No. 1

Part 2
LAWS AND REGULATIONS

3 January 2024 / Volume 156

Summary

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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 1 DECEMBER 2023

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 1 December 2023

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

205 An Act respecting Beneva Mutual

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

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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 7 DECEMBER 2023

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 7 December 2023

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

35 An Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions

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

Québec Official Publisher

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NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 35
(2023, chapter 30)

An Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions

Introduced 5 October 2023
Passed in principle 29 November 2023
Passed 6 December 2023
Assented to 7 December 2023

Québec Official Publisher
2023

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EXPLANATORY NOTES

This Act amends or enacts legislative provisions, in particular to implement certain measures contained in the Budget Speech delivered on 21 March 2023.

The Act respecting the Québec Pension Plan is amended mainly to

(1) establish an adjustment mechanism for contributions and additional benefits applicable as of the year 2042;

(2) set the age to qualify for a maximun retirement pension at 72 years of age; and

(3) provide that the retroactivity of the retirement pension of a contributor over 65 years of age applies upon application.

The functions of Retraite Québec are modified to allow it to analyze Quebecers' financial situation and draw up a portrait of their savings and degree of preparation for retirement.

The Balanced Budget Act is replaced, in particular to allow a budget deficit to be anticipated only in certain circumstances and, in such a case, require that a report explaining those circumstances be made and published. A plan to return to a balanced budget is also to be presented if the budget deficit recognized for a particular fiscal year is greater than the revenues recorded in the Generations Fund for that year, and the cases where such a plan may be replaced are specified.

The Act to reduce the debt and establish the Generations Fund is also amended, in particular, to

(1) provide for reporting on the state of the debt based on net debt rather than gross debt;

(2) cap the ratio of net debt to gross domestic product for the 2032–2033 and 2037–2038 fiscal years; and

(3) adjust the revenues to be credited to the Generations Fund.

The Société des loteries du Québec and its subsidiaries are granted the power to verify the identity of clients and the source of the sums of money or the origin of the property handed over to them when the value exceeds a threshold determined by the Société.

The Money-Services Businesses Act and the Regulation under the Money-Services Businesses Act are amended to include supplementary regulatory measures in respect of money-services businesses and introduce rules applicable to the businesses that operate cryptoasset automated teller machines.

The Act to facilitate the payment of support is amended to include an offence for the unauthorized consultation of a record and to change the prescriptive period applicable to certain offences under that Act. The Tax Administration Act and the Act to facilitate the payment of support are amended to adjust the amount of the fines for offences relating to the consultation, communication and use of personal information.

A formal demand to file information or a document required under the Unclaimed Property Act may be notified by a technological means when it is addressed to a financial institution and that institution may file the information or document by such a means.

The Unclaimed Property Act and the Act to facilitate the payment of support are amended to allow the proof of certain facts by an affidavit of an employee of the Agence du revenu du Québec, including that a document has been served by personal service or notified by a technological means.

The Act to facilitate the payment of support is amended to provide that a notice of a legal hypothec may be notified to a debtor by registered mail and the exemption to furnish security is extended to debtors who receive guaranteed income supplement benefits or last resort financial assistance benefits.

Lastly, the Act proposes various other measures, including provisions allowing the Minister of Finance to effect, under certain conditions, the adjudication of a contract for the sale of bonds of a duly authorized municipality without a resolution of the municipal council being required and provisions amending the process for granting financial assistance for university investments by using budgetary rules approved by the Conseil du trésor.

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LEGISLATION ENACTED BY THIS ACT:

– Balanced Budget Act (2023, chapter 30, section 29).

LEGISLATION AMENDED BY THIS ACT:

– Tax Administration Act (chapter A-6.002);

– Public Administration Act (chapter A-6.01);

– Unclaimed Property Act (chapter B-5.1);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Money-Services Businesses Act (chapter E-12.000001);

– Hydro-Québec Act (chapter H-5);

– University Investments Act (chapter I-17);

– Act respecting the Ministère des Finances (chapter M-24.01);

– Act to facilitate the payment of support (chapter P-2.2);

– Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1);

– Act respecting the Québec Pension Plan (chapter R-9);

– Act respecting Retraite Québec (chapter R-26.3);

– Act respecting the Société des loteries du Québec (chapter S-13.1);

– Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01);

– Act respecting public transit authorities (chapter S-30.01).

LEGISLATION REPLACED BY THIS ACT:

– Balanced Budget Act (chapter E-12.00001).

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REGULATION AMENDED BY THIS ACT:

– Regulation under the Money-Services Businesses Act (chapter E-12.000001, r. 1).

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Bill 35

AN ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 21 MARCH 2023 AND AMENDING OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

QUÉBEC PENSION PLAN

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE QUÉBEC PENSION PLAN

1. Section 44.2 of the Act respecting the Québec Pension Plan (chapter R-9) is amended by replacing paragraphs *e* and *f* by the following paragraphs:

"(*e*) 2.0% for the years 2023 to 2041; and

"(*f*) for the year 2042 and each subsequent year, the rate determined in accordance with Division V of Title VI."

2. Section 44.3 of the Act is replaced by the following section:

"**44.3.** The second additional contribution rate is 8% for the years 2024 to 2041 and, for the year 2042 and each subsequent year, the rate determined in accordance with Division V of Title VI."

3. Section 95.1 of the Act is amended

(1) by striking out "medical" in the first paragraph;

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

"The person must also submit to any examination that Retraite Québec requires, by the physician or the other health professional governed by the Professional Code (chapter C-26) that Retraite Québec designates."

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4. Section 95.2 of the Act is amended by replacing the first paragraph by the following paragraph:

"A person declared disabled must submit to any examination that Retraite Québec may require, by the physician or the other health professional governed by the Professional Code that Retraite Québec designates and on the date or within the time it fixes."

5. Section 95.3 of the Act is replaced by the following section:

"**95.3.** If, for a reason considered valid by Retraite Québec, a person required to submit to an examination objects to its being carried out by the physician or the other health professional governed by the Professional Code initially designated by Retraite Québec, Retraite Québec must designate another physician or health professional."

6. Section 101 of the Act, amended by section 74 of chapter 3 of the statutes of 2022, is again amended by replacing "seventieth birthday" at the end of subparagraph *b* of the second paragraph by "seventy-second birthday".

7. Section 102.4 of the Act is amended by replacing "seventieth birthday" in subparagraph *b* of the first paragraph by "seventy-second birthday".

8. Section 107.1 of the Act is amended by replacing "under the first paragraph" in the introductory clause by "under subparagraph 1 of the first paragraph".

9. Section 116.2 of the Act is amended by adding the following paragraph at the end:

"For the purpose of calculating the basic monthly amount of the retirement pension of a contributor 65 years of age or over, the average base monthly pensionable earnings correspond to the higher of the following amounts:

(*a*) the amount calculated under the first paragraph; and

(*b*) the amount calculated as provided in the first paragraph, but taking into account that the base contributory period is deemed terminated at the end of the month preceding the contributor's sixty-fifth birthday, multiplied by the ratio between the average Maximum Pensionable Earnings for the year in which the retirement pension becomes payable and the average Maximum Pensionable Earnings for the year of the contributor's sixty-fifth birthday."

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10. Section 116.2.1 of the Act is amended by adding the following paragraph at the end:

"As of the year 2042, the average first additional monthly pensionable earnings calculated as provided in the first paragraph must be multiplied by the additional benefits adjustment index for the year, established under the second paragraph of section 218.3.2."

11. Section 116.2.2 of the Act is amended by adding the following paragraph at the end:

"As of the year 2042, the average second additional monthly pensionable earnings calculated as provided in the first paragraph must be multiplied by the additional benefits adjustment index for the year, established under the second paragraph of section 218.3.2."

12. Section 119 of the Act is amended, in the first paragraph,

(1) by striking out ", unless a regulation made under section 218.3 prescribes otherwise,";

(2) by inserting "and takes into account any adjustments provided for in Division V of Title VI" at the end.

13. Section 120.1 of the Act is amended by replacing "60" in subparagraph 2 of the first paragraph by "84".

14. Section 157.1 of the Act is amended by replacing the first paragraph by the following paragraph:

"Where an application is made on or after 1 January 2014, the retirement pension is payable from the following month:

(*a*) for a contributor under 65 years of age, the latest of the following months:

(1) the month of the contributor's sixtieth birthday,

(2) the month following the month of the contributor's application, and

(3) the month designated in the contributor's application for the first payment of the retirement pension; or

(*b*) for a contributor 65 years of age or over,

(1) if no month is designated in the contributor's application or if the designated month is prior to the contributor's sixty-fifth birthday, the month following the month of the application, or

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(2) the month designated in the contributor's application for the first payment of the retirement pension, provided that month is not before the month of the contributor's sixty-fifth birthday or before the eleventh month preceding the month of the application."

15. Section 158.6 of the Act is amended by replacing "seventieth birthday" in subparagraph *b* of subparagraph 1 of the first paragraph by "seventy-second birthday".

16. Section 195.1 of the Act is amended by replacing "70" in the first paragraph by "72".

17. Sections 218.2 and 218.3 of the Act are replaced by the following sections:

"**218.2.** For the purposes of this subdivision, "difference" means the difference between the most recent reference contribution rate, published by Retraite Québec in the *Gazette officielle du Québec*, and the stated first additional contribution rate applicable on 1 January of the year, after deducting the temporary contribution rate related to that first additional contribution and provided for in section 218.4, if applicable. This difference is calculated by Retraite Québec on 1 September of the year that follows the tabling of the report referred to in section 216.

If the difference calculated under the first paragraph has more than two decimals, it is rounded off to the second, which is rounded up if the third decimal is greater than 4.

"**218.2.1.** The first additional contribution rate and the second additional contribution rate are adjusted in accordance with the rules set out in sections 218.2.2 to 218.2.4 in the following cases:

(*a*) a difference equal to or less than -0.31% is observed following the tabling of two consecutive reports referred to in section 216 from the year 2036;

(*b*) a difference of 0.21% to 0.49% is observed following the tabling of two consecutive reports referred to in section 216 from the year 2036; or

(*c*) a difference equal to or greater than 0.50% is observed following the tabling of a report referred to in section 216 from the year 2039.

However, the Government may, by order, provide that the contribution rates are not adjusted in such cases.

Where the rates are not adjusted, the first additional contribution rate and the second additional contribution rate remain the same as those for the preceding year.

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"**218.2.2.** In the cases provided for in the first paragraph of section 218.2.1, the total rate of adjustment of the first additional contribution rate corresponds to

(*a*) in the case provided for in subparagraph *a* of the first paragraph of section 218.2.1, the greater of

(1) 50% of the difference calculated as provided in the first paragraph of section 218.2 following the most recent report referred to in section 216, and

(2) the difference between 1% and the stated first additional contribution rate applicable on 1 January of the year, after deducting the temporary contribution rate related to that first additional contribution and provided for in section 218.4, if applicable; or

(*b*) in the cases provided for in subparagraph *b* or *c* of the first paragraph of section 218.2.1, the lesser of

(1) 50% of the difference calculated as provided in the first paragraph of section 218.2 following the most recent report referred to in section 216, and

(2) the difference between 3% and the stated first additional contribution rate applicable on 1 January of the year, after deducting the temporary contribution rate related to that first additional contribution and provided for in section 218.4, if applicable.

If the result of the calculation under the first paragraph has more than one decimal, it is rounded off to the first, which is rounded up if the second decimal is greater than 4.

If the total rate of adjustment is nil, the first additional contribution rate and the second additional contribution rate are not adjusted.

"**218.2.3.** The first additional contribution rate for a year is equal to the first additional contribution rate for the preceding year to which is added the annual rate of adjustment of additional contributions determined as follows:

(*a*) for the year that follows the calculation of the most recent difference giving rise to an adjustment,

(1) -0.1% if the total rate of adjustment is equal to or less than -0.1%, or

(2) 0.1% if the total rate of adjustment is equal to or greater than 0.1%;

(*b*) for the second year that follows the calculation of the most recent difference giving rise to an adjustment,

(1) -0.1% if the total rate of adjustment is equal to or less than -0.2%,

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(2) 0.1% if the total rate of adjustment is equal to or greater than 0.2%, or

(3) 0% if the total rate of adjustment is -0.1% to 0.1%; and

(*c*) for the third year that follows the calculation of the most recent difference giving rise to an adjustment,

(1) -0.1% if the total rate of adjustment is equal to or less than -0.3%,

(2) 0.1% if the total rate of adjustment is equal to or greater than 0.3%, or

(3) 0% if the total rate of adjustment is -0.2% to 0.2%.

"**218.2.4.** The second additional contribution rate for a year is equal to the second additional contribution rate for the preceding year to which is added, for each of the three years that follow the calculation of the most recent difference giving rise to an adjustment, the annual rate of adjustment of additional contributions, determined under each of paragraphs *a* to *c* of section 218.2.3, multiplied by 4.

"**218.3.** In the cases provided for in the first paragraph of section 218.2.1, the portions of the basic monthly amount of a benefit that are related to a beneficiary's first additional unadjusted pensionable earnings and second additional unadjusted pensionable earnings are adjusted in accordance with the rules set out in sections 218.3.1 to 218.3.3, unless the total rate of adjustment calculated under section 218.2.2 is nil.

However, the Government may, by order, provide that those portions of the basic monthly amount of a benefit are not adjusted in accordance with those rules.

"**218.3.1.** The annual rate of adjustment of additional benefits for each of the three years that follow the calculation of the most recent difference giving rise to an adjustment is equal to the annual rate of adjustment of additional contributions, determined under each of paragraphs *a* to *c* of section 218.2.3, multiplied by -10.

However, if the annual rate of adjustment of additional contributions for a year is equal to 0.1% and the rate of adjustment of benefits provided for in section 119 for a year is equal to or less than 101%, the annual rate of adjustment of additional benefits for that year is equal to the difference between 100.1% and the rate of adjustment of benefits provided for in section 119. If the rate thus calculated is greater than 0%, it is deemed to be nil.

"**218.3.2.** The additional benefits adjustment index for the year 2041 is 100%.

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For a subsequent year, the additional benefits adjustment index is equal to the additional benefits adjustment index for the preceding year to which is added the annual rate of adjustment of additional benefits for the year, determined under section 218.3.1, if applicable.

"**218.3.3.** The portions of the basic monthly amount of a benefit that are related to the first additional unadjusted pensionable earnings and to the second additional unadjusted pensionable earnings for a year are equal to the portions payable in December of the preceding year multiplied by the ratio that the additional benefits adjustment index for that year bears to the additional benefits adjustment index for the preceding year."

18. Section 218.5 of the Act is amended by replacing "third paragraph of section 218.2" by "second paragraph of section 218.2.1".

19. Section 219 of the Act is amended by striking out paragraphs *y*, *z* and *z*.1.

DIVISION II

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

20. The provisions of section 112 of the Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions (2022, chapter 3) do not apply to a contributor who is the beneficiary of a disability pension on 31 December 2023 if the contributor became disabled, within the meaning of section 96 of the Act respecting the Québec Pension Plan (chapter R-9), before 1 January 1999.

