



Part 2

LAWS AND REGULATIONS

3 November 2021 / Volume 153

Summary

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Part 2 – LAWS AND REGULATIONS

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- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
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Regulations and other Acts

Gouvernement du Québec

O.C. 1332-2021, 20 October 2021

Public Administration Act
(chapter A-6.01)

Secretariat of the Conseil du trésor —Signing of certain acts, documents or writings

Regulation respecting the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor

WHEREAS, under the second paragraph of section 88 of the Public Administration Act (chapter A-6.01), an act, document or writing is binding on or may be attributed to the chair of the Conseil du trésor only if it is signed by the chair, the secretary, the clerk, a member of the personnel of the secretariat or the holder of a position, and in the latter two cases, only to the extent determined by the Government;

WHEREAS, under the first paragraph of section 89 of the Act, the Government may, on the conditions it fixes, allow a signature to be affixed by means of an automatic device or electronic process;

WHEREAS the Government made the Terms and conditions for the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor (chapter A-6.01, r. 4);

WHEREAS it is expedient to replace the Terms and conditions;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor

Public Administration Act
(chapter A-6.01, ss. 88 and 89)

DIVISION I GENERAL

1. Subject to other conditions that may be prescribed by the Act, the members of the personnel of the secretariat of the Conseil du trésor, who hold a position mentioned hereafter, are authorized to sign alone and with the same authority and effect as the chair of the Conseil du trésor the acts, documents and writings listed after their respective position.

The same applies where the acts, documents and writings are signed by a person authorized in writing to perform those duties on an interim or provisional basis, or as a temporary replacement.

2. Hierarchical superiors of the persons referred to in this Regulation are also authorized to sign the acts, documents and writings that those persons are authorized to sign.

3. The Québec sales tax (QST) and the goods and services tax (GST) or, where applicable, the harmonized sales tax (HST) are not included in the amounts provided for in this Regulation.

4. For the purposes of sections 5 to 14, a rider to a contract is considered as a contract itself and the capacity to sign it is determined according to its amount.

DIVISION II POWERS OF THE ASSOCIATE SECRETARIES AND ASSISTANT SECRETARIES OF THE SECRETARIAT OF THE CONSEIL DU TRÉSOR

5. The associate secretaries and the assistant secretaries are authorized, in the exercise of their respective powers, duties and functions, to sign

(1) supply contracts for less than \$25,000, save where the good concerned is acquired by catalogue from the Centre d'acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec in which case no limit applies to the amount of such contracts;

(2) services contracts relating to the hiring of a labour relations negotiator or arbitrator, of an expert witness before the court or of a physician or a dentist in matters of medical assessment;

(3) financial services contracts, banking services contracts or legal services contracts;

(4) contracts for travel services;

(5) services contracts other than those referred to in paragraphs 2 to 4, except insurance contracts and auxiliary services contracts for the transportation and handling of goods, in which case no limit applies to the amount of such contracts, except in the following cases where the following maximum limits apply:

(a) \$250,000 where the service provider is a legal person;

(b) \$100,000 where the service provider is a natural person or where the object concerned is the supply of personnel; and

(6) authorizations for out-of-court settlements, with or without consideration, discharges from any personal right, and any act, document or writing relating to those discharges.

6. The associate secretary for public contracts is authorized, in the exercise of the associate secretary's respective powers, duties and functions, to sign attestations issued to the secretary of a selection committee responsible for evaluating tenders for services, as prescribed by paragraph 4 of section 8 of the Directive concernant les contrats d'approvisionnement, de services et de travaux de construction des organismes publics.

7. The associate secretary for public contracts is authorized, in the exercise of the associate secretary's respective powers, duties and functions, to sign attestations relating to the commitment to implement an equal opportunity program, issued to a Québec contractor or sub-contractor, pursuant to the provisions of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) or of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4).

DIVISION III

POWERS OF THE ADMINISTRATIVE DIRECTOR GENERAL, THE DIRECTOR OF MATERIAL RESOURCES AND THE DIRECTOR OF FINANCIAL RESOURCES OF THE SECRETARIAT OF THE CONSEIL DU TRÉSOR

8. The administrative director general is authorized, in the exercise of the director general's powers, duties and functions, to sign

(1) the contracts or other acts referred to in section 5, to the extent provided for in that section;

(2) construction contracts;

(3) contracts of alienation of movable property, subject to the Act respecting the Centre d'acquisitions gouvernementales (chapter C-7.01) and the Règlement sur la disposition des biens meubles excédentaires (chapter C-65.1, r. 7.1);

(4) documents relating to the management of a special fund established under an Act;

(5) declarations required when a debtor's income is seized in the hands of a third person under the Code of Civil Procedure (chapter C-25.01) or any other Act; and

(6) the retention schedule or a modification to the schedule, accompanied by a copy of the classification plan of its records under sections 3 or 4 of the Regulation respecting retention schedules, transfer, deposit and disposal of public archives (chapter A-21.1, r. 2).

9. The director of material resources is authorized, in the exercise of the director's powers, duties and functions, to sign

(1) supply contracts the amount of which does not exceed \$25,000, save where the good concerned is acquired by catalogue from the Centre d'acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec in which case the amount of such contracts must not exceed \$250,000;

(2) construction contracts the amount of which does not exceed \$100,000;

(3) insurance contracts;

(4) services contracts the amount of which does not exceed \$100,000, except

(a) services contracts where the service provider is a legal person;

(b) services contracts relating to the hiring of a labour relations negotiator or arbitrator, of an expert witness before the court or of a physician or a dentist in matters of medical assessment; and

(c) financial services contracts, banking services contracts or legal services contracts;

(5) contracts of alienation of movable property, subject to the Act respecting the Centre d'acquisitions gouvernementales (chapter C-7.01) and the Règlement sur la disposition des biens meubles excédentaires (chapter C-65.1, r. 7.1);

(6) authorizations for out-of-court settlements, with or without consideration, discharges from any personal right, and any act, document or writing relating to those discharges; and

(7) the retention schedule or a modification to the schedule, accompanied by a copy of the classification plan of its records under sections 3 or 4 of the Regulation respecting retention schedules, transfer, deposit and disposal of public archives (chapter A-21.1, r. 2).

