government prescribes, by regulation, the rules determining the manner in which the Authority distributes the costs among the credit assessment agents.

The difference noted between the forecast of the costs that must be incurred for the administration of this Act for a year and those actually incurred for the same year must be carried over to similar costs determined by the Government for the year after the difference is noted.

The certificate of the Authority must definitively establish the amount payable by each agent under this section.

64. The Authority must, before 30 June each year, report to the Minister, on the basis of the information obtained from the credit assessment agents and following the investigations, inspections and evaluations made by the Authority, on the commercial practices and management practices of all the agents for the year ending on the preceding 31 December.

65. The Minister tables the Authority's report in the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 15 days of resumption.

DIVISION IV

REGULATIONS

66. In addition to the other regulations it may make under this Act, the Authority may, by regulation, determine the standards that apply to credit assessment agents as regards their commercial practices and management practices.

67. A regulation made under this Act by the Authority is approved by the Minister with or without amendment.

The Minister may make such a regulation if the Authority fails to do so within the time specified by the Minister.

A draft of a regulation must be published in the Authority's bulletin with the notice required under section 10 of the Regulations Act (chapter R-18.1).

The draft of the regulation may not be submitted for approval, and the regulation may not be made before 30 days have elapsed since the publication of the draft.

A regulation under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in it. It must also be published in the Authority's bulletin. If the regulation published in the Authority's bulletin differs from the one published in the *Gazette officielle du Québec*, the latter prevails.

Sections 4 to 8, 11 and 17 to 19 of the Regulations Act do not apply to a regulation made by the Authority under this Act.

68. In addition to the other regulations it may make under this Act, the Government may, by regulation, set a price limit on each service provided by a credit assessment agent to a person concerned by a record the agent holds.

Such a regulation may specify that a service referred to in the first paragraph must be provided free of charge.

CHAPTER VI

MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

DIVISION I

MONETARY ADMINISTRATIVE PENALTIES

§1. — *Failures to comply*

69. A monetary administrative penalty of $1,000 may be imposed on a credit assessment agent that,

(1) in contravention of section 45, fails to send the Authority a report on its complaint processing and dispute resolution policy; or

(2) in contravention of section 49, fails to send the Authority an annual statement of the position of its affairs.

The penalties prescribed in the first paragraph also apply if the document concerned is incomplete or is not sent before the specified time limit.

70. A monetary administrative penalty of $2,500 may be imposed on a credit assessment agent that, in contravention of section 35, fails to adopt a complaint processing policy or does not keep the complaints register prescribed by that section.

71. A monetary administrative penalty of $5,000 may be imposed on a credit assessment agent that,

(1) in contravention of section 15, demands the payment of fees for the exercise of a right conferred by this Act;

(2) in contravention of section 16, takes into account the exercise of a right conferred by this Act in the production of a credit rating or of any other personal information concerning the person who exercises such a right;

(3) in contravention of section 22, fails to send a reply in writing to a request for the exercise of a right;

(4) in contravention of section 23, has granted a request for the exercise of a right but fails to follow up on it or, in the case of a request for the communication of the credit rating, communicates it without the explanations necessary to understand it;

(5) in contravention of section 39, fails to send the complainant the notice stating the complaint's entry in the complaints register; or

(6) in contravention of section 46, does not allow a person concerned by a record the agent holds to access, free of charge, the personal information it contains via Internet.

The penalties prescribed in the first paragraph also apply where the document concerned is incomplete or is not sent before the specified time limit.

72. A monetary administrative penalty of $2,000 in the case of a natural person and $10,000 in any other case may be imposed on anyone that fails to comply with an order or other decision of the Authority.

73. A regulation made under this Act may specify that a failure to comply with the regulation may give rise to a monetary administrative penalty.

The regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the maximum amounts provided for in section 72.

74. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

§2. — *Notice of non-compliance and imposition*

75. In the event of a failure to comply referred to in subdivision 1, a notice of non-compliance may be notified to the party responsible for the failure to comply urging the party to immediately take measures to remedy it.

Such a notice must mention that the failure may, in particular, give rise to a monetary administrative penalty.

For the purposes of this division, "the party responsible for a failure to comply" means a person on which a monetary administrative penalty may be imposed or is imposed, as the case may be, for a failure to comply under subdivision 1.

76. The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

77. The monetary administrative penalty for a failure to comply with a provision of this Act may not be imposed on the party responsible for a failure to comply if a statement of offence has already been served on the party for a failure to comply with the same provision on the same day, based on the same facts.

78. A monetary administrative penalty is imposed on the party responsible for a failure to comply by the notification of a notice of claim.

The notice must state

(1) the amount of the claim;

(2) the reasons for it;

(3) the time from which it bears interest;

(4) the right, under section 79, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and

(5) the right to contest the review decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount claimed. The party responsible for the failure to comply must also be informed that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

§3. — *Review*

79. The party responsible for a failure to comply may apply in writing to the Authority for a review of the decision to impose a monetary administrative penalty within 30 days after notification of the notice of claim.

The persons responsible for the review are designated by the Authority; they must not come under the same administrative authority as the persons responsible for imposing such penalties.

80. The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless the person deems it necessary to proceed in some other manner.

81. The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant's right to contest the decision before the Financial Markets Administrative Tribunal and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, within the time granted to the applicant to submit observations or documents, the interest provided for in the fourth paragraph of section 78 on the amount owing ceases to accrue until the decision is rendered.

82. A review decision that confirms the imposition of a monetary administrative penalty may be contested before the Financial Markets Administrative Tribunal by the party responsible for a failure to comply to which the decision pertains, within 60 days after notification of the review decision.

The Tribunal may only confirm or quash a contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

§4. — *Recovery*

83. If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with the party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

84. The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor's movable and immovable property.

For the purposes of this division, "debtor" means the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that party for the payment of the penalty.

85. The debtor and the Authority may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

86. If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Authority may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Financial Markets Administrative Tribunal or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Authority is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

87. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act, be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

88. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

89. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.

§5. — *Register*

90. The Authority keeps a register relating to monetary administrative penalties.

The register must contain at least the following information:

(1) the date the penalty was imposed;

(2) the date and nature of the failure, and the legislative provisions under which the penalty was imposed;

(3) if the penalty was imposed on a legal person, its name and the address of its head office or that of one of its establishments;

(4) if the penalty was imposed on a partnership, an association without legal personality or a natural person, the partnership's, association's or person's name and address;

(5) the amount of the penalty imposed;

(6) the date of receipt of an application for review and the date and conclusions of the decision;

(7) the date a proceeding is brought before the Financial Markets Administrative Tribunal and the date and conclusions of the decision rendered by the Tribunal, as soon as the Authority is made aware of the information;

(8) the date a proceeding is brought against the decision rendered by the Financial Markets Administrative Tribunal, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Authority is made aware of the information; and

(9) any other information the Authority considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final.

DIVISION II

PENAL PROVISIONS

91. Anyone who fails to comply with a request made under section 40 commits an offence and is liable to a fine of $2,500 to $25,000 in the case of a natural person and $7,500 to $75,000 in any other case.

92. Anyone who

(1) provides a document or information that they know is false or inaccurate, or access to such a document or information, to the Authority, a member of the Authority's staff or a person appointed by the Authority, or

(2) hinders or attempts to hinder, in any manner, the exercise of a function by a member of the Authority's staff or by a person appointed by the Authority for the purposes of this Act,

commits an offence and is liable to a fine of $5,000 to $50,000 in the case of a natural person and $15,000 to $150,000 in any other case.

93. Anyone who contravenes an order commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $100,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and, in any other case, to a fine of $30,000 to $2,000,000.

94. The Government or the Minister may determine the regulatory provisions the Government or the Minister makes under this Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government or Minister.

The maximum amounts set under the first paragraph may vary according to the seriousness of the offence, without exceeding those prescribed by section 93.

95. The fines prescribed by sections 91 to 93 or by the regulations are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

If an offender commits an offence under this Act after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilty pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 93, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

96. If an offence under this Act is committed by a director or officer of a legal person or of another group, regardless of its juridical form, the minimum and maximum fines that would apply in the case of a natural person are doubled.

97. If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.

98. Anyone who, by an act or an omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under this Act commits an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

99. In any penal proceedings relating to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the offence.

100. If a legal person or an agent, mandatary or employee of a legal person, of a partnership or of an association without legal personality commits an offence under this Act, the directors of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third party, to manage the affairs of the partnership.

101. In determining the penalty, the judge may take into account aggravating factors such as

(1) the intentional, negligent or reckless nature of the offence;

(2) the foreseeable character of the offence or the failure to follow recommendations or warnings aimed at preventing it;

(3) the offender's attempts to cover up the offence or failure to try to mitigate its consequences;

(4) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and

(5) the offender's failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender's ability to do so.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

102. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has also been imposed.

103. When determining a fine higher than the minimum fine prescribed by this Act, or when determining the time within which an amount must be paid, the judge may take into account the offender's inability to pay, provided the offender provides proof of assets and liabilities.

104. Penal proceedings for offences under this Act are prescribed by three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of that date, in the absence of any evidence to the contrary.

105. Penal proceedings for an offence under this Act may be instituted by the Authority.

106. The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

CHAPTER VII

AMENDING PROVISIONS

ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

107. Schedule 1 to the Act respecting the regulation of the financial sector (chapter E-6.1) is amended by inserting "CREDIT ASSESSMENT AGENTS ACT (2020, chapter 21)" in alphabetical order.

ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

108. The Act respecting the protection of personal information in the private sector (chapter P-39.1) is amended by inserting the following section after section 8:

"**8.1.** No person may, after being notified by a credit assessment agent in accordance with section 9 of the Credit Assessment Agents Act (2020, chapter 21) of the existence of a security freeze prohibiting the agent from communicating personal information, request communication of that information from another credit assessment agent."

109. Section 19 of the Act is amended

(1) by replacing "the lending of money" in the first paragraph by "entering into a credit contract, a long-term contract of lease of goods or a contract involving sequential performance for a service provided at a distance";

(2) by adding the following sentence at the end of the second paragraph: "The person must also inform the natural person who so requests that

(1) the refusal to enter into a contract referred to in the first paragraph or the entering into such a contract with less advantageous conditions for the natural person, or

(2) the refusal to increase the credit extended under a credit contract or the increasing of the credit with less advantageous conditions for the natural person

is based on the consultation of such a report or recommendation.";

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

"For the purposes of this section:

(1) credit that is the subject of a contract has the meaning assigned by subparagraph *f* of the first paragraph of section 1 of the Consumer Protection Act (chapter P-40.1);

(2) long-term contract of lease of goods has the meaning assigned by section 150.2 of that Act; and

(3) contract involving sequential performance for a service provided at a distance is a contract to which Division VII of Chapter III of Title I of that Act applies."

110. The Act is amended by inserting the following section after section 19:

"**19.1.** Every person who consults a recommendation or credit report referred to in section 19 or other document sent by a credit assessment agent on which the notice referred to in the first paragraph of section 10 of the Credit Assessment Agents Act (2020, chapter 21) appears or is otherwise notified by that agent must take reasonable measures to ensure that the person from whom consent was obtained to obtain the recommendation, report, document or personal information concerning him is actually the person who is the subject of the recommendation, report, document or personal information, the representative of that person or the person having parental authority over that person before entering into a contract with that person."