21. The provisions of section 123 and the third paragraph of section 139 of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, apply to a contributor who is the beneficiary of a disability pension if the contributor became disabled, within the meaning of section 96 of that Act, before 1 January 1999.

The provisions of sections 106.2 and 106.3 of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, apply to the contributor referred to in the first paragraph if the contributor applies for a retirement pension on or after 1 January 2024.

22. The basic monthly amount of the retirement pension of a contributor who was entitled, between 60 and 65 years of age, to a disability pension under the Act respecting the Québec Pension Plan or under a similar plan and in respect of whom the day on which the disability begins, within the meaning of section 96 of that Act, is fixed before 1 January 1999 is calculated in accordance with the provisions of section 120 and the first and fourth paragraphs of section 120.1 of that Act, as they read on 1 January 2022.

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23. The provisions of section 113 of the Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions do not apply to a contributor who is the beneficiary of a surviving spouse's pension and a disability pension on 31 December 2023 if the contributor became disabled, within the meaning of section 96 of the Act respecting the Québec Pension Plan, before 1 January 1999.

The contributor's surviving spouse's pension is, from 1 January 2024, recalculated in accordance with the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024, provided the aggregate of the contributor's surviving spouse's pension thus calculated and the contributor's disability pension for that month is equal to or greater than the aggregate of the pensions to which that contributor would be entitled for that same month under the provisions of the Act respecting the Québec Pension Plan, as they read on 31 December 2023.

However, if the aggregate of the contributor's surviving spouse's pension thus calculated and the contributor's disability pension is less than the aggregate of the pensions to which the contributor would be entitled for that same month under the provisions of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, the contributor's surviving spouse's pension continues to be calculated in accordance with the provisions of that Act, as they read on that date, until the contributor's surviving spouse's pension ceases under section 108.2 of the Act respecting the Québec Pension Plan or until the contributor's disability pension ceases under section 166 of that Act.

In such a case, the basic amount of the contributor's surviving spouse's pension is calculated in accordance with the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024.

24. The base contributory period, first additional contributory period and second additional contributory period of a person who has reached 70 years of age before 1 January 2024 and who is not the beneficiary of a retirement pension on that same date terminate in accordance with the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024.

25. References to section 101 of the Act respecting the Québec Pension Plan in subparagraphs *b* and *c* of the first paragraph and the third paragraph of section 98 and the fifth paragraph of section 99 of that Act are to be read as references to the provisions of that section of the Act respecting the Québec Pension Plan, as they read on 31 December 2023.

26. Despite section 218.4 of the Act respecting the Québec Pension Plan, an increase in the cost of benefits under the pension plan resulting from the provisions of section 9 of this Act is not accompanied by an increase in contributions.

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CHAPTER II

BROADENING OF THE FUNCTIONS OF RETRAITE QUÉBEC

ACT RESPECTING RETRAITE QUÉBEC

27. Section 3.1 of the Act respecting Retraite Québec (chapter R-26.3) is replaced by the following section:

"**3.1.** The function of Retraite Québec is to administer the pension plan governed by the Act respecting the Québec Pension Plan (chapter R-9).

A further function of Retraite Québec is to encourage financial planning for retirement.

Retraite Québec also promotes the establishment and improvement of programs related to retirement income and of pension plans other than those referred to in section 4 to ensure the financial security of Quebecers and to support the Minister in the development of such programs and pension plans."

28. The Act is amended by inserting the following sections after section 3.1:

"**3.2.** Among other things, Retraite Québec may, within the scope of its functions,

(1) analyze Quebecers' sources of income;

(2) draw up a portrait of Quebecers' savings and degree of preparation for retirement;

(3) conduct or commission research, studies, statistics and surveys, subject to section 6; and

(4) make recommendations to the Minister under whose responsibility it acts.

"**3.3.** In addition, Retraite Québec may carry out any mandate and exercise any other function conferred on it by the Government. In such a case, the costs are borne by the Government."

CHAPTER III

BALANCED BUDGET

29. The Balanced Budget Act, the text of which appears in this chapter, is enacted.

"BALANCED BUDGET ACT

"**1.** The purpose of this Act is to balance the budget of the Government.

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To that end, the Act sets limits on the circumstances that can lead to a budget deficit being anticipated and provides for, in certain cases and in full transparency, a process for returning to a balanced budget.

"**2.** The Government may not anticipate a budget deficit, except in the circumstances provided for in sections 5 and 8.

The Government incurs a budget deficit if it has a negative budget balance.

The first paragraph does not, however, operate to prevent an unanticipated budget deficit from being recognized in the public accounts for a fiscal year, to the extent that it does not exceed the revenue recorded in the Generations Fund for that year.

"**3.** The budget balance for a fiscal year is the difference between the revenues and the expenditures established in accordance with the Government's accounting policies.

It does not include

(1) the revenues or the expenditures recorded in the Generations Fund established by the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1); or

(2) the amounts relating to the application by a government enterprise of a new CPA Canada standard for a period prior to the changeover date proposed by CPA Canada.

"**4.** The budget balance for a fiscal year is determined taking into account the accounting entries made directly in the accumulated deficit figures appearing in the Government's financial statements, if they are a consequence of the retroactive effect of the correction of an error or change made in that fiscal year to the accounting policies of the Government or one of its enterprises.

However, the budget balance does not include the accounting entries made directly in the accumulated deficit figures that are a consequence of the retroactive effect of a new CPA Canada standard, for the years preceding the changeover year proposed by CPA Canada.

"**5.** The Government may anticipate a budget deficit as a result of

(1) a disaster having a major impact on revenue or expenditure;

(2) a significant deterioration of economic conditions; or

(3) a change in federal programs of transfer payments to the provinces that would substantially reduce transfer payments to the Government.

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"**6.** In the cases provided for in section 5, the Minister must report on the circumstance that explains why a budget deficit is anticipated. The report is made in the Budget Speech anticipating the deficit.

"**7.** Where for a fiscal year a budget deficit recognized in the public accounts is greater than the revenues recorded in the Generations Fund for that year, the Minister must, in the first or second Budget Speech after the presentation of the public accounts, present a plan to return to a balanced budget of not more than five years commencing at the beginning of the fiscal year of the Budget Speech concerned.

The plan must present decreasing deficits and anticipate, for the fiscal year preceding the fiscal year of the return to a balanced budget, a deficit of 25% or less of the budget deficit referred to in the first paragraph.

"**8.** The Minister may replace a plan to return to a balanced budget if any of the requirements set out in the second paragraph of section 7 cannot be complied with as a result of

(1) the occurrence of any of the circumstances referred to in section 5 to the extent that it did not give rise to the initial plan; or

(2) a weaker than anticipated economic recovery at the end of an economic downturn or a recession.

In such a case, the Minister must, at the time the Minister considers appropriate, report to the National Assembly on the circumstance that explains the non-compliance with the initial plan and, in the next Budget Speech, present a new plan of not more than five years containing a revised framework for a return to a balanced budget. However, if the report on the circumstance that explains the non-compliance with the initial plan is made in a Budget Speech, the new plan must be presented at that time.

The new plan must present decreasing deficits and anticipate, for the fiscal year preceding the return to a balanced budget, a deficit of 25% or less of the last recognized budget deficit.

"**9.** The Minister must report to the National Assembly, in the Budget Speech, on the objectives of this Act, their achievement and any variance identified.

The Minister must report annually to the National Assembly on the impact any changes in accounting policies in relation to those in force for the preceding fiscal year have upon the financial results of the Government.

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"AMENDING PROVISIONS

"PUBLIC ADMINISTRATION ACT

"**10.** Section 77.3 of the Public Administration Act (chapter A-6.01) is amended by replacing "section 2 of the Balanced Budget Act (chapter E-12.00001)" in the first paragraph by "section 3 of the Balanced Budget Act (2023, chapter 30, section 29)".

"ACT RESPECTING THE MINISTÈRE DES FINANCES

"**11.** Section 23.2 of the Act respecting the Ministère des Finances (chapter M-24.01) is amended by replacing "15 of the Balanced Budget Act (chapter E-12.00001)" in paragraph 4 by "9 of the Balanced Budget Act (2023, chapter 30, section 29)".

"ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

"**12.** Section 158.2 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing "section 2 of the Balanced Budget Act (chapter E-12.00001)" in the third paragraph by "section 3 of the Balanced Budget Act (2023, chapter 30, section 29)".

"TRANSITIONAL AND FINAL PROVISIONS

"**13.** The Minister of Finance is responsible for the carrying out of this Act.

"**14.** This Act replaces the Balanced Budget Act (chapter E-12.00001)."

CHAPTER IV

PUBLIC DEBT AND GENERATIONS FUND

ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND

30. Section 1 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1) is replaced by the following section:

"**1.** For the 2032–2033 and 2037–2038 fiscal years, the net debt figuring in the Government's financial statements must not exceed, respectively, 35.5% and 32.5% of Québec's gross domestic product. These ratios correspond to the maximum limit of the net debt reduction objectives of 33% and 30%, respectively, of gross domestic product announced in the Budget Speech for the 2023–2024 fiscal year."

31. Sections 1.1 and 1.2 of the Act are repealed.

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32. Section 2 of the Act is amended by replacing "gross debt" in the second paragraph by "Government's debt".

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

"**3.** The following are credited to the Fund:

(1) the sums derived from the lease of hydraulic power under section 3 of the Watercourses Act (chapter R-13) and the sums derived from the development of hydraulic power under sections 68 to 70 of that Act and the development of water power under section 16.1 of the Hydro-Québec Act (chapter H-5);

(2) the sums paid into the Fund under section 15.1.1 of the Hydro-Québec Act;

(3) the sums transferred to the Fund under section 4;

(4) the gifts, legacies and other contributions received by the Minister that the Minister credits to the Fund to reduce the Government's debt; and

(5) the income generated by the investment of the sums credited to the Fund.

Water-power royalties from Hydro-Québec are payable out of production revenue."

34. Sections 4.1 and 4.2 of the Act are repealed.

35. Section 7 of the Act is amended by replacing "gross debt" by "Government's debt".

36. Section 11 of the Act is amended by replacing "both the debt representing the accumulated deficits and the gross debt, on the sums credited to the Fund and on any sums used to repay the gross debt" by "the net debt, on the sums credited to the Fund and on any sums used to repay the Government's debt".

UNCLAIMED PROPERTY ACT

37. Section 30 of the Unclaimed Property Act (chapter B-5.1) is amended by striking out the fourth paragraph.

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HYDRO-QUÉBEC ACT

38. Section 15.1 of the Hydro-Québec Act (chapter H-5) is amended by adding the following paragraph at the end:

"The Company must submit with the financial data referred to in the first paragraph the information necessary to determine the Company's revenues attributable to the indexation of the average cost of heritage pool electricity."

39. Section 15.1.1 of the Act is amended

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

"Out of the dividends paid by the Company for each of its financial periods as of the one ending on 31 December 2023, the Minister of Finance must pay an amount of $650,000,000 annually into the Generations Fund.";

(2) by replacing both occurrences of "those amounts" in the second paragraph by "that amount";

(3) by striking out the third paragraph.

CHAPTER V

VERIFICATION OF CERTAIN INFORMATION IN CASINOS AND GAMING HALLS

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

40. The Act respecting the Société des loteries du Québec (chapter S-13.1) is amended by inserting the following section after section 17.0.1:

"**17.0.2.** In conducting and administering State casino lottery schemes, the company and its subsidiaries may, if they consider it advisable, take reasonable measures to verify a person's identity and to determine the source of the sums of money that a person hands over to them or the origin of the property in respect of which a person claims a sum of money.

The power conferred by the first paragraph may be exercised when the value of the sums handed over or the value of the property concerned is greater than a threshold established by the company. That threshold is published on the company's website."

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CHAPTER VI

USED TIRE MANAGEMENT PROGRAM

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

41. The Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01) is amended by inserting the following section after section 31:

"**31.1.** The Société must, not later than 31 December 2026 and every five years after that, send the Minister of Finance, with regard to the need to adjust the specific duty on new tires provided for in Title IV.5 of the Act respecting the Québec sales tax (chapter T-0.1), an opinion on the financial viability of the programs to recover and reclaim used tires the administration of which was delegated to the Société in accordance with section 53.30 of the Environment Quality Act (chapter Q-2)."

CHAPTER VII

REGULATION OF CRYPTOASSET AUTOMATED TELLER MACHINES AND OPTIMIZATION OF THE ADMINISTRATION OF THE MONEY-SERVICES BUSINESSES SECTOR

DIVISION I

AMENDING PROVISIONS

MONEY-SERVICES BUSINESSES ACT

42. Section 1 of the Money-Services Businesses Act (chapter E-12.000001) is amended by adding the following subparagraph at the end of the second paragraph:

"(6) the operation of cryptoasset automated teller machines, including the leasing of a commercial space intended as a location for such a machine if the lessor is responsible for keeping the machine supplied with cash or removing the cash deposited in the machine."

43. Section 4 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(6) the operation of cryptoasset automated teller machines.";

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

"The lessor of a commercial space intended as a location for an automated teller machine must be licensed to operate automated teller machines if the lessor is responsible for keeping the machine supplied with cash and the lessor

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of a commercial space intended as a location for a cryptoasset automated teller machine must be licensed to operate cryptoasset automated teller machines if the lessor is responsible for keeping the machine supplied with cash or removing the cash deposited in the machine.";

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

"Where the Minister issues a licence to operate automated teller machines or to operate cryptoasset automated teller machines, the Minister includes a decal for each machine in respect of which the licence is issued."

44. Section 5 of the Act is amended

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

"(3) be resident in Québec; and";

(2) by adding the following sentence at the end of the fourth paragraph: "Notification to the respondent of any procedure, application or notice under this Act or the regulations is deemed to be made to the money-services business that designated the respondent as such."

45. Section 6 of the Act is amended, in the first paragraph,

(1) by replacing "l'adresse et le numéro de téléphone du domicile" in subparagraphs 1, 2 and 4 in the French text by "l'adresse du domicile et le numéro de téléphone";

(2) by replacing subparagraph 5 by the following subparagraph:

"(5) its business plan, its financial statements for the last fiscal year, a list of its establishments and an organizational chart describing the business's structure and containing, if applicable, the names of its subsidiaries, its parent company and all subsidiaries of the parent company; and".

46. Section 17 of the Act is amended by replacing the second paragraph by the following paragraph:

"The Minister may suspend or revoke the licence of a money-services business on a ground specified in any of sections 12, 12.1, 14 and 15 or the first paragraph of section 16, if the business does not comply with an obligation provided for in Chapter III or if the business fails to pay an amount under section 65.1 and the applicable time referred to in the first paragraph of section 65.12 has expired."

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47. Section 21.1 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

"If a licence to operate automated teller machines or to operate cryptoasset automated teller machines is revoked, the money-services business must remove and ensure the destruction of the decal that is displayed on each of the automated teller machines or cryptoasset automated teller machines it operates, as the case may be.

