



Part 2

LAWS AND REGULATIONS

22 September 2021 / Volume 153

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Part 2 – LAWS AND REGULATIONS

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- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

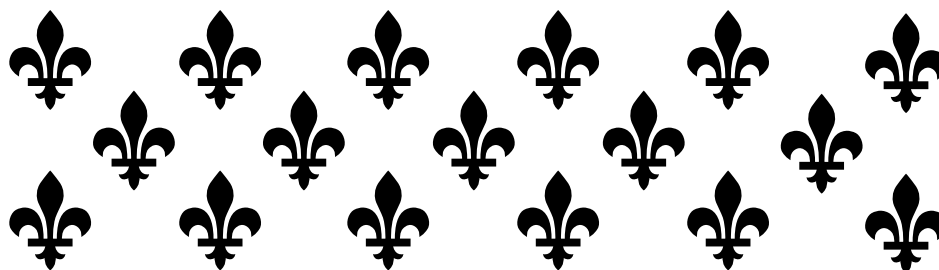
QUÉBEC, 11 JUNE 2021

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 11 June 2021*

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

- 83 An Act respecting mainly the health insurance plan and prescription drug insurance plan eligibility of certain children whose parents' migratory status is precarious and amending the Act respecting end-of-life care (*modified title*)
- 214 An Act respecting Ville de Sutton
- 215 An Act respecting Municipalité de Nominique
- 216 An Act to amend the Act respecting the establishment of a special taxation scheme for the Corporation de gestion du port de Baie-Comeau

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



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 83
(2021, chapter 23)

An Act respecting mainly the health insurance plan and prescription drug insurance plan eligibility of certain children whose parents' migratory status is precarious and amending the Act respecting end-of-life care

Introduced 10 December 2020
Passed in principle 11 May 2021
Passed 10 June 2021
Assented to 11 June 2021

Québec Official Publisher
2021

EXPLANATORY NOTES

The main purpose of this Act is to make certain children whose parents' migratory status is precarious eligible for the health insurance plan and the prescription drug insurance plan. Another purpose of the Act is to amend the Act respecting end-of-life care.

As concerns health insurance plan eligibility, the Act amends the Health Insurance Act and the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec so that all unemancipated minor children who meet the other conditions set out in the Act and who demonstrate their intention to stay in Québec for a period of more than six months following their registration with the Régie de l'assurance maladie du Québec, are considered domiciled in Québec and thus covered by the health insurance plan as residents. In addition, the Act amends the Regulation to add all minor foreign nationals who have no legal status with Canadian immigration authorities and who demonstrate that same intention to the classes of persons eligible for the plan as residents. Moreover, the Regulation is amended to allow all minor children who have been granted entry by Canadian immigration authorities for a stay of more than six months to be covered by the plan, as temporary residents of Québec, regardless of their parents' status.

The Act makes eligible for the health insurance plan and prescription drug insurance plan all children born during the stay, in Québec, of parents who have been granted entry by Canadian immigration authorities for a period of more than six months, even if that authorization is valid for less than six months from the child's date of birth. It amends the Act respecting prescription drug insurance and the Regulation respecting the basic prescription drug insurance plan to make all children who, under the Act, are covered by the health insurance plan eligible for coverage under the basic prescription drug insurance plan. In addition, minor children already covered by the health insurance plan only, that is, dependent children accompanying persons who are temporary residents of Québec and who are themselves covered by that plan, are now eligible for coverage under the basic prescription drug insurance plan.

In addition, the Act eliminates the waiting period for health insurance for all children. It also enables the Régie de l'assurance maladie du Québec to issue a temporary certificate of registration in the cases provided for by regulation.

The Act also allows the Government to determine, by regulation, after consultation with the Board or on its recommendation, the cases in which an application for registration, for renewal of registration or for the replacement of a health insurance card or eligibility card must be authenticated.

Furthermore, the Act amends the Act respecting end-of-life care to set out the conditions under which a physician may administer medical aid in dying to an end-of-life patient who has become incapable of giving consent to care after making a request for medical aid in dying.

Lastly, the Act contains various transitional and consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

- Health Insurance Act (chapter A-29);
- Act respecting prescription drug insurance (chapter A-29.01);
- Act respecting end-of-life care (chapter S-32.0001).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1);
- Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4).

Bill 83

AN ACT RESPECTING MAINLY THE HEALTH INSURANCE PLAN AND PRESCRIPTION DRUG INSURANCE PLAN ELIGIBILITY OF CERTAIN CHILDREN WHOSE PARENTS' MIGRATORY STATUS IS PRECARIOUS AND AMENDING THE ACT RESPECTING END-OF-LIFE CARE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HEALTH INSURANCE ACT

1. Section 5 of the Health Insurance Act (chapter A-29) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the first paragraph, an unemancipated minor who is not already domiciled in Québec under article 80 of the Civil Code is considered domiciled in Québec in the cases and on the conditions determined by regulation.”

2. Section 9 of the Act is amended by adding the following paragraph at the end:

“The Board may also, in the cases or on the conditions and for the length of time provided for by regulation, issue a temporary certificate of registration to a person in lieu and place of the health insurance card.”

3. Section 9.0.4 of the Act is replaced by the following section:

“9.0.4. Every application for registration, for renewal of registration or for the replacement of a health insurance card or eligibility card must be authenticated in the cases and in accordance with the terms and conditions determined by regulation.

The first paragraph does not apply to applications for which the Board may issue a health insurance card or an eligibility card that does not include the insured person's photograph and signature.”

4. The Act is amended by inserting the following section after section 65:

“65.0.0.0.1. Despite section 65, it is prohibited to communicate or use the personal information collected under this Act and to confirm the existence of such information for the purpose of determining a person's immigration status, except with the consent of the person concerned.

Where such information has been communicated to a third person for another purpose, it remains subject to the requirements provided for in the first paragraph.

This section does not restrict the communication of documents or information required by a subpoena, warrant or order issued by any person or body having the power to compel their communication.”

5. Section 69 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph *j* by the following subparagraph:

“(j) determine, for the purposes of section 5, the conditions to be met by a person referred to in that section, the cases or conditions in which an unemancipated minor who is not already domiciled in Québec under article 80 of the Civil Code is considered domiciled in Québec, the time at which and the conditions subject to which a person becomes a resident of Québec as well as the time at which and the conditions subject to which the person ceases to be one, and determine any class of persons referred to in subparagraph 5 of the first paragraph;”;

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

“(l.01) determine in which cases or on which conditions and for which length of time a temporary certificate of registration may be issued;”;

(3) by replacing subparagraph *l.2* by the following subparagraph:

“(l.2) determine the cases in which and the terms and conditions according to which an application for registration, for renewal of registration or for the replacement of a health insurance card or eligibility card must be authenticated;”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

6. Section 5 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by adding the following paragraph at the end:

“The classes of persons determined by a government regulation made under subparagraph 1.1 of the first paragraph of section 78 are also eligible for the plan.”

7. Section 24 of the Act is amended by adding the following paragraph at the end:

“(4) a person under 18 years of age in whose respect a parent or tutor exercises parental authority and to whom paragraph 4 of section 15 applies.”

8. Section 78 of the Act is amended by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

“(1.1) determine, for the purposes of the second paragraph of section 5, classes of persons eligible for the basic plan as well as the conditions those persons must meet to be eligible;”.

ACT RESPECTING END-OF-LIFE CARE

9. Section 29 of the Act respecting end-of-life care (chapter S-32.0001) is amended by adding the following paragraphs at the end:

“If an end-of-life patient has become incapable of giving consent to care after making the request, the physician may nonetheless administer medical aid in dying to the patient, provided that, at the time the patient was at the end of life and before they became incapable of giving consent to care,

(1) all the conditions prescribed in the first paragraph had been met; and

(2) the patient had given consent, in writing and in the presence of a health professional, and within 90 days before the date of administration of the medical aid in dying, to receiving the aid even if they were to become incapable of giving consent to care before the administration of the aid.

Any refusal to receive medical aid in dying expressed by a patient referred to in the preceding paragraph must be respected and it is prohibited to disregard it in any manner.”

REGULATION RESPECTING ELIGIBILITY AND REGISTRATION OF PERSONS IN RESPECT OF THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

10. Section 2 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1) is amended by adding the following paragraph at the end:

“(5) minor foreign nationals who have no legal status with Canadian immigration authorities and who demonstrate their intention to stay in Québec for a period of more than 6 months in the year following the date of their registration.”

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

“2.1. For the purposes of the second paragraph of section 5 of the Act, minor children not already domiciled in Québec under article 80 of the Civil Code are considered domiciled in Québec if they demonstrate their intention to stay in Québec for a period of more than 6 months in the year following the date of their registration.”

12. Section 3 of the Regulation is amended

(1) by inserting “18 years of age or over” after “any dependant” in paragraph 6;

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

“(7) minor foreign nationals who have been granted entry by Canadian immigration authorities for a stay of more than 6 months; and

“(8) children born in Québec if the parent with whom the child lives on a permanent basis has been granted entry by Canadian immigration authorities for a stay of more than 6 months, even if that authorization is valid for a period of less than 6 months from the child’s date of birth.”

13. Section 4 of the Regulation is replaced by the following section:

“**4.** Unless otherwise provided in this Regulation, a person shall become a resident or a temporary resident of Québec from

(a) the first day of the third month following the reference date, in the case of a person of full age; or

(b) the reference date, in the case of a minor child.”

14. Section 4.2 of the Regulation is amended

(1) by striking out “or, in the case of a minor child only, by subparagraph *a* of paragraph 1 of that section” in paragraph 5.1;

(2) by striking out paragraph 6.

15. Section 4.5 of the Regulation is amended

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

“(1) a child born in Québec; and”;

(2) by striking out paragraphs 3 and 4.

16. Section 4.6 of the Regulation is replaced by the following section:

“**4.6.** The following shall become temporary residents of Québec from their date of birth:

(1) a minor foreign national referred to in paragraph 7 of section 3, if the parent with whom he lives on a permanent basis since birth is a temporary resident of Québec at that time, for the period of the stay authorized by Canadian immigration authorities following the child’s birth; and

(2) a child referred to in paragraph 8 of section 3, for the remainder of the stay authorized by Canadian immigration authorities for the child's parent with whom he lives on a permanent basis since birth."

17. Section 15 of the Regulation is amended, in the first paragraph,

(1) by inserting the following subparagraphs after subparagraph 1:

"(1.1) in the case of a minor foreign national referred to in paragraph 5 of section 2, the following documents:

(a) an attestation of school attendance, if he is attending school or, if not attending school, an affidavit by the parent with whom he lives on a permanent basis or by the person who has the care or custody of him, establishing the parent's or person's intention and that of the minor foreign national to stay in Québec for a period of more than 6 months in the year following the minor foreign national's date of registration; and

(b) the original of the minor foreign national's birth certificate or, if the certificate is not in French or in English, or in its absence, in accordance with the order of priority that follows:

i. a passport in French or in English;

ii. an authorization to stay in Canada issued by Canadian immigration authorities, which has expired; or

iii. an affidavit by the parent with whom he lives on a permanent basis or by the person who has the care or custody of him, confirming his official name, date of birth and place of birth;

"(1.2) in the case of a minor child referred to in section 2.1, in addition to one of the documents referred to in any of the subparagraphs of this paragraph applicable to the minor child's situation, one of the following documents, in accordance with the following order of priority:

(a) the original of the authorization issued by Canadian immigration authorities attesting that the parent with whom the child lives on a permanent basis is authorized to stay in Québec for a period of more than 6 months from the child's date of registration;

(b) an attestation of school attendance; or

(c) an affidavit by the parent with whom the child lives on a permanent basis or by the person who has the care or custody of the child, establishing the parent's or person's intention and that of the child to stay in Québec for a period of more than 6 months in the year following the child's date of registration;";

(2) in subparagraph 3,

(a) by inserting “, except a minor foreign national referred to in paragraph 5 of section 2” at the end of the introductory clause of subparagraph *a*;

(b) by adding the following subparagraphs at the end of subparagraph *b*:

“iv. the original of the authorization issued by Canadian immigration authorities for a stay of more than 6 months, in the case of a minor foreign national referred to in paragraph 7 of section 3;

“v. the original of the authorization issued to the parent with whom the child lives on a permanent basis by Canadian immigration authorities for a stay of more than 6 months, in the case of a child referred to in paragraph 8 of section 3;”;

(3) by inserting “18 years of age or over” after “a dependant” in the introductory clause of subparagraph 4.

18. Section 18 of the Regulation is amended by replacing “or, if the resident is a person referred to in paragraph 1 or 2 of section 2, he shall, to renew his registration, apply” in the second paragraph by “or, in the case of a person referred to in paragraph 1, 2 or 5 of section 2, the registration must be renewed”.

19. Section 19.1 of the Regulation is amended by replacing “in paragraph 1 or 2” by “in paragraph 1, 2 or 5”.

20. Section 22 of the Regulation is amended, in the first paragraph,

(1) by replacing “or 2” in the introductory clause by “, 2 or 5”;

(2) by inserting the following subparagraph after subparagraph 2.1:

“(2.1.1) if the applicant is a minor foreign national referred to in paragraph 5 of section 2, the documents listed in subparagraph 1.1 of the first paragraph of section 15;”.

21. The Regulation is amended by adding “AND TEMPORARY CERTIFICATE OF REGISTRATION” after “CARD” in the heading of Division IV.

22. Section 23 of the Regulation is amended

(1) in the first paragraph,

(a) by adding the following subparagraph after subparagraph *d* of subparagraph 1:

“(e) following the registration or renewal of the registration of a minor foreign national referred to in paragraph 5 of section 2;”;

(b) by replacing “in paragraph 1 or 3” in subparagraph *b* of subparagraph 3 by “in paragraph 1, 3 or 7”;

(c) by inserting the following subparagraph after subparagraph 5:

“(5.0.1) for the period of validity specified in the document issued by Canadian immigration authorities to the parent with whom the child lives on a permanent basis, following the registration of a child referred to in paragraph 8 of section 3;”;

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

“Likewise, the Board may not issue to a minor foreign national referred to in paragraph 5 of section 2 or in paragraph 7 of section 3 a health insurance card if the card’s expiry date is later than the day preceding the date of his eighteenth birthday.”

23. Section 23.2 of the Regulation is amended by adding the following paragraph at the end:

“Notwithstanding the first paragraph, the health insurance card of a minor foreign national referred to in paragraph 5 of section 2 and in paragraph 7 of section 3 expires on the last day of the month indicated on the card or on the day preceding the minor foreign national’s eighteenth birthday, whichever occurs first.”

24. The Regulation is amended by inserting the following section after section 24:

“**24.1.** The Board may issue a temporary certificate of registration to an insured person whose health insurance card has been lost, damaged or stolen. The certificate is valid for a maximum of 45 days.

The Board also issues such a certificate to a child born in Québec, where neither parent is eligible for health insurance, as soon as the Board is informed of the child’s birth. The certificate is valid for a period of 45 days.”

REGULATION RESPECTING THE BASIC PRESCRIPTION DRUG INSURANCE PLAN

25. The Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4) is amended by adding the following division before Division I:

“DIVISION 0.1

“ELIGIBILITY FOR THE BASIC PRESCRIPTION DRUG INSURANCE PLAN

“0.1. In addition to the persons referred to in section 5 of the Act respecting prescription drug insurance (chapter A-29.01), persons under 18 years of age who are referred to in paragraph 7 or 8 of section 3 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1) and who are duly registered with the Board in accordance with that Regulation are eligible for the basic prescription drug insurance plan.”

26. Section 7 of the Regulation is amended by adding the following paragraph at the end:

“However, a person referred to in paragraph 4 of section 24 of the Act respecting prescription drug insurance need not provide the information required under subparagraphs 6.1 to 12 of the first paragraph. A person who registers a person to whom this paragraph applies must also specify in which capacity the person is doing so, that is, as father, mother or tutor.”

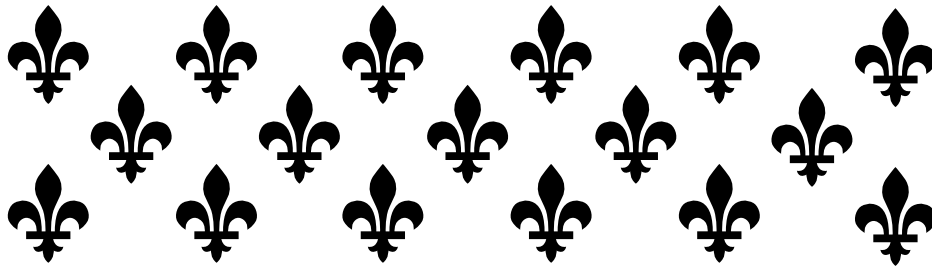
TRANSITIONAL AND FINAL PROVISIONS

27. Despite sections 4, 4.5 and 4.6 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1), as amended by sections 13, 15 and 16, respectively, for the purposes of the Health Insurance Act (chapter A-29), the Act respecting prescription drug insurance (chapter A-29.01) and their regulations,

(1) a child who, on the date of coming into force of section 1 of this Act, becomes a resident of Québec within the meaning of section 5 of the Health Insurance Act, as amended by section 1, is deemed to have become a resident of Québec on that date;

(2) a child who, on the date of coming into force of section 12 of this Act, was not already covered by paragraph 6 of section 3 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec as it read before that date, and who becomes covered by paragraph 7 or 8 of section 3 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec, enacted by section 12, is deemed to have become a temporary resident of Québec on that date.

28. This Act comes into force on the date determined by the Government, except section 9, which comes into force on 11 June 2021.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 214
(Private)

An Act respecting Ville de Sutton

**Introduced 12 November 2020
Passed in principle 8 June 2021
Passed 8 June 2021
Assented to 11 June 2021**

**Québec Official Publisher
2021**

Bill 214

(Private)

AN ACT RESPECTING VILLE DE SUTTON

AS Ville de Sutton passed urban planning By-laws 254 and 256, which were applied as of 2 November 2015, and several by-laws amending them;

AS all of those by-laws were annulled by the Court of Appeal of Québec in a decision rendered on 11 September 2018;

AS the annulment of those by-laws gives effect again to the former by-laws, thereby creating several derogatory situations;

AS those derogatory situations may be prejudicial to persons who acted diligently and in good faith in accordance with the annulled by-laws;

AS it is necessary, in order to avoid such prejudice, to confirm the lawfulness of the actions carried out in compliance with the annulled by-laws;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

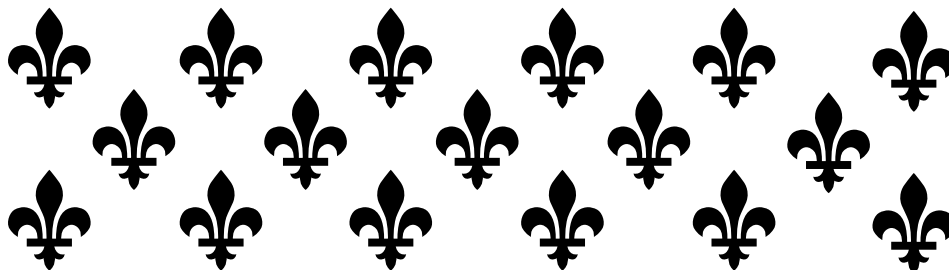
1. Any intervention carried out in the territory of Ville de Sutton is validated to the extent that it was based on annulled provisions of By-laws 254 and 256 and their amending by-laws.