The maximum limit of the amount of a contract provided for in subparagraph 4 of the first paragraph is set at \$10,000 in the following cases:

(1) where the service provider is a natural person;

(2) where the object concerned is the supply of personnel.

10. The director of financial resources is authorized, in the exercise of the director's powers, duties and functions, to sign

(1) supply contracts the amount of which does not exceed \$20,000, save where the good concerned is acquired by catalogue from the Centre d'acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec in which case the amount of such contracts must not exceed \$25,000; and

(2) services contracts the amount of which does not exceed \$25,000, except

(a) services contracts where the service provider is a legal person;

(b) insurance contracts;

(c) auxiliary services contracts for the transportation and handling of goods; and

(d) services contracts relating to the hiring of a labour relations negotiator or arbitrator, of an expert witness before the court or of a physician or a dentist in matters of medical assessment.

The maximum limit of the amount of a contract provided for in subparagraph 2 of the first paragraph is set at \$10,000 in the following cases:

(1) where the service provider is a natural person;

(2) where the object concerned is the supply of personnel.

DIVISION IV **POWERS OF OTHER MEMBERS OF** **MANAGEMENT PERSONNEL OF THE** **SECRETARIAT OF THE CONSEIL DU TRÉSOR**

11. The directors general and the senior directors are authorized, in the exercise of their powers, duties and functions, to sign

(1) supply contracts the amount of which does not exceed \$25,000, save where the good concerned is acquired by catalogue from the Centre d'acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec in which case the amount of such contracts must not exceed \$250,000;

(2) services contracts the amount of which does not exceed \$100,000, except the following contracts:

(a) insurance contracts, financial services contracts or banking services contracts; and

(b) auxiliary services contracts for the transportation and handling of goods; and

(3) authorizations for out-of-court settlements, with or without consideration, discharges from any personal right, and any act, document or writing relating to those discharges.

The maximum limit of the amount of a contract provided for in subparagraph 2 of the first paragraph is set at \$25,000 in the following cases:

(1) where the service provider is a natural person;

(2) where the object concerned is the supply of personnel;

(3) where the object concerned is travel services.

12. The director of human resources is authorized, in the exercise of the director's powers, duties and functions, to sign

(1) the contracts or other acts referred to in section 11, to the extent provided for in that section; and

(2) declarations required when a debtor's income is seized in the hands of a third person under the Code of Civil Procedure (chapter C-25.01) or any other Act.

13. The directors are authorized, in the exercise of their powers, duties and functions, to sign

(1) supply contracts the amount of which does not exceed \$20,000, save where the good concerned is acquired by catalogue from the Centre d'acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec in which case the amount of such contracts must not exceed \$25,000; and

(2) services contracts the amount of which does not exceed \$25,000, except the following contracts:

(a) insurance contracts, financial services contracts or banking services contracts; and

(b) auxiliary services contracts for the transportation and handling of goods.

The maximum limit of the amount of a contract provided for in subparagraph 2 of the first paragraph is set at \$10,000 in the following cases:

(1) where the service provider is a natural person;

(2) where the object concerned is the supply of personnel.

14. The assistant directors are authorized, in the exercise of their powers, duties and functions, to sign

(1) supply contracts the amount of which does not exceed \$20,000, save where the good concerned is acquired by catalogue from the Centre d'acquisitions gouvernementales or, as the case may be, Infrastructures technologiques Québec in which case the amount of such contracts must not exceed \$25,000; and

(2) services contracts relating to the hiring of a labour relations negotiator or arbitrator, of an expert witness before the court or of a physician or a dentist in matters of medical assessment and the amount of which does not exceed \$25,000.

DIVISION V **SPECIAL TERMS AND CONDITIONS** **FOR SIGNING**

15. The signature of the chair of the Conseil du trésor may be affixed by any information technology-based process.

DIVISION VI **FINAL**

16. This Regulation replaces the Terms and conditions for the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor (chapter A-6.01, r. 4).

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

105332

Gouvernement du Québec

O.C. 1348-2021, 20 October 2021

Labour Code
(chapter C-27)

Remuneration of arbitrators **—Amendment**

Regulation to amend the Regulation respecting the remuneration of arbitrators

WHEREAS, under the first paragraph of section 103 of the Labour Code (chapter C-27), the Government may determine, by regulation, after consultation with the Comité consultatif du travail et de la main-d'œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the remuneration and expenses to which the arbitrators of disputes and grievances appointed by the Minister are entitled, one or more methods for determining the remuneration and expenses to which the arbitrators chosen by the parties are entitled, and the situations in which the regulation does not apply;

WHEREAS the Government made the Regulation respecting the remuneration of arbitrators (chapter C-27, r. 6);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the remuneration of

arbitrators was published in Part 2 of the *Gazette officielle du Québec* of 21 July 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Comité consultatif du travail et de la main-d'œuvre has been consulted;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the remuneration of arbitrators, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the remuneration of arbitrators

Labour Code
(chapter C-27, s. 103)

1. The Regulation respecting the remuneration of arbitrators (chapter C-27, r. 6) is amended in section 2 by replacing “\$140” in the first paragraph by “\$240”.