In cases where the licence is suspended, the Minister may also require that the licence and any copies be returned or that the licence or decals be withdrawn from display, as the case may be."

48. Section 22.1 of the Act is replaced by the following section:

"**22.1.** Licence holders must display their licence or a copy of the licence so that it is clearly legible, in a conspicuous place in each establishment in which they offer money services, even through a mandatary and, in the case of licence holders licensed to operate automated teller machines or licensed to operate cryptoasset automated teller machines, a decal on each of the automated teller machines or cryptoasset automated teller machines they operate, as the case may be.

Licence holders must also display their licence number in all applications and on all websites used in connection with the operation of their money-services businesses."

49. Section 29 of the Act is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

"(5) a record containing the name, domiciliary address, telephone number and function of each of its officers, directors, partners and employees; and".

50. Section 32 of the Act is replaced by the following section:

"**32.** A money-services business or any person or entity who provides a money-services business with goods or services related to the design or operation of systems providing access to funds or cryptoassets through automated teller machines, cryptoasset automated teller machines or point-of-sale terminals for the purposes of the money-services business's activities must, on the Minister's request and within the time the Minister specifies, provide any information or document the Minister considers relevant for the purposes of this Act."

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51. The heading of Division II of Chapter IV of the Act is replaced by the following heading:

"AUDITS, INSPECTIONS AND INVESTIGATIONS".

52. Section 45 of the Act is amended by replacing "The inspections and investigations" by "The audits, inspections and investigations".

53. Section 65.1 of the Act is amended

(1) by inserting the following paragraph before paragraph 1:

"(0.1) section 21.1, does not return its licence or a copy of its licence or does not withdraw a decal;";

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

"(2) the first paragraph of section 22.1, does not display its licence, a copy of its licence or a decal in the manner provided for in that paragraph;

"(2.1) the second paragraph of section 22.1, does not display its licence number in an application or on a website;".

54. The Act is amended by inserting the following section after section 65.12:

"**65.12.1.** Once a recovery certificate has been issued, any refund owed to the debtor by the Minister may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be allocated to the payment of the amount due referred to in the certificate.

Such allocation interrupts the prescription provided for in the Civil Code with regard to the recovery of that amount."

55. Section 66 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) hinders or attempts to hinder an auditor, an inspector or an investigator in the performance of duties under this Act, refuses to provide an auditor, an inspector or an investigator with information or a document they are entitled to require or examine, or conceals or destroys a document or property relevant to an audit, inspection or investigation,".

56. Section 67 of the Act is amended by replacing the first paragraph by the following paragraph:

"A person who contravenes any of sections 3, 21.1, 22, 23 to 35 and 63 to 65 is guilty of an offence and liable to a fine of not less than $5,000 nor more than $50,000 in the case of a natural person and not less than $15,000 nor more than $200,000 in the case of a legal person or other entity."

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57. The Act is amended by inserting the following section after section 67:

"**67.1.** A person who contravenes section 22.1 is guilty of an offence and liable to a fine of not less than $1,000 nor more than $10,000 in the case of a natural person and not less than $3,000 nor more than $30,000 in the case of a legal person or other entity."

REGULATION UNDER THE MONEY-SERVICES BUSINESSES ACT

58. Section 1 of the Regulation under the Money-Services Businesses Act (chapter E-12.000001, r. 1) is replaced by the following section:

"**1.** Sections 7 to 11 of this Regulation do not apply to businesses licensed to operate automated teller machines or to operate cryptoasset automated teller machines in respect of those classes of licence."

59. Section 2 of the Regulation is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph:

"(3) the respondent's name and date of birth and the address of the respondent's residence in Québec;".

60. Section 4 of the Regulation is amended by replacing "and domiciliary address and telephone number" in paragraphs 2 and 3 by ", domiciliary address and telephone number".

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

"**4.1.** The licence application for the class relating to the operation of cryptoasset automated teller machines must also be filed together with the following information:

(1) a list of the cryptoassets that the money-services business plans to offer;

(2) the information for identifying the cryptoasset portfolios that the money-services business plans to use; and

(3) a list of the commercial spaces where the cryptoasset automated teller machines are operated by the money-services business.

The list of the commercial spaces referred to in subparagraph 3 of the first paragraph must contain the following information in respect of each machine:

(1) the address and description of the commercial space where the machine is operated;

(2) the name, address and telephone number of the lessor of the commercial space, if applicable;

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(3) the name, address and telephone number of the persons whose functions include keeping the machine supplied with cash, if applicable;

(4) the name, address and telephone number of the persons whose functions include removing the cash deposited in the machine;

(5) the name, address and telephone number of the supplier of the machine and any purchase or service contract entered into with such a supplier;

(6) the brand name, model and serial number of the machine;

(7) the maximum amount of cash that the machine can contain;

(8) the types of cryptoassets that can be traded by means of the machine; and

(9) the types of cryptoasset portfolios supported by the machine."

62. Section 5 of the Regulation is replaced by the following section:

"**5.** Where the money-services business is not constituted under the laws of Québec and has neither a head office nor an establishment in Québec, the licence application must be filed together with an official document in respect of each officer, director, partner and any person or entity who directly or indirectly owns or controls the money-services business issued by a competent authority in the country in which they reside, attesting to the absence of a judicial record or listing the complete judicial record.

The document described in the first paragraph need not be provided in respect of a person or entity resident in Canada in respect of whom or which a security clearance report has been issued by the Sûreté du Québec under section 8 of the Act.

Where the respondent of a money-services business referred to in the first paragraph is not a director, officer or partner of the money-services business, the licence application must also be filed together with the following documents:

(1) a copy of the respondent's photo identification issued by a government or a government department or agency and showing the respondent's name and date of birth; and

(2) a statement from the respondent containing the information in respect of the respondent for the purposes of sections 13 and 14 of the Act."

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63. Section 14 of the Regulation is amended by adding the following paragraph at the end:

"(6) in the case of a transaction through a cryptoasset automated teller machine, the following information:

(*a*) the type of legal tender and the type of cryptoasset involved in the transaction,

(*b*) the method of payment used for the transaction,

(*c*) the rates of exchange used for the transaction and their source, if applicable,

(*d*) the number of each bank account or cryptoasset portfolio affected by the transaction,

(*e*) the type of bank account or cryptoasset portfolio and the name of its holder,

(*f*) the reference numbers related to the transaction, and

(*g*) the identifiers involved in the transaction, including the sending address and the receiving address."

DIVISION II

TRANSITIONAL PROVISIONS

64. Until the coming into force of section 43, section 4 of the Money-Services Businesses Act (chapter E-12.000001) is to be read as if the following paragraph were added at the end:

"Where the Minister issues a licence to operate automated teller machines, the Minister includes a decal for each machine in respect of which the licence is issued."

65. Until the coming into force of section 47, section 21.1 of the Money-Services Businesses Act is to be read as if "copy of the licence" in the second paragraph were replaced by "decal".

66. Until the coming into force of section 48, section 22.1 of the Money-Services Businesses Act is to be read as if "a decal" were inserted after "automated teller machines,".

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CHAPTER VIII

MISCELLANEOUS MEASURES REGARDING TAX ADMINISTRATION, UNCLAIMED PROPERTY AND THE COLLECTION OF SUPPORT PAYMENTS

TAX ADMINISTRATION ACT

67. Sections 71.3.1 and 71.3.2 of the Tax Administration Act (chapter A-6.002) are replaced by the following sections:

"**71.3.1.** Every person referred to in section 69.0.0.6 who consults information contained in a tax record or gains access to the information without authorization or for any purpose other than those provided for in section 69.0.0.7 is guilty of an offence and is liable to a fine of not less than $500 and not more than $5,000, and, for a second or subsequent offence, to a fine of not less than $1,000 and not more than $10,000.

"**71.3.2.** Every person who communicates or uses information contained in a tax record or originating from such a record otherwise than in accordance with the provisions of this division, or who contravenes a provision of this division, other than a contravention referred to in section 71.3.1, is guilty of an offence and is liable to a fine of not less than $2,500 and not more than $25,000 in the case of a natural person, and not less than $7,500 and not more than $75,000 in any other case. For a second or subsequent offence, the minimum and maximum fines are doubled."

UNCLAIMED PROPERTY ACT

68. Section 35 of the Unclaimed Property Act (chapter B-5.1) is amended

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

"For the purposes of this Act, any person authorized for that purpose by the Minister may, by a formal demand notified in accordance with the second paragraph, require from any person, whether or not the person is subject to an obligation under this Act, that the person file, within a reasonable time specified in the demand and in accordance with the second paragraph, information or documents, including a statement, return or report.

The notification or filing to which the first paragraph refers may be made

(1) by registered mail;

(2) by personal service; or

(3) by a technological means, where the person is a bank or a savings and credit union, within the meaning assigned to those expressions by section 1 of the Taxation Act (chapter I-3), that has provided written consent to be notified by such a means.

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The filing by way of a technological means of information or documents by a bank or a savings and credit union must be made in accordance with the terms and conditions specified by the person authorized by the Minister.";

(2) by replacing "such a statement, return or report" in the second paragraph by "such information or documents referred to in the first paragraph".

69. The Act is amended by inserting the following sections after section 51:

"**51.1.** Where this Act provides for the sending by registered mail of an order or of a formal demand, an affidavit of an employee of the Agence du revenu du Québec who had personal knowledge of it proves, in the absence of any evidence to the contrary, that such provision of the Act was complied with, provided that the certificate issued for the sending of the document by registered mail, or the portion of the certificate that is relevant to the document, and a true copy of the order or formal demand are attached to the affidavit.

"**51.2.** Where this Act provides for personal service of an order or of a formal demand, service may be made by an employee of the Agence du revenu du Québec or by a bailiff. Such service may be made by handing the document to the addressee in person, wherever the addressee may be, or by leaving it at the adressee's domicile or residence, with a reasonable person residing there.

Where the service is made by an employee, the employee prepares an affidavit attesting

(1) that the document in question has been served; and

(2) the date and place of service and the name of the person to whom the document has been handed over.

The affidavit must be accepted, in the absence of any evidence to the contrary, as proof of personal service of the document.

Where service is made by a bailiff, the certificate of service of the bailiff must be accepted, in the absence of any evidence to the contrary, as proof of personal service of the document.

"**51.3.** Where this Act provides for the notification of a person by a technological means, an affidavit of an employee of the Agence du revenu du Québec proves, in the absence of any evidence to the contrary, that such provision was complied with.

In the affidavit, the employee attests

(1) that the employee has had personal knowledge of the relevant facts;

(2) that the person was notified by a technological means and the date of the notification; and

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(3) that a true copy of the notification and of the electronic message confirming that the person was notified are annexed to the affidavit."

70. Section 52 of the Act is replaced by the following section:

"**52.** Where this Act requires a person to file a document, an employee of the Agence du revenu du Québec may prepare an affidavit attesting that the employee is in charge of the appropriate registers and that after making a careful examination of them,

(1) the employee was unable to ascertain that the document in question was filed by the person; or

(2) the employee ascertained that the document in question was filed on the particular day the employee specifies.

Such an affidavit proves, in the absence of any evidence to the contrary, that no such document was filed by that person or that such a document was filed on the date specified and not previously, as the case may be."

71. Section 54 of the Act is amended by replacing the first paragraph by the following paragraph:

"When proof is provided under any of sections 51.1 to 53 by an affidavit of an employee of the Agence du revenu du Québec, it is not necessary to prove the employee's signature or capacity as an employee of the Agence du revenu du Québec. Nor is it necessary to prove the signature or the official capacity of the person before whom the affidavit was sworn."

ACT TO FACILITATE THE PAYMENT OF SUPPORT

72. Section 10 of the Act to facilitate the payment of support (chapter P-2.2) is amended by adding the following paragraph at the end:

"The notice of registration of the hypothec may either be served on the debtor or notified to the debtor by registered mail."

73. Section 26 of the Act is amended by replacing the second paragraph by the following paragraph:

"In such cases, security must be furnished to the Minister and maintained by the debtor, except where the debtor receives employment insurance benefits or monthly guaranteed income supplement benefits from the Government of Canada, or employment-assistance allowances or last resort financial assistance benefits from the Minister of Employment and Social Solidarity."

74. Section 67 of the Act is amended

(1) by striking out "guilty of an offence and" in the portion after paragraph 3;

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(2) by replacing "any of sections 57, 57.1 and 75" in paragraph 3 by "section 57 or 57.1".

75. The Act is amended by inserting the following sections after section 67:

"**67.1.** A person who contravenes the second paragraph of section 75 is liable to a fine of not less than $500 nor more than $5,000 and, for a second or subsequent offence, to a fine of not less than $1,000 nor more than $10,000.

"**67.2.** A person who contravenes the third paragraph of section 75 is liable to a fine of not less than $2,500 nor more than $25,000 in the case of a natural person, and of not less than $7,500 nor more than $75,000 in any other case. For a second or subsequent offence, the minimum and maximum fines are doubled."

76. Section 75 of the Act is amended by inserting the following paragraph after the first paragraph:

"No person may consult or examine information obtained under this Act without authorization or for any purpose other than the application or enforcement of this Act."

77. Section 78 of the Act is amended by replacing the third paragraph by the following paragraph:

"Sections 72.4, 77, 79 to 81 and 84 of the Tax Administration Act (chapter A-6.002) and the second paragraph of section 93 of that Act apply, with the necessary modifications, to such a proceeding or action."

78. The Act is amended by inserting the following section after section 78:

"**78.1.** Penal proceedings for an offence under sections 67.1 and 67.2 are prescribed by five years from the date the offence was committed."

CHAPTER IX

SPECIAL TRANSITIONAL PROVISION CONCERNING THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL

79. The $1,377,919.20 surplus accumulated by the Financial Markets Administrative Tribunal Fund, established by section 115.15.50 of the Act respecting the regulation of the financial sector (chapter E-6.1), and arising from the amounts paid for the Financial Markets Administrative Tribunal's sharing of expertise in digitizing the activities of Québec administrative tribunals, is transferred to the general fund on or before the sixtieth day after 7 December 2023.

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CHAPTER X

ADJUDICATION OF MUNICIPAL LOANS

CITIES AND TOWNS ACT

80. Section 555 of the Cities and Towns Act (chapter C-19) is amended by adding the following paragraph at the end:

"Where the Minister is commissioned under the first paragraph, the adjudication is effected by the Minister without a resolution of the municipal council being required."

MUNICIPAL CODE OF QUÉBEC

81. Article 1066 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following paragraph at the end:

"Where the Minister is commissioned under the first paragraph, the adjudication is effected by the Minister without a resolution of the municipal council being required."

CHAPTER XI

TRANSFER OF A SINKING FUND

FINANCIAL ADMINISTRATION ACT

82. Section 64 of the Financial Administration Act (chapter A-6.001) is amended

(1) by striking out ", by order," in the first and third paragraphs;

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

"A decision made under this section takes effect on the date on which it is made or on any later date specified in the decision."