The annulment of those provisions does not prevent the recognition of acquired rights regarding any intervention that complied with them.

For the purposes of this section, “intervention” means a structure, works, use or cadastral operation or any other similar intervention.

2. Any interested person may obtain from Ville de Sutton, with regard to an intervention referred to in the first paragraph of section 1, a certificate indicating that it is validated by this Act.

3. This Act comes into force on 11 June 2021 but has effect from 2 November 2015.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 215
(Private)

An Act respecting Municipalité de Nomingue

**Introduced 12 November 2020
Passed in principle 8 June 2021
Passed 8 June 2021
Assented to 11 June 2021**

**Québec Official Publisher
2021**

Bill 215

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE NOMININGUE

AS it is in the interest of Municipalité de Nominigue that its title to certain immovables situated in its territory and used as Parc Le Renouveau Rosaire-Senéal be regularized;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Municipalité de Nominigue may, in accordance with this Act, become the owner of all the immovables comprising lots 54 to 57 of range 4 of Canton de Loranger, registration division of Labelle, situated in its territory.

The immovables constitute Parc Le Renouveau Rosaire-Senéal.

2. A notice identifying the immovables mentioned in section 1 must be published at least twice in a newspaper distributed in the territory of the municipality. The second publication must be made after the 60th day and not later than the 90th day following the first publication.

3. The transfer of ownership is made by registering a notice referring to this Act in the land register, after the second publication provided for in section 2.

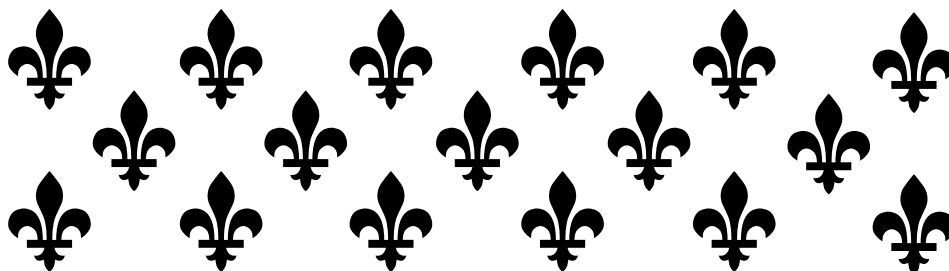
4. Any real right in respect of an immovable referred to in section 1 is extinguished as of the transfer of ownership.

The holder of a real right extinguished under this Act is entitled to claim compensation from Municipalité de Nominigue. The right to the compensation is prescribed by three years from the second publication of the notice provided for in section 2.

The compensation must correspond to a compensation for the loss of the right.

Failing agreement between the holder of a real right and the municipality, the amount of the compensation is set by the Administrative Tribunal of Québec at the request of the claimant or Municipalité de Nominigue, and sections 58 to 68 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

5. This Act comes into force on 11 June 2021.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 216
(Private)

**An Act to amend the Act respecting
the establishment of a special
taxation scheme for the Corporation
de gestion du port de Baie-Comeau**

**Introduced 21 October 2020
Passed in principle 8 June 2021
Passed 8 June 2021
Assented to 11 June 2021**

**Québec Official Publisher
2021**

Bill 216

(Private)

AN ACT TO AMEND THE ACT RESPECTING THE ESTABLISHMENT OF A SPECIAL TAXATION SCHEME FOR THE CORPORATION DE GESTION DU PORT DE BAIE-COMEAU

AS the Act respecting the establishment of a special taxation scheme for the Corporation de gestion du port de Baie-Comeau (2019, chapter 35) confers special powers on Ville de Baie-Comeau that may be exercised with regard to the immovables described in that Act;

AS the Corporation de gestion du port de Baie-Comeau intends to acquire or occupy other immovables and set up port facilities there;

AS there is reason to extend the scope of the powers conferred on Ville de Baie-Comeau by that Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE ESTABLISHMENT OF A SPECIAL TAXATION SCHEME FOR THE CORPORATION DE GESTION DU PORT DE BAIE-COMEAU

1. The Act respecting the establishment of a special taxation scheme for the Corporation de gestion du port de Baie-Comeau (2019, chapter 35) is amended by inserting the following sections after section 3:

“3.1. Ville de Baie-Comeau may also, by by-law, establish a special taxation scheme for the Corporation de gestion du Port de Baie-Comeau for any immovable included in lots 3 210 314, 3 210 315, 3 210 322, 3 210 323, 3 210 326, 3 212 859, 3 212 861, 3 403 087, 3 403 110, 3 403 165, 3 403 166, 3 403 218, 3 446 680, 3 446 692, 3 746 136, 4 605 902 and in the unit without a cadastral survey, identified by the number 960-209182.02, bounded on the north by highway 138, on the west by lot 3 403 198, on the east by the St. Lawrence River and on the south by lot 3 403 166.

The effects of the scheme are that

(1) in the case of an immovable referred to in the first paragraph, except if it is an immovable referred to in subparagraph 2 of this paragraph, the amount of any municipal or school property tax is established by applying the product obtained by multiplying the applicable rate by the coefficient fixed by by-law; the coefficient must be between 0 and 1; and

(2) in the case of an immovable referred to in the first paragraph that is land other than the bed of a watercourse, submerged land or a shore lot, the amount of the general property tax levied by Ville de Baie-Comeau is established by applying the product obtained by multiplying the applicable rate by the coefficient fixed by by-law; the coefficient must be between 0.5 and 1.

“3.2. Ville de Baie-Comeau may grant the Corporation de gestion du port de Baie-Comeau financial assistance following the acquisition of an immovable referred to in the first paragraph of section 3.1.

The amount of the assistance may not exceed the product obtained by multiplying the amount of the general property tax levied on that immovable in the acquisition year by the fraction representing the part of the year remaining on the date of the acquisition.

“3.3. Every year, the Corporation de gestion du port de Baie-Comeau must send its audited financial statements to Ville de Baie-Comeau.

“3.4. The value of any land referred to in subparagraph 2 of the second paragraph of section 3.1 must be indicated separately on the assessment roll.

When the assessment roll is altered to give effect to a change in owner of an immovable acquired by the Corporation de gestion du port de Baie-Comeau, the assessor must make the alteration required under the first paragraph. Chapter XV of the Act respecting municipal taxation (chapter F-2.1) applies to the alteration, with the necessary modifications.”

2. Section 4 of the Act is replaced by the following section:

“4. An authenticated copy of a by-law referred to in sections 3 and 3.1 must be sent as soon as possible after the by-law is passed to the office of each school service centre and school board with jurisdiction over the territory where the immovables referred to in this Act are situated.”

3. Section 5 of the Act is amended by inserting “and in section 3.1” after “section 1”.

4. This Act comes into force on 11 June 2021.

Regulations and other Acts

Gouvernement du Québec

O.C. 1216-2021, 8 September 2021

Financial Administration Act
(chapter A-6.001)

Financial commitments made by a body —Amendment

Regulation to amend the Regulation respecting financial commitments made by a body

WHEREAS under the first paragraph of section 77.3 of the Financial Administration Act (chapter A-6.001), a body may not make a financial commitment determined by government regulation unless the financial commitment is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting financial commitments made by a body was published in Part 2 of the *Gazette officielle du Québec* on 2 June 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting financial commitments made by a body, without amendment;

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

THAT the Regulation to amend the Regulation respecting financial commitments made by a body, attached hereto, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation amending Regulation respecting financial commitments made by a body

Financial Administration Act
(chapter A-6.001, s. 77.3)

1. Subparagraph 11 of first paragraph of section 1 of the Regulation respecting financial commitments made by a body (chapter A-6.001, r. 4) is amended by:

1. inserting “expected” after “whose”;
2. inserting “, including any renewal option,” after “term”;
3. replacing “more than 15 years” by “10 years or more”.

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

105271

Gouvernement du Québec

O.C. 1223-2021, 8 September 2021

Act respecting occupational health and safety
(chapter S-2.1)

Occupational health and safety —Amendment

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7, 9, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

—prescribing standards applicable to every establishment in view of ensuring the health, safety and well-being of workers;

—determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

—prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

—generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 6 January 2021 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendment at its sitting of 17 June 2021;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19 and 42, 2nd and 3rd pars.)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by inserting the following definition after the definition of “instructor”:

““ISO”” means the International Organization for Standardization;”.

2. The following is inserted after section 312.91:

“DIVISION XXVI.11

WORK WHICH INVOLVES A RISK OF DROWNING IN WATER

312.92 Scope: This Division applies to work which involves a risk of drowning in water, subject to the following exclusions:

- (1) it is underwater work;
- (2) the worker is adequately protected from falling into water by common protective devices or equipment.

Despite the first paragraph, this Division also applies to work on a deck boat or an open boat.

312.93 Work which involves a risk of drowning: A worker is at risk of drowning when the worker is above or at less than 2 m from a location where the depth of the water exceeds 1.2 m over more than 2 m in width or a location where the water flow may carry a person away.

312.94 Gathering information and measures for preventing drowning: Before beginning the work, the following information must be available in writing at the workplace:

(1) risks associated to work conditions, according to real data or, if real data is not available, estimated data, in particular information on

(a) the characteristics of the body of water or water-course, including

- i. the depth and flow of the water;
- ii. waves, currents and tides; and
- iii. the temperature of the water;

- (b) the weather conditions during the work;
 - (c) the characteristics of the work stations and travel-ways, including
 - i. the condition of the surface at the water's edge and the slope to reach it; and
 - ii. transportation or movement on the water;
 - (d) the equipment, work methods and site location, including means of communication; and
 - (e) the clothing and equipment to be worn to perform the work;
- (2) the prevention measures to be taken to protect the health and ensure the safety and physical well-being of workers, in particular with respect to
- (a) measures for preventing drowning in accordance with section 312.96; and
 - (b) the rescue measures in the rescue plan provided for in section 312.98 and the time for recovering a person who has fallen into the water.

The information referred to in subparagraphs 1 and 2 of the first paragraph must be determined by a qualified person.

For the purposes of this section, a qualified person means a person who, by reason of knowledge, training or experience, is able to identify, assess and control the risks of drowning.

312.95 Information provided to workers prior to performing work: Before beginning the work, the information referred to in subparagraphs 1 and 2 of the first paragraph of section 312.94 must be conveyed and explained to the worker by a person who is capable of adequately informing the worker on how to perform the work safely.

312.96 Wearing of a personal floatation device or a life jacket: A worker must wear a personal floatation device or a life jacket complying with section 312.97 where no other safety measure may provide efficient protection.

312.97 Characteristics of a personal floatation device or a life jacket: A personal floatation device or a life jacket must be adapted to the work conditions identified for the purposes of subparagraph 1 of the first paragraph of section 312.94 and have enough floatability to keep the worker's head above water.

It must also

- (a) be of the right size;
- (b) be bright in colour and equipped with reflecting strips visible when in water;
- (c) be equipped with a whistle;
- (d) be equipped with a locator device, such as a light or locator beacon, where the weather conditions or waves interfere with location in water; and
- (e) bear a Transport Canada approval stamp or tag or be approved compliant with ISO Standard 12402, Personal floatation devices. Despite the foregoing, where it is used for navigation, it must be approved by Transport Canada.

Despite the first paragraph, it must have a minimum floatability of 69 N (15.5 lbs) and, in whitewater, floatability must be ensured by buoyant materials, regardless of the floatability level required.

For the purposes of the first paragraph, where floatability requires more than 69 N and the site is not in whitewater, floatability may be ensured by buoyant materials, an automatic inflatable system activated upon immersion or a combination of the two.

A personal floatation device or a life jacket must be maintained and checked in accordance with the manufacturer's instructions.

312.98 Rescue plan: A rescue plan including the estimated response time, the equipment and the measures for rescuing a worker who fell into water within that time must be prepared.

The equipment required by a rescue plan and any accessories must be

- (a) adapted to the intended use, the conditions specific to the work and the characteristics of the body of water or the watercourse;
- (b) checked and kept in good order; and
- (c) in place and easily accessible on the work site to be able to respond rapidly.

The rescue plan must include a call and communication protocol to initiate rescue operations and a specific person must be appointed for directing rescue operations.

The rescue plan must be tested through drills that enable in particular workers to become familiar with their role, the communication protocol and the use of the rescue equipment provided.

312.99 Rescue boat: Where the rescue plan provides for the use of a rescue boat, such boat must meet the following conditions in addition to the requirements set out in the second paragraph of section 312.98:

(a) be adapted and equipped for the search and recovery of persons;

(b) be equipped with a propulsion system adapted to the boat;

(c) be equipped with the following rescue equipment:

i. 2 rope bags, each containing 1 single-length buoyant heaving line that remains flexible, with a minimum diameter of 9.5 mm and a minimum length of 15 m;

ii. a life buoy with a minimum outside diameter of 762 mm attached to a buoyant heaving line and approved by Transport Canada as evidenced by the tag or approval stamp affixed to it;

iii. a boat hook;

(d) be used by a team of at least 2 rescue attendants trained in the approach and recovery of a person in the conditions set out in subparagraph 1 of the first paragraph of section 312.94.

312.100 Thermal protection: Where the response time provided for in the rescue plan is greater than 15 minutes and the water temperature is less than 15°C, a worker must wear thermal protective clothing.

The thermal protection must be sufficient to prevent hypothermia during the response time provided for in the rescue plan.”.

3. Sections 355 to 357 are revoked.

4. This Regulation comes into force on 22 March 2022.

105273

Gouvernement du Québec

O.C. 1235-2021, 15 September 2021

Declaration of a special planning zone to permit the development and the continued operation of an engineered landfill on certain lots situated in the territory of Ville de Drummondville

WHEREAS, under sections 158 and 159 of the Act respecting land use planning and development (chapter A-19.1), the Government may, by order, declare any part of the territory of Québec to be a special planning zone for the purpose of solving a development or environmental problem whose urgency or seriousness, in the opinion of the Government, warrants its intervention;

WHEREAS the Saint-Nicéphore engineered landfill, situated in the territory of Ville de Drummondville, is to reach its maximum authorized capacity in the coming weeks;

WHEREAS, by Décret 993-2020 dated 23 September 2020, the Government issued an authorization to WM Québec inc. for the continued operation, up to a maximum of 10 years, of the expansion project for the Saint-Nicéphore engineered landfill in the territory of Ville de Drummondville;

WHEREAS the zoning by-laws of Ville de Drummondville do not allow an engineered landfill to be operated on certain lots situated in the territory of Ville de Drummondville that are included within the perimeter of the project referred to by Décret 993-2020 dated 23 September 2020;

WHEREAS it is not possible to send all of the residual materials currently eliminated at the Saint-Nicéphore engineered landfill to other engineered landfills;

WHEREAS the closure of the Saint-Nicéphore engineered landfill and the impossibility of sending all of the residual materials to other engineered landfills could considerably affect public sanitation;

WHEREAS the Government is of the opinion that the circumstances expose an environmental problem whose seriousness warrants its intervention;

WHEREAS, in accordance with section 161 of the Act respecting land use planning and development, a draft order has been previously published in the *Gazette officielle du Québec* of 7 July 2021 and notified to Ville de Drummondville;

WHEREAS, in accordance with section 163 of the Act, the content of the draft order was the subject of a consultation on 24 August 2021;

WHEREAS, under the first paragraph of section 164 of the Act, the order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is appropriate that the Order in Council be made;

WHEREAS, in accordance with the second paragraph of section 267 of the Act respecting land use planning and development, the Minister of Municipal Affairs and Housing authorized the Minister of the Environment and the Fight Against Climate Change to exercise the powers and perform the duties granted to the Minister under sections 158 to 165 of the Act for the purpose of declaring this special planning zone;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the territory corresponding to lots 3 920 256, 3 920 261, 3 920 262, 3 920 263 and 5 894 954 of the cadastre du Québec, registration division of Drummond, be declared a special planning zone;

THAT the objectives pursued be the following:

(1) preserve public sanitation from the consequences of the Saint-Nicéphore engineered landfill closing;

(2) avoid a serious problem with regard to the management and elimination of residual materials in Québec;

THAT the following land use planning and development controls apply within the perimeter of the special planning zone:

(1) the operation of an engineered landfill is permitted;

(2) any intervention necessary or incidental to the development or operation of an engineered landfill is permitted;

(3) for the purposes of paragraph 2, an intervention includes any activity, construction, alteration, addition, demolition or installation, or any new use of land;

(4) the development standards contained in any instrument of a local municipality or a regional county municipality, including any interim control measure, remain

applicable to the extent that the standards are compatible with the controls provided for by this Order, which excludes, in particular, any municipal standard that would

(a) prevent an intervention referred to in paragraph 2;

(b) subject such an intervention to a municipal authorization;

(5) any intervention referred to in paragraph 2 is subject to the authorization of the Minister of the Environment and the Fight Against Climate Change;

(6) the Minister issues an authorization if the Minister is of the opinion that the proposed intervention complies with the applicable land use planning and development controls;

(7) the Minister may consult Ville de Drummondville and Municipalité régionale de comté de Drummond before issuing an authorization under paragraph 6;

THAT the Minister of the Environment and the Fight Against Climate Change be the authority responsible for the administration of the controls provided for by this Order;

THAT the controls provided for by this Order may be amended or revoked by an order of the Minister of the Environment and the Fight Against Climate Change published in the *Gazette officielle du Québec*;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

YVES OUELLET

Clerk of the Conseil exécutif

105277

Gouvernement du Québec

O.C. 1248-2021, 15 September 2021

Exclusion of the first regulation made under section 56.2 of the Police Act from the application of the Regulations Act

WHEREAS the first paragraph of section 56 of the Police Act (chapter P-13.1) provides that, on a motion of the Prime Minister and with the approval of two-thirds of its Members, the National Assembly must appoint the Director General of the Sûreté du Québec;

WHEREAS the second paragraph of that section provides that the person proposed by the Prime Minister must be chosen from among the candidates declared fit to hold the office by the selection committee formed for that purpose;

WHEREAS the third paragraph of section 56.2 of that Act provides in particular that the selection committee must promptly evaluate the candidates on the basis of their knowledge, particularly of the law enforcement community and the applicable law, their experience and their qualifications, according to the criteria determined by government regulation;

WHEREAS paragraph 6 of section 3 of the Regulations Act (chapter R-18.1) provides that that Act does not apply to such proposed regulations or regulations as the Government may determine by order;

WHEREAS it is expedient to exclude the first regulation made under section 56.2 of the Police Act to allow the selection committee formed under that section to act promptly;

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

THAT the first regulation made under section 56.2 of the Police Act (chapter P-13.1) be excluded from the application of the Regulations Act (chapter R-18.1).