2. Section 5 is amended by replacing “1 hour” by “1.5 hours”.

3. Section 6 is amended by replacing “Directive sur les frais remboursables lors d'un déplacement et d'autres frais inhérents (C.T. 194603, 2000-03-30)” by “Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics issued by the Conseil du trésor on 26 March 2013 and its subsequent amendments”.

4. Section 7 is amended by replacing “\$90” in the second paragraph by “\$135”.

5. Section 8 is replaced by the following:

“**8.** When a case is discontinued or fully settled or a hearing is postponed at the request of a party, an arbitrator is entitled to fees at the rate set by section 2 as indemnity, determined as follows:

(1) 1 hour if the event occurs between 90 and 61 days before the date of the hearing;

(2) 2 hours if the event occurs between 60 and 31 days before the date of the hearing;

(3) 4 hours if the event occurs between 30 and 11 days before the date of the hearing;

(4) 6 hours if the event occurs between 10 days or less before the date of the hearing.”.

6. The following is added after section 9:

“**9.1.** The fees provided for in section 2 and the travel allowance provided for in section 7 are adjusted on 1 January of each year by a rate corresponding to the annual change in the average all-items Consumer Price Index for Québec without alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 30 September of the year preceding that for which the fees and travel allowance must be adjusted.

Such fees and travel allowance, so adjusted, are decreased to the nearest dollar if they include a dollar fraction under \$0.50; they are increased to the nearest dollar if they include a dollar fraction equal to or over \$0.50.

Despite the first paragraph, such fees and travel allowance are not adjusted if, in the previous year, they were set or increased otherwise than under this section.

The Minister informs the public of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.”.

7. Section 10 is amended by inserting “, and adjusted in accordance with section 9.1” at the end.

8. This Regulation applies to the grievances and disputes submitted to arbitration whose activities take place on or after 18 November 2021.

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

105334

Gouvernement du Québec

O.C. 1363-2021, 27 October 2021

Education Act
(chapter I-13.3)

Student transportation —Amendment

Regulation to amend the Regulation respecting student transportation

WHEREAS, under the first paragraph of section 453 of the Education Act (chapter I-13.3), the Government may regulate student transportation to determine the stages of the process for awarding contracts for the transportation of students, to provide, for each stage, restrictions and conditions for awarding contracts, to limit the carriers with whom a school service centre may make agreements, to prescribe the minimum stipulations required to be included in a contract and establish standards in respect of its duration, and set standards for the cost that may be claimed for the service;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting student transportation was published in Part 2 of the *Gazette officielle du Québec* of 24 April 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 with amendment;

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

THAT the Regulation to amend the Regulation respecting student transportation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting student transportation

Education Act
(chapter I-13.3, s. 453)

1. The Regulation respecting student transportation (chapter I-13.3, r. 12) is amended in the first paragraph of section 31

(1) by inserting “model” before “year in subparagraph 2;

(2) by inserting the following after subparagraph 3:

“(3.1) is authorized, notwithstanding subparagraphs 2 and 3, to use, up to the end of the current school year, buses or minibuses 14 years old where

(a) the carrier provides the service centre or the educational institution with the certificate provided for in subparagraph 3;

(b) the carrier shows to the school service centre or the educational institution that he bought, in order to replace each of those buses or minibuses, a fully electric bus or minibus to be delivered before the next school year or that the delivery of the bus or minibus purchased as replacement depends on the seller receiving a fully electric bus or minibus to be delivered before the next school year;”.

2. Subparagraph 3.1 of the first paragraph of section 31 of the Regulation, as inserted by paragraph 2 of section 1 of this Regulation, ceases to have effect on 31 october 2023.

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

105335

Draft Regulations

Draft Regulation

Education Act
(chapter I-13.3)

Designation of members of the boards of directors of school service centres

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the designation of members of the boards of directors of school service centres, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the terms, conditions and standards applicable to designating, under the Education Act (chapter I-13.3), members of the boards of directors of school service centres. It prescribes certain functions of the director general of the school service centre with respect to the application of the designation rules, the conditions that a person must meet to be a member of a school service centre's board of directors, the criteria and terms applicable to the division of a French-language school service centre into districts, and the time limits and terms applicable to the process for designating parent representatives, staff representatives and community representatives to a school service centre's board of directors.

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

Further information concerning the draft Regulation may be obtained by contacting Anny Bussi res, Direction de la gouvernance scolaire, Minist re de l' ducation, 1035, rue De La Chevroti re, 14   tage, Qu bec (Qu bec) G1R 5A5; telephone: 418 644-4916, extension 2296; email: gouvernance@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie- ve Chamberland, Secretary General, Minist re de l' ducation, 1035, rue De La Chevroti re, 15   tage, Qu bec (Qu bec) G1R 5A5; email: marie-eve.chamberland@education.gouv.qc.ca.

JEAN-FRAN OIS ROBERGE
Minister of Education

Regulation respecting the designation of members of the boards of directors of school service centres

Education Act
(chapter I-13.3, s. 455.2)

DIVISION I GENERAL

 1. Functions of the director general

1. The director general of the school service centre, in accordance with the Education Act (chapter I-13.3), sees to the application of the designation rules prescribed by the Act and by this Regulation.

2. In addition to the functions provided for in the Education Act and this Regulation, the director general exercises, in particular, the following functions:

(1) ensures that useful information on the terms, conditions and standards for designating members of the school service centre's board of directors and the results of the designations are published on the school service centre's website;

(2) sends to persons who request it any useful information on the terms, conditions and standards for designating members of the school service centre's board of directors;

(3) at their request or on the director general's own initiative, makes suggestions to the other persons to whom this Regulation assigns responsibilities in respect to designating members of the school service centre's board of directors;

(4) verifies the compliance of the nominations that are sent to the director general pursuant to Divisions 3 and 4 and, as the case may be,

(a) allows a candidate to provide any missing information provided for in this Regulation; or

(b) after informing the candidate that his or her nomination appears to the director general not to comply with a requirement of section 4 and after allowing the candidate to submit observations within the period the director general indicates, rejects a nomination.

