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## Part 2

# LAWS AND REGULATIONS

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7 February 2024 / Volume 156

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**PROVINCE OF QUÉBEC**

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 7 DECEMBER 2023

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OFFICE OF THE LIEUTENANT-GOVERNOR

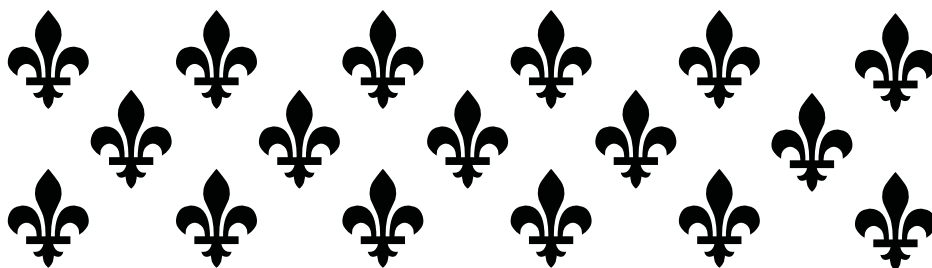
*Québec, 7 December 2023*

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

23      An Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en éducation

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





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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 23  
(2023, chapter 32)

**An Act to amend mainly the Education  
Act and to enact the Act respecting  
the Institut national d'excellence en  
éducation**

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**Introduced 4 May 2023  
Passed in principle 13 September 2023  
Passed 7 December 2023  
Assented to 7 December 2023**

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**Québec Official Publisher  
2023**

## EXPLANATORY NOTES

*This Act makes certain amendments to the Education Act relating to the governance of school service centres, mainly to entrust the Government with the appointment of the director general of each school service centre, as well as to confer on the director general responsibility for designating the school service centre's assistant director general and for appointing the principals of the school service centre's educational institutions. The Act allows the Minister of Education to fill a vacancy on a school service centre's board of directors if no person is designated to fill the position within a reasonable time. Every school service centre must enter into a management and accountability agreement with the Minister that includes national indicators as well as objectives and policy directions. The Minister is granted the power to annul a school service centre's decision where the decision is not consistent with the targets, objectives, policy directions and directives the Minister has established, and to make the decision that, in the Minister's opinion, ought to have been made in the first instance.*

*The Act also amends the Education Act to empower the Government to determine, by regulation, the standards by which certain educational services may be provided from a distance as well as to allow the Minister to prescribe, by regulation, the conditions and procedures relating to the mandatory continuing education of teachers. The Minister may, among other things, advise and support a school service centre in order to foster students' school success. Furthermore, jurisdiction is conferred on the Comité de gestion de la taxe scolaire de l'île de Montréal to provide services to any school service centre located outside the island of Montréal with which it enters into an agreement for that purpose.*

*The Act enacts the Act respecting the Institut national d'excellence en éducation, which creates an institute whose mission is to promote excellence in educational services for preschool education and for elementary and secondary school education in vocational training and in adult education services. The new Act defines the institute's functions, determines its rules of organization and operation and provides that, among other things, the institute is to be administered by a board of directors consisting of 13 members, including 6 persons working in the field of preschool education, elementary or secondary school education, vocational training or adult education.*



*The Act amends the Act respecting the Conseil supérieur de l'éducation, including its title, to replace the name "Conseil supérieur de l'éducation" by "Conseil de l'enseignement supérieur" and to limit the council's functions to matters relating to higher education and revise its composition.*

*In addition, the Act provides that the Minister's functions are to include seeing to educational success, ensuring monitoring of students' educational path and fostering education system resources management and planning based on, among other things, knowledge of students' needs. The Minister may designate an education information filing and communication system to, among other things, support the management of the education network by simplifying communications. The Minister may oblige certain bodies to use the system to host and communicate information. Furthermore, the person acting as the delegated manager of government digital data for the department is responsible for authorizing certain communications and uses of information. The manager is required to keep a register of every communication or use the manager has authorized and requires the Minister to publish the register on the Minister's department's website. In addition, the Minister may require certain bodies to use any information resource service the Minister designates, including a decision support tool.*

*Lastly, the Act includes consequential amendments and transitional provisions.*

#### **LEGISLATION ENACTED BY THIS ACT:**

– Act respecting the Institut national d'excellence en éducation (2023, chapter 32, section 65).

#### **LEGISLATION AMENDED BY THIS ACT:**

- Financial Administration Act (chapter A-6.001);
- Act respecting the Conseil supérieur de l'éducation (chapter C-60);
- Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3);
- Act respecting private education (chapter E-9.1);

- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Education Act (chapter I-13.3);
- Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15);
- Public Protector Act (chapter P-32);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting teaching licences (chapter I-13.3, r. 2.01).

## Bill 23

### AN ACT TO AMEND MAINLY THE EDUCATION ACT AND TO ENACT THE ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN ÉDUCATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

#### PROVISIONS RELATING TO SCHOOL GOVERNANCE AND EDUCATIONAL SERVICES

#### EDUCATION ACT

**1.** Section 22.0.1 of the Education Act (chapter I-13.3) is amended by inserting “, subject to sections 259 and 260 and to the conditions and procedures prescribed under section 457” at the end of the first paragraph.

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

**“54.1.** A vacancy on a school’s governing board occurs when a member fails to attend three consecutive meetings of the governing board without a reason considered valid by the board. The member’s term ends at the close of the next meeting, unless the member attends that meeting.”

**3.** Section 67 of the Act is amended, in the third paragraph,

(1) by striking out “Unless the internal management rules provide otherwise,”;

(2) by replacing “two” by “seven”.

**4.** The Act is amended by inserting the following section after section 68:

**“68.1.** The members of the governing board may participate in a meeting of the governing board through means that allow the persons participating in or attending the meeting to communicate directly with each other, unless the governing board’s internal management rules provide otherwise.

At least one governing board member or the principal must however be physically present at the place of the meeting. The principal must ensure that the place of the meeting is equipped with means that allow the persons participating in or attending the meeting to communicate directly with each other.

A governing board member who participates in a meeting through such means is deemed to be present at the meeting.”

**5.** Section 79 of the Act is replaced by the following section:

**“79.** The governing board must be consulted by the school service centre concerning the amendment or revocation of the school’s deed of establishment.

It must be consulted by the director general of the school service centre or the person designated by the director general concerning the selection criteria for the appointment of the principal.”

**6.** Section 96.8 of the Act is amended by inserting “director general of the” before all occurrences of “school service centre”.

**7.** Section 96.9 of the Act is amended by inserting “director general of the” after “The”.

**8.** Section 96.10 of the Act is amended by inserting “director general of the” after “by the” in the second paragraph.

**9.** Section 96.26 of the Act is amended by inserting “director general of the” before “school” in the second paragraph.

**10.** Section 110.1 of the Act is replaced by the following section:

**“110.1.** The governing board must be consulted by the school service centre concerning the amendment or revocation of the centre’s deed of establishment.

It must be consulted by the director general of the school service centre or the person designated by the director general concerning the selection criteria for the appointment of the principal.”

**11.** Section 110.5 of the Act is amended

(1) by inserting “by the director general” after “established” in the first paragraph;

(2) by inserting “director general of the” before all occurrences of “school service centre”.