YVES OUELLET
Clerk of the Conseil exécutif

105279

Gouvernement du Québec

O.C. 1249-2021, 15 September 2021

Police Act
(chapter P-13.1)

Sûreté du Québec
— Criteria to be used to evaluate candidates' aptitude to hold the office of Director General

Regulation respecting the criteria to be used to evaluate candidates' aptitude to hold the office of Director General of the Sûreté du Québec

WHEREAS the first paragraph of section 56 of the Police Act (chapter P-13.1) provides that, on a motion of the Prime Minister and with the approval of two-thirds of its Members, the National Assembly must appoint the Director General of the Sûreté du Québec;

WHEREAS the second paragraph of that section provides that the person proposed by the Prime Minister must be chosen from among the candidates declared fit to hold the office by the selection committee formed for that purpose;

WHEREAS the third paragraph of section 56.2 of that Act provides in particular that the selection committee must promptly evaluate the candidates on the basis of their knowledge, particularly of the law enforcement community and the applicable law, their experience and their qualifications, according to the criteria determined by government regulation;

WHEREAS it is expedient to determine the criteria to be used to evaluate candidates' aptitude to hold the office of Director General of the Sûreté du Québec;

WHEREAS, under Order in Council 1248-2021 dated September 15th 2021, the first regulation made under section 56.2 of the Police Act is excluded from the application of the Regulations Act (chapter R-18.1);

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

THAT the Regulation respecting the criteria to be used to evaluate candidates' aptitude to hold the office of Director General of the Sûreté du Québec, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the criteria to be used to evaluate candidates' aptitude to hold the office of Director General of the Sûreté du Québec

Police Act
(chapter P-13.1, s. 56.2)

1. A selection committee formed pursuant to section 56.2 of the Police Act (chapter P-13.1) is to evaluate a candidate's aptitude to hold the office of Director General of the Sûreté du Québec according to the following criteria:

(1) the candidate's knowledge of

(a) the law enforcement community and the applicable law, in particular criminal and penal law and laws relevant to the holding of the office of Director General of the Sûreté du Québec;

(b) the issues associated with the mission of the Sûreté du Québec, its jurisdiction and the services it must provide;

(c) the major social issues, phenomenon of crime and related public policies;

(d) management, particularly as regards the management of public bodies and human resources; and

(e) government organization and administrative operations, in particular the regulatory framework applicable to the Sûreté du Québec;

(2) the candidate's experience and its relevance to the holding of the office of Director General of the Sûreté du Québec

(a) as regards extensive police operations and criminal and penal investigations;

(b) as regards communications, particularly in crisis situations; and

(c) in a managerial capacity;

(3) the candidate's aptitudes, namely

(a) leadership;

(b) sense of public service, ethics and fairness;

(c) judgment and decisiveness;

(d) ability to develop a strategic vision and to lead the organization toward achievement of its objectives;

(e) ability to interpret a complex and evolving environment and adapt to it;

(f) ability to communicate and maintain working relationships and networks; and

(g) ability to manage highly confidential and extensive files.

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

105280

Gouvernement du Québec

O.C. 1250-2021, 15 September 2021

Act respecting parental insurance
(chapter A-29.011)

Regulation — Amendment

Regulation to amend the Regulation under the Act respecting parental insurance

WHEREAS, under section 19 of the Act respecting parental insurance (chapter A-29.011), the benefits may, on the conditions prescribed in a regulation of the Conseil de gestion de l'assurance parentale, be increased, up to the limit fixed in the regulation, where the income is below the threshold determined in the regulation;

WHEREAS, under section 19 of the Act, the regulation establishes, in particular, the constituents of the income taken into account and its calculation method as well as the manner in which an increase is calculated;

WHEREAS the Conseil de gestion, by resolution on 4 June 2021, adopted the Regulation to amend the Regulation under the Act respecting parental insurance;

WHEREAS, under the second paragraph of section 88 of the Act respecting parental insurance, the regulations of the Conseil de gestion require the approval of the Government; the Government may approve them with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation under the Act respecting parental insurance was published in Part 2 of the *Gazette officielle du Québec* of 14 July 2021 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 17 of the Regulations Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

WHEREAS, under subparagraph 1 of the first paragraph of section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date

applicable under section 17 of that Act where the authority that has made or approved it is of the opinion that a reason provided for in the Act under which the regulation may be made or approved, or the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the coming into force of the Regulation to amend the Regulation under the Act respecting parental insurance on a date that is between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of the Regulations Act:

—the Regulation is necessary to ensure the new methods for calculating increases in parental insurance benefits will be implemented as soon as 26 September 2021 for recipients beginning their benefit period on or after that date since they will no longer be eligible for certain temporary income support measures under the employment insurance plan;

WHEREAS it is expedient to approve the Regulation with amendment;

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

THAT the Regulation to amend the Regulation under the Act respecting parental insurance, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting parental insurance

Act respecting parental insurance
(chapter A-29.011, s. 19)

1. The Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2) is amended by replacing sections 44 to 49 by the following:

“**44.** An increase is granted to a recipient whose average weekly earnings are lower than the threshold corresponding to the minimum wage payable under section 3 of the Regulation respecting labour standards (chapter N-1.1,

r. 3) for a regular workweek under section 52 of the Act respecting labour standards (chapter N-1.1). The threshold is established on the date on which the benefit period begins.

The increased weekly benefits are calculated using the method provided for in Schedule A.

The weekly benefits increased in accordance with the second paragraph may not exceed an amount corresponding to 85% of the recipient’s average weekly earnings or, in the case of an election in accordance with section 18 of the Act, 100% of the recipient’s average weekly income.”.

2. The following is added after section 55:

“**55.1.** Section 44 applies to a recipient whose benefit period begins on or after 26 September 2021.

55.2. Sections 44 to 49, as they read on 25 September 2021, continue to apply to a recipient whose benefit period begins not later than that date, whether or not the recipient is eligible for an increase.

Where the benefit period of one of the parents begins on or after 26 September 2021, section 48 of the Regulation does not apply to the other parent whose benefit period began before that date.

55.3. An increase granted to a parent in accordance with sections 44 to 49, as they read on 25 September 2021, does not limit entitlement of the other parent to receive the increase provided for in section 44, if the parent’s benefit period begins on or after 26 September 2021, despite section 48, as it read on 25 September 2021.”.

3. The following is added at the end of the Regulation:

“**SCHEDULE A**
(s. 44)

METHOD FOR CALCULATING THE INCREASED WEEKLY BENEFITS

The increased weekly benefits allows the increase of the income replacement rate of the eligible recipient and varies based on the average weekly earnings of each recipient. It ensures a decreasing increase of the income replacement rate so that the increase becomes nil when the average weekly earnings reach the level of eligibility under the measure. The increased weekly benefits is calculated using the following method:

If the average weekly earnings are lower than the threshold determined in the first paragraph of section 44,

(a) the increased weekly benefits is equal to the lesser of the following amounts:

(85% x AWE) and (Rate x Threshold);

(b) in the case of an election in accordance with section 18 of the Act, the increased weekly benefits is equal to the lesser of the following amounts:

(100% x AWE) and (Rate x Threshold).

In the method provided for above,

(a) “AWE” is the average weekly earnings established in accordance with section 21 of the Act;

(b) “Threshold” is the hourly rate of the minimum wage multiplied by the number of hours for a regular workweek, as determined in the first paragraph of section 44;

(c) “Rate” is the income replacement rate applicable under section 18 of the Act.

If the average weekly earnings are equal to or higher than the threshold determined in the first paragraph of section 44, no increase is granted.”.

4. This Regulation comes into force on 26 September 2021.

105278

M.O., 2021

Order of the Minister of the Environment and the Fight Against Climate Change dated 10 September 2021

Natural Heritage Conservation Act
(chapter C-61.01)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1)

Assignment of temporary protection status to a maritime territory situated in the Gulf of St. Lawrence, in the Gaspésie–Îles-de-la-Madeleine region, as Réserve aquatique projetée du Banc-des-Américains, and establishment of the plan and the conservation plan of that area

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

CONSIDERING section 65 of the Act to amend the Natural Heritage Conservation Act and other provisions (2021, chapter 1), which provides that sections 27, 29 to 31 and 33 of the Natural Heritage Conservation Act (chapter C-61.01), as they read on 18 March 2021, continue to apply to the Réserve aquatique projetée du Banc-des-Américains;

CONSIDERING the first paragraph of section 27 of the Natural Heritage Conservation Act, as it reads on 18 March 2021, 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 that, on 4 March 2019, the Gouvernement du Québec and the Government of Canada entered into the Accord Canada-Québec relatif au projet conjoint d’aire marine protégée du Banc-des-Américains, which was approved by the Gouvernement du Québec by Décret 1471-2018 dated 19 December 2018;

CONSIDERING that to foster the protection and maintenance of the exceptional marine biodiversity, the territory of the banc des Américains, situated in the Gulf of St. Lawrence, requires temporary protection in order to subsequently grant permanent protection status;

CONSIDERING Order in Council 760-2021 dated 2 June 2021 authorizing the Minister of the Environment and the Fight Against Climate Change to assign temporary protection status to a maritime territory situated in the Gulf of St. Lawrence, in the Gaspésie–Îles-de-la-Madeleine region, as Réserve aquatique projetée du Banc-des-Américains, to prepare the plan of the area and to establish its conservation plan;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 23 June 2021, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of the draft conservation plan of the Réserve aquatique projetée du Banc-des-Américains, 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 Natural Heritage Conservation Act, as it reads on 18 March 2021, 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 maritime territory situated in the Gulf of St. Lawrence, as Réserve aquatique projetée du Banc-des-Américains, 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 aquatique projetée du Banc-des-Américains, attached to this Minister's Order, is established;

The plan of the Réserve aquatique projetée du Banc-des-Américains, attached to the conservation plan, is prepared.

Québec, 10 September 2021

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

Temporary protection status assigned as Réserve aquatique projetée du Banc-des-Américains

Natural Heritage Conservation Act
(chapter C-61.01, s. 27)

Act to amend the Natural Heritage Conservation Act
and other provisions
(2021, chapter 1, s. 65)

1. The conservation plan of the Réserve aquatique projetée du Banc-des-Américains appears in Schedule A.

2. The territory appearing as a schedule to the conservation plan constitutes the Réserve aquatique projetée du Banc-des-Américains.

3. The temporary status as proposed aquatic reserve and the conservation plan of the Réserve aquatique projetée du Banc-des-Américains, applicable to the territory appearing as a schedule to the document, come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

SCHEDULE A**CONSERVATION PLAN OF THE RÉSERVE AQUATIQUE PROJETÉE DU
BANC-DES-AMÉRICAINS**

(s. 1)

QUÉBEC STRATEGY FOR PROTECTED AREAS**Réserve
aquatique
projetée du
Banc-des-
Américains****Conservation plan****April 2021**

1. Protection status and toponym

The governments of Québec and Canada have agreed to ensure the preservation of the Banc-des-Américains area in Gaspésie, by jointly creating a marine protected area (MPA). To that end, on March 4, 2019, they concluded a bilateral agreement under which a marine reserve will be created under the responsibility of the Ministère de l'Environnement et de la Lutte contre les changements climatiques, and a marine protected area under the responsibility of Fisheries and Oceans Canada. The boundaries and zoning of the territory for protection status will be the same in both cases. The two governments have also agreed to create a management committee to harmonize their respective interventions in the Banc-des-Américains Marine Protected Area.

A proposed aquatic reserve is a legal protected status governed by sections 27, 29-31, 33 and 34 of the *Natural Heritage Conservation Act* (chapter C-61.01), as it reads on March 18, 2021. The envisaged permanent marine protected area status is also governed by this law.

The principal objectives of Réserve aquatique projetée du Banc-des-Américains are to preserve a marine area of exceptional ecological value in the Gulf of St. Lawrence, to protect an underwater relief unlike any other in the Estuary and Gulf of St. Lawrence natural province, to preserve its biodiversity and to promote the recovery of threatened and vulnerable species.

The provisional toponym for the territory is "Réserve aquatique projetée du Banc-des-Américains." The official toponym will be determined when the territory is given permanent protection status.

2. Plan and description

2.1. Geographical location, boundaries and dimensions

The boundaries and location of the proposed aquatic reserve are shown on the map in Schedule 1.

The proposed aquatic reserve lies to the east of the Gaspé Peninsula, in the administrative region of Gaspésie—Îles-de-la-Madeleine, between 48° 29' and 48° 45' north latitude and between 63° 40' and 64° 08' west longitude. It straddles territory in the municipalities of Gaspé to the north and Percé to the south, which lie in the regional county municipalities of La Côte-de-Gaspé and Le Rocher-Percé respectively.

The proposed aquatic reserve encompasses the rocky ridge, peaks and escarpments of Banc-des-Américains, part of the adjacent plains, and a portion of the infra littoral zone to the west. Rectangular in shape, it includes the water column, seabed and subsoil to a depth of five meters, and has an area of about 1000 km².

2.2. Ecological overview

Banc-des-Américains is an underwater relief extending from Forillon Peninsula on the south flank of the Laurentian Channel. Lying 6 kilometers from Cap Gaspé, its ridge is nearly 34 kilometers in length, extending to the southeast and terminating by a rocky cliff and two undersea adjacent plains. Depth varies between 12 meters at the summit of the ridge and an average of 90 meters on the southwest plain, to an average of 140 meters on the northeast plain. Among the various trenches scattered around the crest, the deepest reach up to 200 meters in depth. The ridge and cliff feature a compacted substrate. The gentlest slopes and adjacent plains are, as a rule, covered by sandy sedimentary rock and ooze. In the northeast, the proposed reserve is crossed by glacial furrows 6 meters in depth and over a kilometer in length. Based on the ecological reference framework for Québec, there is no other ecosystem assembly of this nature in the Estuary and Gulf of St. Lawrence natural province.

The proposed aquatic reserve is influenced by the Gaspé Current, which rises in the maritime estuary and follows the Gaspé Peninsula out to some twenty nautical miles offshore. The current primarily affects the first 50 meters of the upper layer of water. In the area of the shoal, the tidal current has an average speed of one knot, with a tidal range of up to 1.8 meters in the highest tides. Surface water temperatures range from -1 °C in winter to 16 °C in summer, while they are relatively stable in depth with values ranging from -3°C to 3°C. Salinity varies from 26 to 32 PSU in the surface water layer due to freshwater input from the Gaspé Current, while remaining relatively constant at 32 to 34 PSU in deep water (below 50 meters).

The Gaspé Current carries significant quantities of nutrients and plankton—consisting of diatoms, dinoflagellates, krill, invertebrate larvae and fish—which are held around Banc-des-Américains by a counterclockwise gyre. This oceanographic phenomenon, associated with a wide range of habitats (ridges, escarpments, cliffs, trenches, plains, etc.) and the water stratification during spring and summer, result in high biological productivity.

The area is characterized by a marked diversity and wealth of benthic fauna. Distinctive ridge, plain and cliff sector assemblages can be observed in the proposed reserve. In shallower water (<100 meters) Ophiuroidea is dominant, while at greater depth, shrimp and other arthropods are more abundant. For example, on the ridge, highly dense colonies of frilled anemone have been observed in association with bushy hydrozoans, red algae, sea cucumbers and fish of the cottidae family. The cliff favours the stratification of sessile species such as anemones, sponges, sea urchins and starfish. Within the proposed reserve, snow crab, American lobster, rock crab, waved whelk, Iceland scallop and northern shrimp can be found. The planktonic and benthic biomass of Banc-des-Américains attracts a wide variety of pelagic and groundfish species. Some of these species are abundant, including Atlantic cod, Atlantic halibut, Greenland halibut, witch flounder, deepwater redfish, Acadian redfish, capelin, Atlantic herring and Atlantic mackerel. Species that may frequent the area include American shad designated as vulnerable pursuant to the *Act respecting threatened or vulnerable species* (chapter E-12.01) and several species likely to be

designated as threatened or vulnerable, including Atlantic sturgeon, American eel, striped bass, sea trout, Arctic rainbow smelt, alewife, salmon, Atlantic, spotted and northern wolffish, Atlantic cod (Laurentian South population), porbeagle shark, blue shark and winter skate.

Réserve aquatique projetée du Banc-des-Américains is also a feeding ground or migration route for a number of species of marine mammals. Eighteen species may potentially frequent the area at one point or another over the course of a year. The most common are the humpback whale, blue whale, fin whale, minke whale, Atlantic white-sided dolphin, harbour porpoise, harbour seal and grey seal. According to the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), some species are endangered, such as the North Atlantic right whale, Atlantic Blue Whale and Beluga of the St. Lawrence Estuary, which may be observed in the area. The killer whale, an occasional visitor to the waters bordering the Banc-des-Américains, is considered a species of concern.

Small numbers of leatherback turtle (the largest turtle in the world) likely frequent the Banc-des-Américains area, particularly from June to October. This species is considered threatened in Québec under the *Act respecting threatened or vulnerable species*.

The Banc-des-Américains area is highly prized by sea birds that nest on the cliffs nearby and on Bonaventure Island, Percé Rock and the islands scattered along the Gaspé coast. The proposed aquatic reserve is especially valuable as a feeding ground for many species, such as the northern gannet, Atlantic puffin, razorbill, common murre, black guillemot, Leach's storm-petrel and black-legged kittiwake. Other, rarer pelagic species, such as northern fulmar, great shearwater, Wilson's storm-petrel and ivory gull, may also be present from August to October. From autumn to spring, large gatherings of common eider, red-breasted merganser, common goldeneye, long-tailed duck and black, velvet and surf scoter can be observed off the coast of the peninsula. During this period, other birds regularly seen are king eider, harlequin duck and Barrow's goldeneye, the latter two being designated as vulnerable under the *Act respecting threatened or vulnerable species*.

2.3. Land occupation and uses

Various indigenous groups settled in the Gaspé-Percé area during the prehistoric era to take advantage of the rich plant and wildlife resources of the Banc-des-Américains. European fishermen learned of this region at the beginning of the 16th century, with the first Québec fishing settlements appearing in the 17th century. Throughout the New France era, the cod fishery supplied the markets of Montréal, Québec City and France with sustenance that was both inexpensive and easy to store. After the conquest of New France, the fishery continued to grow, with large numbers of new settlements making it possible to both exploit the traditional fish resource and develop whaling.