111. The Act is amended by inserting the following section after section 91:

"**91.1.** Every person who contravenes the prohibition under section 8.1 of this Act is liable to a fine of $1,000 to $10,000 and, for a subsequent offence, to a fine of $10,000 to $20,000."

CHAPTER VIII

FINAL PROVISIONS

112. The costs incurred by the Government for the administration of this Act, as determined each year by the Government, are borne by the Authority.

113. The Minister must, at least once every five years, report to the National Assembly on the carrying out of this Act and make recommendations on the advisability of maintaining or amending its provisions.

The recommendations must, in particular, concern the advisability of amending the provisions regarding the fees a credit assessment agent may demand for the exercise of the right to have a security freeze placed on a record.

114. The Authority is responsible for the administration of this Act.

115. The Minister of Finance is responsible for the carrying out of this Act.

116. This Act comes into force on 1 February 2021, except sections 8, 13 and 15 insofar as they concern security freezes and sections 9, 18, 108 and 111, which come into force on the date set by the Government.

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-SECOND LEGISLATURE

Bill 56
(2020, chapter 22)

An Act to recognize and support caregivers and to amend various legislative provisions

Introduced 11 June 2020
Passed in principle 6 October 2020
Passed 28 October 2020
Assented to 28 October 2020

Québec Official Publisher
2020

EXPLANATORY NOTES

The purpose of this Act is to guide the Government in planning and carrying out actions aimed at fostering awareness and recognition of the contribution of caregivers and to support them in their role.

To that end, the Act provides that the Government is to adopt a national policy for caregivers. It sets out the guiding principles of the policy and establishes the key areas its policy directions are to focus on. Under the Act, a government action plan setting out the measures and actions proposed to implement the national policy is to be adopted every five years.

The Act specifies the responsibilities of the various government actors with respect to caregiving. To that end, it designates the Minister as the Government's adviser on all issues relating to caregivers, and obliges ministers and government bodies to take into account the national policy's guiding principles and policy directions when developing, implementing and evaluating their programs, services or other measures. The Act provides for the creation, by the Minister, of the Comité de suivi de l'action gouvernementale pour le soutien aux personnes proches aidantes, to support the Minister in the exercise of his or her responsibilities.

The Act establishes the Comité de partenaires concernés par le soutien aux personnes proches aidantes, one of whose functions is to make any recommendation to the Minister that it considers necessary regarding the national policy, the government action plan or any other matter concerning caregivers. The Act also establishes the Observatoire québécois de la proche aidance, whose purpose is to provide reliable and objective information regarding caregiving.

The Act proclaims the first week of November as National Caregivers Week.

Furthermore, the Act respecting health services and social services is amended to give the Minister of Health and Social Services a power to inspect private seniors' residences and other resources offering lodging to vulnerable clienteles determined by regulation. The Act also creates, in that Act, a reserved name for seniors homes and alternative homes.

Lastly, the Act includes transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

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

Bill 56

AN ACT TO RECOGNIZE AND SUPPORT CAREGIVERS AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

AS it is fundamental to recognize the considerable contribution of caregivers to Québec society and the crucial nature of their engagement;

AS the responsibilities inherent in the role of caregivers may entail significant repercussions for their quality of life during and after their period of caregiving;

AS it is essential for caregivers to recognize themselves and be recognized in the diversity of the realities they experience, of their life paths and of the contexts in which they assume their role;

AS it is appropriate to affirm the desire of the Gouvernement du Québec and of Québec society as a whole to act in a coordinated manner and pursue a common course of action designed to foster awareness and recognition of the contribution of caregivers and to support them in their role;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT AND DEFINITION

1. The purpose of this Act is to guide the Government in planning and implementing actions to foster awareness and recognition of the contribution of caregivers and to support them in their role.

To that end, the Act provides in particular that the Government must adopt a national policy for caregivers, as well as an action plan to implement it.

The Act also provides for the establishment of the Comité de partenaires concernés par le soutien aux personnes proches aidantes and the Observatoire québécois de la proche aidance.

2. For the purposes of this Act, "caregiver" means any person who provides support to one or more members of his or her immediate circle who has or have a temporary or permanent physical, psychological, psychosocial or other incapacity, regardless of their age or living environment, and with whom the person shares an emotional bond as a family member or otherwise.

The support is continuous or occasional, and short- or long-term, and is provided on a non-professional basis and in a free, enlightened and revocable manner in order, among other things, to promote the care receiver's recovery and the preservation and improvement of his or her quality of life at home or in other living environments. It may take various forms, such as transportation, assistance with personal care and housekeeping, emotional support, or coordination of care and services. The support may also entail financial repercussions for caregivers or limit their capacity to take care of their own physical and mental health or fulfil their other social and family responsibilities.

CHAPTER II

NATIONAL POLICY FOR CAREGIVERS

3. After consultation with caregivers, researchers, bodies or groups representing caregivers, as well as with the government departments and bodies concerned, the Government adopts a national policy for caregivers.

4. The national policy's guiding principles are as follows:

(1) recognize that all caregivers are persons in their own right who must be treated with dignity and care, and whose well-treatment must be promoted;

(2) recognize the considerable contribution of caregivers to Québec society and the importance of supporting them;

(3) promote preservation of the health and well-being of caregivers, including as concerns financial precarization, and help them maintain a balanced life;

(4) consider the diversity of caregiver realities and of caregivers' relationships with care receivers in the response to their specific needs, at every stage in their caregiving journey, from their self-recognition to their grieving process in relation to both the care receiver and to their role in his or her life;

(5) recognize the experience and knowledge of caregivers and of the care receiver, and consider such experience and knowledge in a partnership-based approach;

(6) respect the wishes and capacities of caregivers as to the nature and scope of their engagement; and

(7) facilitate and consolidate partnerships between government departments and bodies and non-government bodies at the national, regional and local levels, and involve caregivers so as to promote responses adapted to their specific needs.

5. The policy directions set out in the national policy focus on the following key areas:

(1) recognition and self-recognition of caregivers, as well as mobilization of the Québec society stakeholders concerned by caregiving;

(2) information sharing, the promotion of resources made available to caregivers and the development of knowledge and skills;

(3) the development of health and social services intended for caregivers, in a partnership-based approach; and

(4) the development of accommodating environments that support and promote the preservation and improvement of caregivers' living conditions, including to prevent their financial precarization.

6. The policy directions related to recognition and self-recognition of caregivers and to mobilization of the stakeholders concerned must, in particular, be aimed at raising awareness within Québec society of the role and undeniable contribution of caregivers, of the diversity of their realities and of the importance of supporting them through coordinated actions relating to various spheres of their life.

7. The policy directions related to information sharing, the promotion of resources and the development of knowledge and skills must, in particular, be aimed at meeting the information and training needs of caregivers and of the various stakeholders concerned, and at supporting research and the transfer of knowledge regarding caregivers.

8. The policy directions related to the development of health and social services must aim to support the health and well-being of caregivers as users, taking into account their knowledge, wishes and engagement capacity and promoting a partnership-based approach.

9. The policy directions related to the development of accommodating environments that support and promote the preservation and improvement of caregivers' living conditions must, in particular, be aimed at promoting balance between the caregiver role and the other spheres of caregivers' lives.

CHAPTER III

GOVERNMENT ACTION PLAN

10. Every five years, the Government adopts and makes public a government action plan setting out measures and actions to implement the national policy for caregivers.

The action plan describes the objectives to be attained, the means to be used to attain them and the available resources. It also determines the conditions, terms and schedule for implementing the actions set out in the plan, which involves identifying the stakeholders concerned and their responsibilities.

11. The Comité de suivi de l'action gouvernementale pour le soutien aux personnes proches aidantes, the Comité de partenaires concernés par le soutien aux personnes proches aidantes, the Observatoire québécois de la proche aidance and caregivers are consulted in the development and follow-up stages of the action plan.

Those committees and the observatory must meet at least twice a year to discuss the follow-up to the action plan.

12. As an incentive for collective mobilization, the action plan must provide for the making of agreements between the ministers concerned and the national, regional and local partners, and for mechanisms for coordinating and periodically following up on the actions carried out within the scope of those agreements.

13. The Minister is responsible for the implementation of the action plan and coordinates its application.

The Minister submits an annual report to the Government on the activities carried out within the scope of the action plan for the preceding fiscal year. The Minister may, for that purpose, request from the other ministers concerned specific reports concerning the activities carried out in their fields of jurisdiction.

The Minister makes the report public within 60 days after it is submitted to the Government.

CHAPTER IV

RESPONSIBILITIES OF VARIOUS GOVERNMENT ACTORS

14. The Minister is, by virtue of office, the Government's adviser on all issues relating to caregivers, in particular in the development of the national policy for caregivers and the related government action plan. In that capacity, the Minister gives other ministers any opinion the Minister considers advisable to ensure implementation of the policy and the action plan, and takes part in the development of measures, policy directions and actions that could have a significant impact on caregivers. The Minister also monitors implementation of the national policy and the action plan.

It is incumbent on government departments and bodies to communicate to the Minister any information necessary for the carrying out of those responsibilities.

15. The Minister establishes a committee to monitor government action for caregiver support, called the "Comité de suivi de l'action gouvernementale pour le soutien aux personnes proches aidantes" (monitoring committee), to support the Minister in the exercise of his or her responsibilities.

The Minister designates the committee members from among the representatives of the departments, government bodies or persons appointed by the Government to hold office that are concerned by caregiver support.

16. Ministers and government bodies must, in keeping with their respective missions and the Government's budgetary and fiscal policies, take into account the guiding principles of the national policy for caregivers and its policy directions when developing, implementing and evaluating any program or any other service or measure concerning caregivers.

17. If a minister considers that proposals of a legislative or regulatory nature could have direct and significant impacts on caregivers, the minister must report on the impacts he or she anticipates when presenting the proposals to the Government.

CHAPTER V

COMITÉ DE PARTENAIRES CONCERNÉS PAR LE SOUTIEN AUX PERSONNES PROCHES AIDANTES

DIVISION I

ESTABLISHMENT AND ORGANIZATION

18. A committee of partners concerned by caregiver support, called the "Comité de partenaires concernés par le soutien aux personnes proches aidantes" (partners committee), is established.

19. The partners committee is composed of at least 11 and not more than 17 members appointed by the Minister, as follows:

(1) at least three persons from non-government bodies concerned by caregiver support, appointed after a public call for applications;

(2) at least four caregivers providing support to care receivers who have different profiles, appointed after a public call for applications;

(3) at least two researchers appointed after consultation with the integrated university health network coordination panel established under section 436.8 of the Act respecting health services and social services (chapter S-4.2); and

(4) one member from the Observatoire québécois de la proche aidance, appointed after consultation with the latter.

The partners committee must be composed of an equal number of women and men. An equal number is presumed if the difference is not more than two.

The partners committee must include at least one member from a rural area and at least one member from an Aboriginal community or organization.

The Minister designates a member of the monitoring committee as an observer within the partners committee. The observer participates in committee meetings, but is not entitled to vote.

20. The members are appointed for a term of not more than five years, which may not be renewed consecutively more than once.

On the expiry of their terms, the members remain in office until reappointed or replaced.

21. Any vacancy among the members of the partners committee is filled in accordance with the rules of appointment to the committee.