**12.** Section 110.6 of the Act is amended by inserting “director general of the” before “school service centre”.

**13.** Section 110.7 of the Act is amended by inserting “director general of the” after “by the” in the second paragraph.

**14.** Section 158 of the Act is amended by replacing “another member sitting on the school service centre’s board of directors as a parent representative designated by the board of directors for that purpose shall exercise his functions and powers” by “the board of directors shall designate, to exercise the chair’s functions and powers, a member sitting as a parent representative or, if all the members sitting as parent representatives are absent or unable to act or if all the seats in that category are vacant, any other board member”.

**15.** Section 160 of the Act is amended by inserting “in office” after “members”.

**16.** Section 162 of the Act is amended, in the third paragraph,

- (1) by striking out “Unless the operating rules provide otherwise,”;
- (2) by replacing “two” by “seven”.

**17.** Section 169 of the Act is amended

- (1) in the first paragraph,

(a) by replacing “The school service centre’s board of directors may provide that, in the cases and on the conditions determined by by-law, any board member may” by “The members of the school service centre’s board of directors may”;

- (b) by inserting “, unless the operating rules provide otherwise” at the end;

(2) by adding the following sentence at the end of the second paragraph: “The director general must ensure that the place of the meeting is equipped with means that allow the persons participating in or attending the meeting to communicate directly with each other.”

**18.** The Act is amended by inserting the following section after section 175.11:

**175.12.** If a vacancy referred to in any of sections 175.10 to 175.11 is not filled within a reasonable time, the Minister may designate a person who has the required qualifications and meets the conditions required to fill the seat.”

**19.** Section 193.1 of the Act is amended, in the fourth paragraph,

- (1) by replacing “the members of the school service centre’s board of directors” by “the school service centre’s director general”;
- (2) by replacing “by the school service centre” by “by the director general”;
- (3) by replacing “section 96.8, 110.5 or 198” by “sections 96.8 and 110.5”;

(4) by striking out the following sentence: “It shall also propose to the school service centre’s board of directors criteria for evaluating the school service centre’s director general.”

**20.** Section 198 of the Act is replaced by the following sections:

**“198.** The director general of each school service centre is appointed by the Government, on the recommendation of the Minister, for a term not exceeding five years.

In his recommendation, the Minister must take into account the local needs expressed by the school service centre’s board of directors.

At the expiry of his term, the director general shall remain in office until replaced or reappointed.

**“198.1.** The remuneration, employee benefits and other conditions of employment of the director general of a school service centre are determined by the Government.

**“198.2.** The director general shall designate an assistant director general in accordance with the regulation of the Minister made under section 451.

In the cases prescribed by the regulation, the director general may appoint, in the same manner, more than one assistant director general.

**“198.3.** The director general and the assistant director general must, as soon as possible after taking office, undergo the training developed by the Minister for them under the third paragraph of section 459.5.”

**21.** Section 200 of the Act is repealed.

**22.** Section 201 of the Act is amended by adding the following sentence at the end of the second paragraph: “The director general shall also carry out any mandate entrusted to him by the Minister.”

**23.** Section 201.1 of the Act is replaced by the following section:

**“201.1.** The assistant director general shall, on pain of sanctions up to and including revocation, exercise the functions of that office exclusively.

The assistant director general may, however, with the director general’s consent, hold an office or position or provide a service, whether or not remunerated.”

**24.** Section 201.2 of the Act is replaced by the following section:

**“201.2.** The director general and the assistant director general may not, on pain of sanctions up to and including revocation, have any direct or indirect interest in an enterprise that places their personal interest in conflict with the interest of the school service centre.

However, such sanctions do not apply if the interest is acquired by succession or gift, provided they renounce or dispose of it promptly.”

**25.** Section 203 of the Act is amended

(1) by replacing all occurrences of “school service centre” in the third paragraph by “Minister”;

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

“If the office of director general becomes vacant, the assistant director general, or the assistant director general designated by the Minister, shall act as interim director general until the Government appoints a new director general.”

**26.** The Act is amended by inserting the following section after section 209:

**“209.0.1.** A school service centre that is informed that a student who attends one of its institutions has been admitted to the educational services of another school service centre or of an educational institution governed by the Act respecting private education (chapter E-9.1) shall communicate, as soon as possible, to the other school service centre or the educational institution the information concerning the student that is necessary for the organization and provision of the educational services.”

**27.** Section 212 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) the change in destination of an immovable placed at the disposal of one of its schools; and”.

**28.** The Act is amended by inserting the following section after section 214.3:

**“214.4.** A school service centre shall enter into an annual management and accountability agreement with the Minister.

The management and accountability agreement shall include

(1) the national indicators determined under section 459.1;

(2) the policy directions, objectives or targets that must be taken into account in preparing the school service centre’s commitment-to-success plan in accordance with section 459.2;

(3) the terms governing the coordination of the entire strategic planning process that are prescribed under section 459.3;

(4) the objectives or targets relating to the administration, organization or operation of the school service centre that are determined under section 459.5.4;

(5) the measures recommended or required by the Minister under section 215.2;

(6) the ministerial policy directions and priorities applicable to the school service centre; and

(7) any other objective, target or priority specific to the school service centre for the duration of the agreement.

The agreement must set out, with regard to the objectives, targets, priorities and policy directions referred to in subparagraphs 4, 6 and 7 of the second paragraph, the means to be implemented to follow up on them and the main indicators to be used in reporting to the Minister on the results.”

**29.** Section 219 of the Act is amended by inserting “, other than the information referred to in section 6.8 of the Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15),” after “information”.

**30.** Section 240 of the Act is amended by adding the following paragraph at the end:

“The school service centre may organize and provide, in that school, special welcoming services and French language-learning support services or educational services in specialized classes or groups referred to in section 235 to students who are not admitted to the special project for which the school is established.”

**31.** The Act is amended by inserting the following section after section 318:

**319.** The school service centre shall collect the school tax itself. However, it may enter into an agreement with the Comité de gestion de la taxe scolaire de l’île de Montréal in order for the Comité to exercise, on behalf of the school service centre, all or part of the functions and powers conferred on the school service centre with regard to collecting the school tax.”

**32.** Section 399 of the Act is amended by adding the following sentence at the end of the second paragraph: “The Comité also has jurisdiction to provide services in those matters to any other school service centre with which it enters into an agreement for that purpose.”



**33.** Section 402 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) the Minister shall designate four persons, including one person domiciled on the island of Montréal, chosen after consultation with the parents’ committees of the school service centres on the island of Montréal, one person domiciled outside the island of Montréal, chosen after consultation with organizations representing the parents, and two persons chosen from among the managerial staff of the Ministère de l’Éducation, du Loisir et du Sport.”

**34.** Section 415 of the Act is amended by inserting “the first paragraph of section 162,” after “161.”

**35.** Section 420 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The director general shall assist the members of the Comité in the exercise of their functions and powers. He shall be responsible for the day-to-day management of the Comité’s activities and resources, see that the decisions of the Comité are carried out and perform the duties that the Comité assigns to him.

The director general shall, on pain of forfeiture of office, exercise the functions of that office exclusively. He may, however, hold an office or position or provide a service, provided that no remuneration or other direct or indirect benefit is granted to him for it. The director general may also, with the Comité’s consent, hold an office or position or provide a service for which remuneration or another direct or indirect benefit is granted to him.