The toponym “Banc-des-Américains” refers to the days when flotillas of fishing boats from the United States frequented the area to fish for cod. In the 1990s, a moratorium was placed on cod fishing due to the increasing rarity of stocks. Commercial fishers turned to snow crab, and to a lesser extent, Atlantic halibut, Greenland halibut and shrimp. There are around ten mariculture sites in Gaspé Bay, but none in the proposed aquatic reserve.

The proposed reserve is free of maritime infrastructures (ports, docks, marinas, etc.), submarine cables and hydrocarbons licenses. Along the coast between Gaspé and Rivière-au-Renard there are thirteen ports, primarily serving the needs of commercial fishers, sport fishers and recreational boaters.

On the periphery of the proposed reserve, there are multiple terrestrial protected areas. They include Parc national de l'Île-Bonaventure-et-du-Rocher-Percé, Forillon National Park, a migratory bird refuge and more than fifteen wildlife habitats (waterfowl gathering areas, seabird nesting cliffs, etc.). The proposed reserve consolidates the regional network of protected areas by strengthening conservation in a marine territory of exceptional biodiversity.

Due to its distance from the coast, the proposed reserve has few activities except for marine mammal observation cruises, boat fishing and recreational boating. However, it is regularly crossed by commercial vessels, including freighters, cruise ships and fishing boats.

The inventory drawn up by the Ministère de la Culture et des Communications currently lists only five archaeological sites within the boundaries of the proposed aquatic reserve. However, it is presumed that the reserve actually has major archaeological potential due to the historical importance of the Banc-des-Américains and the large number of sunken ships that probably lie in its waters. The shipwrecks bear witness not only to exploitation of the resource, but also to commerce and sea traffic that became rooted in the area over the centuries.

3. Zoning

Considering the use of the territory, the types of ecosystems and the protection and management objectives targeted in Réserve aquatique projetée du Banc-des-Américains, the area has been subdivided into two zones. The boundaries of the zones are shown in Schedule 2.

The zones are:

- Zone 1: Banc-des-Américains ridge
- Zone 2 (2a and 2b): Adjacent plains

Zone 1: Banc-des-Américains ridge

Zone 1 consists of Banc-des-Américains proper, a submarine elevation occupying about 126 km², roughly 10% of the area of the proposed aquatic reserve. It is the richest in biodiversity, as well as being the most fragile. It therefore requires the most restrictive management measures, particularly with regard to activities that could affect the seabed.

Zone 2 (2a and 2b): Adjacent plains

Zone 2 (2a and 2b) is composed of two sections that correspond to the plains adjacent to Banc-des-Américains. It covers about 874 km², which is nearly 90% of the total area of the proposed aquatic reserve.

The Ministère will take both overall zoning and the particular features of each zone into account both in its management of the proposed reserve and when studying authorization various requests for authorization of activities or development work. The activities framework in section 4 provides different restrictions for the two zones.

With respect to the permanent aquatic reserve, the conservation measures and zoning associated with the various levels of protection that have been proposed are identical to those set aside during the proposed reserve process.

4. Activities framework

§ Introduction

The purpose of the proposed aquatic reserve is to protect natural environments composed mainly of water, in particular because of the exceptional value they represent scientifically or for the biodiversity conservation of their biocenosis and their biotopes. Activities that may have a significant impact on biodiversity, particularly industrial activities, are prohibited. The proposed aquatic reserve must be considered to be a territory dedicated to the protection of the natural environment, the discovery of nature and recreation.

Activities carried on within the proposed aquatic reserve are governed mainly by the Natural Heritage Conservation Act. Under section 34 of the Act, as it reads on 18 March 2021, the main activities prohibited in a territory to which status as a proposed aquatic reserve has been assigned are

- mining, and gas or petroleum development; and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

Although fundamental for the protection of the territory and ecosystems therein, the prohibitions are not always sufficient to ensure the protection of the natural environment and good management of the proposed aquatic reserve. The *Natural Heritage Conservation Act* makes it possible to specify in the conservation plan the legal framework applicable in the territory of the proposed aquatic reserve.

This section provides for prohibitions in addition to those already applicable in the territory of the Réserve aquatique projetée du Banc-des-Américains, under the *Natural Heritage Conservation Act*. It also sets out the conditions under which certain activities are permitted or may be authorized by the Minister, in conformity with the principles of conservation and other objectives of management of the proposed aquatic reserve. A greater number of prohibitions apply in zone 1 of the reserve since the ecosystems and habitats in that zone of the reserve are more fragile than those in zones 2a and 2b. Certain activities prohibited in zone 1 are, in zones 2a and 2b, subject to an authorization from the Minister.

§ Prohibitions, prior authorizations and other conditions governing certain activities in the Réserve aquatique projetée du Banc-des-Américains

Chapter I – Prohibited activities

4.1 In addition to the activities referred to in subparagraph 1 of the first paragraph of section 34 of the *Natural Heritage Conservation Act*, as it reads on 18 March 2021, the following activities are prohibited in zones 1, 2a and 2b of the proposed aquatic reserve:

- (1) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring even where those activities do not necessitate stripping, the digging of trenches or excavation;
- (2) the transportation of mineral substances and hydrocarbons;
- (3) the transmission, transformation and distribution of energy on a commercial or industrial basis;
- (4) aquaculture;
- (5) the use of fertilizers, fertilizing materials and pesticides;
- (6) the introduction of faunal and plant specimens and individuals of non-native species into the environment;
- (7) any other activity likely to degrade the soil or a geological formation or otherwise affect the integrity of the marine environment, in particular by stripping, the digging of trenches or excavation work.

Chapter II – Activities requiring an authorization

4.2 In zones 1, 2a and 2b of the proposed aquatic reserve, the following activities are subject to an authorization:

- (1) scientific research and ecological monitoring;
- (2) activities carried out for the maintenance of biodiversity;
- (3) educational activities;
- (4) commercial tourism.

4.3 An application for authorization must contain the information listed in Schedule 3. The Minister may require an applicant to provide any information or document the Minister considers is necessary to examine an application or make an authorization subject to appropriate conditions, including the requirement to provide a financial guarantee.

Chapter III – Activities permitted

4.4 In addition to the activities referred to in subparagraph 2 of the first paragraph of section 34 of the Natural Heritage Conservation Act, as it reads on 18 March 2021, the following activities are permitted in zones 1, 2a and 2b of the proposed aquatic reserve:

- (1) activities for ensuring public safety or the application of the Act, or for responding to an emergency;
- (2) activities carried out by a member of an Aboriginal community where the activities are 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.

5. Activities governed by other laws

Some activities that may potentially be carried out in the proposed aquatic reserve are also governed by other applicable legislative and regulatory provisions, and may require a permit, authorization or the payment of fees. Some activities could be prohibited or limited under other laws or regulations applicable within the proposed aquatic reserve.

Other legal frameworks may govern activities that are permitted or subject to authorization within a proposed aquatic reserve, as follows:

- **Protection of the environment:** measures set out in particular by the *Environment Quality Act* (chapter Q-2) and its regulations.

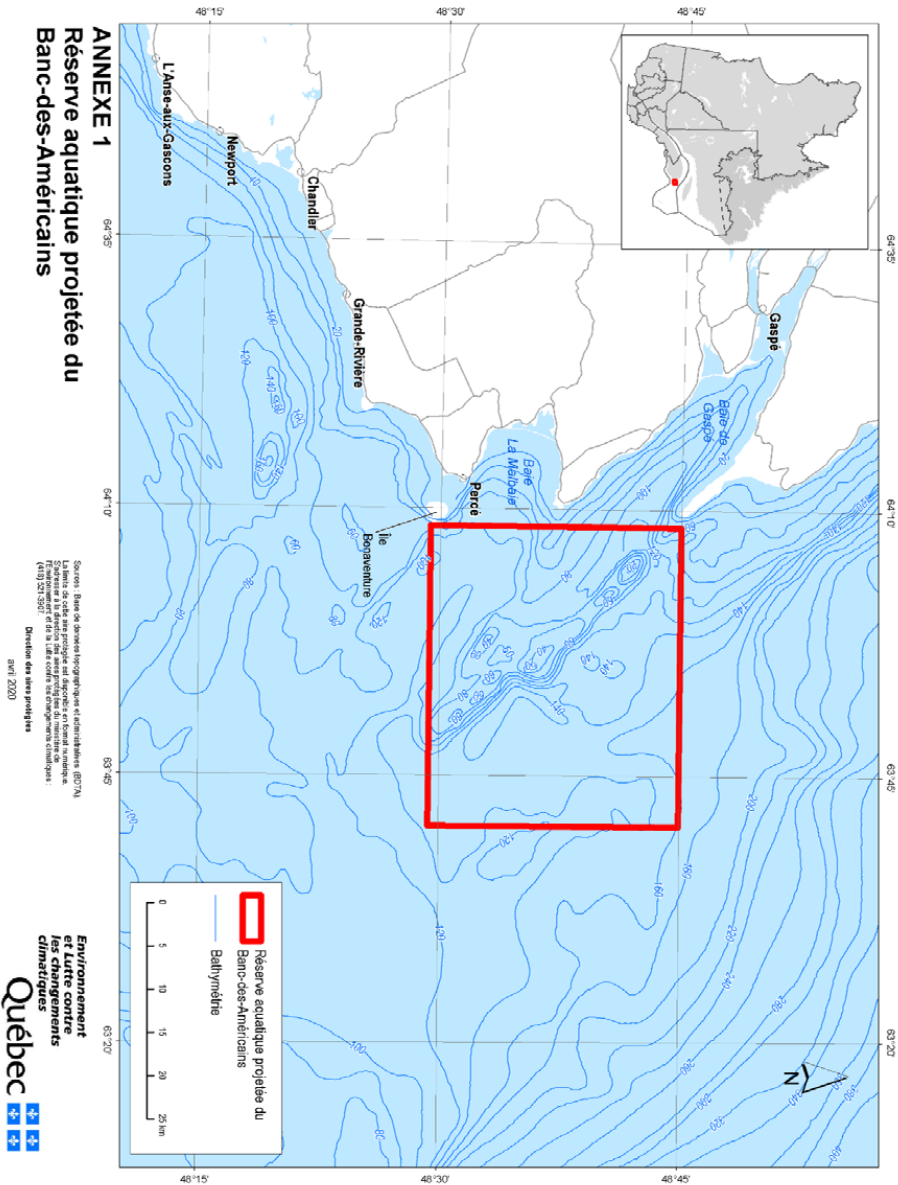
- **Plant species designated as threatened or vulnerable:** measures prohibiting the harvesting of such species under the *Act respecting threatened or vulnerable species* (chapter E-12.01).
- **Exploitation and conservation of wildlife resources:** Measures set out in the *Act respecting the conservation and development of wildlife* (chapter C-61.1) and its regulations, including the provisions in respect of threatened and/or vulnerable wildlife species and restrictions on sport and commercial fishing stemming from the implementation of the Quebec Fishery Regulations (1990) (SOR/90-214), the *Fisheries Act* (R.S.C., 1985, c. F-14) and the Banc-des-Américains Marine Protected Area Regulations (SOR/2019-50) by the responsible ministers
- **Archaeological research and discoveries:** measures set out in particular by the *Cultural Heritage Act* (chapter P-9.002).
- **Access and property rights related to the domain of the State:** measures set out in particular by the *Act respecting the lands in the domain of the State* (chapter T-8.1) and the *Watercourses Act* (chapter R-13).

Pursuant to the Canada-Quebec Collaborative Agreement on the proposed Banc-des-Américains marine protected area, carrying out various activities is subject to approval of a plan of activity by Fisheries and Oceans Canada and/or an authorization issued by the Ministère de l'Environnement et de la Lutte contre les changements climatiques.

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

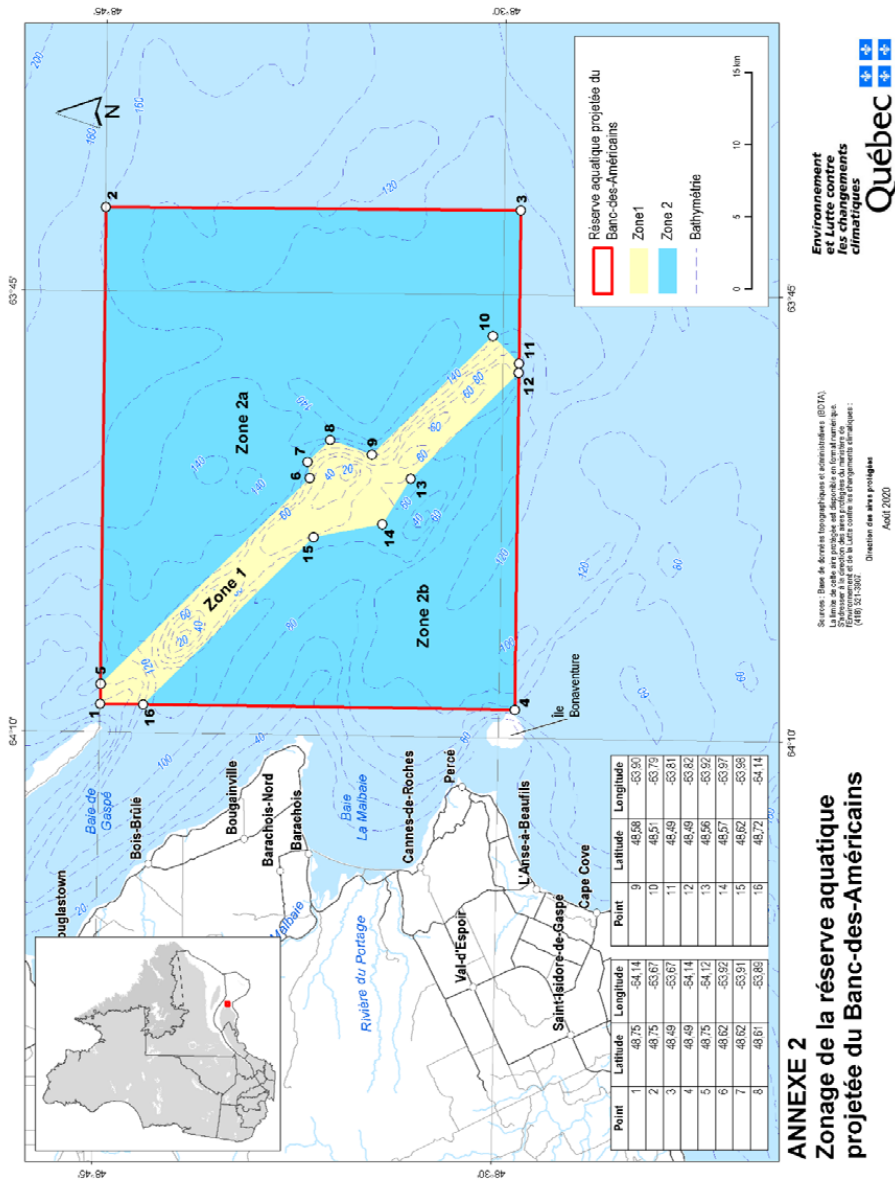
The Minister of the Environment and the Fight against Climate Change is responsible for ensuring compliance with the *Natural Heritage Conservation Act* and the activities regime set out in the conservation plan. Among other things, the Minister ensures monitoring and control of activities that may take place within the proposed aquatic reserve. The tools needed by users of the reserve to guide their authorization requests will be made available to them. In managing the proposed aquatic reserve, the Minister also enjoys collaboration and participation by other representatives of the governments of Québec and Canada that have specific responsibilities in or adjacent to the territory. They include the Québec Minister of Forests, Wildlife and Parks, Minister of Energy and Natural Resources and Minister of Agriculture, Fisheries and Food, as well as Minister of Fisheries and Oceans Canada. All these ministries are signatories to the *Canada-Québec joint project agreement regarding the Banc-des-Américains Marine Protected Area*. In carrying out their functions they will take into account the protection desired for the natural environments within the reserve and the protection status now granted to them.

Schedule 1
Map of Réserve aquatique projetée du Banc-des-Américains



Schedule 2

Zoning of Réserve aquatique projetée du Banc-des-Américains



Schedule 3

Information required when submitting an authorization request

Section 4.3

All authorization requests must include (without being limited to) the following information:

- 1° A confidentiality statement;
- 2° The name of the person in charge of the proposed activity, their contact information (address, telephone numbers and email address) and the name of their affiliated institution or organization;
- 3° The name and type of each vessel expected to be used for the activity, including the country/state of registry, registration number, radio call sign and contact information (name, address, telephone numbers and email address) of the vessel's owner, captain and operator;
- 4° A description of the activity:
 - a) General description;
 - b) Purpose of the proposed activity and description of how it will:
 - i) further knowledge about the biodiversity and biological productivity, habitats of living marine organisms, ecological functions or any living marine organism, including fish species, forage species or species at risk, within the proposed aquatic reserve;
 - ii) contribute to the management of the proposed aquatic reserve or to raising public awareness about it;
 - c) A detailed description of the proposed activity, including:
 - i) the geographic coordinates of the site of the proposed activity, with a map showing its location within the proposed aquatic reserve;
 - ii) the planned date of the proposed activity, as well as alternate dates and estimated duration;
 - iii) the methods and techniques that will be used within the framework of the proposed activity, and the data that will be collected;
 - iv) a list of the equipment that will be used, how it will be deployed and recovered, and how it will be anchored or secured;
 - v) a list of the samples (type and quantity) that will be collected;

- vi) a description of any scientific research, ecological monitoring, biodiversity conservation, and educational or commercial maritime tourism that the applicant has already carried out or intends to carry out at a later date within the proposed aquatic reserve;
- d) Copies of all other required authorizations;
- 5° Justification for access to the proposed aquatic reserve;
- 6° G general description of the studies, reports or other publications that would result from the proposed activity, and their expected date of completion;
- 7° Potential impacts of the activity on ecosystems and species, including a description of any potential negative environmental effects;
- 8° Envisioned mitigation measures;
- 9° Envisioned protection and safety measures for deployment in the field.

105276

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec — Regulation in family matters — Amendment

Notice is hereby given, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), that the Regulation to amend the Regulation of the Superior Court of Québec in family matters, appearing below, was adopted on May 31st, 2021 and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

The Honourable JACQUES R. FOURNIER
Chief Justice of the Superior Court

Regulation to amend the Regulation of the Superior Court of Québec in family matters

Code of Civil Procedure
(chapter C-25.01, art. 63)

1. The Regulation of the Superior Court of Québec in family matters (chapter C-25.01, r. 0.2.4) is amended in section 4 by replacing the fourth paragraph by the following:

“The appellant may invoke grounds not stated in the notice of appeal by filing a notice with the clerk of the Court stating such grounds precisely and concisely, together with proof of notification to the respondent or the respondent’s lawyer, before the appeal is heard and not later than 15 days after the filing of the complete transcript of the proceedings.”