22. The members of the partners committee receive no remuneration, except in the cases, on the conditions and to the extent that may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

23. The Minister designates the chair and the vice-chair from among the members of the partners committee.

DIVISION II

FUNCTIONS AND POWERS

24. The partners committee's functions are

(1) to make any recommendation or give any opinion to the Minister that it considers necessary regarding the national policy for caregivers, the government action plan or any other matter relating to caregivers;

(2) to support the Minister and the monitoring committee in implementing the national policy for caregivers and the government action plan; and

(3) to give the Minister its opinion on any matter referred to it by the Minister regarding caregiving.

25. The partners committee must make its recommendations and opinions public within 30 days after sending them to the Minister.

26. In the exercise of its functions, the partners committee may recommend to the Minister to consult with, solicit opinions from, or receive or hear requests and suggestions from persons, bodies or associations regarding caregiving. The partners committee may also seek the contribution of the Observatoire québécois de la proche aidance.

DIVISION III

REPORT

27. The partners committee must, within six months after the end of the fiscal year, send the Minister a report on its activities for that year.

The Minister must table the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER VI

OBSERVATOIRE QUÉBÉCOIS DE LA PROCHE AIDANCE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

28. An observatory on caregiving, called the "Observatoire québécois de la proche aidance" (observatory), is established.

29. The observatory is managed by a managing committee composed of the following 13 members, appointed by the Minister:

(1) two members representing the departments concerned by caregiver support, including one member representing the Ministère de la Santé et des Services sociaux, appointed after consultation with the ministers concerned;

(2) the observatory's scientific director;

(3) one member representing the institution or body responsible for the observatory's organization and administrative support;

(4) four researchers appointed after consultation with the integrated university health network coordination panel;

(5) three members from non-government bodies concerned by caregiver support, appointed after a public call for applications; and

(6) two caregivers providing support to care receivers who have different profiles, appointed after a public call for applications.

The Minister designates the chair and the vice-chair from among the members of the managing committee.

The managing committee must be composed of an equal number of women and men. An equal number is presumed if the difference is not more than two.

The managing committee must include at least one member from a rural area and at least one member from an Aboriginal community or organization.

30. The observatory's managing committee determines the observatory's scientific directions, general objectives and policies, as well as the annual activities it intends to carry out, and sends that information to the Minister.

It also evaluates the relevance, priority status and scientific quality of the observatory's programs and activities.

31. The members of the observatory's managing committee are appointed for a term of not more than five years, which may not be renewed consecutively more than once.

On the expiry of their terms, the members remain in office until reappointed or replaced.

32. Any vacancy among the members of the managing committee is filled in accordance with the rules of appointment to the committee.

33. The members of the observatory's managing committee receive no remuneration, except in the cases, on the conditions and to the extent that may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

34. The Minister entrusts, by agreement, the observatory's organization and administrative support to an institution within the meaning of the Act respecting health services and social services or to any other body.

DIVISION II

FUNCTIONS AND POWERS

35. The purpose of the observatory is to provide reliable and objective information regarding caregiving through observation, monitoring, analysis and knowledge sharing.

More specifically, the observatory's functions are

(1) to collect, integrate, compile, analyze and disseminate information, in particular of a statistical nature, on caregiving;

(2) to monitor the evolution of caregivers' needs as well as effective and innovative practices, measures and actions, at the national and international levels, to support caregivers;

(3) to facilitate the transfer of knowledge for the benefit of the various actors involved in caregiving; and

(4) to facilitate collaborations regarding caregiving, in particular with university institutions, research centres, other observatories or the government bodies participating in research activities or activities to promote clinical excellence and efficient use of resources in health and social services.

In the exercise of its functions, the observatory may consult experts or other actors from the caregiving sector and entrust them with any mandate it deems necessary.

36. The observatory enlightens the Minister by finding and reporting on current knowledge and trends, or those to be developed, concerning evaluation approaches and indicators to measure the quality of life, health and well-being of caregivers, and to measure the impact of the policy directions, measures and actions set out in the national policy for caregivers and the government action plan. To that end, the observatory enhances the value of existing information and data and promotes knowledge transfer and sharing.

37. Within the scope of its work, the observatory must cooperate with the monitoring committee and the partners committee.

DIVISION III

REPORT

38. The observatory's managing committee must, within six months after the end of the fiscal year, send the Minister a report on its activities for that year.

CHAPTER VII

NATIONAL CAREGIVERS WEEK

39. The first week of November is proclaimed National Caregivers Week.

CHAPTER VIII

REPORT

40. The Minister must, not later than 28 October 2025, report to the Government on the implementation of this Act.

After that, the Minister must report to the Government on the carrying out of this Act every five years. The report is prepared in coordination with the other ministers concerned. It must take into account the opinions received from the partners committee as well as the evaluation approaches and indicators proposed by the observatory that have been selected by the Minister. The report

must also state the results obtained in implementing the national policy for caregivers and include a status report on the progress of Québec society toward achieving the goals pursued by the policy.

Any report referred to in this section is tabled by the Minister in the National Assembly within 30 days after it is presented to the Government or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER IX

AMENDING PROVISIONS

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

41. Section 438 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by inserting ""seniors home", "alternative home"," after ""health and social services centre"," in the first paragraph;

(2) in the second paragraph,

(*a*) by replacing "Nothing in the first paragraph shall" by "The first paragraph does not";

(*b*) by adding the following sentence at the end: "Nor does it prevent the use of the words listed in it in the name of a person or partnership whose activities are not likely to be confused with the activities inherent in the mission of a centre operated by an institution, provided that the Minister's authorization has been obtained."

42. The Act is amended by inserting the following section after section 489:

"**489.0.1.** The Minister has the inspection power provided for in section 346.0.8 in respect of a private seniors' residence and any other resource or category of resource offering lodging determined by government regulation under the first paragraph of section 346.0.21. The provisions of section 346.0.9 apply to a person authorized by the Minister to carry out such an inspection."

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

43. The Government must adopt a national policy for caregivers not later than 28 April 2021.

The Government must adopt and make public the first government action plan not later than six months after the adoption of the national policy.

44. The first government action plan must, in particular, contain measures and actions concerning

(1) the conduct, by the health and social services institutions, of an assessment of caregivers' needs and the preparation of a support plan for the planning and delivery of services provided to caregivers, in keeping with the objectives of the policy directions of the national policy for caregivers referred to in section 8;

(2) the assessment of the pertinence and feasibility of recognizing certain rights of caregivers and the related obligations;

(3) a review of the components of the mission of L'Appui national, a non-profit legal person constituted under Part III of the Companies Act (chapter C-38), and the continuation of its financing, in keeping with the national policy for caregivers; and

(4) the assessment of the pertinence and feasibility of establishing and maintaining a public register of caregivers intended, in particular, to promote the recognition of their role.

45. The Minister must, before 28 April 2021, appoint the members of the observatory's managing committee.

46. Section 438 of the Act respecting health services and social services (chapter S-4.2), as amended by section 41, does not prevent persons or partnerships that, on 11 June 2020, carry on their activities under a name that includes the words "seniors home" or "alternative home" and appears in the registration declaration filed under the Act respecting the legal publicity of enterprises (chapter P-44.1) from continuing to use those words in their name.

47. The Minister Responsible for Seniors is responsible for the administration of this Act.

48. This Act comes into force on 28 October 2020.

Regulations and other Acts

M.O., 2021

Order of the Minister of the Environment and the Fight Against Climate Change dated 1 February 2021

Natural Heritage Conservation Act
(chapter C-61.01)

Assignment of temporary protection status to a territory situated in the Côte-Nord and Saguenay–Lac-Saint-Jean regions, as Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan, for a period of four years, establishment of the plan and the conservation plan of that area, and revocation of the plans of three proposed biodiversity reserves

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 to foster the protection and maintenance of the biological diversity and the related natural and cultural resources, and more particularly the protection of woodland caribou and its habitat, the territory of the Caribous-Forestiers-de-Manouane-Manicouagan, situated in the Côte-Nord and Saguenay–Lac-Saint-Jean regions, requires temporary protection in order to subsequently grant permanent protection status;

CONSIDERING the Minister's Order dated 27 July 2005 (2005, *G.O.* 2, 4072), authorized by Order in Council 636-2005 dated 23 June 2005, under which temporary protection status was assigned to the territory of the Réserve de biodiversité projetée du lac Plétipi and the Réserve de biodiversité projetée de la rivière de la Racine de Bouleau, for a period of four years beginning on 7 September 2005;

CONSIDERING the Minister's Order dated 29 May 2008 (2008, *G.O.* 2, 2124), authorized by Order in Council 445-2008 dated 7 May 2008, under which temporary protection status was assigned to the territory of the Réserve de biodiversité projetée des Montagnes-Blanches, for a period of four years beginning on 11 June 2008;

CONSIDERING the second paragraph of section 28 of the Natural Heritage Conservation Act, which provides that the renewal or extension of a setting aside of a territory as a proposed biodiversity reserve may not be such that the term of the setting aside exceeds six years, unless so authorized by the Government;

CONSIDERING the Minister's Order dated 17 July 2009 (2009, *G.O.* 2, 2233), authorized by Order in Council 823-2009 dated 23 June 2009, under which the setting aside of the territory of the Réserve de biodiversité projetée du lac Plétipi and the Réserve de biodiversité projetée de la rivière de la Racine de Bouleau was extended for a period of four years beginning on 7 September 2009;

CONSIDERING the Minister's Order dated 11 May 2012 (2012, *G.O.* 2, 1552), authorized by Order in Council 107-2012 dated 22 February 2012, under which the setting aside of the territory of the Réserve de biodiversité projetée des Montagnes-Blanches was extended for a period of eight years beginning on 11 June 2012;

CONSIDERING the Minister's Order dated 13 March 2013 (2013, *G.O.* 2, 769), authorized by Order in Council 1183-2012 dated 12 December 2012, under which the setting aside of the territory of the Réserve de biodiversité projetée du lac Plétipi and the Réserve de biodiversité projetée de la rivière de la Racine de Bouleau was extended for a period of eight years beginning on 7 September 2013;

CONSIDERING the Minister's Order dated 21 May 2020 (2020, *G.O.* 2, 1687), authorized by Order in Council 95-2020 dated 12 February 2020, under which the setting aside of the territory of the Réserve de biodiversité projetée des Montagnes-Blanches was extended for a period of eight years beginning on 11 June 2020;

CONSIDERING the first paragraph of section 31 of the Natural Heritage Conservation Act, which provides that the Minister may revoke the plan of land set aside under section 27 or the conservation plan established for that land, with the approval of the Government;

CONSIDERING that to facilitate the management of the new proposed reserve, the territory of the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan includes the territory 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, and the plans of the latter reserves will be revoked;

CONSIDERING section 32 of the Act, which provides that the setting aside of land ceases in particular on publication in the *Gazette officielle du Québec* of a notice of revocation of the plans by the Minister, with the approval of the Government;

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

CONSIDERING Order in Council 1181-2020 dated 11 November 2020 authorizing the Minister of the Environment and the Fight Against Climate Change to assign temporary protection status as Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan, to prepare the plan of that area and to establish its conservation plan, and to revoke the plans 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;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 9 December 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 des Caribous-Forestiers-de-Manouane-Manicouagan, with a notice that the Minister intends to assign temporary protection status to the territory appearing in the Schedule to the document on the expiry of 45 days following its publication;

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

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

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

ORDERS AS FOLLOWS:

Temporary protection status is hereby assigned to a territory situated in the Côte-Nord and Saguenay –Lac-Saint-Jean regions, as Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan, for a period of four years beginning 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 des Caribous-Forestiers-de-Manouane-Manicouagan, attached to this Minister's Order, is established;

The plan of the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan, attached to the conservation plan, is prepared.