The director general may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise that places his personal interest in conflict with the interest of the Comité. However, forfeiture of office is not incurred if the interest is acquired by succession or gift, provided the director general renounces or disposes of it promptly.

The suspension or dismissal of the director general and the termination of his term of office require the vote of at least two-thirds of the members of the Comité.”

**36.** The Act is amended by inserting the following section after section 437:

“**438.** The Comité shall remit to the school service centre with which it has entered into an agreement in accordance with section 319 or 399 the investment income and the revenues derived from the provision of services, after deducting the amount the Comité determines for its purposes.”

**37.** The Act is amended by inserting the following section after section 448.1:

“**449.** The Government may, by regulation,

(1) determine, from among the exceptional or unforeseeable circumstances that prevent such services from being received at school, those in which the preschool education services and elementary and secondary school instructional services prescribed by the basic school regulation made under section 447 may be provided from a distance, on the terms and conditions prescribed by the Government; and

(2) prescribe the terms and conditions according to which the home or hospital special instructional services prescribed by the basic school regulation may be provided from a distance.

The regulation may, among other things,

(1) require the authorization of the Minister in certain cases;

(2) empower the Minister to grant, following a request giving reasons, authorization for a student or a group of students to receive educational services from a distance according to rules that depart from a provision of the regulation made under this section or a provision of the basic school regulation, subject to the rules governing certification of studies; and

(3) specify the cases where the requirement under section 11 of the Act respecting private education (chapter E-9.1) to include an indication in the permit does not apply.”

**38.** Section 455.2 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(3) the qualifications required to be a candidate for a parent representative seat on a French-language school service centre’s board of directors where no person having the qualifications required by subparagraph 1 of the first paragraph of section 143 has applied to represent a district.”

**39.** The Act is amended by inserting the following section after section 456.1:

“**457.** The Minister may, by regulation, prescribe the conditions and procedures relating to the continuing education referred to in section 22.0.1 of this Act and section 54.12 of the Act respecting private education (chapter E-9.1), including those pertaining to recognition of the content of the continuing education activities, to methods for monitoring, supervising or evaluating the continuing education requirements and, where applicable, to exemptions.

The regulation may entrust functions in that area to a person or body, in particular to a school principal or the principal of a centre, to an institution governed by the Act respecting private education or to the Institut national d’excellence en éducation.”

**40.** Section 458 of the Act is repealed.

**41.** The Act is amended by inserting the following section after section 459:

**“459.0.0.1.** The Minister may, after consulting with the school service centres concerned, determine policy directions that must be taken into account in organizing educational services for all school service centres or based on the situation of one or certain school service centres.”

**42.** The Act is amended by inserting the following section after section 459.4:

**“459.4.1.** The Minister may evaluate students’ needs in connection with their educational success. For that purpose, the Minister may determine the tools, targets and indicators enabling the detection of risk factors for students’ school success and may, if the Minister considers it useful, analyze the situation of certain categories of students or groups of students. The Minister may consult any expert for the determination of those tools, targets and indicators.

Where, under the first paragraph, the Minister finds that certain categories of students or groups of students present risk factors jeopardizing their school success, the Minister shall inform the school service centre concerned and discuss with it the measures to be taken. The Minister may, if he considers it necessary, advise and support the school service centre in order to foster the school success of those students.”

**43.** Section 459.5 of the Act is amended

(1) by inserting the following paragraph after the second paragraph:

“The Minister shall develop the content of the training for the directors general and assistant directors general of school service centres and see that the training is provided to them.”;

(2) by replacing “the first and second paragraphs” in the third paragraph by “this section”.

**44.** Section 459.5.3 of the Act is amended

(1) by replacing both occurrences of “education” in the first paragraph by “educational services”;

(2) by replacing “education services” in subparagraph 1 of the second paragraph by “educational services”.

**45.** The Act is amended by inserting the following section after section 459.6:

**“459.7.** If the Minister is of the opinion that a decision made by a school service centre is not consistent with the targets, objectives, policy directions and directives he has established in accordance with this Act, he shall inform the school service centre.

The school service centre has 15 days to give the Minister the reasons for its decision. Where applicable, it shall also inform him, within that period, of its intention to overturn, entirely or in part, that decision and of the decision it intends to make.

If the school service centre does not give reasons within the prescribed period or if the reasons given or the decision it intends to make are not to the Minister’s satisfaction, the Minister may then annul, entirely or in part, the school service centre’s decision and make the decision that, in his opinion, ought to have been made in the first instance.

This section applies, with the necessary modifications, where the Minister is of the opinion that a decision should be made to ensure that the school service centre complies with the targets, objectives, policy directions and directives he has established.”

**46.** Section 464 of the Act is amended by replacing “the Conseil supérieur de l’éducation” by “the Institut national d’excellence en éducation”.

**47.** Division II.1 of Chapter VII of the Act, comprising sections 477.13 to 477.28, is repealed.

#### ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L’ÉDUCATION

**48.** The title of the Act respecting the Conseil supérieur de l’éducation (chapter C-60) is replaced by the following title:

“Act respecting the Conseil de l’enseignement supérieur”.

**49.** The preamble of the Act is repealed.

**50.** Section 1 of the Act is amended by replacing “of the “Conseil supérieur de l’éducation”” by ““Conseil de l’enseignement supérieur””.

**51.** Section 2 of the Act is amended by replacing “22” by “12”.

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

**“4.** The members of the Council shall be appointed by the Government, on the recommendation of the Minister, after consultation with the associations or bodies most representative of the students, teachers, professors and other staff members, including persons holding a management position, educational institutions and socio-economic groups.”

**53.** Section 7 of the Act is amended by inserting the following paragraph after the first paragraph:

“The chair of the board of directors of the Institut national d’excellence en éducation, or the person designated by the chair as a substitute from among the members of the board of directors of the institute, is also an ex officio associate member of the Council but is not entitled to vote.”

**54.** Section 9 of the Act is amended

(1) by replacing “and the Minister of Higher Education, Research, Science and Technology on any matter relating to education” in the first paragraph by “on any matter relating to higher education”;

(2) by replacing “to the Ministers on the state and needs of education” in the second paragraph by “to the Minister on the state and needs of higher education”;

(3) in the third paragraph,

(a) by striking out “of Education, Recreation and Sports”;

(b) by replacing “education” by “higher education”.

**55.** Section 10 of the Act is amended

(1) in paragraph 1,

(a) by replacing “advise or make recommendations to the Ministers” by “give opinions or make recommendations to the Minister”;

(b) by replacing “education” by “higher education”;

(2) by replacing “education” in paragraph 2 by “higher education”.

**56.** Section 10.1 of the Act is replaced by the following section:

**“10.1.** The Council shall give the Minister its opinion on any draft regulation the Minister is required to submit to the Council and on any matter submitted to it by the Minister.

When the Minister submits a matter to the Council for an opinion, he shall indicate the time limit within which the opinion must be given. The time limit may not be less than 30 days.”

**57.** Section 14.1 of the Act is amended by striking out “and the Minister of Higher Education, Research, Science and Technology” in the first paragraph.