2. Section 8 is amended by replacing “served” by “notified”.

3. Section 11 is amended by replacing “served” by “notified”.

4. Section 15 is replaced by the following:

“15. Interim release in the field of youth criminal justice: The Court may, after the filing of the notice of appeal or an application for review of the sentencing decision, upon a written application presented with at least 3 days’ written notice, notified to the prosecutor and filed with the court office, order the interim release of the appellant and set conditions.”

5. Section 16 is replaced by the following:

“16. Mandatory information: In all pending cases, the parties must attest to whether or not they are subject to

(a) a civil protection order provided for in article 509 of the Code of Civil Procedure (chapter C-25.01) or an application concerning such an order;

(b) an order, an application, an agreement or a decision relating to youth protection; or

(c) an order, an indictment, an undertaking or a recognizance relating to a criminal matter.

A party in one of the situations referred to in subparagraph *a* or *c* of the first paragraph must file a notice with the court office and, if the other party or a child concerned by the proceedings is named, include a copy of the order, undertaking, recognizance, indictment or application concerning a protection order.

A party in the situation referred to in subparagraph *b* of the first paragraph must file a notice with the court office and, if a child concerned by the proceedings is named, include a copy of the order, application, agreement or decision.

If the situation changes in the course of the proceedings, the party concerned must, as soon as possible, file a new notice with the court office and, if the other party or a child concerned by the proceedings is named, include the documents that show that fact.

A model notice is posted on the Superior Court website.”.

6. Section 17 is replaced by the following:

“17. Documents attesting to the birth of the parties: In every application for divorce, separation, the annulment of marriage, or the annulment or dissolution of a civil union, a photocopy of the birth certificate, of the copy of the act of birth or of any other document issued by a competent authority other than the registrar of civil status in Québec and attesting to the birth of the parties concerned by the application must be filed; however, if the information shown in the photocopy is contested, the original must be filed.”.

7. The following is inserted after section 17:

“17.1. Documents attesting to the birth of a child: In every originating application concerning custody, access, parenting time, contact or tutorship to a child, a photocopy of the birth certificate, of the copy of the act of birth or of any other document issued by a competent authority other than the registrar of civil status in Québec attesting to the birth of the child concerned by the application must be filed; however, if the information shown in the photocopy is contested, the original must be filed.

In every application concerning the filiation of a child, the original of the child’s birth certificate, of the copy of the child’s act of birth or of any other document issued by a competent authority other than the registrar of civil status in Québec attesting to the child’s birth must be filed.

“17.2. Documents attesting to marriage: In every application for divorce, separation or the annulment of marriage, a photocopy of the marriage certificate or of the copy of the act of marriage must be filed, unless the information shown in the photocopy is contested or the document was issued by a competent authority other than the registrar of civil status in Québec, in which case the original must be filed.

In every application for the annulment or dissolution of a civil union, a photocopy of the civil union certificate or of the copy of the act of civil union must be filed as evidence, unless the information shown in the photocopy is contested or the document was issued by a competent authority other than the registrar of civil status in Québec, in which case the original must be filed.”.

8. The following is inserted after section 18:

“18.1. Attestation: An application for divorce and any pleading filed by a party in response to such an application must include a statement by that party that it is aware of its obligations under sections 7.1 to 7.5 of the Divorce Act (R.S.C. 1985, c. 3 (2nd Supp.)).

An application for divorce and any pleading filed in response to such an application by a lawyer or notary must include a statement attesting that the lawyer or notary has complied with the obligations imposed by section 7.7 of the Divorce Act.”.

9. Section 21 is amended by replacing “déposées” in the French text by “produites”.

10. The heading of Division II of Chapter III is replaced by the following: “SUPPORT FOR A SPOUSE, FORMER SPOUSE OR CHILD”.

11. Section 22 is replaced by the following:

“22. In any application for support for a spouse or former spouse or for the varying of support, the parties must complete Form III, notify it and file it with the court office within the time prescribed in the second paragraph of article 413 of the Code of Civil Procedure (chapter C-25-01).”.

12. Sections 23 and 24 are revoked.

13. Section 26 is replaced by the following:

“26. Trial on the merits: Both parties must notify to each other an up-to-date statement of their financial situation drawn up in accordance with Form III and an up-to-date child support determination form at

least 10 days before the date of the trial on the merits, or at the time fixed by the person who presides over the pre-trial conference.”.

14. The following is inserted after section 26:

“**26.1.** In every application concerning the parents’ obligation of support towards their children, the parties must file, in addition to the child support determination form duly completed by each parent, the statement of the tax calculations, if any, used to determine their income or the expenses claimed for the benefit of their children.”.

15. Section 27 is replaced by the following:

“**27. Mandatory information:** In every application for separation as to bed and board, the annulment of marriage, divorce, or the annulment or dissolution of a civil union, the applicant must communicate to the respondent and file in the court record either a declaration by the parties that they are not subject to the rules governing family patrimony, a renunciation of partition, a declaration that partition is not contested, or a form used to calculate the state of the family patrimony accompanied by a sworn statement within 180 days of serving the application.

If the respondent contests the form used to calculate the state of the family patrimony, the respondent must communicate to the applicant and file in the court record the respondent’s own form used to calculate the state of the family patrimony supported by a sworn statement within 30 days after the applicant communicated the original form used to calculate the state of the family patrimony.

The form used to calculate the state of the family patrimony is drawn up as established by directive by the Chief Justice and published on the Superior Court website.”.

16. Section 29 is replaced by the following:

“**29. Mandatory information:** In every application for separation as to bed and board, the annulment of marriage, divorce, or the annulment or dissolution of a civil union, the applicant must communicate to the respondent and file in the court record a form used to calculate the state of the partnership of acquests supported by a sworn statement within 180 days of service of the application.

If the respondent contests the form used to calculate the state of the partnership of acquests, the respondent must communicate to the applicant and file in the court record the respondent’s own form used to calculate the state of the partnership of acquests within 30 days after the applicant communicated the original form used to calculate the state of the partnership of acquests.

The form used to calculate the state of the partnership of acquests is drawn up as established by directive by the Chief Justice and published on the Superior Court website.”.

17. The heading of Division V of Chapter III is replaced by the following: “**PSYCHOSOCIAL EVALUATION AND REPORTS TO BE FILED IN A SEALED ENVELOPE**”.

18. Section 31 is amended

(1) by inserting “, access rights, the allocation and exercise of parenting time or contact,” after “child custody” in the first paragraph;

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

“Where applicable, consent, drafted in accordance with Form IV and signed by the parties, their lawyers and the child if 14 years of age or older, is filed in the record.”.

19. Section 32 is amended by replacing “**Forwarding of expert report**” by “**Forwarding of report from the Service d’expertise psychosociale**”.

20. Section 34 is amended

(1) by replacing “Form V,” by “Form V or made by judgment,”;

(2) by replacing “on the same form” by “in the same order or judgment, authorize access to the judicial record or”.

21. Section 35 is amended by replacing “**Submission of report**” by “**Submission of report from the Service d’expertise psychosociale**”.

22. The following is inserted after section 35:

“**35.1. Medical record and expert report.** The medical record, the report on a physical or mental examination and the psychosocial evaluation report must be filed and kept in the record in a sealed envelope.”.

23. Section 36 is amended by replacing “article” by “articles 293 and”.

24. The heading of Division VI of Chapter III is amended by replacing “**SUPERVISED ACCESS**” by “**SUPERVISED ACCESS, PARENTING TIME OR CONTACT**”.

25. Section 37 is replaced by the following:

“37. Supervised access rights, parenting time or contact: Every request or offer to exercise supervised access rights, parenting time or contact with respect to a minor child, made by a natural person other than a supervision resource, must include a written commitment by that designated person to comply with the requirements of Schedule A.

The order fixing supervised access rights, parenting time or contact must be notified to the designated supervisor and include the notice in Schedule A to this Regulation, unless the judge decides otherwise.”.

26. Section 38 is replaced by the following:

“38. Mandatory information: Every application to vary the conclusions of a previous judgment or order must be supported by an affidavit and contain the following information:

- (a) the current civil status of the parties;
- (b) the residential address of the parties and the residential address, age and sex of their dependent children;
- (c) the current arrangements for custody, access, the allocation of parenting time, contact and the exercise of parental authority and parental decision-making responsibility;
- (d) the current amount of support and the amount requested;
- (e) the amount of arrears, if any;
- (f) the changes presented to support the application and, if applicable, the notice of relocation provided for in subsection 16.9(1) of the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)).

Every application made under the Divorce Act to vary a support order, with respect to a respondent who resides in another province or territory of Canada and has not filed a defence or requested a conversion, must be accompanied by written proof of its notification to the administrator of a last resort assistance program in the province or territory to which the debt may have been assigned.”

27. Section 39 is replaced by the following:

“39. Previous judgment or order issued in another case: In the case of an application for the variation of a judgment or order issued in another case, copies of the

prior judgments and of any pleadings on which the judgment or order was rendered must be filed in the record by the applicant unless they have already been included.”.

28. Section 42 is replaced by the following:

“42. Duties of the clerk: In each of the judicial districts of Québec, the Divorce Office is administered by the clerk. The duties of the clerk are as follows:

(a) to file separately the divorce records and to keep registers, an index, a court ledger and a special register available to the public where every divorce judgment is entered without delay;

(b) to receive and register applications after ascertaining that they comply with the requirements of the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)) and of the Rules of Practice;

(c) to keep a register of pleadings containing

i. with respect to each application, the names and addresses of the parties and the date of filing; and

ii. with respect to each divorce judgment, the names and addresses of the parties and the date it was rendered;

(d) to fill out the forms required by the Rules of Practice or the regulations made pursuant to the Divorce Act;

(e) once the divorce has taken effect, to issue a certificate of divorce in accordance with Form VIII, upon request;

(f) in accordance with subsection 17(11) of the Divorce Act, to forward, when the Court has issued an order varying a support order, parenting order or contact order made by another court, a copy of the variation order certified as true by a judge or officer to that other court or to any other court that varied the original order;

(g) to forward to the competent court, following a transfer order issued under section 6, 6.1 or 6.2 of the Divorce Act, a certified true copy of the record and the order;

(h) to hire the personnel necessary for the performance of the clerk’s duties, including deputy clerks, according to the number of cases filed in the Divorce Office for which the clerk has complete responsibility.”.

29. Schedule A is replaced by the following:

**“SCHEDULE A
NOTICE TO SUPERVISORS OF ACCESS
RIGHTS, PARENTING TIME OR CONTACT
IN ACCORDANCE WITH SECTION 37
OF THIS REGULATION**

You have been designated by an order of the Superior Court, a copy of which is appended to this notice, to act as a supervisor of access rights, parenting time or contact. The order allows a parent to see his or her child or children, or a third person to have contact with one or more children, on certain conditions. The “exercise of access rights or parenting time” is the time during which the parent sees his or her child or children. The “exercise of contact” is the time during which a third person sees or communicates with one or more children.

As a result, you must

☐ be present for each and every exercise of access rights, parenting time or contact;

☐ be present for the entire duration of the exercise of access rights, parenting time or contact.

You cannot choose to stop acting as the supervisor of access rights, parenting time or contact or have yourself replaced at your own convenience or discretion.

If you are no longer willing or able to act as the supervisor of access rights, parenting time or contact, you must advise both parents and, where applicable, the third person in whose favour a contact order has been made, in writing and as soon as possible, in other words well in advance of the next scheduled exercise of access rights, parenting time or contact.”.

30. Form I is replaced by the form in Schedule I.

31. Form V is amended

(1) by replacing de “PAR CES MOTIFS” in the French text by “POUR CES MOTIFS”;

(2) by replacing the choices under “ORDERS that the evaluation address” by the following:

“☐ Allocation of parenting or custody time and/or access rights (married, divorced or separated parents);

☐ Contact with the child or children;

☐ Other issues affecting the child or children – specify:”.

32. Form VII is amended

(1) by replacing “(s. 8, Divorce Act, 1985)” by “(s. 8, Divorce Act)”;

(2) by striking out “20” under “NO.”;

(3) by replacing “Par ces motifs” in the French text by “Pour ces motifs”;

(4) by striking out “OR CLERK” under the signature line.

33. Form VIII is amended by replacing “s. 12(7), Divorce Act, 1985” by “s. 12(7), Divorce Act”.

34. Form IX is revoked.

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

SCHEDULE I

Section 18

FORM I

(A summons in conformity with the model established by the Minister of Justice must be attached to the application for divorce)

CANADA

SUPERIOR COURT
(Family Chamber)

PROVINCE OF QUÉBEC

District of

APPLICANT(S)

NO.

and, if appropriate,

RESPONDENT

APPLICATION FOR DIVORCE

It is declared that:

Civil and family status

1. The spouse was born on (date) _____ at (place) _____, and is (age) _____ years old and the child of _____ and _____ as appears from the photocopy of the birth certificate, copy of the act of birth or document issued by a competent authority other than the registrar of civil status in Québec numbered Exhibit P-1;

(If the information shown in the photocopy of the birth certificate, copy of the act of birth or document issued by a competent authority other than the registrar of civil status in Québec is contested, the original must be filed.)

1.1 At the time of the marriage, the spouse's civil status was (indicate the civil status)

2. The spouse was born on (date) _____ at (place) _____, and is (age) _____ years old and the child of _____ and _____ as appears from the photocopy of the birth certificate, copy of the act of birth or document issued by a competent authority other than the registrar of civil status in Québec numbered Exhibit P-1;

(If the information shown in the photocopy of the birth certificate, copy of the act of birth or document issued by a competent authority other than the registrar of civil status in Québec is contested, the original must be filed.)

2.1 At the time of the marriage, the spouse's civil status was (indicate the civil status)

3. The marriage of the parties was solemnized on _____ (date) at _____ (place) as appears from a photocopy of the marriage certificate or the act of marriage numbered Exhibit P-3;

(If the information shown in the photocopy of the marriage certificate or the copy of the act of marriage is contested, or if the document was issued by a competent authority other than the registrar of civil status in Québec, the original must be filed.)

4. The matrimonial regime adopted by the spouses was _____ as appears from a photocopy of the supporting documents numbered Exhibit P-4;

There has been no change to this regime.

(If changes to the matrimonial regime have occurred, specify them and file a photocopy of the supporting documents.)

5. The parties are or are not subject to an order, an indictment, an undertaking or a recognizance relating to a criminal matter.

(A party subject to such a document must file a notice with the court office and, if the other party or a child concerned by the proceedings is named, include a copy of the order, indictment, undertaking or recognizance. If the situation changes in the course of the proceedings, the party concerned must, as soon as possible, file a new notice with the court office and, if the other party or a child concerned by the proceedings is named, include the documents that show that fact.)

5.1 .The parties are or are not subject to a civil protection order provided for in article 509 of the *Code of Civil Procedure* or an application concerning such an order.

(A party subject to such an order must file a notice with the court office and, if the other party or a child concerned by the proceedings is named, include a copy of the protection order or application for an order. If the situation changes in the course of the proceedings the party concerned must, as soon as possible, file a new notice with the court office and, if the other party or a child concerned by the proceedings is named, include the documents that show that fact.)

5.2. The parties are or are not subject to an order, application, agreement or decision relating to youth protection.

(A party subject to such a document must file a notice with the court office and, if the other party or a child concerned by the proceedings is named, include a copy of the order, application, agreement or decision. If the situation changes in the course of the proceedings, the party concerned must, as soon as possible, file a new notice with the court office and, if the other party or a child concerned by the proceedings is named, include the documents that show that fact.)

6. The family name, given name, age, sex and date of birth of each child of the marriage are as follow:

	Family name	Given name	Age	Sex	Date of birth
1.					
2.					
3.					
4.					
5.					

The photocopies of the birth certificate, of the copy of the act of birth or of the document issued by a competent authority other than the registrar of civil status in Québec attesting to the birth of each child concerned by the application are numbered Exhibit P-5.

(If the information shown in the photocopy of the birth certificate, copy of the act of birth or document issued by a competent authority other than the registrar of civil status in Québec is contested, the original must be filed.)

Residence

7. The spouse ordinarily resides at _____ (no.) _____
_____ (street) _____ (city) _____
_____ (province) _____ since _____ (day) _____
_____ (month) _____ (year) _____

The spouse ordinarily resides at _____ (no.) _____
_____ (street) _____ (city) _____
_____ (province) _____ since _____ (day) _____
_____ (month) _____ (year) _____

Reasons

8. There has been a breakdown of the marriage for the following reasons:

(Give here particulars of the grounds for divorce, as provided in section 8(2) of the Divorce Act)

Reconciliation and mediation

9. Before this application was signed,

(A) The lawyer or notary for the applicant(s) has discussed the possibility of reconciliation and provided information about marriage counselling or guidance services.

(If not, give reasons.)

(B) The lawyer or notary has given the applicant(s) information about the family justice services that may help resolve the points covered by the order and discussed the need to negotiate those points.

(C) The lawyer or notary has informed the applicant(s) of the obligations of the parties under the Divorce Act.

**Safeguard and provisional measures (if the application contains conclusions to that effect),
corollary relief and other claims**

10. (A) There is an agreement between the parties as to corollary relief, a copy of which is numbered Exhibit P-6;

or

(B) There is no agreement between the parties as to all safeguard and provisional measures and corollary relief, and

i. the grounds in support of the conclusions for provisional relief are (enumerate the facts):

ii. the grounds in support of corollary relief are (enumerate the facts):

Other proceedings

11. There have been no other proceedings with respect to the marriage; (otherwise, give all details and file a certified true copy of all previous judgments).

12. There has been no collusion between the parties.

13. (Where the application is based on section 8(2) b). There has been no condonation or connivance at the act or conduct complained of.

WHEREFORE, may it please this Court to:

ISSUE the following safeguard orders, if applicable:

ISSUE the following provisional orders, if applicable:

PRONOUNCE the divorce of the parties;

ISSUE the following orders of corollary relief (if applicable):

and GRANT the following additional conclusions (if applicable):

(or)

RATIFY the agreement between the parties and ORDER the parties to conform therewith,
_____ costs.

Signed at _____, on _____

20 _____

APPLICANT(S)

DECLARATION BY THE LAWYER OR NOTARY

I, the undersigned lawyer or notary for the applicant(s), hereby certify that I have complied with the requirements of section 7.7 of the Divorce Act.

Signed at _____, on _____
20 _____

Lawyer or notary for the APPLICANT(S)

DECLARATION BY THE APPLICANT(S)

I (We), the undersigned, attest that I (we) am (are) aware of my (our) obligations under sections 7.1 to 7.5 of the Divorce Act:

7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.