The plans and conservation plans 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 are revoked.

Québec, 1 February 2021

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 appearing as a schedule to the conservation plan constitutes the Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan.

3. Temporary status as a proposed biodiversity reserve, for a period of four 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

Protected areas in Québec:
A Lifelong Heritage

Réserve de biodiversité projetée des Caribous-Forestiers-de-Manouane-Manicouagan

Conservation plan

June 2020

Québec

Contents

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 km^2 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 km^2, 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

[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).

of Pessamit, with a portion to the west being in the Nitassinan of the community of Mashteuiatsh[2]. 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 km^2 and includes (to the southeast) an arm running the upper slopes of the west bank of Rivière aux Outardes. The second sector (235 km^2) 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 km^2). The fourth sector is north of Réservoir Manicouagan (222 km^2), while the fifth (606 km^2) 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 km^2). The five sectors combined, together with the land reserve for purposes of a protected area, form a protected area of 10,194 km^2, 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 km^2 to 13,000 km^2 (Wilkinson, 2008).

The following sections describe the combined territories of the proposed reserve and land reserve. The latter covers 2,377 km^2 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).

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[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 km^2 of aquatic environments and nearly 9,000 km of shoreline. At about 339 km^2, 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 sector[3] 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 (Heppel, 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 Nitassinan[4]. 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-Québec[5]. 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, 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

[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.

to human disturbance[6], activities and applications 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*

[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).

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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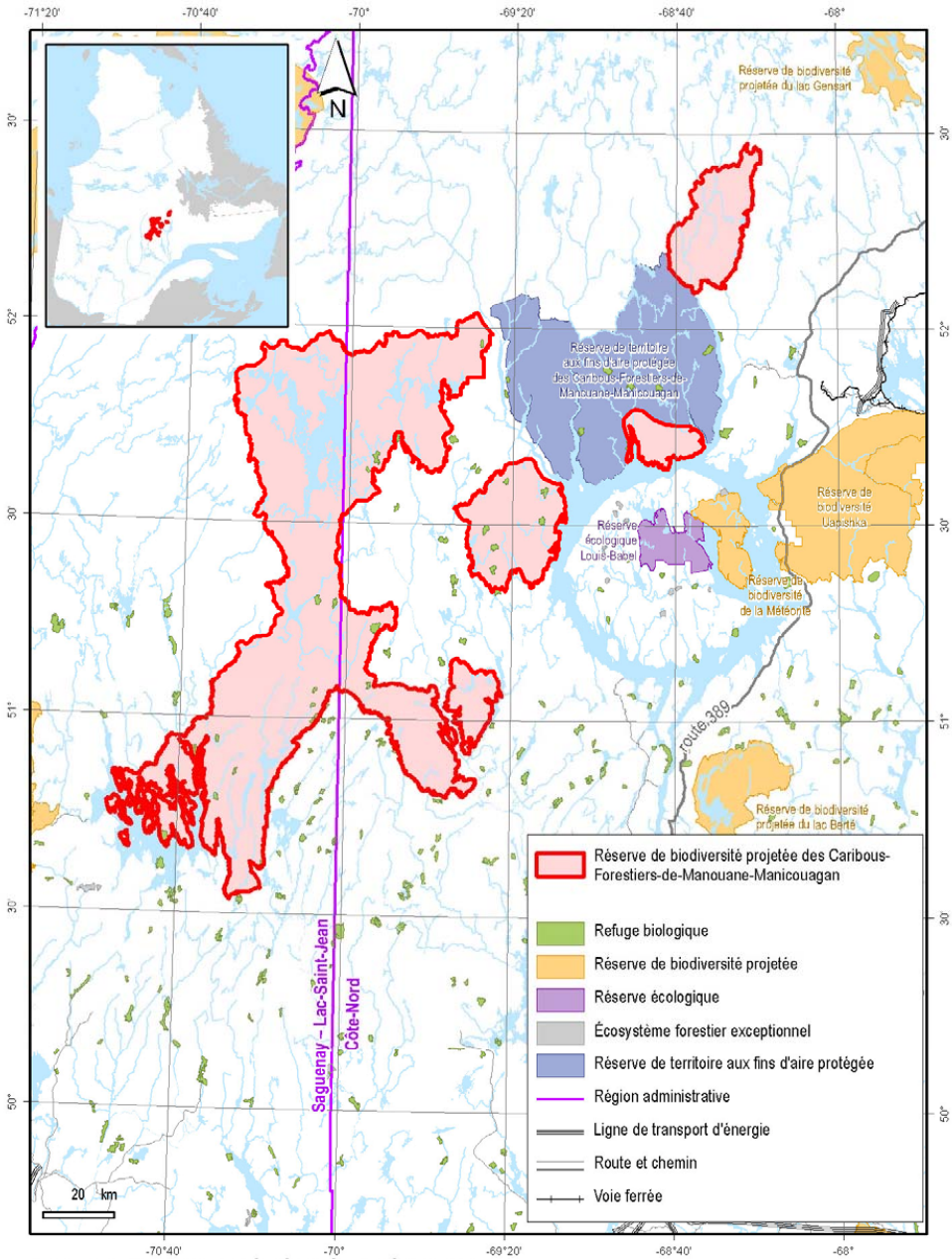
SCHEDULE 1: MAP OF RÉSERVE DE BIODIVERSITÉ PROJETÉE DES CARIBOUS-FORESTIERS-DE-MANOUANE-MANICOUAGAN



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 PROJETÉE DES CARIBOUS-FORESTIERS-DE-MANOUANE-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, Wildlfie 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 Quallity 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.

M.O., 2021

Order number 2021-01 of the Minister of Transport dated 1 January 2021

Highway Safety Code
(chapter C-24.2)

Suspension of the requirement for a driver of a road train operating under a special road train operating permit to refrain from travelling from Monday to Friday on autoroutes in Ville de Québec from 6:30 a.m. to 9:00 a.m. and from 3:30 p.m. to 6:00 p.m. and on autoroutes on Île de Montréal from 5:30 a.m. to 9:30 a.m. and from 3:00 p.m. to 7:00 p.m.

THE MINISTER OF TRANSPORT,

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

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

CONSIDERING that it is appropriate to suspend the requirement for a driver of a road train operating under a special road train operating permit to refrain from travelling from Monday to Friday on autoroutes in Ville de Québec from 6:30 a.m. to 9:00 a.m. and from 3:30 p.m. to 6:00 p.m. and on autoroutes on Île de Montréal from 5:30 a.m. to 9:30 a.m. and from 3:00 p.m. to 7:00 p.m.;

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

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

ORDERS AS FOLLOWS:

1. The application of paragraph 4 of section 9 of the Special Road Train Operating Permits Regulation (chapter C-24.2, r. 36) is hereby suspended.

2. This Order comes into force on 1 April 2021. It is revoked on 10 October 2023.

Québec, 1 January 2021

FRANÇOIS BONNARDEL,
Minister of Transport

104873

Draft Regulations

Notice

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

Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines
— 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 the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (chapter D-2, r. 6) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree amends the scope of the Decree for certain employees, reduces the number of journeyman per apprentice and reduces to 10 years the number of years of uninterrupted service required for an employee to be entitled to a 4-week annual leave. It also makes the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions compliant with the Act respecting labour standards (chapter N-1.1), as amended by the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21).

The impact study shows that the amendments will have a low impact on small and medium-sized businesses.

Further information may be obtained by contacting Jonathan Vaillancourt, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5e 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 matter is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4e étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,
Minister of Labour, Employment and Social Solidarity

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 and 6).

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

(1) by replacing "machinist, electrician, welder, radiator specialist, wheel aligner and automatic transmission specialist" in paragraph 5 by "welder and wheel aligner";

(2) by inserting the following after paragraph 11:

"(11.1) "relative": the employee's spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children and their children's spouses. The following are also considered to be an employee's relative for the purposes of this Decree:

(a) a person having acted, or acting, as a foster family for the employee or the employee's spouse;

(b) a child for whom the employee or the employee's spouse has acted, or is acting, as a foster family;

(c) a tutor or curator of the employee or the employee's spouse or a person under the tutorship or curatorship of the employee or the employee's spouse;

(d) an incapable person having designated the employee or the employee's spouse as mandatary;

(e) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health.".

2. Section 3.02.1 is amended

(1) by replacing "4" in paragraph 1 by "2";

(2) by replacing "if the employee's" in paragraph 2 by "if those";

(3) by adding the following at the end:

"(4) if the employee was not informed at least 5 days in advance that the employee would be required to work, unless the nature of the duties requires the employee to remain available or that the employee's services are required within the limits set out in paragraphs 1 and 2.".

3. Section 4.01 is amended by adding the following paragraph at the end:

"Hours worked on a day other than a day in the standard workweek described in section 3.01 entail a premium of 50% of the hourly wage currently paid to the employee.".

4. Section 7.04 is amended by replacing "5" in the first paragraph by "3".

5. Section 7.05 is amended by replacing "15" in the first paragraph by "10".

6. Section 7.13 is amended by replacing "to other employees performing the same tasks in the same establishment, for the sole reason that the employee usually works less hours each week" by "to the employer's other employees performing the same tasks in the same establishment solely because of the employee's employment status, and in particular because the employee usually works less hours each week".

7. Section 8.05 is amended

(1) by striking out "if the employee is credited with 60 days of uninterrupted service" at the end of the first paragraph;

(2) by striking out the fourth paragraph.

8. Section 8.06 is amended

(1) in the first paragraph

(*a*) by striking out ", without pay,";

(*b*) by replacing "the employee's spouse, father, mother, brother, sister or one of the employee's grandparents" by "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)";

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

"If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.".

9. Section 8.07 is amended

(1) by striking out paragraphs 1 and 2;

(2) by inserting the following after paragraph 4:

"(4.1) if the employee's minor child dies;";

(3) by replacing "if the employee's spouse or child" in paragraph 5 by "if the employee's spouse, father, mother or child of full age";

(4) by inserting "of full age" after "child" in paragraph 6.

10. The following is inserted after section 8.08:

"**8.09.** An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position. In that case, the period of absence begins on the date on which the criminal offence was committed or, where applicable, at the expiry of the period provided for in the first paragraph, and ends not later than 104 weeks after the commission of the criminal offence.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

8.10. For the purposes of sections 8.06 and 8.09, the first 2 days taken annually are remunerated according to the calculation formula described in section 6.03, 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 the employee was absent previously.

However, the employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for any of the reasons referred to in sections 8.06 and 8.09.

8.11. An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where the employee must stay with 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), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, ending not later than 104 weeks after the absence began.

An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where the employee must stay with a relative, other than the employee's minor child, 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), because of a serious and potentially mortal illness, attested by a medical certificate.

8.12. The employee must notify the employer as soon as possible of a period of absence from work, giving the reasons for it. The employer may request that the employee provide a document attesting to those reasons if it is warranted by the duration of the absence or its repetitive nature, for instance.