CHAPTER XII

UNIVERSITY INVESTMENTS

DIVISION I

AMENDING PROVISIONS

UNIVERSITY INVESTMENTS ACT

83. The University Investments Act (chapter I-17) is amended by inserting the following division after section 1:

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"**DIVISION I**

"INVESTMENTS ELIGIBLE FOR SUBSIDIES

"**1.1.** Each year, after consulting with the university establishments referred to in subparagraph 1 of paragraph *a* of section 1, the Minister establishes and submits to the Conseil du trésor for approval budgetary rules for the determination of the amount of investment expenditures that is eligible for the subsidies to be allocated to university establishments.

"**1.2.** The budgetary rules may provide that the allocation of a subsidy

(*a*) may be made on the basis of general or specific standards;

(*b*) may be subject to general conditions, determined by the rules or the Minister, applicable to all university establishments or to special conditions, determined by the rules or the Minister, applicable only to one or certain university establishments; or

(*c*) may be subject to the authorization of the Minister or be made only to one or certain university establishments."

84. Sections 2 to 6.1 of the Act are repealed.

85. Section 6.2 of the Act is amended

(1) by striking out "under section 6.1" in the first paragraph;

(2) by striking out the third paragraph.

86. The Act is amended by inserting the following division after section 6.2:

"**DIVISION II**

"OTHER INVESTMENTS

"**6.3.** The Minister may, by regulation, establish rules relating to the investments of the university establishments referred to in subparagraph 1 of paragraph *a* of section 1 for which no subsidies are allocated under Division I.

The rules may prescribe the information or documents that must be forwarded to the Minister by those establishments regarding their investments. The rules may also prescribe the cases in which an authorization from the Minister is required and, if applicable, the conditions relating to the issuance of such an authorization."

87. Sections 7 and 8 of the Act are repealed.

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DIVISION II

TRANSITIONAL PROVISION

88. The Minister may grant a subsidy under section 6.1 of the University Investments Act (chapter I-17), as it read on 6 December 2023, until the Conseil du trésor's first approval of the budgetary rules set out in section 1.1 of that Act. Section 6.2 of that Act, as it read on 6 December 2023, applies to such a subsidy.

CHAPTER XIII

FINAL PROVISIONS

89. The provisions of Chapter IV of this Act, comprising sections 30 to 39, have effect from 1 April 2023.

90. The provisions of this Act come into force on 7 December 2023, except

(1) sections 1 to 21 and 23 to 26, which come into force on 1 January 2024;

(2) section 44, section 48 where it enacts the second paragraph of section 22.1 of the Money-Services Businesses Act (chapter E-12.000001), paragraph 3 of section 53 and section 59, which come into force on 31 March 2024; and

(3) sections 42 and 43, paragraph 1 of section 47, section 48, except where it enacts the second paragraph of section 22.1 of the Money-Services Businesses Act, and sections 50, 58, 61 and 63, which come into force on the date to be set by the Government.

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NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 205
(Private)

An Act respecting Beneva Mutual

Introduced 9 November 2023
Passed in principle 1 December 2023
Passed 1 December 2023
Assented to 1 December 2023

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Bill 205

(Private)

AN ACT RESPECTING BENEVA MUTUAL

AS La Capitale Civil Service Mutual is a mutual legal person within the meaning of section 197 of the Insurers Act (chapter A-32.1), governed by the Act respecting La Capitale Civil Service Mutual (2020, chapter 33), whose principal object provided for in that Act is to indirectly hold equity in the capital stock of La Capitale Civil Service Insurer Inc. and SSQ, Life Insurance Company Inc.;

AS SSQ Mutual is also a mutual legal person within the meaning of section 197 of the Insurers Act, governed by the Act respecting SSQ Mutual (2020, chapter 32), whose principal object provided for in that Act is to indirectly hold equity in the capital stock of SSQ, Life Insurance Company Inc. and La Capitale Civil Service Insurer Inc.;

AS, on 1 January 2023, in accordance with Chapter XIV of the Insurers Act and section 281 of the Business Corporations Act (chapter S-31.1), La Capitale Civil Service Insurer Inc. and SSQ, Life Insurance Company Inc., both mutual-interest regulated business corporations within the meaning of section 197 of the Insurers Act, amalgamated into a single mutual-interest regulated business corporation bearing the name of Beneva Inc.;

AS La Capitale Civil Service Mutual and SSQ Mutual wish to amalgamate into a single mutual legal person within the meaning of section 197 of the Insurers Act, whose principal object is to indirectly hold equity in Beneva Inc.;

AS the Acts governing La Capitale Civil Service Mutual and SSQ Mutual provide for no amalgamation mechanism;

AS, under the second paragraph of section 29 of the Act respecting La Capitale Civil Service Mutual and the second paragraph of section 29 of the Act respecting SSQ Mutual, the Government may render a provision of the Companies Act (chapter C-38) applicable to La Capitale Civil Service Mutual and to SSQ Mutual;

AS, on 21 June 2023, La Capitale Civil Service Mutual and SSQ Mutual both filed an application with the Minister of Finance of Québec to subject La Capitale Civil Service Mutual and SSQ Mutual to certain provisions of the Companies Act in order to begin their amalgamation process;

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AS, by Order in Council 1307-2023 dated 16 August 2023 (2023, G.O. 2, 4086, French only), the Government made certain provisions of sections 123.122 and 123.124 to 123.126 of the Companies Act applicable to La Capitale Civil Service Mutual and SSQ Mutual for the purpose of allowing them to begin their amalgamation process;

AS, on 28 August 2023, the directors of La Capitale Civil Service Mutual unanimously adopted a by-law approving the agreement of amalgamation of La Capitale Civil Service Mutual with SSQ Mutual;

AS, on 28 August 2023, the directors of SSQ Mutual unanimously adopted a by-law approving the above-mentioned agreement of amalgamation;

AS, on 4 October 2023, the members of La Capitale Civil Service Mutual confirmed, by at least two-thirds of the votes cast by the members qualified to vote, at a special general meeting called for such purpose, the above-mentioned by-law adopted by the directors of La Capitale Civil Service Mutual;

AS, on 4 October 2023, the members of SSQ Mutual confirmed, by at least two-thirds of the votes cast by the members qualified to vote, at a special general meeting called for such purpose, the above-mentioned by-law adopted by the directors of SSQ Mutual;

AS, on 4 October 2023, La Capitale Civil Service Mutual and SSQ Mutual entered into the above-mentioned agreement of amalgamation;

AS the replacement of the Act respecting La Capitale Civil Service Mutual and the Act respecting SSQ Mutual by a new private Act is required to complete the amalgamation and determine the regime applicable to the mutual legal person resulting from the amalgamation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITIONS

1. In this Act, unless the context indicates otherwise,

"amalgamated mutual legal persons" means the LC mutual legal person and the SSQ mutual legal person, collectively;

"Beneva insurance business corporation" means Beneva Inc., a corporation governed by the Business Corporations Act (chapter S-31.1);

"Beneva mutual legal person" means Beneva Mutual, a legal person without capital stock governed by this Act;

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"controlled management rights" means rights granted to a relevant shareholder by an agreement to which a patrimonial insurer or the holding company is a party and under which certain actions or certain decisions of the patrimonial insurer or its board of directors are subject to the approval of the relevant shareholder;

"equity percentage" means, with respect to a person who holds equity in a legal person, the percentage that the number of voting rights attached to the voting shares of the capital stock held by the person as a shareholder is of the total number of voting rights attached to issued and outstanding voting shares of the legal person's capital stock;

"equity percentage of the Beneva mutual legal person" means the equity percentage held indirectly, through the intermediary of one or more legal persons, which must include the holding company, by the Beneva mutual legal person in any patrimonial insurer that is equal to the result obtained by multiplying all the equity percentages in the chain of the Beneva mutual legal person's indirect holding of equity in the relevant patrimonial insurer;

"holding company" means Beneva Group Inc., a business corporation constituted under and governed by the Business Corporations Act;

"LC mutual legal person" means La Capitale Civil Service Mutual, a legal person without capital stock that was governed by the Act respecting La Capitale Civil Service Mutual (2020, chapter 33);

"members qualified to vote" means the members of the Beneva mutual legal person or, if the by-laws of the Beneva mutual legal person include terms providing for a process by which certain members are designated as delegates and providing that the delegates and the directors of the Beneva mutual legal person are the only persons who may vote at the annual meeting and at any special meeting of the Beneva mutual legal person, only the members who are designated as delegates and the directors, and "member qualified to vote" means any of the members qualified to vote;

"Minister" means the minister responsible for the carrying out of the Insurers Act (chapter A-32.1);

"patrimonial insurer" means any of the patrimonial insurers;

"patrimonial insurers" means the Beneva insurance business corporation, Beneva Insurance Company, La Capitale Financial Security Insurance Company, L'Unique General Insurance Inc. and Unica Insurance Inc.;

"relevant shareholder" means the holding company or any other person, trust or partnership who, directly or indirectly through the intermediary of one or more legal persons, holds shares of the capital stock of one of the patrimonial insurers, as well as that person's successors, assignees and right-holders;

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"SSQ mutual legal person" means SSQ Mutual, a legal person without capital stock that was governed by the Act respecting SSQ Mutual (2020, chapter 32).

CHAPTER II

BENEVA MUTUAL LEGAL PERSON

DIVISION I

CONTINUATION OF THE AMALGAMATED MUTUAL LEGAL PERSONS

2. On the date of coming into force of this Act, the LC mutual legal person and the SSQ mutual legal person amalgamate and are continued as the Beneva mutual legal person, and their patrimonies are joined together to form the patrimony of the Beneva mutual legal person, in accordance with the agreement of amalgamation entered into on 4 October 2023.

The rights and obligations of the amalgamated mutual legal persons become rights and obligations of the Beneva mutual legal person and the latter becomes a party to any judicial or administrative proceeding to which the amalgamated mutual legal persons were parties.

The Beneva mutual legal person retains the rights and privileges of the amalgamated legal persons for the purpose of enabling the continuation, without interruption, of the rights of holders of individual insurance and annuity contracts and the rights of participants in group insurance and annuity contracts as members, their rights now being exercised within the Beneva mutual legal person.

DIVISION II

NAME, HEAD OFFICE, OBJECTS AND POWERS

3. The name of the Beneva mutual legal person is "Mutuelle Beneva" and its English version, "Beneva Mutual".

4. The head office of the Beneva mutual legal person is situated in the judicial district of Québec.

The Beneva mutual legal person may, by passage of a resolution of its board of directors, move its head office within the limits of the judicial district of Québec.

5. The Beneva mutual legal person may, by passage of a resolution of its board of directors, change its name. Any change in the name of the Beneva mutual legal person must be approved by a special resolution, passed in meeting, of the members qualified to vote.

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In such a case, the board of directors authorizes a director or an officer to send a certified extract of the board of director's resolution authorizing the change of name to the Autorité des marchés financiers ("the Authority").

The change of name is effective as of the date and, where applicable, the time shown on the certificate issued by the Authority.

Subject to paragraph 11 of section 24, the Authority refuses to issue the certificate if the name does not comply with paragraphs 1 to 6 and 8 of section 16 of the Business Corporations Act.

The Authority sends the certificate to the enterprise registrar for deposit in the enterprise register. The Authority also sends a copy of the certificate to the Beneva mutual legal person.

6. The Beneva mutual legal person is a legal person without share capital operating in accordance with the form of representative governance provided for in Divisions III to VII of this chapter.

7. The principal object of the Beneva mutual legal person is to hold indirectly, through the intermediary of one or more legal persons, which must include the holding company, equity in the capital stock of the Beneva insurance business corporation. It may indirectly hold equity in the capital stock of any other insurance business corporation to the extent that the equity is held directly or indirectly by the holding company or any of the patrimonial insurers.

The Beneva mutual legal person may encourage economic, social or educational activities, including through foundations.

8. The Beneva mutual legal person makes the investments it considers appropriate, as a prudent and reasonable person would do in similar circumstances, acting with honesty and loyalty in its members' interests.

DIVISION III

MEMBERS OF THE BENEVA MUTUAL LEGAL PERSON

9. The members of the Beneva mutual legal person are,

(1) with respect to individual insurance, a natural person who is the holder of an insurance or annuity contract with a patrimonial insurer or, if there is more than one holder, the person designated from among the holders in accordance with the by-laws of the Beneva mutual legal person;

(2) with respect to group insurance, a participant in a group insurance contract or group annuity contract of which the insurer or debtor is a patrimonial insurer; and

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(3) with respect to damage insurance, any natural person insured by a patrimonial insurer, through a group plan of the professional order to which the person belongs, against the liability the person may incur because of faults committed by the person in the practice of the person's profession.

A person retains the status of member as long as

(1) the contract referred to in the first paragraph conferring that status on the person is in force; and

(2) the Beneva mutual legal person holds indirectly, through the intermediary of one or more legal persons, equity in the patrimonial insurer that is the insurer or debtor under the terms of the contract referred to in the first paragraph.

10. In no case is a subrogated holder a member.

11. Each member qualified to vote has the right to only one vote, regardless of the number or amount of the contracts the member holds or participates in. No member may vote by proxy.

DIVISION IV

ADMINISTRATION OF THE BENEVA MUTUAL LEGAL PERSON

12. The members qualified to vote elect the directors of the Beneva mutual legal person in the manner prescribed by its by-laws.

The board of directors of the Beneva mutual legal person may adopt a policy to ensure that the board is composed of a proportion of women and men tending towards gender parity and of at least one member 35 years of age or under at the time of appointment and at least one member who, in the opinion of the board, is representative of the diversity of Québec society.

13. The Beneva mutual legal person may, in its by-laws, determine the minimum, which may not be less than seven, and maximum number of directors.

14. The majority of the directors of the Beneva mutual legal person must reside in Québec.

15. No more than one-third of the board of directors of the Beneva mutual legal person may be composed of remunerated officers and employees of legal persons affiliated with the Beneva mutual legal person within the meaning of the Insurers Act.

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DIVISION V

BY-LAWS OF THE BENEVA MUTUAL LEGAL PERSON

16. The by-laws of the Beneva mutual legal person may include terms providing for a process by which certain members are designated as delegates and providing that the delegates and the directors of the Beneva mutual legal person are the only persons qualified to vote at the annual meeting and at any special meeting of the Beneva mutual legal person.

17. The by-laws of the Beneva mutual legal person may provide that only persons meeting certain specific eligibility criteria that are determined in the by-laws may hold certain offices as director.

The by-laws may also provide that persons who are eligible for certain offices as director may be elected or dismissed only by the members qualified to vote from certain classes of members or by the directors from certain classes of members, as the case may be.

The by-laws may also provide that any vacancy among any of the directors may be filled only by the members qualified to vote from the same class of members or by the directors from the same class of members, as the case may be.

18. The by-laws of the Beneva mutual legal person may increase the required number or percentage of votes of directors or members qualified to vote, as the case may be, to pass certain resolutions, amend such an increase or repeal such an increase. However, for the dismissal of a director, the by-laws may not require a greater number or percentage of votes than the number required by the Business Corporations Act.

19. The by-laws of the Beneva mutual legal person establish the content of the register of delegates that it must keep, in addition to the register of its members, where the by-laws include the terms referred to in section 16.