3. The director general may be assisted by any person the director general designates.

§2. *Eligibility requirements to be a member of a school service centre's board of directors*

4. In addition to having, as the case may be, the qualifications required by section 143 of the Education Act and subparagraph 3 of the first paragraph of section 143.1 of the Act, a candidate for a seat on a school service centre's board of directors covered by this Regulation must

(1) be a Canadian citizen who is 18 years of age or over and not under curatorship;

(2) not have been convicted within the last 5 years of an offence that is a corrupt electoral or referendum practice under the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) or the Election Act (chapter E-3.3);

(3) not be disqualified within the meaning of section 21 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, with the necessary modifications, except subparagraph 4 of the first paragraph, which does not apply to a candidate for a staff representative seat;

(4) not be a member of another school service centre's board of directors and not be a candidate for another seat on a school service centre's board of directors;

(5) in the case of a candidate for a community representative seat, be domiciled in the school service centre's territory; and

(6) in the case of a candidate for a staff representative seat, meet the conditions set out in section 19 and not be an employee, officer or otherwise representative of an association representing employees of a school service centre.

§3. *Other general provisions*

5. Nomination forms provided for in this Regulation must contain sections for a candidate, in particular, to

(1) provide the candidate's name and contact information;

(2) specify the seat for which the candidate is filing nomination papers;

(3) attest that the candidate has the qualifications set out in section 4 and meets the conditions referred to in that section; and

(4) set out the candidate's reasons for filing nomination papers.

6. If a time limit provided for in this Regulation to perform an act expires on a Saturday or Sunday, the act may be validly performed on the next following working day.

DIVISION II

DESIGNATION OF PARENT REPRESENTATIVES

§1. *Division into districts*

7. If parent representatives must be designated to fill seats on the school service centre's board of directors for terms beginning the next school year, the director general ensures the adequate division of the school service centre's territory into five districts in accordance with section 143.8 of the Education Act, modifies the division as needed and informs the parents' committee, not later than 15 March of the current school year, of the division determined for the next designation of parent representatives.

For the purposes of the division referred to in the first paragraph, the director general ensures

(1) that each school is situated in a single district;

(2) that at least 1 school is situated in each of the districts;

(3) that all of a district's schools form a consistent geographic territory by each serving a part of the territory that is contiguous to part of the territory of one or more of the other schools in the same district; and

(4) the fairest possible distribution of the number of schools and students in each of the districts.

The director general may take into account other factors such as the existence of common characteristics or physical barriers and the territorial limits of the municipalities served by the school service centre.

8. Each district is described by the list of schools situated within it.

The director general may assign names to the districts.

9. The director general must, before dividing the school service centre's territory into districts, consult the parents' committee when the director general

(1) intends to modify the division in force at the last designation of parent representatives to the board of directors;

(2) intends to modify a district's name or assign a name to a district that did not previously have one; or

(3) intends to add a new school to a district.

The parents' committee must submit its observations within the period of at least 10 days that the director general indicates.

10. Modifying the division of the territory into districts may not terminate a parent representative's current term.

If modifying a division leads to 2 parent representatives whose respective terms have not expired representing the same district, the parents' committee must assign 1 of the 2 to represent another district and inform the director general.

The parent representative who is assigned a new district is entitled to become a candidate in the new district if the parent representative meets the conditions that would have allowed him or her to become a candidate again in his or her former district.

§2. Designation of parent representatives

11. The designation process for a parent representative for a term beginning the next school year starts with the director general sending, not later than 15 April of the current school year, a notice of designation to each member of the parents' committee.

The notice of designation contains

(1) the list of the districts for which a designation must take place and the description of the districts;

(2) the qualifications required and conditions to be met to become a candidate; and

(3) a statement setting out the designation terms provided for in this Regulation.

The notice must be accompanied by a nomination form that provides spaces for the candidate to enter, in addition to the information listed in section 5, the condition provided for in the first paragraph of section 13 that the candidate meets.

12. The members are designated in accordance with the terms determined by the parents' committee, subject to this subdivision.

13. Parents' committee members may become candidates in a district if they

(1) sit on the governing board of a school situated in that district; or

(2) represent the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities and have a handicapped child or a child with social maladjustments or learning disabilities who attends a school situated in that district.

A parents' committee member becomes a candidate by sending the form referred to in the third paragraph of section 11, duly completed, to the chair of the parents' committee not later than 1 May of the current school year.

14. If no person has come forward to become a candidate to represent a district in accordance with section 13, a new call for nominations must be made by the parents' committee, which will specify the applicable time limit for filing nomination papers.

In such a case, a parents' committee member from another district may become a candidate for the district by sending the form referred to in the third paragraph of section 11, duly completed, to the chair of the parents' committee within the time indicated. That member may not, however, be designated if the new call for nominations allowed a parents' committee member from the district concerned to become a candidate within the time prescribed.

If no person has come forward to become a candidate to represent a district despite the call for nominations provided for in the first paragraph, the parents' committee may appoint a candidate defeated in another district if the defeated candidate agrees.

A parents' committee member from another district designated under the second or third paragraph may be a candidate again in the district that he or she represented, even if there are other candidates from the district, if the parents' committee member meets the conditions that would have allowed him or her to come forward to become a candidate in the district where he or she comes from.

15. Each candidate is designated by all the members of the parents' committee not later than 1 June of the current school year.