During a period of absence under the second paragraph of section 8.09, the employee may return to work intermittently or on a part-time basis if the employer consents to it.".

11. Section 9.02 is amended by replacing "or by cheque by Thursday at the latest. The payment may be made by bank transfer if so provided in a written agreement" in the first paragraph by ", by cheque, or by bank transfer, by Thursday at the latest".

12. Section 11.07 is amended by replacing "1 apprentice for every 2 journeymen" in the first paragraph by "2 apprentices for every journeyman".

13. Section 11.09 is amended by striking out "has completed his seventh year's schooling and".

14. Section 12.02 is amended by adding the following paragraph:

"In addition, as of (*date of coming into force of the Decree*), the parity committee ceases to issue cards as a machinist, electrician, radiator specialist and automatic transmission specialist. For the holders of cards issued before that date, the employee's advancement in step is maintained.".

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

104879

Draft Regulation

An Act respecting liquor permits
(chapter P-9.1)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages
(2018, chapter 20)

Duties and costs payable under the Act respecting liquor permits — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) to ensure consistency with the new legal framework introduced by the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20) with respect to new methods for the issue and use of permits, authorizations and options granted by the Régie des alcools, des courses et des jeux under the Act respecting liquor permits.

Study of the matter shows no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3.

GENEVIÈVE GUILBAULT,
Minister of Public Security

Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits

An Act respecting liquor permits
(chapter P-9.1, s. 114, par. 4)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages
(2018, chapter 20, s. 55)

1. The Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) is amended in section 0.1

(1) by striking out ", or in section 2 for a permit for an air carrier," in the first paragraph;

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

"However, section 1.1. does not apply to a grocery permit, delivery permit, winemaking and brewing centre permit or cider seller's permit.".

2. Section 1 is replaced by the following:

"**1.** The fixed amounts payable for a permit are the following:

(1) bar permit: $596;

(2) restaurant permit: $596;

(3) accessory permit: $350;

(4) grocery permit: $175;

(5) delivery permit: $175;

(6) winemaking and brewing centre permit: $175;

(7) cider seller's permit: $175.

However, in the case of a permit for a seasonal operating period, the amount payable pursuant to the first paragraph is reduced in proportion to the number of days during which the permit is not used.".

3. Section 1.1 is amended by replacing the second paragraph by the following:

"Notwithstanding the foregoing, the amount payable for a permit where the board does not establish the capacity is $50.".

4. Section 2 is repealed.

5. Section 3 is amended

(1) by striking out "for each room or terrace where the permit will be used" wherever they occur in the first and second paragraphs;

(2) by replacing "the third and fourth paragraphs" in the second paragraph by "the third paragraph";

(3) by replacing the third and fourth paragraphs by the following:

"The duties payable for the issue of a reunion permit to sell issued to one of the persons referred to in section 47 of the Regulation respecting the legal regime applicable to liquor permits, made by Order in Council (*insert the number and the date of coming into force of the Order in Council*), is $53 per day of use, up to a maximum of 5 times the amount prescribed for a day of use.".

6. The following is inserted after section 3:

"**3.1** The duties payable for the issue of a reunion permit for a major event is $53 for each place where the permit will be used, up to a maximum of three places, and $31 per additional place, multiplied by the number of days of use of the permit, and up to a maximum of 5 days.

A major event within the meaning of the first paragraph is an event that

(1) spans a continuous period of at least three days; and

(2) is expected to attract at least 25,000 ticket-holding participants or at least 200,000 participants on an open site.".

7. Section 4 is amended by inserting "intended for persons of full age" after "films".

8. The following is inserted after section 5:

"**5.1.** The costs payable for examination of an application for the on-site consumption of alcoholic beverages in the common areas of a lodging facility are $50.".

9. Section 7 is amended

(1) by striking out "$290 for an application for a permit made by reason of the alienation or leasing of an establishment and" and "for the other applications referred to in that section";

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

"The costs payable for examination of an application for a permit made by reason of the alienation or leasing of an establishment are $262.".

10. The following is inserted after section 7.1:

"**7.2.** Where the holder of a permit covering an annual operating period applies to switch to a seasonal operating period, the board reimburses the part of the duties paid that correspond to the number of days occurring after the application when the permit is not used.".

11. Section 9 is amended by replacing "2" in the first paragraph by "3".

12. This Regulation comes into force on (*insert the date of coming into force of section 56 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20)*).

104876

Draft Regulation

An Act respecting liquor permits
(chapter P-9.1)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages
(2018, chapter 20)

Legal regime applicable to liquor permits

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the legal regime applicable to liquor permits, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting the conditions relating to the issue and use of a "Man and his World" permit and an "Olympic Grounds" permit (chapter P-9.1, r. 1), the Regulation respecting certain documents relating to the Act respecting liquor permits (chapter P-9.1, r. 2), the Regulation respecting lay-out standards for establishments (chapter P-9.1, r. 4) and the Regulation respecting liquor permits (chapter P-9.1, r. 5) to modernize the legal framework applicable to the holders of liquor permits and reduce their administrative and financial burden.

The draft Regulation results from the passage, in 2018, of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20), and introduces new methods for the issue and use of permits, authorizations and options granted by the Régie des alcools, des courses et des jeux under the Act respecting liquor permits (chapter P-9.1).

Study of the matter shows no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3.

GENEVIÈVE GUILBAULT,
Minister of Public Security

Regulation respecting the legal regime applicable to liquor permits

An Act respecting liquor permits
(chapter P-9.1, s. 114, pars. 1, 2, 6, 7, 9, 10, 15.1, 15.2 and 16)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages
(2018, chapter 20, ss. 55 and 56)

DIVISION I
INTERPRETATION

1. In this Regulation, unless the context indicates otherwise, "Act" means the Act respecting liquor permits (chapter P-9.1).

DIVISION II
APPLICATION TO THE BOARD

§1. General provisions

2. Every application for a permit, option, authorization, approval or amendment must be filed using the appropriate form prescribed by the Régie des alcools, des courses et des jeux (the "board").

3. For an application for any permit except a reunion permit, the form, duly completed and including the schedules, must be filed with the following documents:

(1) if the applicant is not a Canadian citizen or permanent resident, a copy of the work permit issued by the Canadian authorities authorizing the applicant to work in Québec;

(2) if the applicant is a legal person, the schedule showing the membership of its board of directors, the names of the shareholders holding 10% of more of the shares with full voting rights, and the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) if the applicant is a partnership, the schedule showing the names of the partners and the business number;

In addition, at the request of the board, the applicant must provide a photograph of the building and of the places where the permit will be used.

4. An application for a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, except a reunion permit, must include a detailed plan of the plan of the layout of the places where the applicant plans to use the permit, and a document showing the calculation of the number of persons who may be admitted at the same time to each place.

The documents must be approved by an engineer, an architect or the municipality in whose territory the establishment covered by the application is situated.

However, this requirement does not apply to

(1) an application for a restaurant permit including the "caterer" option if the activities authorized by that option are exercised exclusively;

(2) an application for an accessory permit when it covers a lodging facility and no other permit is used in the facility; or

(3) an application for any other permit for which the board does not set the permitted capacity.

5. When an application for a permit concerns a place for which the board does not set the permitted capacity, it may require a sketch or other document showing the service points where the applicant plans to sell or serve alcoholic beverages and the place where the applicant plans to store alcoholic beverages.

6. Unless otherwise provided for in the Act, any change in the information provided in support of an application to the board must be reported to the board within 30 days.

§2. Transfer and authorization for temporary use

7. A person applying for a permit following the transfer of an establishment for which a permit is already in force must be the owner or lessee of the establishment or be expressly authorized by the owner or lessee of the establishment to use the permit, and provide written proof of that fact. In addition, the application must include, when filed with the board, the deed of ownership of the stock in trade, the costs for examination provided for in the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) and, where applicable, the duties payable to obtain temporary authorization to use the permit, as provided for in the Regulation.

In addition, in the case of a partnership or legal person, the application must include the schedules to the form indicating, as the case may be, the names of the partners or the members of the board of directors and the names of the shareholders holding 10% or more of the shares with full voting rights.

8. Where an application for a permit is filed following the transfer of an establishment for which a permit is already in force, and where no change has occurred in the layout of the places covered by the permit, the board may, rather than require a detailed plan of the layout and the document showing the calculation of the number of persons who may be admitted at the same time to each place, accept a sworn statement by the applicant to the effect that no change has been made to the establishment.

9. Where an application for authorization for the temporary use of a permit is filed under section 79 of the Act, the board may require the following documents in particular:

(1) if the applicant is the liquidator of a succession:

(a) the certificate attesting to the death of the permit holder;

(b) written proof of the applicant's capacity as liquidator of the succession;

(2) if the applicant is a trustee in bankruptcy, written proof of the applicant's appointment and mandate;

(3) if the applicant is a judicial or conventional sequestrator, a copy of the deed or court judgment by which the applicant was appointed;

(4) if the applicant is a trustee, a copy of the deed or court judgement by which the applicant was appointed.

The application for authorization for the temporary use of a permit must be filed without delay.

§3. Application for amendment

10. An application filed to amend the place or places where a permit is used, the layout of the establishment where a permit is used, or the number of persons who may be admitted at the same time to each place where a permit is used, as determined by the board, must include a detailed plan of the layout of the places covered by the application and a document showing the calculation of the number of persons who may be admitted at the same time to each place. The documents must be approved by an engineer, an architect or the municipality in whose territory the establishment covered by the application is situated, and show the changes justifying the application.

11. The holder of an accessory permit must file, with the board, an application for amendment for any change in the nature of the activities carried on in the establishment. The application must include a certificate from the clerk or secretary-treasurer of the municipality in whose territory the establishment is situated, attesting to the fact that the new activities are compliant with the land planning by-laws.

DIVISION III
LAYOUT STANDARDS AND CAPACITY

12. For the purposes of this Regulation and of the Act, a room is a place located inside an establishment, permanently delimited by walls or partitions laid out in accordance with the floor plan submitted with the application, that allows the board to set the number of persons who may be admitted at the same time, excluding entrances, hallways, balconies, kitchens and bathrooms.

13. The permit holder may not receive at the same time, in a room or place covered by the permit, a greater number of persons than the number set by the board.

The board sets the number of persons based on the standards in the National Fire Code of Canada, published by the National Research Council Canada.

14. To use a permit on a terrace, the permit holder must comply with the following layout standards:

(1) the terrace must be delimited by a structure that defines its location and allows the number of persons who may be admitted and seated there at the same time to be set;

(2) the terrace must be furnished in a way that allows the number of persons who may be admitted and seated there at the same time to be accommodated.

15. Every establishment where a permit authorizing the sale or service of alcoholic beverages for consumption on the premises is used, except a reunion permit, must be equipped with a system to provide full lighting throughout the premises in emergencies or when needed.

16. When a reception is held in a place that is not covered by a permit, as provided for in the second paragraph of section 68 of the Act, the place must comply with the layout standards provided for in the Building Act (chapter B-1.1), the Environment Quality Act (chapter Q-2) and the regulations made under those Acts.

17. The device referred to in section 87.1 of the Act must be equipped with a locking mechanism to prevent access to alcoholic beverages.