**58.** Section 30.1 of the Act is amended by replacing “Education, Recreation and Sports” by “Higher Education, Research, Science and Technology”.

#### ACT RESPECTING SCHOOL ELECTIONS TO ELECT CERTAIN MEMBERS OF THE BOARDS OF DIRECTORS OF ENGLISH-LANGUAGE SCHOOL SERVICE CENTRES

**59.** Section 200.2 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) is repealed.

#### ACT RESPECTING PRIVATE EDUCATION

**60.** The Act respecting private education (chapter E-9.1) is amended by inserting the following section after section 38:

**“38.1.** An institution that is informed that a student who attends the institution has been admitted to the educational services of another institution governed by this Act or of a school service centre shall communicate, as soon as possible, to that institution or school service centre the information concerning the student that is necessary for the organization and provision of the educational services.”

**61.** Section 54.12 of the Act is amended by inserting “, subject to the conditions and procedures prescribed under section 457 of the Education Act (chapter I-13.3)” at the end of the first paragraph.

**62.** Section 64 of the Act is amended by inserting “, other than the information referred to in section 6.8 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15),” after “information”.

#### REGULATION RESPECTING TEACHING LICENCES

**63.** The Regulation respecting teaching licences (chapter I-13.3, r. 2.01) is amended by inserting the following section after section 62.1:

**“63.** Up to 30 June 2027, the “Parcours PROF” comprising 120 credits from the Université de Sherbrooke is a diploma listed in Schedule I to this Regulation in the “TEACHER TRAINING PROGRAMS IN GENERAL EDUCATION RECOGNIZED SINCE SEPTEMBER 2001” section.”

**64.** The Regulation is amended by inserting the following section after section 63.6:

**“63.7.** Up to 30 June 2027, the following programs are considered to be listed in Schedule IV for the purposes of this Regulation:

(1) the post-graduate diploma in preschool education and primary school instruction comprising 30 credits at Université TÉLUQ;

(2) the post-graduate diploma in teaching of English as a second language comprising 30 credits at Université TÉLUQ;

(3) the post-graduate diploma in teaching of French as a second language comprising 30 credits at Université TÉLUQ;

(4) the training path for teaching staff members without legal qualifications in preschool and primary school education comprising 30 credits at Université du Québec à Montréal;

(5) the post-graduate diploma in teaching of French at the secondary school level comprising 30 credits at Université du Québec en Abitibi-Témiscamingue; and

(6) the post-graduate diploma in teaching of mathematics at the secondary school level comprising 30 credits at Université du Québec en Abitibi-Témiscamingue.

Despite Division 1 of Chapter 5, a provisional teaching licence may be issued to a person enrolled in one of the programs listed in the first paragraph who

(1) has a promise of employment from an employer referred to in section 29 certifying that, within the school year in progress, the person is to be given a general education teaching position directly related to one of the programs listed in the first paragraph for which a teaching licence is required and that the position cannot be filled by the holder of a teaching licence; and

(2) has earned at least 15 university-level credits in mathematics, French studies, English studies, Hispanic studies, ethics and religious culture, physical education, drama, visual arts, music, dance, science and technology in the fields of physics, chemistry and biology, or in social sciences in the fields of geography and history and citizenship education.

A provisional teaching licence to which the second paragraph refers is valid for a period of not more than 4 years, expiring at the end of the third school year after the school year in which it was issued, and cannot be renewed.”

## CHAPTER II

### ENACTMENT OF THE ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN ÉDUCATION

**65.** The Act respecting the Institut national d'excellence en éducation, the text of which appears in this chapter, is enacted.

#### “ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN ÉDUCATION

##### “CHAPTER I

###### “ESTABLISHMENT

**1.** An institute to be known as the “Institut national d'excellence en éducation” is established.

**2.** The institute is a legal person and a mandatary of the State.

The institute's property forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The institute binds none but itself when it acts in its own name.

**3.** The institute's head office is in the territory of Ville de Québec. A notice of the location and of any change in location of the head office must be published in the *Gazette officielle du Québec*.

##### “CHAPTER II

###### “MISSION AND FUNCTIONS

**4.** The institute's mission is to promote excellence in educational services for preschool education and for elementary and secondary school education, in vocational training and in adult education services.

The institute must carry out that mission in a manner respectful of teachers' pedagogical expertise and in keeping with the principles of scientific rigour, objectivity, transparency, independence, openness, integrity, equity, efficient use of resources and cooperation with organizations that can contribute to the mission.

**5.** More particularly, the institute's mission consists in

(1) identifying, in collaboration with the Minister and school system stakeholders, priority issues that would benefit from its work;



(2) preparing and keeping up to date a summary of the scientific knowledge available in Québec and elsewhere concerning educational success and students' well-being, which summary must reflect the diversity of research perspectives;

(3) identifying best practices, drawing up recommendations and keeping them up to date, disseminating them to school system stakeholders and making them public, together with the rationale for them and the information used in drawing them up;

(4) fostering implementation of its recommendations, mainly by developing and disseminating practical training activities, in particular for the benefit of school staff, or other knowledge transfer tools that promote pedagogical practices and methods proven by scientific research to be effective;

(5) contributing to training of and support for school staff;

(6) giving an opinion on the determination of the qualifications required of teachers at the preschool education level, the elementary or secondary school level, the vocational training level or the adult education level to obtain a teaching licence;

(7) giving an opinion on teacher training programs for preschool education, for elementary and secondary school education, for vocational training and for adult education;

(8) recognizing, in accordance with the regulation made under section 457 of the Education Act (chapter I-13.3), the content of certain continuing education activities;

(9) advising the Minister on any matter relating to education; and

(10) carrying out any other mandate entrusted to it by the Minister.

**“6.** The institute must give its opinion on any matter the Minister submits to it with respect to the fields or subjects within its purview.

The institute's opinion must include recommendations, unless the nature of the request precludes it.

**“7.** The institute reports to the Minister at least every two years on the state and needs of education.

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

**“8.** A public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) that holds information whose nature is related to the institute's mission must provide the institute with the non-personal information it requests that is necessary for the purposes of this Act.

The public body referred to in the first paragraph must, as far as possible, provide the institute with all necessary assistance where the information requested must be collected or compiled.

### “CHAPTER III

#### “ORGANIZATION AND OPERATION

“9. The institute is administered by a board of directors consisting of 13 members.

The members are

- (1) the board chair;
- (2) the president and chief executive officer;
- (3) six persons working in the field of preschool education, elementary or secondary school education, vocational training or adult education, including one person with expertise in the field of services for handicapped students and students with social maladjustments or learning disabilities and at least
  - (a) one teacher;
  - (b) one school guidance counsellor;
  - (c) one person who is not a teacher or a school guidance counsellor but who provides educational services to students; and
  - (d) two members of the executive staff, including one director general or assistant director general of a school service centre;
- (4) one parent representative;
- (5) one university professor from an education faculty, school or department;
- (6) a member from the research sector;
- (7) one member from an organization working in the fields of school perseverance and school success; and
- (8) one other person who is not referred to in subparagraphs 3 to 7.

The members are appointed by the Government, on the Minister’s recommendation. Members referred to in subparagraphs 3 to 7 of the second paragraph are appointed after consulting with organizations that the Minister considers to be representative.