7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.

7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.

7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.

7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

Signed _____ at _____, _____ on
_____ 20 _____

APPLICANT(S)

CERTIFICATE OF CLERK

I, the undersigned, clerk for the District of _____
certify that an application for divorce, a declaration by the lawyer or notary, a declaration by the applicant(s) and (where applicable) a notice from the respondent concerning contestation have been received and filed with the court office.

(Place and date)

CLERK

Draft Regulations

Draft Regulation

Environment Quality Act
(chapter Q-2)

Mandatory reporting of certain emissions of contaminants into the atmosphere — 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 mandatory reporting of certain emissions of contaminants into the atmosphere, appearing below, may be made by the Minister of the Environment and the Fight Against Climate Change on the expiry of 45 days following this publication.

The draft Regulation updates the tables concerning high heat value by fuel type, emission factors by fuel type and default greenhouse gas emission factors for Canadian provinces and certain North American markets. It also makes minor adjustments to the information to be provided as of the communication of the greenhouse gas emissions report for 2021.

Study of the matter shows no considerable cost associated with the amendments proposed by the draft Regulation.

Further information on the draft Regulation may be obtained by contacting Olivier Lacroix, engineer, Direction générale de la réglementation carbone et des données d'émission, Ministère de l'Environnement et de la Lutte contre les changements climatiques; telephone: 418 521-3868, extension 4690; email: olivier.lacroix@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Vicky Leblond, director, Direction des inventaires et de la gestion des halocarbures, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 5^e étage, boîte 30, Québec (Québec) G1R 5V7; email: vicky.leblond@environnement.gouv.qc.ca.

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

Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

Environment Quality Act
(chapter Q-2, ss. 2.2 and 46.2)

1. The Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) is amended in Schedule A.2

(1) in protocol QC.1

(a) in Table 1-1 of QC.1.7

i. by replacing the line “Landfill gas (methane portion)” under Gaseous fuels by the following:

“

Landfill gas (methane portion)	31.33
--------------------------------	-------

”;

ii. by replacing the line “Biogas (methane portion)” under Gaseous fuels by the following:

“

Biogas (methane portion)	31.33
--------------------------	-------

”;

(b) in Table 1-3 of QC.1.7

i. by replacing the line “Landfill gas (methane portion)” under Gaseous fuels and biofuels by the following:

“

Landfill gas (methane portion)	1.546	49.35	0.095	3.03	0.019	0.6
-----------------------------------	-------	-------	-------	------	-------	-----

”;

ii. by replacing the line “Biogas (methane portion)” under Gaseous fuels and biofuels by the following:

“

Biogas (methane portion)	1.546	49.35	0.095	3.03	0.019	0.6
-----------------------------	-------	-------	-------	------	-------	-----

”;

(2) in protocol QC.3, by replacing “Subparagraph *f*” in the second paragraph of QC.3.2 by “Subparagraphs *a* and *f*”;

(3) in protocol QC.17, by replacing Table 17-1 of QC.17.4 by the following:

“Table 17-1. Default greenhouse gas emission factors for Canadian provinces and certain North American markets, in metric tons CO₂ equivalent per megawatt-hour

Canadian provinces and North American markets	Default emission factor (metric ton GHG/MWh)
Newfoundland and Labrador	0.027
Nova Scotia	0.714
New Brunswick	0.262
Québec	0.001
Ontario	0.030
Manitoba	0.001
Vermont	0.003
New England Independent System Operator (NE-ISO), including all or part of the following states:	
- Connecticut	
- Massachusetts	0.248
- Maine	
- Rhode Island	
- Vermont	
- New Hampshire	
New York Independent System Operator (NY-ISO)	0.188
Pennsylvania Jersey Maryland Interconnection Regional Transmission Organization (PJM-RTO), including all or part of the following states:	
- North Carolina	
- Delaware	
- Indiana	
- Illinois	
- Kentucky	0.456
- Maryland	
- Michigan	

Canadian provinces and North American markets	Default emission factor (metric ton GHG/MWh)
- New Jersey	
- Ohio	
- Pennsylvania	
- Tennessee	
- Virginia	
- West Virginia	
- District of Columbia	
Midwest Independent Transmission System Operator (MISO-RTO), including all or part of the following states:	
- Arkansas	
- North Dakota	
- South Dakota	
- Minnesota	
- Iowa	
- Missouri	0.505
- Wisconsin	
- Illinois	
- Michigan	
- Indiana	
- Montana	
- Kentucky	
- Texas	
- Louisiana	
- Mississippi	
- Manitoba	
Southwest Power Pool (SPP), including all or part of the following states:	
- Kansas	
- Oklahoma	
- Nebraska	
- New Mexico	
- Texas	
- Louisiana	0.5
- Missouri	

Canadian provinces and North American markets	Default emission factor (metric ton GHG/MWh)
--	--

- Arkansas
- Iowa
- Minnesota
- Montana
- North Dakota
- South Dakota
- Wyoming

”;

(4) in protocol QC.30

(a) in the first paragraph of QC.30.2

i. by inserting “or in subparagraph 3 of the second paragraph” after “an emitter referred to in the first paragraph” in subparagraph 1;

ii. by inserting “or in subparagraph 3 of the second paragraph” after “each emitter referred to in the first paragraph” in subparagraph 3;

iii. by inserting “or in subparagraph 3 of the second paragraph” after “of an emitter referred to in the first paragraph” in subparagraph 3.2;

(b) by inserting “or in subparagraph 3 of the second paragraph” after “establishments referred to in the first paragraph” in the definition of the factor “ Q_i^G ” in equation 30-2 of QC.30.3.

2. The greenhouse gas emissions report for 2021, communicated to the Minister not later than 1 June 2022 in accordance with section 6.2 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, includes the information and documents as amended by subparagraph 4 of the first paragraph of section 1 of this Regulation.

3. This Regulation comes into force on 1 January 2022.

105275

Draft Regulation

Supplemental Pension Plans Act
(chapter R-15.1)

Act mainly to allow the establishment of target benefit pension plans
(2020, chapter 30)

Supplemental pension plans — 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 supplemental pension plans, appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to follow up on various measures made by the Act mainly to allow the establishment of target benefit pension plans (2020, chapter 30). The measures concern mainly:

—the contents of the actuarial valuation report of a pension plan and other documents provided for in the Supplemental Pension Plans Act (chapter R-15.1);

—the methods, assumptions, rules or factors which are applicable;

—the fees payable in the event of termination of a plan with surplus assets;

—the procedure for any matter within Retraite Québec’s competence, the applicable time limits and the required documents;

—the subjects that must be placed on the agenda of the annual meeting;

—the rules to which are submitted the conversion of a target-benefit plan into a defined-benefit plan and the conversion of a defined-contribution plan into a target-benefit plan;

—the rules and conditions for the conversion of a negotiated contribution multi-employer plan into a target-benefit plan;

—the rules for establishing the degree of solvency of the pension plan according to intervals shorter than a fiscal year;

—the criteria according to which the plan's assets do not permit payment in full of the benefits of the members and beneficiaries, and the conditions and procedure relating to the transfer option where the criteria are met;

—the time limit and procedure for sending to members and beneficiaries the statement of benefits and the value thereof in the event of the withdrawal of an employer that is a party to a target-benefit pension plan.

The draft Regulation does not entail any costs for enterprises, including small and medium-sized businesses, and could result in minimal cost savings.

Further information on the draft Regulation may be obtained by contacting Patrick Provost, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3; email: patrick.provost@retraitequebec.gouv.qc.ca; telephone: 418 657-8714, extension 4484; fax: 418 643-7421.

Any person wishing to comment on the draft Regulation is asked to submit written comments within the 45-day period to Michel Després, President and Chief Executive Officer of Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Québec (Québec) G1V 4T3. The comments will be forwarded by Retraite Québec to the Minister of Finance, who is responsible for the administration of the Supplemental Pension Plans Act.

ERIC GIRARD
Minister of Finance

Regulation to amend the Regulation respecting supplemental pension plans

Supplemental Pension Plans Act

(chapter R-15.1, s. 244, 1st par., subpars. 1, 1.1, 2, 3.1, 7, 8.0.2, 8.0.5, 8.0.6, 8.0.7, 8.0.10, 8.5, 11, 12, 13 and 14)

Act mainly to allow the establishment of target-benefit pension plans
(2020, chapter 30, s. 96)

1. The Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) is amended in the first paragraph of section 1 by replacing “required under the second paragraph of section 24” in the part preceding subparagraph 1 of the first paragraph by “required under the second paragraph of section 24 and the second paragraph of section 146.56”.

2. Section 2 is amended

(1) by replacing “required under the second paragraph of section 24” in the part preceding subparagraph 1 of the first paragraph by “required under the second paragraph of section 24 and the second paragraph of section 146.56”;

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

“(2.1) if the amendment concerns the contribution to be paid as defined- contribution provisions under a defined-benefit plan or a target-benefit plan and unless the contributions resulting therefrom are indicated in an actuarial valuation report sent to Retraite Québec, member and employer contributions to be paid for that reason as of the effective date of the amendment for all or part of each fiscal year covered by the most recent actuarial valuation of the plan for which the report was sent to Retraite Québec;”.

3. Section 5 is amended

(1) by replacing “, under sections 10 to 11.1 where applicable, and under section 11.3,” in the part preceding paragraph 1 by “and, where applicable, under sections 9.1 to 11.1 and 11.3,”;

(2) by replacing “under defined benefit provisions or money purchase provisions within the meaning of section 965.0.1 of the Taxation Act (chapter I-3), or under both types of provisions” in paragraph 1 by “under defined-contribution provisions, target-benefit provisions or defined-benefit provisions, or under a combination of those types of provisions”;

(3) by inserting the following after paragraph 2:

“(2.1) in the case of a target-benefit plan, a summary of the provisions of the plan that must be taken into account for the purposes of the valuation, regarding the recovery measures, their objective and the conditions and procedure for applying them, the conditions and procedure for restoring benefits that have been reduced and the conditions and procedure for appropriating surplus assets;”.

4. Section 6 is amended

(1) by adding “and, in the case of a target-benefit plan, the contribution projected for each of the following two fiscal years” at the end of subparagraph 1 of the first paragraph;

(2) by inserting “for a plan other than a target-benefit plan,” at the beginning of subparagraph 3 of the first paragraph;

(3) in subparagraph 4 of the first paragraph:

(a) by inserting “or subparagraph 1, regarding a target-benefit plan,” after “referred to in subparagraph 3”;

(b) by replacing “defined benefit” wherever it appears by “defined-benefit or target-benefit”;

(4) by replacing “third” in subparagraph 7 of the first paragraph by “fourth”.

5. Section 8 is amended by replacing “to be made” in subparagraph 2 of the first paragraph by “required”.

6. Section 9 is amended by adding the following paragraph at the end:

“(7) where applicable, the method, referred to in section 67.6.2, allowing to establish the degree of solvency of the plan according to intervals shorter than a fiscal year and the terms of the calculation of the degree of solvency provided for in the plan.”.

7. The following is inserted after section 9:

“**9.1.** The actuarial valuation report of a target-benefit plan must include a review of the sufficiency of contributions, separately for service after the valuation date and for service credited at that date.

9.2. For the purposes of a review of the sufficiency of contributions for service after the valuation date, the report must indicate

(1) the current service contribution required for each of the fiscal years immediately following the actuarial valuation and the portion of the current service contribution that constitutes the stabilization provision;

(2) the contributions which, according to the plan text, must be paid respectively by the employer and by the members for those three fiscal years;

(3) where applicable, the amount of the insufficiency of contributions relating to service.

If an insufficiency of contributions relating to service after the valuation date is shown, the report must also include

(1) a description of the recovery measures relating to that insufficiency applied by the pension committee, in accordance with the plan text, and their effective date;

(2) taking into account these recovery measures:

(a) the current service contribution for each of the three fiscal years immediately following the actuarial valuation and the portion of the current service contribution that constitutes the stabilization provision;

(b) the employer contribution and the member contribution for those three fiscal years.

It must be certified that the contributions are sufficient for service after the valuation date.

9.3. For the purposes of the review of the sufficiency of contributions relating to service at the valuation date, after application of the provisions of the second paragraph of section 9.2, if applicable, the report must indicate

(1) the information referred to in paragraphs 3 and 4 of section 5 and in the first paragraph of section 8;

(2) the technical amortization payment required for each of the three fiscal years immediately following the actuarial valuation;

(3) where applicable, the amount of the insufficiency of contributions relating to such service.

If an insufficiency of contributions relating to service credited at the valuation date is shown, the report must also include

(1) a description of the recovery measures relating to that insufficiency applied by the pension committee, in accordance with the plan text, and their effective date;

(2) taking into account these recovery measures and, where applicable, those referred to in section 9.2,

(a) the information referred to in paragraphs 3 and 4 of section 5 and in the first paragraph of section 8;

(b) the technical amortization payment required for each of the three fiscal years immediately following the actuarial valuation;

(c) the employer contribution and member contribution for those three fiscal years;

(3) where applicable, the reduction in the value of the benefits for the group of active members and the reduction in the value of the benefits for the group of non-active members and beneficiaries resulting from the application of recovery measures;

(4) a certification that it meets the requirements of section 146.73 of the Act.

It must be certified that the contributions are sufficient regarding service credited at the valuation date.

9.4. If, pursuant to the plan, benefits that have been reduced must be restored, the actuarial valuation report must contain

(1) a description of the recovery measures applied by the pension committee, in accordance with the plan text, and their effective date;

(2) the information referred to in paragraphs 3 to 5 of section 5, before and after the restoration of benefits;

(3) a certification that it meets the requirements of the second paragraph of section 146.83 of the Act.

8. Section 10 is amended

(1) by replacing “relatif” in subparagraph 1 of the second paragraph of the French text by “relative”;

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

“In the case of a target-benefit plan, the report must include a certification of the actuary that the amendment does not have the effect of creating an insufficiency of contributions.”.

9. Section 11.1 is amended by adding the following paragraph at the end:

“In the case of a target-benefit plan, the additional information is as follows:

(1) the maximum amount of surplus assets that may be used, established in accordance with the second paragraph of section 146.9.1.2 of the Act, and the amount of surplus assets used and the procedure for appropriating surplus assets applied by the pension committee, in accordance with the plan text;

(2) the amount of surplus assets appropriated for the benefit of active members and the proportion represented by that amount in relation to the liabilities related to their benefits and the amount appropriated for the benefit of non-active members and beneficiaries and the proportion it represents in relation to the liabilities related to their benefits;

(3) the certification that it meets the requirements of section 146.9.1.5 of the Act.”.

10. The heading after Division II is replaced by “REQUIRED FEES”.

11. Section 13.1 is revoked.

12. The heading of Division II.1 is replaced by “BENEFITS”.

13. The following is inserted after the heading of Division II.1:

“§1. *Member benefits and payment of an early benefit*”.

14. Section 15.3 is amended

(1) by replacing the second sentence of the first paragraph by the following: “The amount is said to be a negative pension; it is determined in accordance with the second paragraph. The pension committee must keep a record of the negative pension, as well as the adjustments made thereto in accordance with the fourth paragraph.”;

(2) in the second paragraph

(a) by replacing “That amount, as well as the value of the benefits referred to in subparagraph 3 of the first paragraph of section 69.1 of the Act, shall be determined” by “The negative pension, and the value of the benefits referred to in subparagraph 3 of the first paragraph of section 69.1 of the Act, must be determined”;

(b) by replacing “of the other benefits to which section 60 of the Act applies and” by “of benefits under the plan”;

(3) in the third paragraph

(a) by replacing “the amount determined in the second paragraph” in subparagraph 1 by “the amount of the negative pension”;

(b) by replacing “of that portion of the pension of which the valuated amount is referred to in the second paragraph” in subparagraph 2 by “of the negative pension”;

(4) by replacing the fourth and fifth paragraphs by the following:

“The amount of the negative pension must be adjusted to take into account

(1) any change to the normal pension registered or taking effect after the date on which the early benefit is paid and which would have reduced or increased the value of the member’s benefits at that date; however, in the

case of a defined-benefit plan, such a change whose effect would have increased the value of the member's benefits is taken into consideration only if the plan so provides;

(2) in a target-benefit plan, any change to the normal pension resulting from recovery measures or the restoration of benefits, provided for in an actuarial valuation whose report is sent to Retraite Québec after the date on which the early benefit is paid or taking effect after that date, which would have reduced or increased the value of the member's benefits at that date.

If the change or adjustment concerns the amount of the normal pension, the amount of the negative pension must be adjusted in proportion equal to the one that applies to the amount of the normal pension determined as at the date of the payment. If the change or adjustment concerns a condition or a characteristic of the normal pension, the condition or characteristic that results therefrom must be applied to the portion of the pension that corresponds to the negative pension.”

15. The following is inserted after section 15.3:

“**15.3.1.** In the case of a target-benefit plan, where section 15.3 applies, the pension committee must also determine, as at the date of payment of the early benefit, a negative target pension.

The provisions of section 54.2 apply, with the necessary modifications, where the target negative pension is determined.

In addition, where payment of the retirement, disability or replacement pension begins, the target pension must be reduced by the amount referred to in section 54.2 or, if payment of the pension begins on a date other than that of the normal retirement age, by a sum equivalent to that amount”.

16. The heading entitled “**DIVISION II.2 TEMPORARY PENSION**” is replaced by “**§2. Temporary pension**”.

17. The heading entitled “**DIVISION II.3 VARIABLE BENEFITS**” is replaced by “**§3. Variable benefits**”.

18. Section 16.1 is amended by replacing “in a defined benefit plan or defined benefit-defined contribution plan” by “in a defined-benefit plan or target-benefit plan”.

19. Section 30 is amended by replacing “, as compiled by the Bank of Canada” in paragraph 3 by “, established based on the rate published on the last Wednesday of each month, Series V80691336 in the CANSIM system”.

20. Section 37 is amended by replacing “other benefits to which section 60 of the Act applies and” in the second paragraph by “benefits under the plan”.

21. Section 39 is amended by replacing the third paragraph by the following:

“The average annual rates on the deposits referred to in the second paragraph are determined, for each year, by taking the average of the rates of return on those term deposits, as compiled monthly by Statistics Canada and published in the Bank of Canada Banking and Financial Statistics, Series V122515 in the CANSIM system. For the period after 30 September 2019, the average is calculated using the rates of the last Wednesday of each month published in the Bank of Canada Banking and Financial Statistics, Series V80691336 in the CANSIM system. Despite the foregoing, where the rates are available for a number of months in the current year fewer than 6, that average is calculated on the basis of the last 6 months available.”.

22. The heading of subdivision 5 of Division V is replaced by the following:

“**§5. Application for partition or transfer of benefits**”.