DIVISION IV
PERMIT AUTHORIZING CONSUMPTION ON THE PREMISES

§1. Activities or presentations for persons of full age

18. The permit holder is dispensed from the requirement to obtain authorization under section 73 of the Act for the projection of films in a room or on a terrace where the permit holder uses the permit, except if the films projected are intended for persons of full age.

In addition, permit holders are prohibited from presenting a show or film, using a television screen to present images, or allowing dancing or any other activity, when the content presented or the nature of the activity is intended for persons of full age, except if the permit includes the "no minors" option.

An activity referred to in the first or second paragraph is deemed to be intended for persons of full age if, in particular,

(1) its content or nature involves explicit sexuality or explicit nudity;

(2) in the case of a film, it is classified "18 and over" by the director of classification under the Cinema Act (chapter C-18.1).

§2. Lodging facility

19. Where an application for a permit concerns a lodging facility within the meaning of section 1 of the Act, the facility must belong to one of the following categories of tourist accommodation establishments determined by the Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1):

(1) hotel establishments;

(2) bed and breakfast establishments.

The applicant must indicate the number of minibars and the location of each vending machine.

In addition, the applicant must provide a copy of the classification certificate issued under the Act respecting tourist accommodation establishments (chapter E-14.2).

20. A client who purchases alcoholic beverages in a place in a lodging facility where a bar permit, restaurant permit or accessory permit is used, or who purchases them in the manner provided for in section 29 of the Act, may circulate within the lodging facility to go to a common area approved by the board or a guest room in the lodging facility to consume the alcoholic beverages.

Alcoholic beverages intended for consumption in a common area of a lodging facility must be served in a container containing an individual portion. A partially consumed container of wine that has been securely resealed as provided for in the second paragraph of sections 26 and 27 of the Act cannot be taken into a common area.

21. An application for approval from the board for the consumption of alcoholic beverages in common areas located inside or outside a lodging facility must list the locations of the common areas concerned.

The following places do not constitute common areas within the meaning of this Regulation:

(1) toilets;

(2) corridors;

(3) cloakrooms;

(4) staircases;

(5) parking lots;

(6) places covered by a permit authorizing the sale or service of alcoholic beverages for consumption on the premises;

(7) any place covered by a notice concerning the holding of a reception or a reunion permit.

22. When alcoholic beverages may be consumed in the common area of a lodging facility, the permit holder must ensure that the common area is under regular visual surveillance so that a person present in the establishment and designated for that purpose can intervene if the situation so requires.

23. A minibar located in the guest room of a lodging facility must be equipped with a price list of alcoholic beverages and must be lockable.

24. A vending machine for alcoholic beverages installed inside a lodging facility must be reserved for the sole use of clients and must operate using a mechanism that requires, as a prior step, the intervention of an employee of the permit holder, using a key, code, coupon, token or card.

In addition, it must be equipped with a closing device to prevent the sale of alcoholic beverages outside the operating hours authorized by the permit used in the lodging facility.

§3. Restaurant permit

25. An applicant for a restaurant permit must demonstrate to the board that the layout of the establishment covered by the application

(1) includes the equipment needed to prepare and sell food; and

(2) is organized and includes a place intended for the sale and service of food to customers for consumption on the premises.

In addition, it must file with the board the menu it plans to offer its customers.

The requirement of subparagraph 2 of the first paragraph does not apply to an application for a permit with the "caterer" option if the applicant intends to exercise those activities exclusively.

26. The holder of a restaurant permit must maintain the equipment in a functional and operational state and have the staff members needed to provide a food preparation and sales service during the hours when alcoholic beverages are served or sold.

The permit holder may continue to sell or serve alcoholic beverages to a client admitted to the establishment until the time when use of the permit must end, even if food preparation and sales have ended. However, the sale or service of alcoholic beverages to a client who is admitted after food services and sales have ended is prohibited.

The first paragraph does not apply if the restaurant permit includes the "caterer" option and is used by the permit holder only to exercise such activities exclusively.

§4. Accessory permit

27. An applicant for an accessory permit must indicate to the board the nature of the activities the applicant intends to carry on in the establishment or place covered by the application.

The activities for which the accessory permit is requested must be different from the activities authorized by a bar permit or restaurant permit.

§5. Options

"No minors" option

28. A permit authorizing the sale or service of alcoholic beverages for consumption on the premises may include the "no minors" option.

29. The "no minors" option is mandatory when the activities carried on in the establishment covered by the permit are intended for persons of full age.

30. Where a permit includes the "no minors" option, the permit holder may not admit a minor, permit the presence of a minor, employ a minor or allow a minor to present or participate in a show in the establishment covered by the permit.

"Service" option

31. A restaurant permit or accessory permit may include the "service" option.

"Caterer" option

32. A restaurant permit may include the "caterer" option.

33. An applicant for a permit with the "caterer" option that intends to exercise such activities exclusively must indicate to the board the place where the applicant plans to store alcoholic beverages.

34. Where the holder of a permit that includes the "caterer" option carries on activities outside the permit holder's establishment, the permit holder must remain on the premises where food is sold while the alcoholic beverages sold are being consumed.

The permit holder must bring back any unopened containers of alcoholic beverages to the permit holder's establishment, but may allow a client to take home a partially consumed container of wine sold to the client while food was being served, provided the container has been securely resealed.

After serving the food, the permit holder must destroy all the beer, cider and wine left behind by clients in partially consumed containers. However, all containers of alcohol and spirits must be brought back to the permit holder's establishment.

This section does not apply when alcoholic beverages are served in a client's home.

§6. Reunion permit

"Application and general conditions"

35. A reunion permit to sell or serve alcoholic beverages may be issued for an activity of any kind, provided the requirements of this subdivision are complied with.

For the purposes of this subdivision,

(1) an activity must take place during the period or on the date determined by the board; and

(2) an association within the meaning of the Civil Code, a social economy enterprise within the meaning of the Social Economy Act (chapter E-1.1.1), an entity authorized under the Election Act (chapter E-3.3), a political party or candidate authorized under the Act respecting elections and referendums in municipalities (chapter E-2.2) and a candidate authorized under the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) are deemed to be non-profit legal persons.

36. An applicant for a reunion permit must be a natural person, a legal person or a partnership.

An application for a reunion permit issued on behalf of an authorized entity or an authorized political party or candidate within the meaning of subparagraph 2 of the second paragraph of section 35 must be filed by the official representative of the entity, party or candidate.

37. An application for a reunion permit must be filed with the board at least 15 days prior to the date of the activity or, when the activity is to take place over several days, at least 15 days prior to the first day of the activity.

However, the board may issue a reunion permit if the applicant shows that it was impossible to file the application within the time limit.

38. The board may issue a reunion permit even if the planned use of the permit is an operation for which another permit could be issued, provided that the use is not commercial in nature and does not constitute the applicant's principal activity.

In such a case, the board takes into account, in particular, the nature and destined use of the planned operation site, the nature and frequency of the planned activities and the persons expected to participate.

39. The board may issue a reunion permit for an indoor or outdoor space in an establishment where a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) is used.

However, a reunion permit issued in accordance with the first paragraph may not be used in the actual place where alcoholic beverages are made.

40. An applicant for a reunion permit must be the owner or lessee of the place where the activity will take place or must be authorized by the owner or lessee to use it.

41. The holder of a reunion permit must purchase the beer that the holder plans to sell or serve without charge directly from the holder of a grocery permit or holder of a small-scale beer producer's permit issued under the Act respecting the Société des alcools du Québec (chapter S-13).

42. No reunion permit may be issued for use in a place where a permit has been cancelled, for the period of 6 months following the date of the cancellation. Similarly, no reunion permit may be issued for use in a place where a permit has been suspended, for as long as the suspension is in effect.

The first paragraph does not apply if the cancellation or suspension was requested by the permit holder, or in the case of a cancellation covered by section 55 of the Act.

"Reunion permit to sell"

43. A reunion permit to sell includes the right to serve alcoholic beverages without charge.

44. Subject to section 45, the holder of a reunion permit to sell may sell alcoholic beverages only if the price charged is used only to cover the cost of buying the beverages and the cost of organizing and holding the activity for which the permit is requested.

However, the permit holder may make a profit from the activity if

(1) the profit is remitted to a non-profit legal person for the achievement of its objectives; or

(2) the profit is made from the sale of goods or services offered in the course of activities that are the permit holder's principal activity.

When the profits from the activity are used to achieve the objectives of a non-profit legal person, that legal person must have an establishment in Québec and a copy of the agreement between the applicant and the legal person, showing that the profits are to be remitted to the legal person, must be included with the permit application.

The permit holder must, within 30 days of filing the application with the board, forward proof that the profits have been remitted in accordance with the agreement.

45. A non-profit legal person that wishes to obtain a reunion permit to sell may make a profit during the activity for which the permit is requested if

(1) the profit generated does not personally benefit its members, directly or indirectly;

(2) the profit is used to achieve its own objective or the objectives of another non-profit legal person; and

(3) the use of the revenue and profit is consistent with the Election Act (chapter E-3.3), the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3), as the case may be.

Where the profit from the activity is used to achieve the objectives of another non-profit legal person, that legal person must have an establishment in Québec and a copy of the agreement between the applicant and the legal person, showing that the profits are to be remitted to the legal person, must be included with the permit application.

The permit holder must, within 30 days after applying to the board, send proof that the profits have been remitted in accordance with the agreement.

46. Despite sections 38, 41, 44 and 45, the board may issue a reunion permit to a person or partnership that uses a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, on condition that access to the activity for which the permit is requested is limited to a group of persons and provided that the applicant refuses to admit any person who does not belong to the group, regardless of whether the activity takes place inside or outside the permit holder's establishment.

However, if the applicant is a non-profit legal person, the activity may be open to the public and the profit generated during the activity must be used as provided for in section 45.

Alcoholic beverages sold or served during the activity for which the reunion permit is issued must be purchased in accordance with the permit authorizing the sale or service of alcoholic beverages for consumption on the premises.

47. The board may issue a reunion permit to sell on the site of a tasting show or exhibition held, in whole or in part, to present or discover alcoholic beverages, to every participant in the activity, who may be

(1) a foreign supplier or a supplier of alcoholic beverages to the Société des alcools du Québec;

(2) the agent or representative of a person referred to in subparagraph 1, in which case the reunion permit is deemed to also cover the person represented; or

(3) a non-profit legal person.

Despite section 44, the participants may make a profit during such an event.

"Reunion permit to serve"

48. A reunion permit to serve authorizes the permit holder to allow the consumption of alcoholic beverages brought to the activity by the participants or to serve alcoholic beverages without charge during the activity.

49. The reunion permit to serve does not include the right to sell alcoholic beverages.

50. The holder of a reunion permit to serve must not make a profit from the activity, except if it is a non-profit organization.

The permit holder may, however, during the activity, make a profit from the sale of goods or services offered in the course of the permit holder's principal activity.

51. The board may issue a reunion permit to serve to a diplomat, consul or member of the International Civil Aviation Organization who applies for it for an activity held outside the applicant's establishment or residence.

52. A reunion permit to serve is not required for

(1) a private activity held in a person's home;

(2) a private activity held in the establishment of an enterprise that is not covered by a permit; or

(3) a private activity held in an indoor or outdoor space not covered by a permit.

For the purposes of this section, a "private activity" is an activity that is not open to the public and that is reserved for invited guests.