In addition, the composition of the board of directors must allow the presence of at least one person working in an English-language school service centre, at least one person working in a vocational training centre or adult education centre, at least one person working in a private educational institution and at least one person from an Indigenous community.

The chief scientist, the Deputy Minister of Education, Recreation and Sports, the Deputy Minister of Higher Education, Research, Science and Technology, the Deputy Minister of Economy and Innovation and the president of the Conseil de l'enseignement supérieur, or any person each of them may designate, are to act as observers. They have the right to attend the meetings of the board and receive and keep the documents provided to board members. They have the right to speak, but not the right to vote.

**“10.** The president and chief executive officer exercises the functions of office on a full-time, exclusive basis.

If the president and chief executive officer is absent or unable to act, or if that position is vacant, the board of directors may designate a member of the institute's personnel to act as interim president and chief executive officer for a period not exceeding 18 months.

**“11.** The quorum at board meetings is a majority of the board members, including the chair of the board.

**“12.** The functions of the board of directors include

(1) preparing an annual plan of the institute's activities as well as the related budget, and sending them to the Minister for approval, on the date and in the form determined by the Minister;

(2) adopting the code of ethics applicable to any outside experts the board may call on for the exercise of its functions;

(3) making public on the institute's website, and in any other manner that it considers appropriate, the annual plan of the institute's activities that has been approved by the Minister, the summary and recommendations referred to in paragraphs 2 and 3, respectively, of section 5 and, 60 days after sending them to the Minister, the opinions and recommendations given under section 6;

(4) adopting a policy concerning intellectual property rights for the texts, research and reports commissioned by the institute and submit it to the Minister for approval, with or without amendments; and

(5) making by-laws concerning the exercise of its powers, and its internal management.

**“13.** The institute establishes a scientific committee and a teacher training program advisory committee.

Subject to this section and sections 14 and 15, the composition of the above committees and their mode of operation are determined by the institute.

The members of the institute's committees are not remunerated, except in the cases, on the conditions and to the extent that may be determined by the Government. They are, however, entitled to reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**“14.** The scientific committee proposes the methods to be used by the institute to prepare its summary of scientific knowledge, identify best practices and draw up recommendations under paragraphs 2 and 3 of section 5. The committee also gives opinions on the institute's draft recommendations.

The composition of the committee must reflect the scientific disciplines related to the elements of its mission, that is, educational services for preschool education and for elementary and secondary school education, vocational training and adult education services.

**“15.** The mandate of the teacher training program advisory committee is to give an opinion on the determination of the qualifications required of teachers under paragraph 6 of section 5. The committee also gives its opinion on teacher training programs under paragraph 7 of that section.

The committee also advises the Minister of Higher Education, Research, Science and Technology on the funding of university-level teacher education programs.

Before giving an opinion on a training program, the committee consults the administrative committee established by the Minister of Higher Education, Research, Science and Technology to advise the Minister with respect to university training programs.

The committee must be composed in equal parts of persons from the education sector and persons from the university education sector.

The committee submits its opinions intended for the Minister to the board of directors. The board of directors may then comment on the opinions. The board of directors then sends the committee's opinions, together with the board's comments, if applicable, to the Minister.

The Minister may determine the terms that the committee must comply with when giving its opinions on teacher training programs, including the periods during which the committee's opinions, together with the board's comments, if applicable, must be sent to the Minister.

**“16.** When drawing up its recommendations, the institute takes into consideration the foreseeable consequences of the recommendations on the education system’s resources and stakeholders as well as the time necessary for implementing them.

**“17.** The institute may enter into agreements with any group or body able to provide the information necessary to draw up its recommendations.

The institute may also enter into an agreement with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body of such a government or organization.

**“18.** The members of the institute’s personnel are appointed in accordance with the staffing plan and the standards established by a by-law of the institute.

Subject to the provisions of a collective agreement, the institute determines, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions determined by the Government.

#### **“CHAPTER IV**

##### **“FINANCIAL PROVISIONS AND REPORTS**

**“19.** The institute’s fiscal year ends on 31 March.

**“20.** The financial statements and the annual management report of the institute must contain the information required by the Minister. The annual management report must also give an account of the institute’s use of the personal information communicated to it for the purposes of this Act as well as an account of board members’ attendance at board meetings and of their remuneration, if applicable.

**“21.** The institute’s books and accounts are audited by the Auditor General every year and whenever the Government so orders.

The Auditor General’s report must be submitted with the institute’s financial statements.

**“22.** The institute may not accept or receive sums or property from sources that could undermine its independence or place it in a conflict of interest situation.

**“23.** The Government may, on the conditions and in the manner it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the institute, and the performance of any of its obligations; and

(2) authorize the Minister of Finance to advance to the institute any amount considered necessary to meet its obligations or pursue its mission.

The sums paid under this section are taken out of the Consolidated Revenue Fund.

**“24.** The institute may not, without the Government’s authorization,

(1) contract a loan that causes the total of its outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or in contravention of the terms determined by the Government;

(3) acquire or dispose of other assets in excess of the limits or in contravention of the terms determined by the Government; or

(4) accept a gift or legacy to which a charge or condition is attached.

**“25.** The institute must provide the Minister with all information the Minister requires concerning its activities, within the time limits and in the form specified by the Minister.

**“26.** Chapter II of the Public Administration Act (chapter A-6.01) applies to the institute as if it were a body designated under the second paragraph of section 5 of that Act.

## **“CHAPTER V**

### **“AMENDING PROVISIONS**

#### **“FINANCIAL ADMINISTRATION ACT**

**“27.** Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Institut national d’excellence en éducation” in alphabetical order.

#### **“ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES**

**“28.** Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by inserting “Institut national d’excellence en éducation” in alphabetical order.

“PUBLIC PROTECTOR ACT

“**29.** Section 15 of the Public Protector Act (chapter P-32) is amended by inserting the following paragraph after paragraph 5:

“(6) the Institut national d’excellence en éducation;”.

“ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

“**30.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting “—Institut national d’excellence en éducation” in alphabetical order.

“ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

“**31.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by inserting “Institut national d’excellence en éducation” in paragraph 1 and in alphabetical order.

“ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

“**32.** Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by inserting “Institut national d’excellence en éducation” in paragraph 1 and in alphabetical order.

“CHAPTER VI

“MISCELLANEOUS AND FINAL PROVISIONS

“**33.** Subject to the conditions of employment applicable to them, the employees of the Ministère de l’Éducation, du Loisir et du Sport assigned to functions entrusted to the institute by this Act and identified by the Minister become employees of the institute on the date determined by the Minister, which may not be later than 7 December 2025.

“**34.** An employee transferred to the institute under section 33 who, on the date of the transfer, was a public servant with permanent tenure may apply for a position in the public service offered as a transfer or enter a promotion-only qualification process for such a position in accordance with the Public Service Act (chapter F-3.1.1).

The same applies in the case of an employee transferred to the institute who, on the date of the transfer, was a public servant who had not acquired permanent tenure, other than a casual employee, provided the employee successfully completes the remainder of the probationary period required under section 13 of the Public Service Act at the institute before applying for a position offered as a transfer.