20. The by-laws of the Beneva mutual legal person may establish the terms governing the designation and removal of the directors whom the Beneva mutual legal person has the right to designate for every patrimonial insurer, the holding company and any other legal person through the intermediary of which the Beneva mutual legal person holds equity in the Beneva insurance business corporation.

21. The by-laws of the Beneva mutual legal person determine the terms for the calling, by the board of directors, of a special meeting of the members qualified to vote, in particular the terms applicable to the notice by which the members qualified to vote may call a special meeting.

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22. The amendment, replacement or repeal of the by-laws must, to remain in force, be approved at the next annual meeting or, in the meantime, at a special meeting called for that purpose.

Despite the preceding paragraph, no adoption, amendment, replacement or striking out of provisions of the by-laws concerning the matters referred to in sections 13, 16 to 18 and 21 may come into force before its approval by a special resolution of the members qualified to vote passed at a meeting.

DIVISION VI

OPERATING EXPENSES

23. The expenses inherent in the operation of the Beneva mutual legal person may be assumed by a patrimonial insurer.

DIVISION VII

APPLICATION OF THE PROVISIONS OF THE BUSINESS CORPORATIONS ACT, THE INSURERS ACT AND THE ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

24. The provisions of the Business Corporations Act that are not inconsistent with this Act apply to the Beneva mutual legal person, subject to the following modifications:

(1) only the definitions of "affairs", "affiliates", "court", "enterprise register", "group", "officer", "ordinary resolution", "resolution", "shareholder", "special resolution" and "subsidiary" provided for in section 2 of that Act apply;

(2) "holder of shares", "registered holder", "shareholder" and any other expression that is similar or has the same effect means a member of the Beneva mutual legal person;

(3) "securities register" means the "register of members" and, if applicable, the "register of delegates";

(4) "corporation" means the Beneva mutual legal person;

(5) "articles" means this Act;

(6) any reference to shares, securities, a unanimous shareholder agreement, a proxy, a proxyholder, a shareholder's representative, dividends, a beneficiary or cumulative voting is deemed not written;

(7) the provisions of that Act applicable specifically to reporting issuers, corporations that have 50 or more shareholders and their directors or shareholders are deemed not written;

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(8) a reference to the enterprise registrar is deemed to be a reference to the Authority; the Authority must send the enterprise registrar the documents relating to the Beneva mutual legal person that must be filed with the enterprise register under the Business Corporations Act and this Act;

(9) a reference to a specified proportion in value of the capital stock of a corporation is a reference to the number of members qualified to vote who are present that corresponds to the specified proportion in value;

(10) Chapter II of that Act does not apply;

(11) the provisions of Chapter IV of that Act apply, except sections 20 to 28, 30, 33 and 40 to 42 and, despite paragraphs 7 to 9 of section 16, the name of the Beneva mutual legal person may be identical or confusingly similar to a name reserved for or used by one of the relevant shareholders or one of the patrimonial insurers;

(12) Chapter V of that Act does not apply;

(13) the provisions of Chapter VI of that Act apply, except sections 106, 107, 109 and 111, paragraphs 4 to 15 of section 118, sections 144, 147, 148, 151 to 153 and 155 to 157 and the second paragraph of section 158, and the following extracts are deemed not written:

(*a*) "Subject to the provisions of section 214," in section 120 of that Act, and

(*b*) ", 155, 156, 287, 314 or 392" in the first paragraph of section 158 of that Act;

(14) the provisions of Chapter VII of that Act apply, except the second paragraph of section 165, the second sentence of the first paragraph of section 167, sections 169 to 173, 180 to 182, 191, 192, 194 to 209 and 212 to 223 and the second paragraph of section 224;

(15) the provisions of Chapter VIII of that Act apply, except section 239;

(16) Chapters IX to XII of that Act do not apply;

(17) the provisions of Chapter XIII of that Act apply, except sections 304 to 322 and 324, the second paragraph of section 335, the second sentence of section 337, the second sentence of the first paragraph of section 341, sections 342 and 343, the second sentence of the first paragraph of section 345, section 346, the first paragraph of section 349, section 350, the first paragraph of section 351 and sections 355 to 371, and the following extracts are deemed not written:

(*a*) "under section 309" and "at the shareholders meeting at which the shareholders consent to the dissolution of the corporation" in the first paragraph of section 325 of that Act,

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(*b*) "or in kind" in the second paragraph of section 341 of that Act, and

(*c*) "or of those who held unpaid shares at the time of the dissolution" in paragraph 7 of section 354 of that Act;

(18) Chapters XIV to XVI of that Act do not apply;

(19) the provisions of Chapter XVII of that Act apply, except sections 441 and 445 to 449, subparagraphs 4, 6 and 7 of the first paragraph of section 451, the second and third paragraphs of section 453 and section 461, and the following extracts are deemed not written:

(*a*) "the articles or" in subparagraph 3 of the first paragraph of section 451 of that Act, and

(*b*) "the articles or" in the first paragraph of section 453 of that Act;

(20) Chapters XVIII and XX of that Act do not apply; and

(21) the provisions of Chapter XXI of that Act apply, except sections 490 and 491.

Where a provision of the Business Corporations Act refers to an obligation of the Beneva mutual legal person to send a copy of a document to a member, the Beneva mutual legal person may meet that obligation by making such a document available to members, without charge, by any appropriate technological means.

Despite the first paragraph, the Government may make a provision of the Business Corporations Act applicable to the Beneva mutual legal person, with the necessary modifications.

25. Sections 9 to 17 of the Act respecting the regulation of the financial sector (chapter E-6.1) and sections 9 to 19, 48, 74 and 93, the second paragraph of section 97, sections 108 to 112, 115, 117 and 130 to 133, the first paragraph of section 137, sections 138, 146 to 148, 242, 243, 248 to 254, 269 to 273, 349, 351 and 462, the second paragraph of section 464, sections 465 to 468, subparagraphs *f* and *g* of subparagraph 1 and subparagraph 5 of the first paragraph and the second paragraph of section 491, subparagraph *a* of paragraph 2 of section 492, subparagraph *d* of paragraph 1, to the extent that it refers to section 115, and subparagraph *a* of paragraph 3 of section 493, sections 494 to 496 and Divisions II to V of Chapter II of Title VI of the Insurers Act apply, with the necessary modifications, to the Beneva mutual legal person and to any legal person through the intermediary of which the Beneva mutual legal person holds equity in the patrimonial insurers.

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For the purpose of applying the provisions of the Insurers Act to the Beneva mutual legal person or to any legal person through the intermediary of which the Beneva mutual legal person holds equity in the patrimonial insurers, the references to the actuary and to the review of an authorization are deemed not written. In addition, for the purposes of sections 248 to 254 of that Act, the Beneva mutual legal person or any legal person through the intermediary of which the Beneva mutual legal person holds equity in the patrimonial insurers is substituted for the regulated business corporation.

DIVISION VIII

DISSOLUTION, LIQUIDATION AND SALE

26. The Beneva mutual legal person must dissolve and wind up in the following cases:

(1) if it disposes of the equity it holds indirectly in the Beneva insurance business corporation;

(2) if the voluntary dissolution or the liquidation of the Beneva insurance business corporation is declared;

(3) in the event of sale by the Beneva insurance business corporation of all or substantially all of its property outside of the normal course of its activities; or

(4) in the event of judicial dissolution and liquidation in accordance with sections 462 to 467 of the Business Corporations Act.

Only the cases provided for in this section trigger the dissolution and liquidation of the Beneva mutual legal person, and the Beneva mutual legal person may not be dissolved or liquidated in any other way, including by consent of its members or directors.

27. Despite section 9, any person who is a member of the Beneva mutual legal person immediately before the occurrence of one of the events resulting in the dissolution and liquidation of the Beneva mutual legal person continues to be a member until the liquidation of the Beneva mutual legal person has been completed in accordance with this Act.

28. The Beneva mutual legal person, where its liquidation is made necessary otherwise than by a court order, must call a special meeting of its members qualified to vote within 30 days following the date of the occurrence of one of the cases referred to in section 26 so that one or more liquidators may be appointed in accordance with the first paragraph of section 325 of the Business Corporations Act.

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29. As of the date of the deposit in the enterprise register of the liquidator's notice provided for in section 335 of the Business Corporations Act, all proceedings against the property of the Beneva mutual legal person, in particular by seizure before judgment or seizure in execution, are to be suspended. The costs incurred by a creditor after the publication of the notice, personally or through the creditor's attorney, cannot be collocated out of the proceeds of the property of the Beneva mutual legal person. However, a judge of the Superior Court for the judicial district of Québec may authorize the institution or continuance of any proceeding on the conditions the judge considers suitable.

30. The liquidator must, to establish the distribution proposal for the remaining property, establish the allocation method that the liquidator intends to use. A description of the method and any amendment to it must be submitted by the liquidator to the Authority.

On receiving the description, the Authority prepares a report on the reasons whether or not to approve the allocation method for the remaining property. It sends its report to the Minister.

The Minister may, if the Minister considers it advisable, approve the allocation method for the remaining property. The Minister sends the decision to the liquidator.

If the Minister approves the allocation method, the liquidator may distribute the property of the Beneva mutual legal person.

31. The liquidator must send to the Authority, at its request and within the time and for the period it specifies, a summary account of the liquidator's activities or any document or information that the Authority requires concerning the conduct of the liquidation.

32. The liquidator must send to the Authority a copy of the summary account that the liquidator submits to the members qualified to vote under section 336 of the Business Corporations Act.

33. Within 180 days after the certificate of dissolution is issued, the liquidator remits to the Minister of Revenue the property that has not been claimed and paid by that time, with a statement of the property indicating the name and last known address of the persons entitled to it and the date of remittance to the Minister of Revenue.

34. When the liquidation of the Beneva mutual legal person has ended, the liquidator files a notice of closure with the Authority.

The liquidator must also remit to the Authority the documents of which the liquidator took possession for the purposes of the liquidation.

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CHAPTER III

PATRIMONIAL INSURERS AND HOLDING COMPANY

DIVISION I

HEAD OFFICES OF THE PATRIMONIAL INSURERS

35. The head offices of the patrimonial insurers are situated in the judicial district of Québec.

DIVISION II

ADMINISTRATION OF THE PATRIMONIAL INSURERS AND THE HOLDING COMPANY

36. The board of directors of each patrimonial insurer and of the holding company must include a number of directors designated by the Beneva mutual legal person that is equal to or greater than the equity percentage of the Beneva mutual legal person multiplied by the total number of directors of the patrimonial insurer or the holding company rounded up to the nearest whole number.

37. A director of a patrimonial insurer or of the holding company designated by the Beneva mutual legal person may be dismissed only by the latter.

DIVISION III

APPLICATION OF THE INSURERS ACT TO THE HOLDING COMPANY

38. In addition to the provisions referred to in section 25, sections 291 to 295 and 298 to 301 of the Insurers Act apply, with the necessary modifications, to the holding company.

DIVISION IV

MISCELLANEOUS PROVISIONS

39. Despite section 198 of the Insurers Act (chapter A-32.1), a relevant shareholder may hold and exercise controlled management rights relating to one of the patrimonial insurers without the holding or exercise of such rights contravening any other applicable provision of the Insurers Act.

40. Section 540 of the Insurers Act does not apply to the patrimonial insurers.

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CHAPTER IV

MAINTENANCE OF THE BENEVA MUTUAL LEGAL PERSON'S EQUITY PERCENTAGE

41. On pain of absolute nullity, the Beneva insurance business corporation, the holding company and any other legal person through the intermediary of which the Beneva mutual legal person holds equity in the Beneva insurance business corporation may not allot shares of their capital stock or authorize and register a transfer of such shares in either of the following cases:

(1) the members of the Beneva mutual legal person have not approved that the equity percentage of the Beneva mutual legal person in the Beneva insurance business corporation, through the intermediary of the holding company, be less than 26% but equal to or greater than 13%; once the threshold has been reached, such approval must be given each time the equity percentage of the Beneva mutual legal person drops below the new authorized minimum threshold, without being less than 13%; or

(2) the members of the Beneva mutual legal person and the Minister have not approved that the equity percentage of the Beneva mutual legal person in the Beneva insurance business corporation, through the intermediary of the holding company, be less than 13%; once the threshold has been reached, such approval must be given each time the equity percentage of the Beneva mutual legal person drops below the new authorized minimum threshold.

For the purposes of the first paragraph, the approval required from the members of the Beneva mutual legal person is deemed to have been received if the total number of the votes cast in favour of the change in the proposed minimum threshold represents at least two-thirds of the members qualified to vote of the Beneva mutual legal person who are present at the meeting.

For the purposes of subparagraph 2 of the first paragraph, the Beneva mutual legal person must send a written application to the Minister not later than the 30th day before the equity percentage is scheduled to become less than the authorized minimum threshold. The Minister may, if the Minister considers it advisable, approve the new minimum equity percentage threshold.

CHAPTER V

TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

42. The Beneva insurance business corporation retains the rights and privileges it or its predecessors enjoyed immediately before the coming into force of this Act.

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43. Any person who is a member of either of the amalgamated mutual legal persons immediately before the coming into force of this Act is deemed to be a member of the Beneva mutual legal person so long as the insurance or annuity contract the person holds or participates in is in force and the Beneva mutual legal person holds indirectly, through the intermediary of one or more legal persons, equity in the patrimonial insurer who is the insurer or debtor under the terms of the contract.

44. The directors of the Beneva mutual legal person at the time of coming into force of this Act are the persons designated for that purpose in the agreement of amalgamation, subject to any modification to the agreement that the amalgamated mutual legal persons may consider necessary before the coming into force of this Act.

45. The by-laws of the Beneva mutual legal person at the time of coming into force of this Act are those proposed in the agreement of amalgamation, subject to any modification to the agreement that the amalgamated mutual legal persons could consider necessary before the coming into force of this Act; the by-laws include, in particular, terms providing for a process by which certain members are designated as delegates and providing that the delegates and the directors of the Beneva mutual legal person are the only persons qualified to vote at the annual meeting and at any special meeting of the Beneva mutual legal person.

46. Within 60 days after the coming into force of this Act, the Beneva mutual legal person sends a copy of this Act to the enterprise registrar, who deposits it in the enterprise register.

47. This Act replaces the Act respecting SSQ Mutual (2020, chapter 32) and the Act respecting La Capitale Civil Service Mutual (2020, chapter 33).

48. This Act comes into force on 1 January 2024.

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Regulations and other Acts

Extract from the Rules for the conduct of proceedings in the National Assembly

CHAPTER III
RULES FOR THE CONDUCT OF PROCEEDINGS RESPECTING PRIVATE BILLS

32. Objects – A bill relating to private or local matters must be introduced by a Member of the Assembly.

33. Deposit with Law Clerk – A Member who sponsors a bill relating to private or local matters shall deposit such bill with the Law Clerk.