23. Section 47 is amended by replacing “informing him of that application and of the amount claimed by his spouse” in the first paragraph by “informing him or her of the amount that would be granted to the spouse based on the application”.

24. The following heading is inserted after section 48:

“**§5.1. Execution of partition or of transfer of benefits**”.

25. Section 50 is amended by adding “, but only with regard to capital benefits in the case of a target-benefit plan” at the end of subparagraph *a* of subparagraph 2 of the first paragraph.

26. The following heading is inserted after section 53:

“**§5.2. Negative pension**”.

27. Section 54 is amended

(1) by replacing the second sentence of the first paragraph by the following:

“The amount is said to be a negative pension. The pension committee must keep a record of the negative pension, as well as the adjustments made thereto in accordance with the second and third paragraphs of section 55”;

(2) by replacing “the amount provided for in first paragraph is determined” in the second paragraph by “the negative pension is determined”;

(3) in the third paragraph

(a) by replacing “The amount provided for in the first paragraph is determined” by “The negative pension is determined”;

(b) by replacing “Il est établi” in the second sentence of the French text by “Elle est établie”.

28. Section 54.1 is amended by replacing “the amount referred to in section 54 is established” by “the negative pension is established”.

29. The following is inserted after section 54.1:

“**54.2.** In the case of a target-benefit plan, where section 54 applies, the pension committee must also establish, at the valuation date, a negative target pension. It must keep a record of the negative target pension and adjust it where subparagraph 1 of the second paragraph of section 55 applies.

The negative target pension is obtained by applying to the amount of the normal target pension, that would be payable to the member at normal retirement age as credited service at the valuation date, the proportion represented by the negative pension related to the normal pension that was used to establish the negative pension according to the first paragraph of section 54.”.

30. The heading of subdivision 6 of Division V is amended by replacing “Residual benefits of the member” by “Reduction of benefits”.

31. Section 55 is amended

(1) by replacing “the amount referred to in section 54” wherever it appears in subparagraph 2 of the first paragraph by “the amount of the negative pension referred to in section 54”;

(2) by replacing the second and third paragraphs by the following:

“For the purposes of subparagraph 2 of the first paragraph, the negative pension must be adjusted to take into account

(1) any change to the normal pension registered or taking effect after the valuation date which would have reduced or increased the value of the member’s benefits at that date; however, in the case of a defined-benefit plan,

only such a change whose effect is to increase the value of the member’s benefits is taken into consideration if the plan so provides;

(2) in a target-benefit plan, any change to the normal pension resulting from recovery measures or the restoration of benefits, provided for in an actuarial valuation whose report is sent to Retraite Québec after the valuation date or taking effect after that date, which would have reduced or increased the value of the member’s benefits at the valuation date.

If the change or adjustment concerns the amount of the normal pension, the adjustment of the amount of the negative pension must be adjusted in proportion equal to the one that applies to the amount of the normal pension determined as at the valuation date. If the change or adjustment concerns a condition or a characteristic of the normal pension, the condition or characteristic that results therefrom must be applied to the portion of the pension that corresponds to the amount of the negative pension.”;

(3) by inserting “Except in the case of a target-benefit plan,” at the beginning of the fifth paragraph.

32. The following is inserted after section 55:

“**55.1.** In the case of a retirement, disability or replacement pension being paid at the valuation date for the purposes of the partition or transfer of benefits, the target pension must be reduced in a proportion equal to the one that applies under the first paragraph of section 55. It must also be reduced by the amount whose pension paid is reduced pursuant to the fourth paragraph of section 55.

In the case of a retirement, disability or replacement pension of which payment begins after that date, the target pension must be reduced by the amount referred to in section 54.2 or, if payment of that pension begins on a date other than the date of normal retirement age, by a sum equal to that amount.”.

33. Section 56.0.3 is amended

(1) by replacing the second sentence of the first paragraph by the following:

“The amount is said to be a negative pension. The pension committee must keep a record of the negative pension, as well as the adjustments made thereto pursuant to section 56.0.6.”;

(2) by replacing “the amount provided for in the first paragraph is determined” in the second paragraph, “the amount provided for in the first paragraph shall be determined” in the third paragraph by “the negative pension is determined”;

(3) by replacing “the amount referred to in the first paragraph is determined” in the fourth and fifth paragraphs by “the negative pension is determined”.

34. The following is inserted after section 56.0.3:

“**56.0.3.1.** In the case of a target-benefit plan, where section 56.0.3 applies, the pension committee must also determine, at the date referred to in section 56.0.2, a negative target pension.

The provisions of section 54.2 apply, with the necessary modifications, where the negative pension is determined.”.

35. Section 56.0.6 is amended

(1) by replacing “amount referred to in section 56.0.3” wherever it appears in subparagraph 2 of the first paragraph by “amount of the negative pension referred to in section 56.0.3”;

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

“For the purposes of subparagraph 2 of the first paragraph, the amount of the negative pension referred to in section 56.0.3 must be adjusted in accordance with the rules provided for in the second and third paragraphs of section 55, which apply according to the date referred to in section 56.0.2.”;

(3) by replacing “utilisation” in the third paragraph of the French text by “utilisant”;

(4) by inserting “Except in the case of a target-benefit plan,” at the beginning of the fourth paragraph.

36. The following is inserted after section 56.0.6:

“**56.0.7.** In the case of a retirement, disability or replacement pension being paid at the date referred to in section 56.0.2, the target pension must be reduced in a proportion equal to the one that applies under the first paragraph of section 56.0.6. It must also be reduced by the amount whose pension paid is reduced pursuant to the third paragraph of section 56.0.6.

In the case of a retirement, disability or replacement pension whose payment begins after that date, the target pension must be reduced by the amount of the negative target pension referred to in section 56.0.3.1 or, if payment of the pension begins on a date other than the date of normal retirement age, by a sum equal to that amount.”.

37. The following is inserted after the heading of Division VI:

“**§1. Summary of the plan**”.

38. Section 56.1 is amended

(1) by replacing “in the case of a plan to which chapter X of the Act applies” in paragraph 6 by “in the case of a plan to which Chapter X of the Act applies, except for a target-benefit plan,”;

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

“The summary of a target-benefit plan must also contain the following information:

(1) a description of what is a target-benefit plan, including the fact that the benefits can be reduced in the event of insufficient contributions;

(2) a description of the risks incurred by the members and beneficiaries and the means taken to manage those risks.”.

39. The following is inserted after section 56.1:

“**§2. Statements of benefits**”.

56.1.1. In the case of a target-benefit plan, each time the mention of the amount of the normal pension or of another benefit, the reduction of such a pension or benefit or the value of benefits is required by a provision of this subdivision, that amount or value determined according to the benefit target must be mentioned and, where applicable, that amount or value determined taking into account, regardless of its effective date, any adjustment resulting from the application of recovery measures, the restoration of benefits or the appropriation of a surplus assets provided for in an actuarial valuation report of the plan sent to Retraite Québec must also be mentioned.”.

40. Section 57 is amended

(1) in subparagraph 10 of the first paragraph

(a) by inserting “, or member contributions in the case of a target-benefit plan,” after “service contributions and amortization payments”;

(b) by replacing “a defined contribution pension plan” by “a defined-contribution plan or a target-benefit plan”;

(c) by inserting “of a phased retirement benefit or” after “to payment”;

(2) in subparagraph 12 of the first paragraph

(a) by replacing “a defined benefit plan” by “a defined-benefit plan or a target-benefit plan;”;

(b) by inserting “and” after “accrued interest”;

(c) by inserting “of a phased retirement benefit or” after “to payment”;

(3) by inserting the following after subparagraph 15 of the first paragraph:

“(15.1) in the case of a target-benefit plan, the amount of any adjustment to the benefits resulting from the application of recovery measures, the restoration of benefits or the appropriation of surplus assets which, as the case may be, is provided for in an actuarial valuation report as at the date of the end of the fiscal year covered by the statement;”;

(4) by adding “, except for a target-benefit plan, the rules concerning the cap on the degree of solvency” after “member’s benefits” at the end of subparagraph 1.2 of the second paragraph;

(5) by replacing subparagraph 1.3 of the second paragraph by the following:

“(1.3) if they apply to the member, the rules provided for in sections 144 to 145.1 of the Act;

(1.4) except for a target-benefit plan, the rules provided for in section 146 of the Act with regard to the payment of the balance of the value of the member’s benefits or, where applicable, a mention of the rules set out in the plan;”.

41. Section 58 is amended

(1) by replacing paragraph 2 by the following:

“(2) in the event that the member is entitled to a refund, the conditions related to that entitlement and the amount of the refund or the method used to determine it;”;

(2) by replacing “in paragraphs 1 to 15 of the first paragraph of section 57” in paragraph 3 by “in the first paragraph of section 57”;

(3) in paragraph 4

(a) by replacing “of an option provided for in section 93 of the Act” in subparagraph *c* by “of an option provided for in section 91.1, 92.1 or 93 of the Act”;

(b) by inserting the following after subparagraph *c*:

“(c.1) if the member is entitled to a bridging benefit, the amount of that benefit and the date on which it will cease to be paid;

(c.2) in the case of a joint and last survivor annuity, the amount of the annuity that will be paid when the member dies or the method used to calculate it;

(c.3) in the case of an indexed pension, the method used to calculate the indexation and the time when it will be applied;

(c.4) in the case of a guaranteed pension, the period of the guarantee;”;

(c) by replacing “temporary pension or pension fraction” in subparagraph *d* by “temporary pension”;

(4) in paragraph 5

(a) by replacing “without exercising the choices” in the part preceding paragraph *a* by “but did not exercise the choices”;

(b) by replacing subparagraph *c* by the following:

“(c) a description of the choices that can be exercised and the adjustments that would result therefrom;”;

(5) in paragraph 6

(a) by replacing “temporary pension or pension fraction” in subparagraph *d* by “temporary pension”;

(b) by adding the following subparagraph at the end:

“(e) if the plan provides that the disability pension is increased when the member reaches 65 years of age by reason of the termination of a disability pension under the Act respecting the Québec Pension Plan (chapter R-9), the amount of that increase;”;

(6) by replacing paragraphs 9 to 9.3 by the following:

“(9) if the member can exercise the right to a transfer provided for in section 98 of the Act,

(a) the rules applicable to the transfer of benefits to another pension plan;

(b) the most recent degree of solvency of the plan on the date on which the value of benefits is determined;

(c) the rules provided for in section 143 of the Act regarding the degree of solvency of the plan that is to be used for the purpose of paying the member's benefits, except, for a target-benefit plan, for the rules regarding the cap on the degree of solvency;

(d) if they apply to the member, the rules provided for in sections 144 to 145.1 of the Act;

(e) except for a target-benefit plan, the rules provided for in section 146 of the Act with regard to the payment of the balance of the value of the member's benefits or, where applicable, a mention of the rules determined by the plan;

(9.1) in the case of a target-benefit plan, a mention that if the member's benefits are maintained in the plan, those benefits and their value are subject to variations based on the financial position of the plan;"

(7) by inserting "where applicable," at the beginning of paragraph 11.

42. Section 59 is amended

(1) by replacing "paragraphs 1 to 6" in subparagraph 1 of the first paragraph by "paragraphs 1 to 6 and 15.1";

(2) in subparagraph 2 of the first paragraph

(a) by replacing subparagraph *b* by the following:

"(b) if a bridging benefit is paid to the non-active member, the amount and the date on which it will cease to be paid;"

(b) by replacing subparagraph *c* by the following:

"(c) if the pension was replaced in whole or in part by a temporary pension, the amount of the pension and the date on which it will cease to be paid;"

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

"(3) where a member has begun receiving a disability benefit,

(a) in the case of a pension, the information referred to in subparagraphs *a* and *c* of subparagraph 2;

(b) in the case of a series of payments referred to in subparagraph 4 of the first paragraph of section 93 of the Act, the amount and the date of each expected payment;

(c) in the case of a benefit increased by reason of the termination of a disability pension payable under the Act respecting the Québec Pension Plan (chapter R-9) when the member reaches 65 years of age, the date on which the increase begins and its amount;"

(4) in subparagraph 4 of the first paragraph

(a) by replacing subparagraph *d* by the following:

"(d) the information referred to in subparagraphs 10 and 12 of the first paragraph of section 57, but only regarding the amounts accrued since the member joined the plan;"

(b) by replacing "and the amount of the additional voluntary contributions, with, in each case, accrued interest" in subparagraph *e* by "with accrued interest";

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

"(i) the rules applicable to the transfer of the member's benefits to another pension plan;"

(5) by replacing "a mention of the rules provided for under sections 143 to 146 of the Act or set out in the plan text with regard to the payment of the balance of the benefits" in subparagraph 5 of the first paragraph by "a mention of the rules provided for in section 146 of the Act or in the plan with regard to the payment of the balance of the benefits, the amount of that balance";

(6) by replacing subparagraphs 1 to 3 of the second paragraph by the following:

"(1) the information indicated in subparagraphs 1 to 1.4, 2.1 and 3 of the second paragraph of section 57;

(2) the latest date on which the member will be able to exercise his or her right of transfer;

(3) the most recent degree of solvency determined at the date of the statement."

43. Section 59.0.1 is amended

(1) by replacing "paragraphs 2 to 5" in paragraph 2 by "subparagraphs 2 to 5 and 15.1";

(2) by adding "and, in the case of a temporary pension benefit, the date on which the benefit will cease to be paid" after "paid" at the end of paragraph 3;

(3) by striking out paragraph 5.

44. Section 59.0.2 is amended

(1) in the first paragraph

(a) by replacing subparagraph 2 by the following:

“(2) the maximum amount of the surplus assets determined in accordance with section 146.7 of the Act, at the date of the most recent actuarial valuation of the plan, and a description of the procedure for appropriating the surplus assets prescribed by the plan;”;

(b) by inserting “, or member contributions in the case of a target-benefit plan,” after “service contributions and amortization payments” in paragraph 4;

(2) by inserting the following after the first paragraph of section 59.0.2:

“If the statement is sent to a member or beneficiary of a target-benefit plan, that part must contain, in addition to the information referred to in subparagraphs 1, 1.1, 3 and 4 of the first paragraph,

(1) a description of what a target-benefit plan is, including the fact that the benefits may be reduced in the event of insufficient contributions;

(2) a description of the risks incurred by the members and beneficiaries and of the means taken to manage those risks;

(3) a description of the benefit target;

(4) a description of the circumstances, set by the plan, giving rise to the application of recovery measures, the restoration of benefits and the appropriation of surplus assets;

(5) a description of any adjustment to the benefits and contributions that applied during the fiscal year covered by the statement,

(a) following the application of recovery measures or the restoration of benefits;

(b) following the appropriation of surplus assets, by indicating, where applicable, the portion of surplus assets used in accordance with section 146.9.1.3 of the Act and how they were appropriated;

(6) a description of any adjustment to the benefits and contributions that is provided for in an actuarial valuation on the date of the end of the fiscal year covered by the statement and whose report was sent to Retraite Québec and that results from

(a) the application of recovery measures or the restoration of benefits;

(b) the appropriation of surplus assets, by indicating the maximum amount that may be used, determined in accordance with section 146.9.1.2 of the Act, as well as the amount used and the appropriating procedure applicable in accordance with section 146.9.1.3 of the Act.”.

45. The following is inserted after section 59.1:

“§3. *Consultation of documents*”.

46. Section 60.8 is amended in the third paragraph by replacing the line in the table regarding the Dominion Bond Rating Service rating agency by the following line:

“Dominion Bond Rating Service BBB- R-2 (low)”.

47. Section 60.10 is amended by adding the following at the end:

“In the case of a target-benefit plan, the liabilities of the plan are determined before the application of any recovery measure, the restoration of benefits or the appropriation of surplus assets provided for in the actuarial valuation. In addition, the value of the additional obligations resulting from any amendment considered for the first time at the date of the actuarial valuation of the plan must not be taken into account.”.

48. Section 61.0.11 is amended

(1) by replacing subparagraph *a* of paragraph 3 by the following:

“(a) the number of transactions for annuities purchased and the premium required by the insurer for each transaction;”;

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

“(4) in the case of a target-benefit plan,

(a) a description of what a target-benefit plan is, including the fact that the benefits may be reduced in the event of insufficient contributions;

(b) the adjustments to benefits and changes to the contributions or to benefit targets that have been applied since the last annual meeting and those the application of which is provided for in an actuarial valuation report sent to Retraite Québec after the date of that meeting.”.

49. The following is inserted after the heading of Division VIII:

“§1. Withdrawal of an employer”.

50. Section 62 is amended in the first paragraph

(1) by replacing “provided for in the second paragraph” in the introductory part by “related to the withdrawal of an employer that is referred to in the second paragraph”;

(2) by adding “, determined, except for a target-benefit plan, considering only the value of the benefits of the members and beneficiaries not affected by the withdrawal and the assets allocated to them” at the end of subparagraph 9 of the first paragraph.

51. The following heading is inserted after section 62:

“§2. Termination of the plan”.

52. Section 63 is amended

(1) by replacing “by the employer and” by “by the employer, in Schedule II.1 where the termination follows the notice of the person or body empowered to amend the plan or”;

(2) by replacing the second sentence by the following: “The notice of termination must be enclosed with the declaration referred to in Schedule II or II.1.”.

53. Section 64 is amended

(1) by inserting “and, in the case of a target-benefit plan, in section 146.89 of the Act” after “212.1 of the Act” in subparagraph 8 of the first paragraph;

(2) by adding “, which applies, regarding a target-benefit plan, taking into account paragraph 1 of section 146.96 and section 146.98 of the Act” at the end of the second paragraph;

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

“The provisions of subparagraphs 5, 7, 8.1 to 8.4, 10 and 11 of the first paragraph do not apply to a target-benefit plan.”.

54. Section 65 is amended

(1) by replacing “paragraphs 3 to 10” in paragraph 1 by “paragraphs 2 to 10”;

(2) by inserting “, the information, in the case of a plan other than a target-benefit plan, that must be indicated” after “in the termination report” in paragraph 2;

(3) by inserting “except for a target-benefit plan,” at the beginning of paragraphs 3, 4 and 5;

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

“The statement for a member or beneficiary under a target-benefit plan must also include

(1) where applicable, the value of the member’s benefits that corresponds to the amount allocated to the member pursuant to the second paragraph of section 146.98 of the Act;

(2) if the member’s or beneficiary’s annuity is in payment at the termination date:

(a) an estimate of the annuity that could be purchased from an insurer and a mention that the purchased annuity could differ;

(b) the applicable payment method in accordance with the second paragraph of section 146.95 of the Act if the member or beneficiary does not provide his or her choices to the pension committee.

The estimate referred to in subparagraph *a* of subparagraph 2 of the second paragraph must be calculated based on the premium established using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the statement was prepared, increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.”.