**“35.** An employee referred to in section 34 who applies for a position in the public service offered as a transfer or enters a promotion selection process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification the employee had in the public service on the date of the transfer as well as the years of experience and the level of schooling attained while in the employ of the institute.

If an employee is selected to hold the position in the public service offered as a transfer following the application of section 34, the Deputy Minister or the chief executive officer of the body establishes the employee’s classification compatible with the assessment provided for in the first paragraph.

Employees referred to in the second paragraph of section 34 who, at the time of their transfer to the institute, had not completed the period of continuous employment required for the purposes of section 14 of the Public Service Act to acquire permanent tenure and who, at the time a classification is established for them under the second paragraph, still have not completed the equivalent of that period by adding the time served in the public service before transferring to the institute and that served as an institute employee must, before acquiring permanent tenure, complete the remainder of that period from the day a classification is established for them.

If an employee obtains a position in the public service after taking part in a promotion selection process under section 34, their classification must take into account the criteria set out in the first paragraph.

**“36.** If some or all of the institute’s operations are discontinued, an employee referred to in section 33 who had permanent tenure at the time of their transfer is entitled to be placed on reserve in the public service with the same classification they had on the date of the transfer.

An employee referred to in the second paragraph of section 34 is entitled to be placed on reserve in the public service only if, at the time some or all of the institute’s operations are discontinued, the time accumulated in the public service before their transfer to the institute and the time accumulated as an employee of the institute is at least equivalent to the continuous period of employment provided for in section 14 of the Public Service Act.

If some of the institute’s operations are discontinued, the employee continues to exercise their functions within the institute until the Chair of the Conseil du trésor is able to assign them a position in accordance with section 100 of the Public Service Act.



When assigning a position to an employee referred to in this section, the Chair of the Conseil du trésor determines their classification taking into account the criteria set out in the first paragraph of section 35.

**“37.** An employee with permanent tenure referred to in section 33 who, in accordance with the conditions of employment applicable to them, refuses to be transferred to the institute is temporarily assigned to the institute until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

**“38.** Subject to remedies available under a collective agreement or provisions in lieu of a collective agreement, an employee referred to in section 33 who is dismissed may bring an appeal under section 33 of the Public Service Act if they were a public servant with permanent tenure on the date of their transfer to the institute.

The same applies in the case of an employee referred to in the second paragraph of section 34 who has successfully completed the remainder of the probationary period required under section 13 of the Public Service Act at the institute.

**“39.** Sections 33 to 38 apply to the employees of the Conseil supérieur de l'éducation assigned to functions entrusted to the institute and identified by the Minister in accordance with an agreement entered into between the Minister and the Minister of Higher Education, Research, Science and Technology.

**“40.** The Minister of Education, Recreation and Sports is responsible for the administration of this Act.”

### CHAPTER III

#### PROVISIONS RELATING TO THE MINISTER OF EDUCATION, RECREATION AND SPORTS

#### ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

**66.** The preamble of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) is amended by striking out “with powers commensurate with the functions vested in a Conseil supérieur de l'éducation” in the fourth paragraph.

**67.** The Act is amended by inserting the following before section 1:

#### “DIVISION I

“RESPONSIBILITIES OF THE MINISTER”.

**68.** Section 2 of the Act is amended

(1) by striking out “and overseeing the quality of the educational services provided by those institutions” in paragraph 2;

(2) by inserting the following paragraph after paragraph 2:

“(2.1) seeing to the quality and improvement of the educational services provided by educational institutions and, to that end, assessing the quality of those services;”;

(3) by adding the following paragraphs after paragraph 4:

“(5) seeing to educational success;

“(6) ensuring monitoring of students’ educational path and, in particular, identifying its determinants so as to positively influence it, identifying difficulties as well as the interventions capable of fostering educational success, measuring the effectiveness of those interventions and monitoring the evolution of certain specific trends; and

“(7) fostering education system resources management and planning based on, among other things, knowledge of students’ needs and, to that end, collecting the information necessary to assess those needs and to make that assessment.”

**69.** The Act is amended by inserting the following division after section 5:**“DIVISION II****“INFORMATION IN EDUCATION**

**“5.1.** Where the Ministère de la Famille, des Aînés et de la Condition féminine or the Ministère de la Santé et des Services sociaux holds information whose nature is related to the Minister’s functions, it shall communicate to the Minister the non-personal information he requests that is necessary for the carrying out of his duties referred to in section 2 of this Act.

**“6.** For the purposes of this division, the following are bodies:

(1) a school service centre;

(2) a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);

(3) an educational institution governed by the Act respecting private education (chapter E-9.1) that provides all or part of the educational services that are under the responsibility of the Minister;

(4) an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1); and

(5) an educational institution referred to in section 5.

**“6.1.** The Minister may designate an education information filing and communication system to support the management of the education network and the organization, planning and provision of services in the field of education by simplifying communications.

The system must enable the following, among other things:

(1) the hosting and indexing of all or part of the information that a body holds in the exercise of its functions;

(2) the communication between bodies or between a body and the Minister of information concerning a student;

(3) the communication by a body to the Minister of information concerning its personnel;

(4) access to information hosted in the system;

(5) the logging of every access to the system by a person, whether the purpose of the access is to file information in the system, to use the information or to be given communication of it; and

(6) any other functionality determined by regulation of the Minister.

The information filing and communication system shall be under the Minister’s responsibility. The Minister may not use personal information hosted in the system for purposes other than those authorized by the delegated manager referred to in section 6.7 or those related to the exercise of the Minister’s responsibility with respect to the system.

**“6.2.** The Minister may require a body it designates to use the information filing and communication system to host and communicate all or part of the information that the Minister considers necessary and that the body holds in the exercise of its functions and powers, on the conditions and in the manner the Minister determines.

Where such information can be communicated or used in a form that does not allow the person concerned to be identified directly, it must be communicated or used in that form.

**“6.3.** The operations management of the information filing and communication system shall be assumed by the Minister or, in whole or in part, by an operations manager he designates.

The Minister or, where applicable, the operations manager must

(1) put in place security measures for ensuring the protection of information as well as its availability and integrity in compliance with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1); and

(2) proactively monitor the system access logs.

Where all or part of the operations management of the system is entrusted to an operations manager, the Minister must enter into a written agreement with the operations manager. The agreement must, among other things, set out the following obligations:

(1) send to the Minister, each year, an assessment report enabling the Minister to, among other things, validate the security measures put in place and assess the efficiency and performance of the information filing and communication system as well as the benefits resulting from its establishment;

(2) notify the Minister without delay of any confidentiality incident; and

(3) submit, three years after the agreement is entered into and whenever the Minister so requests, to an external audit aimed at ensuring compliance with the highest standards and best practices in matters of information security and protection of personal information.

The agreement must also set out the cases and circumstances in which and conditions on which the operations manager may, after notifying the Minister, entrust to a third person, by mandate or by contract of enterprise or for services, all or part of the services dedicated to hosting, operating or using the information filing and communication system.

Subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information, the Minister shall publish the agreement and the assessment report on his department's website.

The Minister shall send a copy of the agreement and of the assessment report to the Commission d'accès à l'information.

**“6.4.** Before designating an information filing and communication system, the Minister must conduct a privacy impact assessment and send the assessment to the Commission d'accès à l'information.