The said Member shall not be answerable for the contents of the bill, nor shall he be required to endorse anything that may be provided therein.
(See S.O. 264 and 265)

34. Documents to be provided – Such bill shall be accompanied by a notice stating the name of the Member who is to introduce it and by a copy of every document mentioned therein and of every other document that may be pertinent thereto.

Any bill relating to a municipal corporation governed by the Cities and Towns Act, the Québec Municipal Code, or a special charter shall likewise be accompanied by a certified true copy of the resolution authorizing its introduction.
(See S.O. 265)

35. Introduction and passage during same sessional period – No bill deposited with the Law Clerk during a sessional period envisaged in Standing Order 19 may be passed within that same period.
2009.04.21
(See S.O. 265)

36. Notice in *Gazette officielle du Québec* – The applicant for a private bill shall cause to be published in the *Gazette officielle du Québec*, over his signature, a notice entitled "Avis de présentation d'un projet de loi d'intérêt privé".

Such notice shall specify the objects of the bill and state that any party whose interest may be affected by it and who wishes to make submissions with respect thereto must so advise the Law Clerk.
(See S.O. 265)

37. Notices in newspaper – The said notice shall likewise be published in a newspaper in the judicial district wherein the applicant is domiciled; and if there be no newspaper in that district, it shall be published in a newspaper in the nearest district thereto.

Such notice shall be published once in each week for four weeks.

A copy of this notice shall accompany the bill upon its deposit with the Law Clerk.
(See S.O. 265)

38. Reports from Law Clerk – The Law Clerk shall submit to the President of the Assembly a report stating whether such notice has been drafted and published in accordance with these Rules.

The President shall forward a copy of this report to the Government House Leader and to the Member sponsoring the bill.
(See S.O. 265)

39. Private bills register – The Law Clerk shall keep a register in which he shall enter the name, the occupation, and the place of residence of the applicant for a private bill and those of every party who has advised him that his interest is affected by such bill and that he wishes to make submissions with respect thereto.

The Law Clerk shall provide to the Government House Leader and to the Member who is to introduce such bill a list of the parties who have advised him of their wish to make submissions with respect thereto.
(See S.O. 265)

40. Notices to interested parties – The director of the Committee Secretariat shall convene the interested parties not less than seven days before such bill is to be considered in committee.
(See S.O. 267)

41. Annual publication of rules – The Law Clerk shall publish in the *Gazette officielle du Québec*, in January of each year, the rules pertaining to private bills, together with Title III, Chapter IV, of the Standing Orders of the National Assembly.

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Extract from the Standing Orders of the National Assembly

TITLE III

CHAPTER IV
PRIVATE BILLS

264. Notice and introduction – Any Member may, at the request of an interested person, introduce a bill relating to private or local matters.

He shall give notice of his intent not later than the day preceding that on which such bill is to be introduced and shall provide a copy thereof to the President before the sitting at which it is to be introduced.
(See R.C.P. 33)

265. Report from Law Clerk – Before such bill is introduced, the President shall communicate to the Assembly the contents of the report from the Law Clerk thereon.
(See R.C.P. 33 to 39)

266. Preamble – A private bill shall require no explanatory notes; but every such bill shall contain a preamble setting out the facts on which it is founded.

267. Referral to committee – When a private bill has been introduced the Government House Leader shall move, without notice, that it be referred to a committee; and such motion shall be decided without debate.

The committee shall hear the interested parties, examine the bill clause by clause, and report thereon to the Assembly. The question for concurrence in such report shall be put forthwith and decided without debate.
(See R.C.P. 40)

268. Motions for passage in principle and passage – The passage in principle of the bill shall be set down for a future sitting day. No motion may be made to divide such bill or to defer its passage in principle.

A private bill when passed in principle shall not again be referred to a standing committee but may be passed during the same sitting day, and Standing Order 257 shall apply: Provided that the bill may not then be passed if opposition to its passage is taken by five Members.

269. Debate – During the debates on the passage in principle and the final passage of a private bill, each Member may speak for up to ten minutes: Provided that the Member sponsoring the bill and the leaders of the parliamentary groups may each speak for up to thirty minutes.

270. Procedure – Except as otherwise provided in this chapter of these Standing Orders, the general rules pertaining to bills shall apply to private bills.

106580

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Draft Regulations

Draft Regulation

Professional Code
(chapter C-26)

Chartered administrators
— Code of ethics of chartered administrators
— 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 Code of ethics of chartered administrators, adopted by the board of directors of the Ordre des administrateurs agréés du Québec, appearing below, has been published as a draft and may be examined by the Office des professions du Québec and then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation adjusts some obligations already provided for in the Code of Ethics of Chartered Administrators (chapter C-26, r. 14.1) and updates some of the duties of the members of the Ordre to take into account, in particular, the new context for the exercise of the profession and to ensure more effective protection for the public.

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

Further information about the draft Regulation may be obtained by contacting Mtre. Nathalie Parent, Executive Director and Secretary, Ordre des administrateurs agréés du Québec, 1050, côte du Beaver Hall, bureau 360, Montréal (Québec) H2Z 0A5; telephone: 514 499-0880 or 1 800 465-0880; email: nparent@adma.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Secretary of the Office des professions du Québec, Annie Lemieux, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Ordre des administrateurs agréés du Québec and to interested persons, departments and bodies.

Annie Lemieux
Secretary of the Office des professions du Québec

Regulation to amend the Code of ethics of chartered administrators

Professional Code
(chapter C-26, s. 87)

1. The Code of ethics of chartered administrators (chapter C-26, r. 14.1) is amended in section 12 by adding the following paragraph at the end:

"They must, in particular, refrain from committing any act involving collusion, corruption, malfeasance, breach of trust or influence peddling.".

2. Section 13 is amended by inserting ", their professional qualifications" after "competence".

3. Section 20 is replaced by the following:

"**20.** Chartered administrators must take reasonable care of the sums and property entrusted to them by clients, including by their employer.

Except when specifically authorized by a client, chartered administrators must not, in any manner whatsoever, use, lend, transfer, withdraw or employ the entrusted property or sums as payment for their fees or for purposes other than those for which the property or sums were entrusted to them as part of their mandate or contract of employment.

The sums or property entrusted to chartered administrators must be computed and secured in accordance with the Règlement sur la comptabilité en fidéicommis des administrateurs agréés (chapter C-26, r. 16).".

4. Section 27 is replaced by the following:

"**27.** Chartered administrators may not elude or attempt to elude professional liability. To that end, chartered administrators are prohibited in particular from

(1) accepting a waiver fully or partly releasing them from professional liability for a fault committed in the practice of their profession;

(2) accepting a waiver fully or partly releasing the partnership or joint-stock company within which the chartered administrator carries on professional activities from liability for a fault committed by them;

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(3) invoking against their client the responsibility of the partnership or joint-stock company within which the chartered administrator carries on professional activities.”.

5. Section 39 is amended by striking out “in order to prevent an act of violence” in the portion before paragraph 1.

6. Section 56 is replaced by the following:

“**56.** Chartered administrators must, in a timely manner,

(1) inform the secretary of the Order if they have reason to believe that

(*a*) an applicant seeking admission to the profession does not meet the permit issue requirements or those for entry on the roll;

(*b*) another chartered administrator is not complying with permit-related conditions or restrictions placed on the member’s right to practise;

(*c*) that a person who is not a member of the Order is using the title “Chartered Administrator” or “Certified Management Advisor” or any other title or abbreviation which may lead to the belief that the person is a member;

(2) inform the syndic of the Order if they have reason to believe

(*a*) in the existence of a situation likely to affect the competence or the integrity of another chartered administrator;

(*b*) that an offence against the Professional Code (chapter C-26) or any of its regulations has been committed by another chartered administrator.”.

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

106631

Draft Regulation

Chartered Professional Accountants Act
(chapter C-48.1)

Cooperation agreement between L’Ordre des comptables professionnels agréés du Québec and The Canadian Public Accountability Board

Notice is hereby given, in accordance with section 9 of the Chartered Professional Accountants Act (chapter C-48.1), that the Cooperation agreement between L’Ordre des comptables professionnels agréés du Québec and The Canadian Public Accountability Board may be submitted to the Government, which may then approve it with or without amendment, on the expiry of 45 days following this publication.

The aim of the Agreement is to set the conditions that apply to exchanges of information between l’Ordre des comptables professionnels agréés du Québec and the Canadian Public Accountability Board when necessary to discharge their mandates. More specifically, the agreement aims to define the nature and scope of the information that the parties may exchange in connection with inspection, discipline and any investigation they undertake concerning a professional accountant or a firm whose members are members of the Ordre, to minimize the duplication of efforts. The Agreement also specifies the purposes for which information may be exchanged, the conditions that must be respected to ensure confidentiality, including professional secrecy, and the ways in which the information obtained may be used.

According to the Ordre, the agreement will have no financial impact on citizens and enterprises, and on SMEs in particular.

Further information on the agreement may be obtained by contacting Mtre. Stéphanie Vallée, lawyer, Ordre des comptables professionnels agréés du Québec, 5, place Ville-Marie, bureau 800, Montréal (Québec) H3B 2G2; telephone: 514 288-3256 or 1 800 363-4688; email: svallee@cpaquebec.ca.

Any person wishing to comment on the agreement is requested to submit written comments within the 45-day period to the Secretary of the Office des professions du Québec, Annie Lemieux, 800, place D’Youville, 10e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor; they

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may also be forwarded to the Ordre des comptables professionnels agréés du Québec and to any interested persons and government departments or bodies.

Annie Lemieux
Secretary of the Office des professions du Québec

Agreement

COOPERATION AGREEMENT BETWEEN

L'ORDRE DES COMPTABLES PROFESSIONNELS AGRÉÉS DU QUÉBEC ("L'ORDRE")

AND

THE CANADIAN PUBLIC ACCOUNTABILITY BOARD ("CPAB")

Whereas l'Ordre carries out a mandate to protect the public in Quebec and, to this end, is entrusted by the Professional Code (chapter C-26) with the duty to supervise the practice of the profession by its members, in particular the audit missions of companies by Chartered Professional Accountants;

Whereas CPAB has been incorporated as a corporation without share capital under Part II of the Canada Corporations Act (R.S.C. 1970, c. C-32) by Letters Patent dated April 15, 2003;

Whereas the mission of CPAB is to contribute to public confidence in the integrity of financial reporting of reporting issuers that are subject to securities regulation in one or more provinces in Canada by promoting high-quality, independent auditing of these companies and, to this end, CPAB develops and implements an oversight program that includes regular and rigorous inspections of accounting firms that audit reporting issuers and agree to take part in the program (the "participating firms");

Whereas under section 71.1 of Securities Act (chapter V-1.1), accounting firms that audit the financial statements of a reporting issuer must participate in the inspection program of a body that has entered into an agreement to that effect with l'Autorité des marchés financiers;

Whereas Regulation 52-108 respecting auditor oversight (chapter V-1.1, r. 26.1) requires reporting issuers to have the audit report on their financial statements prepared by an accounting firm that has agreed to take part in the CPAB program;

Whereas l'Ordre and CPAB agree to cooperate in Quebec in discharging their respective mandates and responsibilities and, to this end, wish to exchange the information required to carry out their inspection, investigation and monitoring activities in respect of Chartered Professional Accountants and firms providing audit services to reporting issuers, with a view to improve their efficiency and effectiveness and to minimize duplication of efforts;

Whereas the Parties wish to preserve their independence in carrying out their respective missions;

Whereas l'Ordre and CPAB agree to discharge their respective mandates and responsibilities in accordance with the laws of Québec;

Whereas the professional secrecy obligations of Quebec Chartered Professional Accountants are recognized in Quebec's Charter of Human Rights and Freedoms (chapter C-12) of Quebec and the Professional Code (chapter C-26);

Whereas under sections 9, 10 and 11 of the Chartered Professional Accountants Act (chapter C-48.1), l'Ordre des comptables professionnels agréés du Québec has entered into an agreement of collaboration to exchange information with CPAB and permitting the Chartered Professional Accountants of Quebec to communicate the information despite the professional secrecy which they are required to respect, which came into force on February 20, 2019, the day of publication of Decree No. 74-2019 by the Quebec Government, and which will end on February 20, 2024;

Whereas the Parties wish to enter into an agreement in accordance with this Act, to allow them to exchange information between them and enable Quebec Chartered Professional Accountants to disclose to CPAB information despite the professional secrecy to which they are kept;

Whereas the Parties recognize that the information to be transmitted by each of them to the other pursuant to this Agreement is needed solely for the purpose of permitting the receiving Party to execute its independent inspection, discipline, review proceeding, dispute resolution process and any investigation or inquiry functions;

The parties hereto agree to the following provisions:

SECTION 1
GENERAL PROVISION

The Parties agree that CPAB shall operate in Quebec, in accordance with its rules and by-laws, a program to monitor, inspect and investigate participating firms.

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SECTION 2
INSPECTION AND INVESTIGATION

1. The Parties shall strive to coordinate their respective inspections of participating firms. To this end, each Party shall forward to the other its inspection program in respect of the Quebec operations of participating firms, so that each Party can take it into account in preparing its own program. Each Party shall also forward its inspection schedule and, on a timely basis, inform the other Party of the identification of the audit files that will be inspected. However, such information shall not be sent prior to the completion of the assembly of the final audit file.

2. CPAB shall require that all participating firms notify all of their reporting issuer clients that the audit file of such reporting issuers may be reviewed by CPAB in the course of it carrying out its operations in accordance with its mission. In addition, CPAB shall not, in the course of its inspection and investigation of the Quebec operations of a participating firm, examine the files of any non-reporting issuer clients of such participating firm, and shall not require the disclosure of confidential information relating to any specific non-reporting issuer client without the consent of such non-reporting issuer having been obtained by the participating firm.

3. CPAB agrees to transmit to l'Ordre, promptly upon becoming aware of it, any information that appears to reveal a breach of l'Ordre's rules of professional conduct.

4. Each Party shall transmit to the other Party, promptly upon becoming aware of it, any information obtained during an inspection or investigation into the competence of a member when such information reveals a serious departure from generally accepted accounting principles, generally accepted auditing standards, assurance standards, applicable independence standards or the quality management standards of a participating firm.

5. CPAB shall inform l'Ordre of its intention to launch an investigation into a violation of CPAB rules involving a participating firm in Quebec, together with the reasons that would justify such investigation. CPAB shall inform l'Ordre of the essential steps involved in the investigation process.

SECTION 3
INSPECTION AND INVESTIGATION REPORTS

1. CPAB shall send l'Ordre the final inspection reports and investigation decisions it prepares on the Quebec operations of participating firms and shall provide the Ordre with access to the related working papers.

2. L'Ordre shall transmit to CPAB the information contained in the final report on an inspection or an investigation into the competence of a member conducted by l'Ordre within a participating firm, where such information deals with the firm's activities in respect of a reporting issuer or with the quality management applied by the firm, and provided that any portion of such information that permits the identification of a specific non-reporting issuer client of such firm shall be redacted from the information provided to CPAB. L'Ordre shall provide CPAB with access to the working papers related to this information.

3. CPAB shall agree that it does not intend to ask a participating firm to provide to it any inspection or investigation reports produced by l'Ordre.