16. The parents' committee must notify the director general as soon as possible of the result of the designations.

The notice must contain the names of the persons who were designated and indicate the district each person represents.

The notice must be accompanied, for each person designated, by a statement attesting that the person has the qualifications and meets the conditions required by section 4.

17. Where regional parents' committees are established under section 191 of the Education Act, all the members of those committees are deemed to form the parents' committee for the purposes of this subdivision.

The chair of that committee is the chair of the central parents' committee.

DIVISION III **DESIGNATION OF STAFF REPRESENTATIVES**

18. The designation process for a staff representative for a term beginning the next school year starts with the director general sending, not later than 15 April of the current school year, a notice of designation to each staff member referred to in the relevant paragraph of section 19.

The notice of designation contains

- (1) the list of the seats for which a designation must take place;
- (2) the qualifications required and conditions to be met to become a candidate; and
- (3) a statement setting out the designation terms provided for in this Regulation.

The notice must be accompanied by a nomination form that, in addition to the information listed in section 5, provides spaces for the candidate to enter, as applicable, the school of whose governing board the candidate is a member, the school of which the candidate is the principal or the candidate's position as an officer of the school service centre.

19. The teaching staff representative is designated by and from among the teaching staff members sitting in that capacity, at the time of the designation, on a governing board of the school service centre.

The non-teaching professional staff representative is designated by and from among the non-teaching professional staff members sitting in that capacity, at the time of the designation, on a governing board of the school service centre.

The support staff representative is designated by and from among the support staff members sitting in that capacity or as staff members assigned to childcare services, at the time of the designation, on a governing board of the school service centre.

The principals' representative is designated by and from among all the principals of the educational institutions of the school service centre.

In the case of a French-language school service centre, the executive staff representative is designated by and from among all the executive staff members.

20. Staff representatives are designated in accordance with the terms determined by the director general, subject to this Division.

21. A staff representative becomes a candidate by sending the form referred to in the third paragraph of section 18, duly completed, to the director general not later than 1 May of the current school year.

22. If no staff member has come forward to become a candidate to represent his or her category in accordance with section 21, a new call for nominations must be made by the director general, who will specify the applicable time limit for filing nomination papers.

23. The director general must send the nominations received for a seat as soon as possible to each member of the staff category referred to in section 19, along with the instructions for designation.

24. Each candidate is designated by all the members of his or her category referred to in section 19 not later than 1 June of the current school year.

DIVISION IV **DESIGNATION OF COMMUNITY REPRESENTATIVES**

25. The designation process for a community representative for a term beginning the next school year starts with the director general publishing, not later than 15 April of the current school year, a notice on the school service centre's website, inviting the persons who are domiciled in the school service centre's territory to become a candidate.

26. The notice must indicate the number of seats to be filled, the profiles sought, the qualifications required and conditions to be met, the 15 May time limit for filing nomination papers and the other instructions necessary for filing them.

27. A nomination form must be made available at the school service centre's head office and on the school service centre's website.

28. The community representatives are designated by co-optation by the parent representatives and staff representatives referred to in the first paragraph of section 29, at a meeting called by the director general and held not later than 15 June of the current school year.

29. The parent representatives and staff representatives who may attend the co-optation meeting referred to in section 28 are parent representatives and staff representatives who have been designated for terms beginning the next school year as well as parent representatives and staff representatives who are already in office and whose term continues for the next school year.

At least 3 parent representatives and 3 staff representatives must attend the meeting, which is to be chaired by the director general.

30. The director general must make available to the representatives referred to in the first paragraph of section 29 the nomination forms he or she received at least 5 days before the meeting referred to in section 28.

31. The members in attendance at the meeting determine the procedure to be followed.

The director general is not entitled to vote. The director general acts as secretary of the meeting and draws up minutes of the meeting which he or she enters in the school service centre's Minutes of Proceedings and to which he or she attaches the nomination forms. The director general informs the candidates of their designation or otherwise as soon as possible.

32. The designations take effect the next 1 July.

33. If none of the community representative seats was able to be filled at the meeting referred to in section 28, due to a lack of nominations, any unfilled seat must be the subject of a new notice inviting the persons who reside in the school service centre's territory to become a candidate.

Sections 24 to 31 apply in such a case, with the necessary modifications, subject to the following:

(1) the notice referred to in section 26 must be published in the period between 15 August and 1 September of the current school year and candidates have 30 days to become a candidate;

(2) the co-optation takes place at a regular or special meeting of the board of directors and all members in attendance, including community representatives, are entitled to vote.

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

105333

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Method for assessing the annual royalty and method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee —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 the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The object of the draft Regulation is to change the method used to assess the annual royalty payable by holders of timber supply agreements to provide for the reimbursement of part of the annual royalty payable, in cases where volumes of timber could not be harvested by the holders for reasons beyond their control. The draft Regulation also introduces a mechanism to ensure that the amounts paid as annual royalties each year provide a better reflection of Québec's timber market.

The draft Regulation will have no negative impact on enterprises, including small and medium-sized enterprises, because it concerns only a reduction in the royalty payable to the government by enterprises holding a timber supply agreement for public forests. Its goal is to reduce their financial burden. The impact of the draft Regulation is proportional to the size of each enterprise and its business environment, because the annual royalty

is calculated on the basis of the volumes of timber specified in the timber supply guarantee granted and the market value of the timber paid.

Further information on the draft Regulation may be obtained by contacting Valérie Lemay, Interim Director, Direction de la tarification et de la compétitivité des opérations forestières, Bureau de mise en marché des bois, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau A-204, Québec (Québec) G1H 6R1; telephone: 418 627-8640, extension 704003; email: valerie.lemay@bmmmb.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Alain Sénéchal, Associate Deputy Minister for Forests, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau A-405, Québec (Québec) G1H 6R1.