This section does not apply to activities where 200 or more persons are expected to attend.

§7. Miscellaneous provisions

53. The notice provided for in section 68 of the Act to indicate the holding of a reception must contain the following information:

(1) the name of the group of persons for whom the room or terrace is reserved;

(2) the date and time of the reception;

(3) a note stating that access to the room or terrace reserved for the reception is limited to the people belonging to the group identified in the notice.

DIVISION V

PERMITS AUTHORIZING CONSUMPTION IN ANOTHER PLACE

§1. Grocery permit

54. An applicant for a grocery permit must, for the applicant's establishment to be considered a grocery store,

(1) display an assortment of foods having a value of at least $5,500 based on their retail price; and

(2) ensure that the assortment of foods represents at least 51% of the products displayed in the store.

The assortment of foods must comprise at least three of the following categories of products:

(1) meat, protein and substitutes;

(2) dairy products;

(3) preserves, cereals, pasta, flour and products sold loose;

(4) fruit and vegetables;

(5) bakery products;

(6) candy, carbonated water and chips;

(7) deep-frozen products;

(8) condiments and sauces;

(9) "ready to eat" foods.

The applicant must file with the board, with the permit application, an inventory of the products on display to demonstrate compliance with the requirements of this section. The board may also require photographs of the display.

Beer, wine and cider are not considered to be foods.

55. The holder of a grocery permit must, at all times, maintain an assortment of foods that meets the requirements of this subdivision and that account for at least 51% of all products on display in the store, excluding beer, wine and cider.

56. When another business is operated in a place where a grocery permit is used, each business must keep separate accounts and the sums of money obtained from the sales of each business must be readily identifiable.

57. The price list provided for in section 66 of the Act must list the price of beer by the case, bottle and can.

§2. Delivery permit for the provision of a public transportation service

58. A person applying for a delivery permit to transport alcoholic beverages to be sold or served in a public passenger transportation service must indicate, to the board, the place where the person plans to store the alcoholic beverages before they are loaded onto the means of public transportation.

In this subdivision, a "means of public transportation" means a plane, boat or train.

59. The applicant for the delivery permit may be the mandator of a person who plans to transport and store alcoholic beverages on the applicant's behalf, in which case the delivery permit is deemed to cover the mandatary.

The agreement between the mandator and the mandatary must be kept by the delivery permit holder. At the board's request, the permit holder must provide a copy of the agreement.

The holder of a delivery permit that has one or more mandataries must keep a register indicating the name and address of each mandatary transporting and storing alcoholic beverages under the permit holder's name.

Each mandatary transporting and storing alcoholic beverages must have in its possession a copy of the delivery permit issued under the name of the mandator.

60. Section 38, subparagraphs 1, 2 and 3 of the first paragraph of section 39, and sections 40, 47, 59 to 68, 72 to 74 and 82 to 84.1 of the Act do not apply in the case of a delivery permit issued for the provision of a public transportation service.

Similarly, sections 84, 85, 93, 94, 103.2, 103.3 and 103.6, paragraphs 1, 2, 5, 6 and 8 of section 109, and paragraph 5 of section 110 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) do not apply in the case of such a permit.

61. No permit is required to sell or serve alcoholic beverages for consumption on board a means of public passenger transportation while it is moving.

§3. Options

"Domestic manufacture" option

62. A winemaking and brewing centre permit may include the "domestic manufacture" option.

63. Where a permit includes the "domestic manufacture" option, the permit holder must ensure each client is of full age and present in person to

(1) pay for the ingredients needed to manufacture beer or wine;

(2) pay for the services needed to manufacture beer or wine;

(3) mix together the ingredients needed to trigger a process of fermentation in order to manufacture beer or wine and add yeast to the mixture;

(4) bottle, seal and label beer or wine; and

(5) take away the beer or wine after as soon as it is bottled.

A client may be accompanied or substituted by another person of full age to help the client accomplish the tasks listed in subparagraphs 3 to 5 of the first paragraph, provided that person is not the holder of a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13).

64. The holder of a permit that includes the "domestic manufacture" option may perform the following tasks even if the client is not present:

(1) add a fining agent or stabilizing agent to the client's previously mixed ingredients;

(2) filter and carbonate the client's ingredients;

(3) decant the client's beer or wine into another container.

65. The holder of a permit that includes the "domestic manufacture" option must ensure that a label is affixed to each container used to manufacture beer or wine when manufacturing begins to identify the client using the invoice number.

A label must also be affixed to each container used for production or conditioning.

66. Before beginning the manufacturing process authorized under the "domestic manufacture" option, the client must be given an invoice. The invoice must include the following information:

(1) the name, address and telephone number of the permit holder;

(2) the name, address and telephone number of the client;

(3) the category of alcoholic beverage that will be manufactured, which must be either wine or beer, and the quantity to be manufactured;

(4) the ingredients sold for use in the manufacture of beer or wine and the price charged;

(5) the services connected with the manufacture of beer or wine included in the sale, and the price charged for those services;

(6) the start date for the manufacture of beer or wine;

(7) the amount received from the client;

(8) a statement that the beer or wine must be manufactured for personal consumption only and that its sale is prohibited;

(9) a statement that the client is required to take away the beer or wine manufactured as soon as it is bottled.

The permit holder must keep a copy of each invoice for 3 years, and must also keep, for the same period, a register showing the permit holder's purchases of ingredients.

67. The holder of a permit that includes the "domestic manufacture" option, or an employee of the permit holder, may manufacture beer or wine on the premises covered by the permit for personal consumption off the premises.

However, in such a case the permit holder must draw up an invoice in the same way as for a client.

68. The holder of a permit that includes the "domestic manufacture" option may allow a client who has manufactured beer or wine at the place covered by the permit to sample the product provided that

(1) the sample is provided before bottling;

(2) the sample is consumed on the premises; and

(3) the sample is not larger than 100 ml.

69. Several different clients may join together to manufacture beer or wine. The name of each client who is a member of the group must be included on the invoice.

The holder of a permit that includes the "domestic manufacture" option must ensure compliance with section 63.

70. The holder of a permit that includes the "domestic manufacture" option may not

(1) manufacture beer or wine at the place covered by the permit for the purpose of sale or exchange;

(2) keep for the purpose of sale or exchange, offer for sale or exchange, or sell or exchange beer or wine at the place covered by the permit;

(3) allow a client to sell or exchange or offer for sale or exchange beer or wine the client has manufactured at the place covered by the permit;

(4) mix or allow a client to mix beer or wine with the beer or wine of another client;

(5) store or allow beer or wine to be stored at the place covered by the permit once the product has been bottled;

(6) bring or allow another person to bring alcoholic beverages to the place covered by the permit in order to add them to beer, wine or the ingredients used to manufacture beer or wine;

(7) remove beer or wine or allow beer or wine to be removed from the place covered by the permit prior to bottling; or

(8) allow the consumption of beer or wine at the place covered by the permit, except for sampling as provided for in section 68.

71. The holder of a permit that includes the "domestic manufacture" option must destroy any unclaimed beer or wine.

72. The domestic manufacture space must be accessible only to the permit holder, the permit holder's employees, clients, and clients' assistants and substitutes.

DIVISION VI
TRAINING ON THE RESPONSIBLE CONSUMPTION OF ALCOHOLIC BEVERAGES

§1. Specific provisions

73. This Division applies to the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, except a reunion permit.

74. The permit holder and the person responsible for managing the permit holder's establishment must have successfully completed training recognized by the board on the responsible consumption of alcoholic beverages. The training must have been completed successfully within 30 days after taking up their duties.

If the permit holder is a legal person or partnership, it must designate, by resolution, a person to represent it and successfully complete the training.

75. The permit holder must ensure that a person who has successfully completed training recognized by the board is present during the business hours of the permit holder's establishment.

In addition, the permit holder must take reasonable steps to ensure that any member of the permit holder's staff who sells or serves alcoholic beverages in the permit holder's establishment receives general information about the obligations connected with the responsible consumption of alcoholic beverages and applies best practices in that regard.

76. Proof that training on the responsible consumption of alcoholic beverages has been successfully completed must be provided in the form of a certificate issued in the name of the person who completed the training.

The certificate is valid for a period of 5 years.

A person who has successfully completed training recognized by the board must have the certificate referred to in the first paragraph in his or her possession when on duty in the establishment.

§2. Recognition of training

77. Any person who wishes to provide training on the responsible consumption of alcoholic beverages must first apply to the board for recognition of the training.

The person must file a detailed description of the training with the board at least 90 days before the date on which the training is to be provided.

Before recognizing training, the board may consult a person or organization with expertise in the field of public health.

78. Training provided in Québec must, to be recognized by the board, focus on the following elements:

(1) the legislative and regulatory obligations of a permit holder and of the employees involved in selling or serving alcoholic beverages;

(2) the identification of the persons involved in the use of a liquor permit along with their roles and responsibilities;

(3) the problems connected with alcohol, drugs and energy drinks, and with the mixing of such substances;

(4) the effects of the intoxication caused by alcohol and by the mixing of alcohol with other substances;

(5) recognition of the signs of intoxication;

(6) knowledge and mastery of the tools used to prevent clients from becoming intoxicated;

(7) the safety of clients and the premises covered by a permit;

(8) techniques to prevent the excessive consumption of alcoholic beverages;

(9) the advantages of drawing up internal policies on the responsible selling and serving of alcoholic beverages;

(10) non-violent intervention and communication strategies.

79. The person providing training recognized by the board must make it available on Internet.

80. The board may withdraw recognition it has granted when the training provided does not match the detailed description filed in support of the application for recognition, or is incomplete with regard to the focus elements.

81. The person providing training recognized by the board must notify the board of any change in the training within 30 days after making the change.

DIVISION VII
MONETARY ADMINISTRATIVE PENALTIES

§1. Determination of amounts (paragraphs 1 to 4 of section 85.1 of the Act)

82. A permit holder who contravenes section 72.1 of the Act due to a quantity not exceeding 3 litres of spirits, 6 litres or wine or 10 litres of beer being found during the same visit is required to pay a monetary administrative penalty of

(1) $300 if the quantity of alcoholic beverages is

(a) 1 litre or less of spirits;

(b) 1 litre or less of wine; or

(c) 1.5 litres or less of beer;

(2) $500 if the quantity of alcoholic beverages is

(a) above 1 litre of spirits, but below 2 litres;

(b) above 1 litre of wine, but below 2 litres; or

(c) above 1.5 litres of beer, but below 3 litres;

(3) $1,000 if the quantity of alcoholic beverages is

(a) above 2 litres of spirits, but below 3 litres;

(b) above 2 litres or wine, but below 4 litres; or

(c) above 3 litres of beer, but below 6 litres;

(4) $2,000 if the quantity of alcoholic beverages is

(a) above 4 litres or wine, but below 6 litres; or

(b) above 6 litres of beer, but below 10 litres.

83. A permit holder who keeps or allows to be kept in the establishment 10 or fewer containers of alcoholic beverages containing an insect that are found during the same visit, unless that insect is an ingredient used in making those alcoholic beverages, is required to pay a monetary administrative penalty of

(1) $300 if the quantity of containers of alcoholic beverages is 5 or less; and

(2) $600 if the quantity of containers of alcoholic beverages is 6 to 10.