SECTION 4
MEASURES IMPOSED BY THE PARTIES

1. CPAB shall inform l'Ordre about the results of an inspection or investigation of a participating firm in regard to its Quebec operations, in particular of any requirement, restriction or sanction CPAB shall impose, or gives notice to a participating firm that it intends to impose, as a result of such participating firm's operations in Quebec. CPAB shall also inform l'Ordre about any application for a review proceeding made by a participating firm in respect of such imposition or intended imposition.

2. L'Ordre shall inform CPAB about any complaint lodged with the Committee on Discipline of l'Ordre, and about any measure taken in respect of a member of a participating firm resulting from an inspection.

3. L'Ordre shall inform CPAB about any limitation or suspension of the right to practice imposed on a member of a participating firm, or whether such member has been struck off the membership Roll.

4. The Parties shall agree that each Party is entitled to take any measure it deems useful in exercising its rights or powers, without being required to consider actions taken by the other Party.

SECTION 5
CONFIDENTIALITY

1. The Parties shall agree not to use any confidential information obtained pursuant to this Agreement other than for purposes of carrying out their respective missions, which, in the case of CPAB, it carries out in accordance with its rules and by-laws through inspections, investigations or review proceedings or the imposition of recommendations, requirements, restrictions or sanctions.

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2. The Parties shall agree to exchange confidential information only by secure means and to take any measures required to safeguard confidentiality.

Such information may only be disclosed to persons within a Party whose functions or duties include receiving, using or consulting such information.

3. Each Party shall agree to maintain at least the same confidentiality regarding confidential information obtained pursuant to this Agreement as it would for information of the same nature it holds.

More particularly, CPAB shall agree to maintain the same confidentiality regarding confidential information obtained pursuant to this Agreement, as would be required for l'Ordre for information obtained or held by l'Ordre in the exercise of the powers granted by the Professional Code (chapter C-26).

4. In the event of any demand being received by a Party to disclose any confidential information obtained pursuant to this Agreement, which demand the Party receiving it believes it might be compelled to comply with, the Party receiving the demand shall promptly notify the other Party of the details of the demand and shall cooperate with such other Party in exercising all available rights and remedies.

5. No consent or disclosure pursuant to this Agreement shall be deemed to constitute or authorize the waiver of any confidentiality or privilege granted to such information under applicable laws.

The disclosure pursuant to this Agreement of information protected by the professional secrecy of Chartered Professional Accountants in Québec does not constitute a waiver of such professional secrecy.

Except as otherwise provided for the members of the Ordre in this Agreement or in the Chartered Professional Accountants Act (chapter C-48.1), nothing in this Agreement is intended to or shall limit or restrict any professional secrecy that may exist in respect of information held by a participating firm or a Chartered Professional Accountant.

SECTION 6
MISCELLANEOUS PROVISIONS

1. CPAB shall agree to keep l'Ordre informed about any amendments to CPAB's rules and operations that may affect l'Ordre in fulfilling its mission among the members of participating firms or the application of this Agreement.

2. The Parties agree that they are separate and independent bodies and are entering into this Agreement solely for the purposes of facilitating their independent operations while meeting the requirements of sections 9, 10 and 11 of the Chartered Professional Accountants Act. Furthermore, the Parties confirm that, after entering into this Agreement, they will continue to be operating independently and neither Party will be acting on behalf of or as agent for the other Party and the documents held by each Party will not be held for the benefit of or on behalf of the other Party.

3. CPAB shall agree to provide information reasonably requested by l'Ordre in order to assist l'Ordre to prepare its annual report on the implementation of this Agreement.

SECTION 7
FINAL PROVISIONS

1. The Agreement shall be in effect for five years commencing on the date that it comes into force. The Parties shall agree that, at least eighteen months prior to the expiry of the Agreement, they will consult with each other on the advisability of its renewal, with or without amendments.

2. The Parties shall agree that, despite the termination of this Agreement for whatever cause, they shall remain bound by the obligation of confidentiality and professional secrecy set out herein.

3. The Parties shall consult promptly, at the request of either, concerning any question or difficulty arising as to the interpretation or the application of this Agreement.

4. This Agreement shall come into force after approval by the Government on the date of its second publication in the *Gazette Officielle du Québec*.

5. This Agreement is governed by the laws applicable in Quebec. In the event of a dispute, the courts of the District of Montreal have competent jurisdiction to dispose of the matter.

6. Either Party may, upon a three-month written notice to the other Party, terminate this Agreement, if it is of the opinion that changes made to the rules governing either Party may jeopardize the continued pursuit of the Agreement. Before giving such a notice, a Party must have entered into consultation with the other Party with a view to resolve the concern.

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This Agreement is drafted in French and English.

SIGNED IN MONTREAL,
ON THIS 20TH DAY
OF OCTOBER, 2023

FOR THE ORDRE DES
COMPTABLES PROFESSIONELS
AGRÉÉS DU QUÉBEC

GENEVIÈVE MOTTARD, CPA
President and Chief Executive Officer

SIGNED IN TORONTO,
ON THIS 24TH DAY
OF OCTOBER, 2023

FOR THE CANADIAN
PUBLIC ACCOUNTABILITY
BOARD

CAROL A. PARADINE, FCPA, FCA
Chief Executive Officer

106630

Draft Regulation

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

Act to modernize the occupational health
and safety regime
(2021, chapter 27)

Prevention and participation mechanisms in an establishment

Industrial and commercial establishments

Hazardous products information

Occupational health and safety

Occupational health and safety in mines

— Amendment

Prevention programs
— Revocation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting prevention and participation mechanisms in an establishment and the Regulation to amend the Regulation respecting industrial and commercial establishments, the Hazardous Products Information Regulation, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines, and to revoke the Regulation respecting prevention programs, appearing below, may be adopted by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The draft Regulation respecting prevention and participation mechanisms in an establishment determines the rules that are applicable in an establishment with regard to the prevention program, the action plan, the health and safety committee and the health and safety representative. In particular, the draft Regulation sets out the time limits for preparing, implementing and updating a prevention program or action plan as well as the hierarchy of the preventive measures for the purpose of preparing such a program or plan. The draft Regulation indicates the number of workers' representatives on a health and safety committee where there is no agreement between the employer and the establishment's workers. The draft Regulation specifies the rules of operation of a health and safety committee and the minimum amount of time that the health and safety representative may devote to the exercise of certain functions in the absence of an agreement between the committee members. The draft Regulation also provides for the content and duration of the training programs of a health and safety representative and members of the health and safety committee as well as the timeframe for participating in those programs.

The second draft Regulation makes consequential amendments to the Regulation respecting industrial and commercial establishments (chapter S-2.1, r. 6), the Hazardous Products Information Regulation (chapter S-2.1, r. 8.1), the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) and the Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14), and revokes the Regulation respecting prevention programs (chapter S-2.1, r. 10), in consideration of the draft Regulation respecting prevention and participation mechanisms in an establishment.

The analysis of the draft Regulation respecting prevention and participation mechanisms in an establishment shows that the global costs for the enterprises concerned are $150.4 million for the year of implementation and $109.4 million per year thereafter. In the long term, the enterprises will benefit from investments dedicated to prevention, which will translate into the prevention or non-occurrence of occupational diseases or industrial accidents.

Further information on the draft Regulations may be obtained by contacting Lise Lavallée, Chair, comité-conseil sur les modalités d'application des mécanismes de prevention et de participation des travailleurs en établissement, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue de Bleury, Montréal (Québec) H3B 3J1; telephone: 514 264-1481; email: lise.lavallee@cnesst.gouv.qc.ca.

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Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Mohamed Aiyar, Vice-chair, prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1600, avenue d'Estimauville, Québec (Québec) G1J 0H7; telephone: 514 349-0858; email: mohamed.aiyar@cnesst.gouv.qc.ca.

Élisa Pelletier

Acting Secretary General

Commission des normes, de l'équité, de la santé et de la sécurité du travail

Regulation respecting prevention and participation mechanisms in an establishment

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 17.1, 22 to 24.1 and 42, and 2nd par.)

Act to modernize the occupational health and safety regime (2021, chapter 27, s. 232, pars. 6 to 10)

CHAPTER I
PRELIMINARY PROVISIONS

1. For the purposes of the Act respecting occupational health and safety (chapter S-2.1), this Regulation determines the rules that are applicable in an establishment with regard to the prevention program, the action plan, the health and safety committee and the health and safety representative.

2. The levels related to the activities carried on in an establishment for the purposes of determining the frequency of the meetings of the health and safety committee and the amount of time that a health and safety representative may devote to the exercise of functions are provided for in Schedule I to this Regulation.

The levels are classified into 4 categories for the activities that correspond to the code used in the 2012 version of the North American Industry Classification System, hereafter "NAICS 2012", published by Statistics Canada. If many activities are carried on in an establishment, the level of that establishment is the one that corresponds to its primary activity. "Primary activity" means the activity that constitutes the objective of the establishment for the purpose of the production or distribution of goods or services.

3. Where an employer implements a prevention program in accordance with section 58.1 of the Act, this Regulation applies with the necessary modifications, in particular by considering that the number of workers corresponds to the total number of workers in the establishments as a group.

CHAPTER II
PREVENTION PROGRAM AND ACTION PLAN

4. An employer has a period of 1 year to prepare and implement a prevention program or an action plan once subject to that requirement in accordance with the Act.

The 1-year period does not apply to an employer that already has or must have a prevention program implemented at its establishment and becomes subject to the requirement to prepare and implement an action plan. In such cases, the preparation and implementation of the action plan must be completed as soon as possible.

In cases where an employer becomes subject to the requirement to prepare and implement a prevention program and already has an action plan implemented at its establishment, the time period provided for in the first paragraph applies to the extent that the action plan is maintained until such time as the prevention program is implemented. If not, the preparation and implementation of the prevention program must be completed as soon as possible.

5. The employer must update its prevention program or action plan every year.

6. The measures and priorities for action to eliminate or, failing that, to control the identified risks must be provided for by the employer in the prevention program or action plan by giving precedence to preventive measures according to the following hierarchy:

(1) the elimination of risks at the source;

(2) the substitution of materials, processes or equipment for others to reduce risks;

(3) the implementation of engineering controls such as the installation of a ventilation system or the addition of a protector on a machine to control risks related to the work environment and equipment;

(4) the installation of warning systems such as audible alarms and lights to increase awareness of risks;

(5) the implementation of administrative risk controls such as worker training and the use of safe work methods and procedures;

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(6) the availability of individual or collective protective means and equipment for workers and the implementation of measures to ensure they are used and adequately maintained.

Risks that cannot be eliminated must be controlled by the employer with a combination of those preventive measures.

CHAPTER III
HEALTH AND SAFETY COMMITTEE

DIVISION I
COMPOSITION

7. In the absence of an agreement between the employer and the workers of the establishment, in accordance with the first paragraph of section 70 of the Act, the number of workers' representatives on the health and safety committee, including the health and safety representative, is, according to the number of workers of the establishment, as follows:

(1) 20 to 50 workers: 2, except where the establishment has a group of workers that are not represented by a certified association having designated, pursuant to section 11, a member of the committee, in which case the number of workers' representatives is 3;

(2) 51 to 100 workers: 3;

(3) 101 to 500 workers: 4;

(4) 501 to 1,000 workers: 6;

(5) 1,001 to 1,500 workers: 7;

(6) over 1,500 workers: 8.

DIVISION II
PROCEDURES, TERMS AND CONDITIONS FOR THE DESIGNATION OF WORKERS' REPRESENTATIVES

8. Where 2 or more certified associations representing all of the workers of an establishment do not agree on the designation of the workers' representatives on the health and safety committee, in accordance with the third paragraph of section 72 of the Act, the workers' representatives are designated according to the following terms and conditions:

(1) the certified association that, where applicable, represents the absolute majority of workers, designates the absolute majority of workers' representatives;

(2) the other certified associations designate, where applicable, their workers' representatives according to the sequence of the following steps:

(*a*) the certified association that represents the highest percentage of workers in the establishment designates a representative;

(*b*) the represented percentage of workers of the certified association having proceeded with the designation according to subparagraph *a* is reduced by one-half;

(*c*) the certified association that then represents the highest percentage of workers designates a representative.

The steps described in subparagraphs *b* and *c* of subparagraph 2 of the first paragraph are repeated until all of the workers' representatives have been designated.

A certified association may group together with one or more other certified associations for the purposes of subparagraph 2 of the first paragraph. The overall percentage of workers represented by the grouping in the establishment is then the percentage taken into consideration.

Where 2 or more certified associations or groups of certified associations have an equal number of representatives, the workers' representative is designated by a draw, with each of the associations and each of the groupings presenting the name of a candidate. The representative is deemed to have been designated by the association or group of associations whose candidate's name is drawn.

If, as a result of applying the designation steps provided for in subparagraph 2 of the first paragraph, a certified association or group of certified associations could not designate a workers' representative, the last representative to be designated must be designated by a draw between the certified associations or groups of certified associations that have not designated a representative.

9. Where a single certified association represents some, but not all, of the workers of an establishment, that association designates the majority of the workers' representatives on the health and safety committee. The other workers' representatives on the committee are designated by the group of workers not represented by the certified association in accordance with section 11.

10. Where more than one certified associations represent some, but not all, of the workers of an establishment, the workers' representatives on the health and safety committee are designated in accordance with section 8.

For the purposes of section 8, except subparagraph 1 of the first paragraph of that section, the group of workers not represented by a certified association is

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deemed to form a certified association. However, that group may not designate more workers' representatives than all the certified associations.

11. The group of workers not represented by a certified association that is authorized to designate a representative on the health and safety committee under sections 9 and 10 designates the representative through a vote held at a meeting convened for that purpose by the workers' and employer's representatives who are already committee members.

The notices of the vote and of the meeting for nominations must be made available to the group of workers by being posted or using any method of transmission at least 5 days before the vote and meeting take place.

The candidate who obtains the most votes is designated as a representative.

12. A certified association, grouping of certified associations or group of workers not represented by a certified association authorized to designate a workers' representative on the health and safety committee that fails to do so within 30 days is deemed to have refused or neglected to designate its representative.

In such a case, the position thus left vacant is filled in accordance with section 8, 9 or 10, as the case may be, for as long as the designation has not been made. The same applies where a certified association, grouping of certified associations or group of workers not represented by a certified association signifies its refusal to designate a workers' representative on the committee.

13. Where the workers of an establishment are not represented by a certified association, the workers' representatives on the health and safety committee are designated through a vote held at a meeting convened for that purpose by a worker of the establishment.

The notices of the vote and of the meeting for nominations must be made available to all the workers of the establishment by being posted or using any method of transmission at least 5 days before the vote and the meeting take place.

The candidates who obtain the most votes are designated as representatives.

14. The employer must allow the notices of the vote and of the meeting for nominations to be made available as well as for the vote to be held.

15. The number of workers' representatives on the health and safety committee is revised at the beginning of every year.

16. The workers' representatives on the health and safety committee perform their duties on the committee as long as the certified association, grouping of certified associations or group of workers not represented by a certified association that designated them remains authorized to do so and as long as the representatives have not been replaced.