**“6.5.** The Minister shall define rules for the governance of information hosted in the information filing and communication system. The rules must, in particular, provide a framework for the collection, preservation and

destruction of such information, including the information that must be provided to the persons to whom the personal information relates and the notice that must be given to any person whose personal information is concerned by a confidentiality incident.

The Minister shall send a copy of the rules to the Commission d'accès à l'information.

**“6.6.** The Minister may, by a formal demand notified by any appropriate method, require an operations manager to file, within the reasonable time specified, any information or document enabling verification of compliance with the obligations set out in the agreement.

The operations manager to whom the demand is made must comply with it within the specified time regardless of whether the operations manager has already filed such information or documents in response to a similar demand or to fulfill an obligation under the law.

**“6.7.** The person acting as the delegated manager of government digital data for the Ministère de l'Éducation, du Loisir et du Sport under subparagraph 9.2 of the first paragraph of section 10.1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) shall be responsible for authorizing the communications and the uses provided for in section 6.8.

**“6.8.** The Minister may request authorization from the manager

- (1) to receive communication of personal information held by a body; and
- (2) to use personal information filed by a body in the information filing and communication system.

The application for authorization must be made in writing to the manager and must

- (1) specify the purposes for which communication or use of information is requested and show that the information is necessary for the exercise of the Minister's functions and powers under this Act or another Act under the Minister's administration that pertains to education; and
- (2) set out the security measures that will be in place when the information is communicated or used.

**“6.9.** The manager may authorize the communication or use requested in accordance with section 6.8, for the time, on the conditions and in the manner the manager determines, where the manager, after assessing the request, considers that the following criteria are met:

- (1) the communication or use requested complies with the criteria set out in section 6.8; and

(2) the security measures that will be in place when the information is communicated or used are suitable for protecting the information.

The authorization must specify that the information must be communicated or used only in a form not allowing the person concerned to be identified directly where it is possible to achieve the purposes pursued by communicating or using the information in such a form.

The manager shall give reasons for his decision in writing.

**“6.10.** A body that holds information covered by an authorization of the manager must communicate the information to the Minister.

**“6.11.** Every person has the right to be informed, on request, of the name of any person having accessed information concerning him that is hosted in the information filing and communication system or otherwise having used the information or received communication of it. Likewise, every person has the right to be informed of the date and time of the access, use or communication.

**“6.12.** The manager may, without delay or formality, revoke the authorization granted under section 6.9 if the manager has reason to believe that the use of the information does not comply with the authorization, that the security measures for ensuring the protection of the information put in place or the conditions attached to the authorization are not being complied with, or that the protection of the information is otherwise compromised.

The manager shall inform the Minister of the reasons for the revocation as soon as possible. He may, if the Minister demonstrates to the manager’s satisfaction that measures have been taken to comply with the authorization, grant a new authorization in accordance with section 6.9.

**“6.13.** At the expiry of the authorization and, where its term is longer than one year, each year on the anniversary date of the authorization, the Minister must report to the manager, in the form the latter determines, on the use of the information covered by the authorization and on his compliance with the conditions set out in the authorization.

The Minister shall send a copy of the report referred to in the first paragraph to the Commission d’accès à l’information.

**“6.14.** The manager must keep a register of every communication or use he has authorized. The register must include

(1) a description of the information covered by each authorization and its source;

(2) a description of the purposes for which each communication or use was authorized;

(3) the duration of and conditions applicable to each authorization, including, if applicable, the special security measures necessary for ensuring the protection of the information that were imposed by the manager; and

(4) the processing time for the request for authorization.

The Minister shall publish the register, and keep it up to date, on his department's website.

**“6.15.** The Minister may require a body to use, on the conditions and in the manner he determines, any information resource service the Minister designates other than a system designated under section 6.1, including, in particular, any decision support tool, in order to facilitate the management of the education network and the organization, planning and provision of services in the field of education.

The conditions and manner must provide, in particular, for the conduct of an algorithmic impact analysis enabling an assessment of the risks of injury if information is used for automated decision-making.

In addition, the Minister shall encourage concerted action by the bodies and see to the sharing of good practices applicable to the use of any decision support tool, in order to facilitate the management of the education network and the organization, planning and provision of services in the field of education.

**“6.16.** In exercising the powers provided for in sections 6.1, 6.2, 6.5 and 6.15, the Minister shall take into account the orientations, standards, strategies, directives, rules and application instructions made under the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03).

**“6.17.** A body shall communicate to the Minister, in the form and within the time he determines, any statement, statistics, report and other information that he requires with regard to its human resources, including students and trainees, and that is necessary to manage and plan the resources allocated to the education system.

Where the information required by the Minister in accordance with the first paragraph allows a personnel member of the body or another person referred to in that paragraph to be identified, the information may be communicated only if the delegated manager of government digital data of the Ministère de l'Éducation, du Loisir et du Sport referred to in subparagraph 9.2 of the first paragraph of section 10.1 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) authorizes its communication.

In order to obtain the manager's authorization, the Minister must submit a written request to the manager. In such a case, sections 6.8 to 6.14 of this Act apply to the Minister and to the manager, with the necessary modifications.

Information communicated under this section must not allow a student to be identified.

**“6.18.** The Commission d'accès à l'information shall be responsible for overseeing the application of the provisions of this Act that relate to the information filing and communication system and to the use and communication of personal information.

To that end, it has all the powers provided for by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

**70.** The Act is amended by inserting the following before section 7:

### **“DIVISION III**

**“ORGANIZATION OF THE DEPARTMENT”.**

### **CHAPTER IV**

#### **AMENDING PROVISIONS**

**71.** Unless the context indicates otherwise or this Act provides otherwise, in any Act, regulation and other document, “Conseil supérieur de l'éducation” is replaced by “Conseil de l'enseignement supérieur”.

**72.** Unless the context indicates otherwise, in any Act, regulation and other document, a reference to the Act respecting the Conseil supérieur de l'éducation is a reference to the Act respecting the Conseil de l'enseignement supérieur.

### **CHAPTER V**

#### **TRANSITIONAL AND FINAL PROVISIONS**

**73.** The director general of each French-language school service centre appointed before 1 January 2024 and in office on 31 January 2024 remains in office on the same conditions until appointed to the position or replaced by the Government in accordance with section 198 of the Education Act (chapter I-13.3), as enacted by section 20. No such appointment or replacement may take place before 1 July 2025.

Subject to the first paragraph, if the position of director general of a French-language school service centre becomes vacant between 7 December 2023 and the first appointment under section 198 of the Education Act, as enacted by section 20, the school service centre's assistant director general designated by the board of directors for that purpose acts as interim director until a new



director general is appointed by the Government. Despite section 198 of the Education Act, the Government may appoint a new director general. Section 200 of the Education Act does not apply to appointments made by the Government in accordance with this paragraph.

**74.** The director general of each English-language school service centre in office on the date preceding the date of coming into force of section 20, insofar as it concerns an English-language school service centre, remains in office on the same conditions until appointed to the position or replaced by the Government in accordance with section 198 of the Education Act, as enacted by section 20. No such appointment or replacement may take place before the date that is 18 months after the date of coming into force of section 20, insofar as it concerns an English-language school service centre.