84. A permit holder who contravenes the second paragraph of section 79 of the Act by using a liquor permit without having applied for a temporary authorization to use it despite being required to do so is required to pay a monetary administrative penalty of $500.

85. A permit holder who contravenes section 53 of the Act by failing to pay the duties payable to maintain the permit in force before the anniversary date of its issue is required to pay a monetary administrative penalty of $200.

§2. Determination of failures to comply and amounts (paragraph 5 of section 85.1 of the Act)

86. A permit holder who contravenes section 72.1 of the Act due to a quantity not exceeding 6 litres of cider or of an alcoholic beverage not referred to in section 82 being found during the same visit is required to pay a monetary administrative penalty of

(1) $300 if the quantity of alcoholic beverages is 1 litre or less;

(2) $500 if the quantity of alcoholic beverages is above 1 litre, but below 2 litres;

(3) $1,000 if the quantity of alcoholic beverages is above 2 litres, but below 4 litres; and

(4) $2,000 if the quantity of alcoholic beverages is above 4 litres, but below 6 litres.

87. A monetary administrative penalty of $200 is imposed on

(1) a permit holder who contravenes section 34.1 of the Act, as replaced by section 2 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20), by carrying on activities at or in the establishment covered by the permit for which an option is required pursuant to the Regulation but who has not been authorized by the board;

(2) a permit holder who contravenes section 66 of the Act

(a) by failing to post the permit in public view at the main entrance of the establishment covered by the permit;

(b) by failing to make a copy of the permit and to keep on in his or her possession when using it elsewhere than in the establishment where it is posted; or

(c) by failing to post a price list of the alcoholic beverages sold in the establishment covered by the permit, if the permit authorizes the sale of alcoholic beverages for consumption on the premises, or of beer, if the permit is a grocery permit;

(3) a holder of a permit authorizing the sale of alcoholic beverages for consumption on the premises who contravenes section 67 of the Act by failing to keep posted, in public view at the entrance to the room or terrace where the permit is used, a notice indicating the amount of the minimum charge giving the right to one drink or an admission fee, if such a minimum charge or right is imposed;

(4) a holder of a bar permit or restaurant permit who contravenes section 68 of the Act by failing to post at the entrance to a room or terrace at the establishment, in public view, a notice indicating the holding of a reception, access to which is restricted to a group of persons;

(5) a permit holder who contravenes section 74.1 of the Act by failing to keep, in the establishment where the permit is used, the detailed floor plan of the rooms or terraces where the activity is authorized, certified by the board pursuant to the second paragraph of section 74 of the Act or the third paragraph of section 84.1 of the Act;

(6) the holder of an accessory permit who contravenes section 11 by failing or omitting to inform the board of a change in the nature of the activities carried on in the establishment where the permit is used;

(7) the holder of a delivery permit who contravenes section 59 by omitting to keep a register indicating the name and address of each mandatary transporting and storing alcoholic beverages under the permit holder's name or by failing to ensure that a mandatary has in his or her possession a copy of the delivery permit while transporting alcoholic beverages under the permit holder's name;

(8) the holder of a permit that includes the "domestic manufacture" option who contravenes section 65 by failing to ensure that a label is affixed to each container used to manufacture beer or wine when manufacturing begins or identify the client using the invoice number;

(9) the holder of a permit that includes the "domestic manufacture" option who contravenes section 66 by failing to give a client an invoice in accordance with that section; and

(10) the holder of a permit that includes the "domestic manufacture" option who contravenes section 68 by failing to comply with the conditions for sampling in accordance with that section.

88. A monetary administrative penalty of $500 is imposed on

(1) the holder of a grocery permit who contravenes the first paragraph of section 31 of the Act by allowing, in the permit holder's establishment, the consumption of alcoholic beverages that the permit holder is authorized to sell that is not a free tasting authorized under the second paragraph of that section;

(2) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises who admits simultaneously a number of persons greater than the number determined by the board pursuant to section 46.1 of the Act to a room or terrace of the establishment where the permit is used, provided the number of persons is not more than 25% above the permitted capacity and does not exceed the evacuation capacity;

(3) the holder of a permit with a seasonal period of use who contravenes section 51.1 of the Act by using the permit outside the continuous period it specifies;

(4) a permit holder who contravenes one of sections 28, 59, 60 or 60.0.1 of the Act by using the permit outside the authorized hours of use;

(5) the holder of a bar permit who contravenes section 62 of the Act by admitting a person to the rooms or terraces indicated on the permit outside the hours during which the permit may be used, or by tolerating a person's remaining there for more than one hour after those hours, unless the person is an employee of the establishment and provided the number of such persons is not greater than 5;

(6) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, other than a bar permit, who contravenes section 63 of the Act by allowing a person to consume alcoholic beverages there more than 30 minutes after the hour at which use of the permit must cease;

(7) a permit holder who contravenes section 70 of the Act by failing to keep supporting documents respecting the permit holder's purchases of alcoholic beverages;

(8) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises who contravenes section 71 of the Act by failing or omitting to notify the board in writing of the name, address and date of birth of the person responsible for managing the permit holder's establishment, within 10 days of the beginning of that person's employment;

(9) a partnership or legal person referred to in section 38 of the Act that, as a permit holder, contravenes section 72 of the Act by neglecting or omitting to notify the board of any relevant information concerning a change in the persons mentioned in section 38, within ten days of the change;

(10) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, other than a reunion permit or an accessory permit, who contravenes section 73 of the Act by allowing, in a room or on a terrace where the permit is used, the presentation of a show or dancing that has not been authorized by the board;

(11) a permit holder who contravenes section 77.3 of the Act by failing to take training recognized by the board on the responsible consumption of alcoholic beverages, failing to ensure that the person responsible for managing the establishment has taken such training, or failing to ensure that a member of the personnel who has taken such training is present in the establishment during the hours when the permit is used;

(12) a permit holder who contravenes section 82 of the Act by using the permit in places other than those specified in the permit without authorization from the board;

(13) the holder of a permit authorizing consumption of the premises who contravenes section 84.1 of the Act by changing the layout of a place where the permit is used without authorization from the board;

(14) a permit holder who refuses or neglects to comply with a requirement under section 110 of the Act;

(15) a permit holder who contravenes section 112 of the Act by hindering the activities of a person referred to in section 111 of the Act in the exercise of his or her duties, misleading him or her by concealment or false declarations, refusing to furnish him or her with information or a document he or she is entitled to require or examine under this Act or the regulations, or concealing or destroying a document or property relating to an investigation;

(16) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises who contravenes section 15 by neglecting or omitting to equip the establishment with a system to provide full lighting throughout the premises in emergencies or when needed;

(17) the holder of a permit covering a lodging facility who contravenes section 23 by failing to comply with the requirements concerning minibars;

(18) the holder of a permit covering a lodging facility who contravenes section 24 by failing to comply with the requirements concerning vending machines for alcoholic beverages; and

(19) the holder of a permit that includes the "domestic manufacture" option who contravenes section 70.

89. A monetary administrative penalty of $800 is imposed on

(1) the holder of a restaurant permit who contravenes section 27 of the Act by selling alcoholic beverages for take out or delivery that are not sold with food that the permit holder has prepared; and

(2) the holder of a restaurant permit who contravenes section 26 by selling alcoholic beverages to a client admitted to the establishment after food preparation and sales have ceased.

TRANSITIONAL AND FINAL

90. A person who, on (insert the date of coming into force of this Regulation), is the holder or a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, except a reunion permit, or, if the person is a legal person or partnership, its duly authorized representative, as well as the person responsible for managing the permit holder's establishment, must have successfully completed training on the responsible consumption of alcoholic beverages recognized by the board before (insert the date occurring one year after the coming into force of this Regulation).

91. A person who, on (insert the date of coming into force of this Regulation), is the holder of a grocery permit must comply with sections 54 and 55 before (*insert the date occurring one year after the coming into force of this Regulation*).

92. The Regulation respecting the conditions relating to the issue and use of a "Man and his World" permit and an "Olympic Grounds" permit (chapter P-9.1, r. 1), the Regulation respecting certain documents relating to the Act respecting liquor permits (chapter P-9.1, r. 2), the Regulation respecting lay-out standards for establishments (chapter P-9.1, r. 4) and the Regulation respecting liquor permits (chapter P-9.1, r. 5) are replaced by this Regulation.

93. This Regulation comes into force on (*insert the date of coming into force of section 56 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20)*).

104877

Draft Regulation

An Act respecting the Société des alcools du Québec (chapter S-13)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20)

Participation in a tasting show or an exhibition held to present or discover alcoholic beverages

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting participation in a tasting show or in an exhibition held to present or discover alcoholic beverages, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation results from the passage, in 2018, of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages, and will allow the holder of a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) to participate, without holding a reunion permit, in a tasting show or an exhibition held in whole or in part to present or discover alcoholic beverages, and to sell for consumption, at the site of the activity, the alcoholic beverages the permit holder manufactures or has in stock.

Study of the matter shows no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, poste 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3.

GENEVIÈVE GUILBAULT,
Minister of Public Security

PIERRE FITZGIBBON,
Minister of the Economy and Innovation

Regulation respecting participation in a tasting show or in an exhibition held to present or discover alcoholic beverages

An Act respecting the Société des alcools du Québec (chapter S-13, s. 37)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20, ss. 110 and 120)

1. The holder of a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) may, in accordance with section 28.1 of the Act, as enacted by section 110 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20), and with authorization from the Régie des alcools, des courses et des jeux, participate in a tasting show or an exhibition held in whole or in part to present or discover alcoholic beverages, and sell for consumption, at the site of the activity, the alcoholic beverages the permit holder manufactures or has in stock.

2. This Regulation comes into force on (*insert the date of coming into force of section 120 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20)*).

104878

Draft regulation

An Act respecting the Société des alcools du Québec (chapter S-13)

Cider and other apple-based alcoholic beverages —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting cider and other apple-based alcoholic beverages, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of this draft regulation is to amend section 9 of the regulation to specify that the stabilization of an alcoholic beverage to maintain its typical characteristics throughout its durable life must be acquired at the time of its marketing and not its bottling.

It also aims to revoke section 10 of the regulation thus allowing any alcoholic beverage made from apples to be non-clear.

Further information on the draft Regulation may be obtained by contacting Daniel Michaud, Direction du commerce et des boissons alcooliques, Ministère de l'Économie et de l'Innovation, 380, rue Saint-Antoine Ouest, 4e étage, bureau 4040, Montréal (Québec) H2Y 3X7 (telephone: 514 499-2199, extension 5032; email: daniel.michaud@economie.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Daniel Michaud, Direction du commerce et des boissons alcooliques, Ministère de l'Économie et de l'Innovation, 380, rue Saint-Antoine Ouest, 4e étage, bureau 4040, Montréal (Québec) H2Y 3X7.

PIERRE FITZGIBBON,
Minister of Economy and Innovation

GENEVIÈVE GUILBAULT,
Minister of Public Security

Regulation amending Regulation respecting cider and other apple-based alcoholic beverages

An Act respecting the Société des alcools du Québec (chapter S-13, s. 37)

1. Section 9 of the Regulation respecting cider and other apple-based alcoholic beverages (chapter S-13, r. 4) is amended by:

1. removing "other than traditional cidre bouché";

2. replacing "bottling" by "its marketing".

2. Section 10 of this regulation is revoked.

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

104875