DIVISION III
RULES OF OPERATION

17. In accordance with section 74 of the Act, this Division, which provides minimum rules of operation, applies only in the absence of an agreement between the members of the health and safety committee.

18. The health and safety committee holds its first meeting within 30 days after its members have been designated.

19. The minimum frequency of health and safety committee meetings according to the classification of the establishment provided for in Schedule I are as follows:

(1) level 1: 1 meeting every 3 months;

(2) levels 2 and 3: 6 meetings per year;

(3) level 4: 9 meetings per year.

For the purposes of subparagraphs 2 and 3 of the first paragraph, the meetings must be held during the year in order for the health and safety committee to meet at least once every 3 months.

20. The health and safety committee must also meet within 3 working days after a request by one of its members, where one of the following incidents occurs:

(1) the death of a worker following a work accident;

(2) the loss of a limb or of part of a limb, the total or partial loss of the use of a limb or a significant physical trauma to a worker; or

(3) such serious injuries to 2 or more workers as probably to prevent them from performing their work for 1 working day.

21. The health and safety committee is presided over by 2 co-chairpersons designated by the committee members. One co-chairperson represents the workers and is chosen by the members who represent the workers on the committee; the other co-chairperson represents the employer and is chosen by the employer's representatives on the committee.

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22. The meetings of the health and safety committee are presided over alternately by each co-chairperson.

The committee determines which co-chairperson will preside over the first meeting. Where there is disagreement, the co-chairperson is determined by a draw.

23. Where the co-chairperson who must preside over a meeting is absent, it is presided over by the other co-chairperson. The alternation provided for in section 22 is then adjusted accordingly.

24. A vacancy in the position of co-chair of the health and safety committee is filled in accordance with section 21, not later than 30 days after the committee has been so notified.

25. The agenda of a meeting of the health and safety committee is determined by the co-chairpersons.

The notice convening a meeting must indicate the location, date and time of the meeting and specify the subjects to be discussed.

The notice is sent by the co-chairperson who will preside over the meeting.

Any member of the committee may, at the beginning of the meeting and with the consent of the other members, propose amendments to the agenda.

26. The quorum of a meeting is achieved with at least half of the workers' representatives and at least one employer representative.

27. Where the group of employer representatives or the group of workers' representatives fails to agree on the position to be adopted with regard to a particular question, the position of the group is that which has received the majority vote of the representatives of that group attending the meeting.

28. Any vacancy on the health and safety committee must, not later than 30 days after the committee has been so notified, be filled, as the case may be, by the certified association, grouping of certified associations, group of workers not represented by a certified association or the employer that designated the committee member who must be replaced.

Where a certified association, grouping of certified associations or group of workers not represented by a certified association does not fill a vacancy within the prescribed period, the vacant position is filled in accordance with section 8, 9 or 10, as the case may be, as long as the designation has not been made.

The same applies where a certified association, grouping of certified associations or group of workers not represented by a certified association states its refusal to designate a workers' representative on the committee.

29. At each meeting, the health and safety committee approves the minutes of its previous meeting. The minutes thus approved must be kept by the employer for a minimum period of 5 years at the location determined by the committee and must be accessible by the co-chairpersons.

30. The members of the health and safety committee may, upon request to one of the co-chairpersons, obtain a copy of the minutes of the committee.

DIVISION IV
TRAINING OF MEMBERS

31. The members of a health and safety committee, including the health and safety representative, must, within 120 days following their designation, obtain a certificate for at least 1 day of theoretical training issued by the Commission or by a person or body recognized by it.

The training must pertain in particular to

(1) the legislative and regulatory framework for occupational health and safety applicable to an establishment;

(2) the content of a prevention program;

(3) the mandate, functions and rules of operation of the committee;

(4) the roles and responsibilities of the members, health and safety representatives and co-chairpersons of the committee;

(5) the identification and analysis of the risks that may affect the health, safety, and physical and mental well-being of the establishment's workers;

(6) the keeping of registers of work accidents and occupational diseases, and events that could have caused them;

(7) accident investigations and analyses of reported incidents;

(8) the importance of cooperation between all members of the committee, in particular with the health and safety representative, in order to ensure the effectiveness of participation mechanisms and that occupational health and safety is taken in charge; and

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(9) the taking into account of realities specific to women, men and workers under 16 years of age in the identification and analysis of risks.

CHAPTER IV
HEALTH AND SAFETY REPRESENTIVE

DIVISION I
DESIGNATION PROCEDURE

32. Where a health and safety committee exists in an establishment, the health and safety representative is designated from among the workers' representatives on the committee.

DIVISION II
MINIMUM AMOUNT OF TIME FOR THE EXERCISE OF FUNCTIONS

33. In the absence of an agreement between the members of the health and safety committee, in accordance with the second paragraph of section 92 of the Act, the minimum amount of time that the health and safety representative may devote per month to the exercise of functions, other than those contemplated in paragraphs 2, 6 and 7 of the first paragraph of section 90 of the Act, is, according to the number of workers and the level of the establishment provided for in Schedule I, as follows:

Number of workers	Level 1	Level 2	Level 3	Level 4
Under 20 workers	3 hours	4 hours	4 hours	4 hours
20 to 50 workers	3 hours	4 hours	8 hours	13 hours
51 to 100 workers	7 hours	8 hours	16 hours	26 hours
101 to 200 workers	11 hours	14 hours	27 hours	43 hours
201 to 300 workers	16 hours	21 hours	41 hours	65 hours
301 to 400 workers	20 hours	25 hours	49 hours	78 hours
401 to 500 workers	23 hours	30 hours	57 hours	91 hours
More than 500 workers	23 hours, to which are added 4 hours per additional 100 workers	30 hours, to which are added 6 hours per additional 100 workers	57 hours, to which are added 11 hours per additional 100 workers	91 hours to which are added 17 hours per additional 100 workers

If 2 or more health and safety representatives are designated at an establishment or at 2 or more establishments, the minimum amount of time that they may devote collectively to the exercise of their functions is the same as that provided for in the first paragraph for a single representative.

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DIVISION III
TRAINING

34. A health and safety representative who is a member of a health and safety committee must, within 120 days of being designated, obtain a certificate for at least 1 day of theoretical training issued by the Commission or by a person or body recognized by it.

The training must pertain in particular to

(1) the role, functions and responsibilities of the health and safety representative, including the recommendations that must be made to the committee concerning the psychosocial risks related to the work and recommendations concerning the duties that should not be performed by workers who are 16 years of age and under as well as the identification of situations that may be a source of danger to those workers;

(2) the inspection of workplaces;

(3) assistance to workers in exercising their rights under the Act and regulations;

(4) the role of the representative during the visit of an inspector, in the identification and analysis of risks, and in accident investigations and the analysis of reported incidents;

(5) interventions where a worker exercises the right of refusal;

(6) complaints to the Commission; and

(7) the importance of cooperation with the other members of the committee in order to ensure the efficiency of participation mechanisms and the complementarity of duties.

35. A health and safety representative who is not a member of a health and safety committee must, within 120 days of being designated, obtain a certificate for at least 2 days of theoretical training issued by the Commission or by a person or body recognized by it.

The training must pertain in particular to the subjects provided for in subparagraphs 1, 5, 7 and 9 of the second paragraph of section 31, subparagraphs 2 to 6 of the second paragraph of section 34 as well as to the following subjects:

(1) the content of a prevention program and an action plan;

(2) the role, functions and responsibilities of the health and safety representative, including the recommendations that must be made to workers or to their certified association and the employer concerning the psychosocial risks related to the work and recommendations concerning the duties that should not be performed by workers who are 16 years of age and under as well as the identification of situations that may be a source of danger to those workers;

36. The health and safety representative must also obtain, per 2-year reference period beginning on 1 April that follows the date of obtaining the certificate provided for in section 34 or 35, a certificate of participation in a training program issued by the Commission or by a person or body recognized by it.

The training program is at least 7 hours long and must pertain in particular to the following subjects, in relation to the work environment:

(1) a particular risk;

(2) emerging risks;

(3) legislative or regulatory amendments.

CHAPTER VII
TRANSITIONAL AND FINAL

37. A member of a health and safety committee or a health and safety representative must obtain the certificate of theoretical training provided for in section 31, 34 or 35 of this Regulation, on the later of the following, either within 120 days of being designated or

(1) before 1 April 2026, where the member or representative was designated before that date in an establishment indicated as level 4 in Schedule I;

(2) before 1 October 2026, where the member or representative was designated before that date in an establishment indicated as level 3 in Schedule I;

(3) before 1 April 2027, where the member or representative was designated before that date in an establishment indicated as level 2 in Schedule I; or

(4) before 1 October 2027, where the member or representative was designated before that date in an establishment indicated as level 1 in Schedule I.

38. This Regulation comes into force on 1 October 2025.

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SCHEDULE I

NAICS 2012 Code	Group of activities	Level
111	Crop production	3
112	Animal production and aquaculture	3
113	Forestry and logging	4
114	Fishing, hunting and trapping	3
115	Support activities for agriculture and forestry	4
211	Oil and gas extraction	2
212	Mining and quarrying (except oil and gas)	4
213	Support activities for mining, and oil and gas extraction	4
221	Utilities	1
236	Construction of buildings	1
237	Heavy and civil engineering construction	1
238	Specialty trade contractors	1
311	Food manufacturing	4
312	Beverage and tobacco product manufacturing	4
313	Textile mills	4
314	Textile product mills	4
315	Clothing manufacturing	2
316	Leather and allied product manufacturing	3
321	Wood product manufacturing	4
322	Paper manufacturing	2
323	Printing and related support activities	1
324	Petroleum and coal product manufacturing	1
325	Chemical manufacturing	4
326	Plastics and rubber products manufacturing	4
327	Non-metallic mineral product manufacturing	4
331	Primary metal manufacturing	4
332	Fabricated metal product manufacturing	4
333	Machinery manufacturing	4
334	Computer and electronic product manufacturing	3
335	Electrical equipment, appliance and component manufacturing	4
336	Transportation equipment manufacturing	4
337	Furniture and related product manufacturing	4
339	Miscellaneous manufacturing	1
411	Farm product merchant wholesalers	1
412	Petroleum and petroleum products merchant wholesalers	4
413	Food, beverage and tobacco merchant wholesalers	4
414	Personal and household goods merchant wholesalers	1
415	Motor vehicle and motor vehicle parts and accessories merchant wholesalers	1
416	Building material and supplies merchant wholesalers	1
417	Machinery, equipment and supplies merchant wholesalers	1
418	Miscellaneous merchant wholesalers	1
419	Business-to-business electronic markets, and agents and brokers	2
441	Motor vehicle and parts dealers	1
442	Furniture and home furnishings stores	4
443	Electronics and appliance stores	1
444	Building material and garden equipment and supplies dealers	2
445	Food and beverage stores	2
446	Health and personal care stores	1
447	Gasoline stations	2
448	Clothing and clothing accessories stores	1
451	Sporting goods, hobby, book and music stores	1
452	General merchandise stores	4
453	Miscellaneous store retailers	1
454	Non-store retailers	1
481	Air transportation	1
482	Rail transportation	2
483	Water transportation	2
484	Truck transportation	4
485	Transit and ground passenger transportation	4
486	Pipeline transportation	2
487	Scenic and sightseeing transportation	2
488	Support activities for transportation	2

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NAICS 2012 Code	Group of activities	Level
491	Postal service	2
492	Couriers and messengers	4
493	Warehousing and storage	4
511	Publishing industries (except Internet)	1
512	Motion picture and sound recording industries	1
515	Broadcasting (except Internet)	1
517	Telecommunications	1
518	Data processing, hosting, and related services	1
519	Other information services	1
521	Monetary authorities - central bank	2
522	Credit intermediation and related activities	1
523	Securities, commodity contracts, and other financial investment and related activities	1
524	Insurance carriers and related activities	1
526	Funds and other financial vehicles	1
531	Real estate	2
532	Rental and leasing services	2
533	Lessors of non-financial intangible assets (except copyrighted works)	2
541	Professional, scientific and technical services	1
551	Management of companies and enterprises	1
561	Administrative and support services	3
562	Waste management and remediation services	4
611	Educational services	2
621	Ambulatory health care services	4
622	Hospitals	4
623	Nursing and residential care facilities	4
624	Social assistance	3
711	Performing arts, spectator sports and related industries	1
712	Heritage institutions	1
713	Amusement, gambling and recreation industries	1
721	Accommodation services	4
722	Food services and drinking places	2
811	Repair and maintenance	4
812	Personal and laundry services	2
813	Religious, grant-making, civic, and professional and similar organizations	2
814	Private households	2
911	Federal government public administration	2
912	Provincial and territorial public administration	1
913	Local, municipal and regional public administration	3
914	Aboriginal public administration	3
919	International and other extra-territorial public administration	2

Regulation to amend the Regulation respecting industrial and commercial establishments, the Hazardous Products Information Regulation, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines, and to revoke the Regulation respecting prevention programs

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., pars. 17.1, 22 to 24.1 and 42, and 2nd par.)

Act to modernize the occupational health and safety regime
(2021, chapter 27, s. 232, pars. 6 to 10)

REGULATION RESPECTING INDUSTRIAL AND COMMERCIAL ESTABLISHMENTS

1. The Regulation respecting industrial and commercial establishments (chapter S-2.1, r. 6) is amended in Division XIV by replacing ", MEDICAL EXAMINATIONS AND SAFETY COMMITTEES" in the heading by "AND MEDICAL EXAMINATIONS".

2. Subdivision 14.3 of Division XIV, comprising sections 14.3.1 to 14.3.3, is revoked.

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HAZARDOUS PRODUCTS INFORMATION REGULATION

3. The Hazardous Products Information Regulation (chapter S-2.1, r. 8.1) is amended in section 11 by replacing "safety representative" by "health and safety representative".

4. Section 23 is amended by replacing "safety representative" in the first paragraph by "health and safety representative".

REGULATION RESPECTING PREVENTION PROGRAMS

5. The Regulation respecting prevention programs (chapter S-2.1, r. 10) is revoked.

REGULATION RESPECTING OCCUPATIONAL HEALTH AND SAFETY

6. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 141.5

(1) by replacing "the prevention program, or if none in a register, the following entries and documents" in the first paragraph by "a register the following entries and documents, if they are not already provided for in the prevention program or action plan";

(2) by replacing "the safety representative, to the health and safety committee and to the physician responsible for the employer's establishment" in the second paragraph by "the health and safety representative, to the health and safety committee and to the physician responsible for occupational health".

7. Section 199 is amended by replacing "safety representative" in the second paragraph by "health and safety representative".

REGULATION RESPECTING OCCUPATIONAL HEALTH AND SAFETY IN MINES

8. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended in section 27 by replacing "safety representative" by "health and safety representative".

9. Section 28.04 is amended by replacing "safety representative" in the second paragraph by "health and safety representative".

FINAL

10. This Regulation comes into force on 1 October 2025.

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