PIERRE DUFOUR

Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee

Sustainable Forest Development Act
(chapter A-18.1, s. 126)

1. The Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6) is amended in section 1

(1) by inserting the following after paragraph 1:

“(1.0.1) “harvest year 1” means the harvest year preceding a harvest year;

(1.0.2) “harvest year 2” means the harvest year preceding harvest year 1;”;

(2) by striking out paragraph 2.

2. Sections 2, 3 and 4 are replaced by the following:

“2. The adjusted average market value of standing timber per cubic metre, used to assess the annual royalty payable by the holder of a supply guarantee for a harvest year, is calculated using the following formula:

$A = D/E$, where

(1) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty;

(2) “D” is the sum of all products resulting from the operation $B \times C$, performed for each species or group of species on the basis of each different quality, forest tariffing zone and quarter concerned, where

(a) “B” is the unit rate for the market value of standing timber in harvest year 1 for a species or group of species of a given quality, forest tariffing zone and quarter;

(b) “C” is the volume of timber billed to a holder for harvest year 2 for that same species or group of species of that same quality, forest tariffing zone and quarter;

(3) “E” is the volume of timber billed to the holder pursuant to the holder’s supply guarantee for harvest year 2.

Despite the first paragraph, when the volume of timber billed to a holder for harvest year 2 is less than 10% of the volume of timber specified in the holder’s supply guarantee for the harvest year, the adjusted average market value of standing timber per cubic metre is calculated using the following formula:

$A = H/I$, where

(1) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty;

(2) “H” is the sum of all products resulting from the operation $F \times G$, performed for each species or group of species specified in the holder’s supply guarantee, where

(a) “F” is the volume of timber specified in the holder’s supply guarantee for a species or group of species;

(b) “G” is the adjusted average market value of standing timber per cubic metre for all holders using the unit rates for the market value of standing timber in harvest year 1 and the volume of timber billed for harvest year 2 for the same species or the same group of species;

(3) “I” is the volume of timber specified in the holder’s supply guarantee.

For the purposes of the assessment of the adjusted average market value of standing timber per cubic metre provided for in the first or second paragraph, as the case may be, the volume is calculated using the data available on 31 December following the end of harvest year 2

3. The annual royalty is assessed in the month of February preceding the start of the harvest year using the calculation in section 3 and adjusted thereafter, where applicable, as provided for in sections 4.0.1 to 4.0.14.

4. The annual royalty payable by the holder of a supply guarantee for a harvest year is calculated using the following formula:

$$J = I \times (18\% A), \text{ where}$$

(1) “J” is the annual royalty payable for the harvest year in accordance with the volume of timber specified in the holder’s supply guarantee;

(2) “I” is the volume of timber specified in the holder’s supply guarantee;

(3) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.1. To assess the amount payable by the holder of a supply guarantee for the first instalment of the annual royalty, pursuant to section 1 of the Regulation respecting the terms of payment of the annual royalty and timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6.1), an adjusted annual royalty for the calculation of the first instalment must first be calculated using the following formula:

$$L = ((I - M - N) \times (18\% A)), \text{ where}$$

(1) “L” is the adjusted annual royalty for the calculation of the first instalment;

(2) “I” is the volume of timber specified in the holder’s supply guarantee;

(3) “M” is the volume of timber, not covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(5) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.”

4.0.2. The amount payable by the holder of a timber supply guarantee as the first instalment of the annual royalty is calculated using the following formula:

$$K = 50\% L, \text{ where}$$

(1) “K” is the amount payable as the first instalment of the annual royalty;

(2) “L” is the adjusted annual royalty for the calculation of the first instalment, calculated in accordance with section 4.0.1.

Despite the first paragraph, if the adjusted annual royalty for the calculation of the first instalment, calculated in accordance with section 4.0.1, is less than 50% of the result obtained by performing the same calculation as the calculation provided for in section 4, but by first subtracting, where applicable, the volume of timber represented by the letter “N” from the volume of timber represented by the letter “I”, the amount payable as the first instalment of the annual royalty is calculated using the following formula:

$$K = 25\% ((I - N) \times (18\% A)), \text{ where}$$

(1) “K” is the amount payable as the first instalment of the annual royalty;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.3. To assess the amount payable by the holder of a timber supply guarantee as the second instalment of the annual royalty, pursuant to section 1 of the Regulation respecting the terms of payment of the annual royalty and timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6.1), an adjusted annual royalty for the calculation of the second instalment must first be calculated using the following formula:

$$P = (I - M - 50\% Q - N - R) \times (18\% A), \text{ where}$$

(1) “P” is the adjusted annual royalty for the calculation of the second instalment;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “M” is the volume of timber, not covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “Q” is the volume of timber, not covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(5) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(6) “R” is the volume of timber, covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(7) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.4. The amount payable by the holder of a timber supply guarantee as the second instalment of the annual royalty is calculated using the following formula:

$$O = P - K, \text{ where}$$

(1) “O” is the amount payable as the second instalment of the annual royalty;

(2) “P” is the adjusted annual royalty for the calculation of the second instalment, calculated in accordance with section 4.0.3;

(3) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2.

Despite the first paragraph, if the adjusted annual royalty for the calculation of the second instalment, calculated in accordance with section 4.0.3, is less than 50% of the result obtained by performing the same calculation as the calculation provided for in section 4, but by first subtracting, where applicable, the volumes of timber represented by the letters “N” and “R” from the volume of timber represented by the letter “I”, the amount payable as the second instalment of the annual royalty is calculated using the following formula:

$$O = (50\% ((I - N - R) \times (18\% A)) - K, \text{ where}$$

(1) “O” is the amount payable as the second instalment of the annual royalty;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “R” is the volume of timber, covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(5) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(6) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2.