55. The following subdivision is inserted after section 65:

“§3. Special provisions related to negotiated contribution multi-employer plans

66. The provisions of this subdivision apply in the event of the withdrawal of an employer that is a party to a negotiated contribution multi-employer plan or in the event of the termination of such a plan where, on the date of withdrawal of an employer or the plan’s termination date, the assets do not permit payment in full of the benefits of the members and beneficiaries affected by the withdrawal of the employer or the termination of the plan.

67. As of the date of withdrawal of an employer or termination of the plan, no pension of a member or beneficiary affected by the withdrawal or termination can be guaranteed by an insurer unless it is for the payment of the member's or beneficiary's pension in accordance with the provisions of this subdivision.

67.1. If, under the scenario used by the actuary in charge of preparing the withdrawal or termination report, guaranteed benefits of certain members or beneficiaries cannot be used as provided for in section 67.3.11 and section 240 of the Act to guarantee the non-guaranteed benefits of other members or beneficiaries, the plan's assets must include the commuted value of the guaranteed benefits determined in the contract or, in the absence of such a value, their fair market value determined on the basis of reasonable assumptions and cancellation fees.

67.2. To determine the plan's liabilities pursuant to section 212.1 of the Act, the value of the pension that must be insured under section 237 of the Act is determined by discounting, at the date referred to in the first paragraph of section 212.1 of the Act and according to a rate that is the estimated rate of return of the pension fund since that date until the date on which the report was prepared, the premium established on that latter date using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the report was prepared, increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

The liabilities must also comprise the value of the pension amounts paid out of the pension fund to a member or beneficiary between the date referred to in the first paragraph of section 212.1 of the Act and the date on which the report was prepared, such value being determined according to the rate referred to in the first paragraph.

If the pension was insured before the date referred to in the first paragraph of section 212.1 of the Act, its value is determined by using the premium established on that date on the basis of the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date on which the report was prepared.

67.3. The notice concerning the withdrawal of an employer, provided for in section 200 of the Act, must specify that the members and beneficiaries to whom paragraph 3 of that section applies may, in the event of insufficient assets referred to in section 66, request to have their benefits transferred to a pension plan referred to in section 98 of the Act and, failing such a request, their benefits will be paid in accordance with that paragraph.

67.3.1. The withdrawal report referred to in the second paragraph of section 202 of the Act must contain, in addition to the information required by section 62, a description of the method to be used at the time the benefits are paid to take into account any variations in the plan's assets and liabilities between the date of the withdrawal and the date of payment.

67.3.2. The pension committee must send each member or beneficiary affected by the withdrawal of the employer a statement of benefits and their value, along with the necessary information so that their choices and options may be exercised.

The time allotted for the members or beneficiaries to inform the pension committee of their choices and options expires on the 90th day following *Retraite Québec's* authorization of the amendment regarding the employer's withdrawal.

The pension committee must send the statements in a timely manner so as to allow the members and beneficiaries at least 45 days to make choices, exercise options and present observations, if any, to the pension committee.

67.3.3. The statement of benefits referred to in section 67.3.2 must also contain the following information:

(1) the ratio between the value of the assets reduced by the amount of the administration expenses of the pension fund allocated to the group of members and beneficiaries affected by the withdrawal and the value of the liabilities related to that group established as at the date of the withdrawal;

(2) the portion of the assets that is allocated to the group of members and beneficiaries affected by the withdrawal along with the amount of the reduction in benefits that the member or beneficiary would sustain if the unpaid contributions were not collected;

(3) the choices provided for in paragraph 3 or 4 of section 200 of the Act that apply to the member or beneficiary and the information, for each member or beneficiary to whom a pension is being paid on the date of the withdrawal, that he or she may request that his or her benefits be transferred to a pension plan referred to in section 98 of the Act;

(4) the expiry date of the time period, set out in the second paragraph of section 67.3.2, within which the members or beneficiaries must indicate their choices, exercise their options and present observations, if any, to the pension committee;

(5) the mention that, where the member or beneficiary to whom a pension is being paid on the date of the withdrawal fails to request that his or her benefits be transferred to a pension plan referred to in section 98 of the Act within the time allotted, his or her benefits will be paid by means of a pension paid by an insurer chosen by the pension committee;

(6) the information referred to in paragraphs 3 to 8, subparagraphs *a* and *b* of paragraph 9 and paragraph 10 of section 58, prepared or updated to the withdrawal date;

(7) the information referred to in subparagraph 10 of the first paragraph of section 62, prepared with respect to the withdrawing employer.

The statement must also mention that the withdrawal report and the data used to determine the member's or beneficiary's benefits or their value may be consulted without charge at the office of the pension committee or at the employer's establishment designated by the committee, whichever location is closer to the applicant's residence.

If it is for a member or beneficiary to whom a pension is being paid, the statement must also indicate the estimated amount of the pension reduced to take into account insufficient assets.

67.3.4. The payment, provided for in section 209.1 of the Act, of the benefits of each member and beneficiary affected by the withdrawal of the employer must be made in accordance with the provisions of section 67.3.9.

67.3.5. The termination report referred to in the first paragraph of section 207.2 of the Act must contain, in addition to the information required by section 64, a description of the method to be used at the time the benefits are paid to take into account any variations in the plan's assets and liabilities between the termination date and the date of payment.

67.3.6. The statement of benefits in the event of termination, referred to in section 207.3 of the Act, must be sent at least 30 days after the date on which Retraite Québec has received the termination report or, where applicable, the revised report, or the date referred to in section 240.4 of the Act.

67.3.7. The statement of benefits must include the following adjustments:

(1) the payment methods that must be indicated in accordance with subparagraph 1 of the first paragraph of section 207.3 of the Act must include, for each member or beneficiary to whom a pension is being paid on the

termination date, the possibility of having his or her benefits transferred to a pension plan referred to in section 98 of the Act;

(2) the expiry date of the time period set out in the third paragraph must be indicated instead of the expiry date of the time limit set out in subparagraph 4 of the first paragraph of section 207.3 of the Act;

(3) the mention that, where the member or beneficiary to whom a pension is being paid on the termination date fails to request that his or her benefits be transferred to a pension plan referred to in section 98 of the Act within the time allotted, his or her benefits will be paid by means of an annuity paid by an insurer chosen by the pension committee.

If it is for a member or beneficiary to whom a pension is being paid, the statement must also indicate the estimated amount of the pension reduced to take into account insufficient assets.

The time allotted to a member or beneficiary to provide his or her choices and options to the pension committee expires on the 90th day following the expiry of the 30-day period referred to in section 67.3.6.

In addition, the pension committee must send the statements in a timely manner so as to allow the members and beneficiaries at least 45 days to make choices, exercise options and present observations, if any, to the pension committee.

67.3.8. The payment, referred to in the first paragraph of section 210 of the Act, of benefits of members and beneficiaries affected by the termination must be made in accordance with the provisions of section 67.3.9.

67.3.9. For payment purposes, the premium that the pension committee must use to determine the value of the benefits of the members and beneficiaries to whom a pension was being paid on the date of the withdrawal or termination is the premium determined using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date of the calculation.

Despite the foregoing, to determine the value of the non-guaranteed benefits of a member or beneficiary who has requested that his or her pension be guaranteed by an insurer, the premium to be used is the premium provided by the insurer to guarantee the benefits.

The value of the benefits of the members and beneficiaries must be calculated within 7 days of the first day of the month that follows the expiry of a time period

that is not more than 40 days after the deadline given to the members and beneficiaries to indicate their choices and options.

The day after the value of the benefits of the members and beneficiaries is established, the pension committee must proceed to pay the benefits in accordance with the Act and with the withdrawal or termination report and, where applicable, taking into account any adjustments provided for in this subdivision.

67.3.10. Where a member or beneficiary whose pension has been guaranteed opts to have his or her benefits transferred to a pension plan referred to in section 98 of the Act, the insurer must, at the request of the pension committee, allocate the guarantee to non-guaranteed benefits of other members or beneficiaries or, if the insurer is unable to make such an allocation, pay into the pension fund the commuted value of the guaranteed pension at the date the benefits are transferred or, where the contract does not provide for a commuted value, the fair market value of the guaranteed pension determined on the basis of reasonable assumptions and cancellation fees.

The value of the guaranteed pension to be transferred by the pension committee to the pension plan specified by the member or beneficiary must be equal to the value of the pension to which the member or beneficiary is entitled, reduced to take into account insufficient assets. That value is determined in accordance with the provisions of section 67.3.9.

67.3.11. Within 15 days of the payment of benefits, the pension committee must provide Retraite Québec with a report, prepared by an actuary, on the payment of the benefits of the members and beneficiaries affected by the withdrawal or termination. The report must contain

- (1) the plan's assets at the date of payment;
- (2) the benefits and refunds paid to each member or beneficiary at the date of payment and the payment percentage of the benefits of each member or beneficiary at that date;
- (3) a reconciliation of the assets and liabilities between the date of withdrawal or termination and the payment of benefits including asset yield, asset increase through recovery of amounts owing and any variation in liabilities;
- (4) certification by the author of the report that the report was prepared in accordance with the provisions of the Act and of this Regulation.

§4. *Special provisions related to target-benefit plans*

67.3.12. Every time a mention of the amount of the normal pension or of another benefit, of the reduction of such a pension or benefit or of the value of benefits is required by a provision of this subdivision, that amount or value established according to the benefit target must be mentioned and, where applicable, the amount or value established by taking into account, regardless of its effective date, or any adjustment resulting from the application of recovery measures, of the restoration of benefits or the appropriation of a surplus assets that is provided for in an actuarial valuation report of the plan sent to Retraite Québec.

67.3.13. In the event of the withdrawal of an employer that is a party to a target-benefit plan, the statement referred to in section 146.91 of the Act must be sent to each member or beneficiary affected by the withdrawal within 60 days of the date on which the statement referred to in section 200 of the Act is sent. The members and beneficiaries must have at least 30 days to indicate their choices and exercise their options.

The statement must contain, in addition to the information required under section 146.91 of the Act,

- (1) the information referred to in paragraphs 2 to 10 of section 58 and, except if the statement concerns a non-active member for whom a pension is being paid or a beneficiary, in paragraph 1 of that section, determined or updated at the date of withdrawal;
- (2) a mention whether or not it is possible to maintain the beneficiary's benefits in the plan;
- (3) the period during which the member's or beneficiary's choices must be provided to the pension committee;
- (4) in the case of a member or beneficiary to whom a pension is being paid at the date of withdrawal, the estimate of the annuity that can be purchased from an insurer and a mention that the purchased annuity could differ.

The pension estimate is made based on the premium determined using the assumptions for the hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date on which the statement was prepared. The premium must be increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

67.3.14. If the plan does not allow the benefits of the members and beneficiaries to be maintained in the plan, the statement must also indicate

(1) if it concerns a non-active member for whom a pension is being paid at the date of withdrawal or a beneficiary,

(a) the payment methods provided for in subparagraph *a* of paragraph 2 of section 146.90 of the Act;

(b) that the benefits of the non-active member or beneficiary will be paid by the purchase of an annuity from an insurer selected by the pension committee if he or she does not provide another choice within the time period referred to in subparagraph 3 of the second paragraph of section 67.3.13;

(2) if it concerns any other member or beneficiary, that his or her benefits will be paid by means of a transfer to a plan referred to in section 98 of the Act.

67.3.15. If the plan provides that the benefits of the members and beneficiaries may be maintained in the plan, the statement must also indicate

(1) if it concerns a non-active member for whom a pension is being paid on the date of withdrawal or a beneficiary,

(a) the payment methods provided for in subparagraph *a* of paragraph 3 of section 146.90 of the Act;

(b) that the benefits of the non-active member or beneficiary will be maintained in the plan if he or she does not provide another choice within the time period referred to in subparagraph 3 of the second paragraph of section 67.3.13;

(2) if it concerns any other member or beneficiary,

(a) the payment methods provided for in subparagraph *b* of paragraph 2 of section 146.90 of the Act;

(b) that the benefits of the non-active member or beneficiary will be maintained in the plan if he or she does not provide another choice within the time period referred to in subparagraph 3 of the second paragraph of section 67.3.13;

(3) where applicable, a mention that the plan has an annuity purchasing policy.”

56. Section 67.5 is amended by replacing “pension benefits to which section 60 of the Act applies and” by “benefits under the plan”.

57. Section 67.6 is amended by replacing “benefits to which section 60 of the Act and” by “benefits under the plan”.

58. The following is inserted after section 67.6:

“**67.6.1.** In the case of a target-benefit plan, the additional pension referred to in section 84 of the Act and the pension referred to in section 105 of the Act that is purchased with amounts transferred, are determined on the basis of the assumptions and target level of the stabilization provision that, according to the most recent actuarial valuation of the plan whose report was sent to Retraite Québec, are used to determine the current service contribution.

DIVISION VIII.1 DEGREE OF SOLVENCY

67.6.2. The pension plan which provides for the establishment of a degree of solvency according to intervals shorter than a fiscal year must indicate

(1) the interval according to which the degree of solvency must be calculated, which cannot be less than one month;

(2) if the calculation is carried out systematically or only where required under the Act.

Where applicable, an actuary must define the method which, taking into account the actual rate of return of the pension fund or, if the rate is unknown, the estimated rate of return of the pension fund and changes in interest rates determined on a solvency basis, allows to briefly determine the degree of solvency before the date of the next required actuarial valuation.

Any new interval covered by the plan applies as of the date on which the change occurs or on a later date.”

59. The following is inserted after section 67.8:

“DIVISION VIII.4 PLAN CONVERSION

§1. *Conversion of a defined-contribution plan into a target-benefit plan*

67.9. The conversion of a defined-contribution plan into a target-benefit plan is subject to the consents required under section 146.55 of the Act.

During the conversion, only the benefits of members and beneficiaries under a defined contribution plan having consented to their conversion can be converted into target benefits.

67.10. Target benefits obtained by converting sums held under defined contribution provisions must be determined on the basis of the assumptions and the target level of the stabilization provision used to determine the current service contribution for the purposes of the actuarial valuation which considers the amendment concerning the conversion of the plan into a target-benefit plan.

§2. *Conversion of a negotiated contribution multi-employer plan into a target-benefit plan*

67.11. The members and beneficiaries affected by the amendment related to the conversion of a plan to which Chapter X.2 of the Act applies into a target-benefit plan must be consulted with regard to the recovery measures applicable in the event of insufficient contributions and to the conditions and procedure for applying them as well as to the conditions and procedure for restoring benefits and appropriating surplus assets set out in the expected target-benefit plan.

The provisions of section 146.35 of the Act apply, with the necessary modifications, to that consultation.

67.12. During the plan conversion, the normal pension and other benefits provided for in the plan, including the pensions being paid on the date of conversion, amended, where applicable, pursuant to section 146.44.2 of the Act, constitute the benefit target with regard to service accrued on the date of conversion.

67.13. The conversion may not become effective before the date on which the notice informing the members and beneficiaries is sent in accordance with the rules provided for in section 26 of the Act.

§3. *Conversion of a target-benefit plan into a defined-benefit plan*

67.14. All benefits under defined-benefit provisions must be restored, at the date of the actuarial valuation regarding the conversion of the plan, according to the conditions provided for in the plan text, in accordance with the rules set out under Division V of Chapter X.3 of the Act.

67.15. Surplus assets at the valuation date, if any, must be appropriated in accordance with the plan provisions.

If a surplus remains, it must be recorded as though it was an amount referred to in the second paragraph of section 42.2 of the Act.

67.16. The normal pension and other benefits resulting from the application of sections 67.14 and 67.15, where applicable, become defined benefits under the plan resulting from the conversion.”

60. The following is added after section 77.3:

“**77.4.** The provisions of sections 66 to 67.3.11 do not apply to a pension plan for which the notice referred to in section 200 or 204 of the Act was sent before 22 September 2021.”

61. Form 3 is amended

(1) by replacing “unless the undersigned notifies the originator, the administrator and Retraite Québec, by registered mail, not less than 90 days before the letter’s expiry that the letter will not be renewed” by “unless, at least 90 days before the expiry of the letter of credit, a notice of non-renewal is sent by registered mail to the undersigned, the originator, the administrator and Retraite Québec, by the person or body that decides not to renew the letter”;

(2) by striking out “prior to the expiry” in the first checkbox;

(3) by adding “or at the time the undersigned is notified of a notice of non-renewal” at the end of the second checkbox.

62. Schedule 0.2 is amended by replacing “defined benefit or defined benefit-defined contribution pension plans,” in subparagraph *b* of paragraph 1 of the declaration by “defined benefit or target-benefit pension plans”.

63. Schedule II is amended by striking out “as well as the members and beneficiaries affected” in paragraph 4 of the certificate.

64. The following is inserted after Schedule II:

“SCHEDULE II.1

(s. 63)

**DECLARATION OF TERMINATION
OF A PENSION PLAN THAT CANNOT BE
TERMINATED UNILATERALLY BY AN
EMPLOYER (FOLLOWING NOTICE GIVEN
BY THE PERSON OR BODY EMPOWERED
TO AMEND THE PLAN)**

Name of the plan: _____

Number: _____

I, _____, being duly authorized to act as administrator or mandatary of the administrator of the plan mentioned above, declare that the plan is being terminated and that the date of its termination is _____.

I certify that:

(1) the termination follows a decision made by the person or body empowered to terminate the plan in accordance with the plan provisions;

(2) the decision to terminate the plan was communicated by means of a written notice, a copy of which is attached hereto, that, to the best of my knowledge, was sent to all the affected members and beneficiaries (that is, all the plan's members and beneficiaries whose benefits were not paid in full before the termination date and, if the termination resulted from a division, merger, disposal or closure of the enterprise or a part of the enterprise, all the members whose active membership ceased during the period between the date on which the members were informed of the event in question and the termination date), the accredited association representing the members, the pension committee and the insurer, if any;

(3) the notice referred to in paragraph 2 indicates the plan's termination date;

(4) the termination date mentioned above is not subsequent to the day preceding the day on which the benefits of the plan's last member or beneficiary were paid;

(5) to the best of my knowledge, the termination date (check, as appropriate, one of the following boxes):

☐ is not prior to the date of the cessation of collection of member contributions nor the date preceding by 30 days the transmittal of the notice of termination to the active members;

☐ is prior to the date of the cessation of collection of member contributions or the date preceding by 30 days the transmittal of the notice of termination to the active members, but each of the members whose active membership ended on the occasion of the termination or thereafter has consented in writing to the termination of the plan at the date mentioned above and the pension committee is able to produce those consents at the request of Retraite Québec;

(6) the pension committee received the written notice of termination on _____.

(signature)

(date)

Attachment: notice of termination.”.

TRANSITIONAL AND FINAL

65. The provisions of section 11 apply to any pension plan whose termination date is subsequent to 22 September 2021.

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

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