4.0.5. At the end of the harvest year, an adjusted annual royalty for the calculation of the end-of-year reimbursement must first be calculated using the following formula:

$$U = (I - N - R - T) \times (18\% A), \text{ where}$$

(1) “U” is the adjusted annual royalty for the calculation of the end-of-year reimbursement;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “R” is the volume of timber, covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(5) “T” is the volume of timber, covered by a special development plan, that the holder waived between 16 August and 31 March in the harvest year;

(6) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.6. At the end of the harvest year, the holder of a timber supply guarantee is entitled, with respect to the volume of timber covered by a special development plan that the holder waived between 16 August and 31 March of the harvest year, to the reimbursement of a portion of the amounts paid as an annual royalty, calculated using the following formula:

$$S = (18\% A) \times T, \text{ where}$$

(1) “S” is the amount of the reimbursement of the annual royalty to which the holder is entitled at the end of the harvest year after waiving a volume of timber covered by a special development plan between 16 August and 31 March in the harvest year;

(2) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) “T” is the volume of timber, covered by a special development plan, that the holder waived between 16 August and 31 March in the harvest year.

Despite the first paragraph, if the difference between the adjusted annual royalty for the calculation of the second instalment, calculated in accordance with section 4.0.3, and the reimbursement calculated in accordance with the first paragraph, is less than 50% of the adjusted annual royalty for the calculation of the

end-of-year reimbursement, calculated in accordance with section 4.0.5, the amount of the reimbursement to which the holder is entitled is calculated using the following formula:

$$S = (K + O) - (50\% U), \text{ where}$$

(1) “S” is the amount of the reimbursement of the annual royalty to which the holder is entitled at the end of the harvest year after waiving a volume of timber covered by a special development plan between 16 August and 31 March in the harvest year;

(2) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2;

(3) “O” is the amount payable as the second instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.4;

(4) “U” is the adjusted annual royalty for the calculation of the end-of-year reimbursement.

4.0.7. Subject to section 4.0.14, the holder of a timber supply guarantee is entitled, on 31 December of the year following the harvest year, to the reimbursement of a portion of the amounts paid as an annual royalty if

(1) the holder has a timber supply guarantee for species or groups of species identified as minor or under-represented species or groups of species and has not harvested, for the harvest year, the entire volume of those species or groups of species to which the holder was entitled under the holder’s sales contract for standing timber purchased pursuant to the holder’s timber supply guarantee;

(2) the holder operates a rotary-cutting enterprise within the meaning of the timber supply guarantee and has not harvested, for the harvest year, the entire volume of the species or groups of species of hardwoods to which the holder was entitled under the holder’s sales contract for standing timber purchased pursuant to the holder’s timber supply guarantee.

4.0.8. Subject to section 4.0.14, the holder of a timber supply guarantee is entitled, on 31 December of the year following the harvest year, to the reimbursement of a portion of the amounts paid as an annual royalty if the holder has not harvested the aggregate of the volume of timber due to harvest coordination problems caused by another timber supply guarantee holder that ceased activities for a period of more than 3 consecutive months during the harvest year and that, when it ceased its activities,

(1) held a timber supply guarantee for the same region of application as the holder's timber supply guarantee;

(2) operated a wood processing plant that had been operating for more than 18 consecutive months prior to the cessation of activities.

To benefit from the reimbursement, the holder must file an application, in writing, with the timber marketing board not later than 31 December of the year following the harvest year.

4.0.9. No holder may, for a given volume of timber specified in the holder's timber supply guarantee, benefit from more than one of the reimbursements provided for in sections 4.0.7 and 4.0.8 for the harvest year.

4.0.10. The amount of the reimbursement for minor or under-represented species or groups of species is calculated using the following formula:

$$V = (18\% A) \times W, \text{ where}$$

(1) "V" is the amount of the reimbursement associated with minor or under-represented species or groups of species;

(2) "A" is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) "W" is the volume of timber belonging to minor or under-represented species or groups of species that the holder has not waived and for which the holder was not billed for the harvest year.

4.0.11. The amount of the reimbursement for hardwood species or groups of species to a rotary-cutting enterprise operated by a holder is calculated using the following formula:

$$X = (18\% A) \times Y, \text{ where}$$

(1) "X" is the amount of the reimbursement associated with the hardwood species or groups of species of a rotary-cutting enterprise;

(2) "A" is the adjusted average market value of standing timber used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) "Y" is the volume of timber belonging to hardwood species or groups of species of the rotary-cutting enterprise operated by the holder, that the holder has not waived and for which the holder was not billed for the harvest year.

4.0.12. The amount of the reimbursement relating to the cessation of operations at a plant is calculated using the following formula:

$$Z = (18\% A) \times AA, \text{ where}$$

(1) "Z" is the amount of the reimbursement relating to the cessation of activities at a plant;

(2) "A" is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) "AA" is the sum of the unbilled volumes of timber identified for each region of application of the holder's timber supply guarantee, calculated in accordance with the third or fourth paragraph.

The unbilled volume of timber identified for a region of application of the timber supply guarantee, required for the calculation provided for in the first paragraph, is the lesser of the maximum volume of timber that may be used for reimbursement for that region of application, calculated in accordance with the third paragraph, and the volume of timber not billed to a holder for that region of application, calculated as provided for in the fourth paragraph.

The maximum volume of timber that may be used for reimbursement for a region of application is calculated using the following formula:

$$BB = (CC - DD) \times (EE/FF), \text{ where}$$

(1) "BB" is the maximum volume that may be used for the reimbursement for a region of application;

(2) "CC" is the volume of timber specified in the timber supply guarantee of the holder entitled to the reimbursement during the harvest year for a region of application of the holder's timber supply guarantee;

(3) "DD" is the volume of timber, covered by a special development plan, which the holder entitled to a reimbursement has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder's timber supply

guarantee and the volumes waived by the holder after that time, but not later than 31 March of the harvest year for a region of application;

(4) “EE” is the volume of timber specified in the timber supply guarantee of a holder that operated the plant that ceased operations in the same region of application as that of the timber supply guarantee of the holder entitled to the reimbursement;

(5) “FF” is the sum of all the volumes of timber specified in all the timber supply guarantees of all the holders in the same region of application as that of the timber supply guarantee of the holder entitled to the reimbursement.

The volume of timber not billed to a holder for a region of application is calculated using the following formula:

$$GG = CC - DD - HH - II, \text{ where}$$

(1) “GG” is the volume of timber not billed to the holder during the harvest year for a region of application of the holder’s timber supply guarantee;

(2) “CC” is the volume of timber specified in the timber supply guarantee of the holder entitled to a reimbursement during the harvest year for a region of application of the holder’s timber supply guarantee;

(3) “DD” is the volume of timber, covered by a special development plan, which the holder entitled to a reimbursement has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee and the volumes waived by the holder after that time, but not later than 31 March of the harvest year for a region of application of the holder’s timber supply guarantee;

(4) “HH” is the volume of timber, not covered by a special development plan, which the holder entitled to a reimbursement has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee and the volume waived by the holder after that time, but not later than 15 August of the harvest year for a region of application of the holder’s timber supply guarantee;

(5) “II” is the volume of timber billed to the holder for the harvest year for a region of application of the holder’s timber supply guarantee.

4.0.13. The volumes required to calculate the reimbursements provided for in sections 4.0.10 to 4.0.12 are assessed using the data available on 31 December following the harvest year.

4.0.14. The maximum amount of the reimbursement to which the holder of a timber supply guarantee is entitled on 31 December of the year following the harvest year is calculated using the following formula:

$$JJ = V + X + Z, \text{ where}$$

(1) “JJ” is the maximum amount of the reimbursement to which the holder is entitled as a reimbursement on 31 December of the year following the harvest year;

(2) “V” is the amount of the reimbursement associated with minor or under-represented species or groups of species, calculated using the method in section 4.0.10;

(3) “X” is the amount of the reimbursement associated with the hardwood species or groups of species of a rotary-cutting enterprise, calculated using the method in section 4.0.11;

(4) “Z” is the amount of the reimbursement associated with the cessation of operations at a plan, calculated using the method in section 4.0.12.

Despite any other provision, if the total of the two first instalments of the annual royalty payable by the holder without the amounts of the reimbursements calculated in the first paragraph and in section 4.0.6 is less than 50% of the adjusted annual royalty for the calculation of the end-of-year reimbursement, the maximum amount to which the holder is entitled as a reimbursement on 31 December of the year following the harvest year is calculated using the following formula:

$$JJ = (K + O - S) - (50\% U), \text{ where}$$

(1) “JJ” is the maximum amount of the reimbursement to which the holder is entitled as a reimbursement on 31 December of the year following the harvest year;

(2) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2;

(3) “O” is the amount payable as the second instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.4;

(4) “S” is the amount of the reimbursement of the annual royalty to which the holder is entitled at the end of the harvest year after waiving a volume of timber covered by a special development plan between 16 August and 31 March in the harvest year, calculated in accordance with the first or second paragraph of section 4.0.6;

(5) “U” is the adjusted annual royalty for the end-of-year reimbursement, calculated in accordance with section 4.0.5.

3. This Regulation comes into force on 31 March 2022.

105336

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Scaling of timber harvested in forests in the domain of the State — 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 the scaling of timber harvested in forests in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter A-18.1, r. 5.1) to take into account the extension of the period during which timber may be harvested for a harvest pursuant to a forestry permit issued under the Sustainable Forest Development Act (chapter A-18.1) or a contract or agreement entered into under the Act.

The draft Regulation has no negative impact on enterprises, including small and medium-sized businesses. The amendments are made for internal harmonization purposes to ensure consistency between the Regulation respecting the scaling of timber harvested in forests in the domain of the State and the content of the permits, contracts and agreements, and the rendering of accounts that is required.

Further information on the draft Regulation may be obtained by contacting Louis-Olivier Trépanier, analyst for roundwood scaling methods, Direction de la tarification et de la compétitivité des opérations forestières, Bureau de mise en marché des bois, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau A-204, Québec (Québec) G1H 6R1; telephone: 418 627-8640, extension 704400; fax: 418 643-2368; email: louis-olivier.trepanier@bmmb.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Alain Sénéchal, Associate Deputy Minister for Forests, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau A-405, Québec (Québec) G1H 6R1.

PIERRE DUFOUR

Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State

Sustainable Forest Development Act
(chapter A-18.1, s. 72, par. 1)

1. The Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter A-18.1, r. 5.1) is amended in section 5 by inserting “by a person or body referred to in the first paragraph of section 1” after “Minister” in the first paragraph.

2. The following is inserted after section 5:

“**5.1.** Timber harvested within the additional time allowed after the end of a harvest year pursuant to a forestry permit issued under the Sustainable Forest Development Act (chapter A-18.1) or a contract or agreement entered into under the Act are deemed to be included in that harvest year.

The additional time may not be taken into consideration in the calculation of the 5-month period provided for in the first paragraph of section 5.”

3. Section 35 is amended by inserting “, 6” after “sections 5” in the first paragraph.

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

105337