**75.** The term of office of a director general who is not appointed under section 73 or 74 ends. Such a director general is entitled to only the severance pay calculated in accordance with subparagraph 5 of the first paragraph of section 116 of the Regulation respecting certain conditions of employment of senior executives of school service centres and of the Comité de gestion de la taxe scolaire de l'île de Montréal, made by the ministerial order dated 18 November 2004 and approved by Conseil du trésor decision C.T. 201768 (2004, G.O. 2, 3529), as amended. The severance pay is payable by the school service centre.

**76.** An assistant director general of a French-language school service centre in office on 1 July 2025 is deemed to have been appointed under section 198.2 of the Education Act, as enacted by section 20.

The assistant director general of an English-language school service centre in office on the date of coming into force of section 20, insofar as it concerns an English-language school service centre, is deemed to have been appointed under section 198.2 of the Education Act, as enacted by section 20.

**77.** A school principal or a principal of a centre of a French-language school service centre in office on 1 July 2025 is deemed to have been appointed under, as applicable, section 96.8 or 110.5 of the Education Act, as amended by this Act.

A school principal or a principal of a centre of an English-language school service centre in office on the date of coming into force of sections 6 and 11, insofar as they concern an English-language school service centre, is deemed to have been appointed under, as applicable, section 96.8 or 110.5 of the Education Act, as amended by this Act.

**78.** Despite the coming into force of section 47, the terms of office of the members of the Comité d'agrément des programmes de formation à l'enseignement end on the date set by the Government. To allow the committee to complete its activities, the Minister may designate the chair of the committee from among its members.

Between 7 December 2023 and the date referred to in the first paragraph, a vacancy on the committee is not filled. During that period, the quorum at meetings of the committee is the majority of its members in office.

Despite the coming into force of section 47 and until the date referred to in the first paragraph, sections 477.22, 477.23 and 477.25 to 477.28 of the Education Act continue to apply to the committee, as they read before being repealed.

**79.** From 7 December 2023 and until the date referred to in the first paragraph of section 78, the Comité d'agrément des programmes de formation à l'enseignement examine, at the Minister's request, the new teacher training programs for preschool education and for elementary and secondary school education, and gives its opinion to the Minister concerning those programs for obtaining teaching licences. The committee has 60 days after the Minister's request to give its opinion.

The programs under examination by the committee on 7 December 2023 must be the subject of an opinion in accordance with the first paragraph. The committee sends its opinion to the Minister not later than 6 January 2024.

If the committee fails to send its opinion to the Minister within the time limits prescribed in the first and second paragraphs, the Minister is deemed to have received it.

Despite the coming into force of section 47, the committee continues to perform the functions set out in the third and fourth paragraphs of section 477.15 of the Education Act, with the necessary modifications.

**80.** The members of the Conseil supérieur de l'éducation in office on the date preceding the date of coming into force of section 51 remain in office on the same conditions within the Conseil de l'enseignement supérieur until the expiry of their term, except the members determined by the Government, whose term ends on the date to be set by the Government.

**81.** The records and documents of the Conseil supérieur de l'éducation relating to matters under the jurisdiction of the Minister of Education, Recreation and Sports become records and documents of the Institut national d'excellence en éducation.

**82.** The provisions of section 3.1 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) relating to the expertise and experience profiles of the members of the board of directors other than the board chair and the president and chief executive officer do not apply when the first members of the board of directors of the Institut national d'excellence en éducation are appointed.

**83.** The provisions of section 3.3 of the Act respecting the governance of state-owned enterprises relating to the recommendation of the board of directors and the expertise and experience profile of an enterprise's president and chief executive officer do not apply when the first president and chief executive officer of the Institut national d'excellence en éducation is appointed.

**84.** The Minister must, not later than 7 December 2028, report to the Government on the implementation of this Act.

The report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**85.** This Act comes into force on 7 December 2023, except

(1) sections 24, 35 and 43, which come into force on 1 July 2025;

(2) sections 6 to 8, 11 to 14, 19, 41, 45 and 74 to 77, which come into force on the date or dates to be set by the Government insofar as they concern an English-language school service centre;

(3) sections 20 to 23, 25 and 28, which come into force on 1 July 2025 insofar as they concern a French-language school service centre and on the date or dates to be set by the Government insofar as they concern an English-language school service centre; and

(4) sections 48 to 59, 65, 72 and 81, which come into force on the date or dates to be set by the Government.



## Coming into force of Acts

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Gouvernement du Québec

**O.C. 85-2024, 23 January 2024**

**Act to amend various provisions for the main purpose of reducing regulatory and administrative burden (2023, chapter 24)**

**— Coming into force of certain provisions**

Coming into force of certain provisions of the Act to amend various provisions for the main purpose of reducing regulatory and administrative burden

WHEREAS, under paragraph 5 of section 205 of the Act to amend various provisions for the main purpose of reducing regulatory and administrative burden (2023, chapter 24), sections 100 to 120 and 170 to 203 of the Act come into force on the date or dates to be determined by the Government;

WHEREAS, it is expedient to set 1 April 2024 as the date of coming into force of sections 172 to 190 and, insofar as they concern a licence issued by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under the Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers (chapter N-1.1, r. 0.1), provisions of section 203 of the Act;

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

THAT 1 April 2024 be set as the date of coming into force of sections 172 to 190 and, insofar as they concern a licence issued by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under the Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers (chapter N-1.1, r. 0.1), provisions of section 203 of the Act to amend various provisions for the main purpose of reducing regulatory and administrative burden (2023, chapter 24).

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

106676



## Regulations and other Acts

Gouvernement du Québec

**O.C. 46-2024, 23 January 2024**

Supplemental Pension Plans Act  
(chapter R-15.1)

### **Funding of defined-benefit pension plans of the municipal and university sectors**

Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan and it may also prescribe special rules applicable to the plan or category;

WHEREAS, under the third paragraph of section 2 of the Act, a regulation made under the second paragraph may, if it so provides, have retroactive effect from a date not prior to 31 December of the penultimate year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors was published in Part 2 of the *Gazette officielle du Québec* of 5 April 2023, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

### **Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors**

Supplemental Pension Plans Act  
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

#### **DIVISION I** **SCOPE**

**1.** The provisions of this Regulation only affect pension plans to which Chapter X of the Supplemental Pension Plans Act (chapter R-15.1) applies and for which the employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), a municipal housing bureau within the meaning of the Act respecting the Société d'habitation du Québec (chapter S-8) or an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

In the case of a multi-employer pension plan, even where it is not considered as such under section 11 of the Act, this Regulation applies only to the extent that, at the end of each fiscal year of the plan, at least 90 % of the active members of the plan are employed by the employers referred to in the first paragraph.

In addition, in the case of a pension plan having provisions identical to those of a defined-contribution plan, only the active members with benefits under defined-benefit provisions must be considered for the purposes of the second paragraph.

## DIVISION II APPLICABLE LEGISLATIVE PROVISIONS

**2.** The provisions of the Act apply to a pension plan referred to in section 1 taking into account the exemptions and adaptations provided for in this Regulation. In case of inconsistencies, the provisions of this Regulation prevail.

**3.** A pension plan to which this Regulation applies is exempt from the application of sections 42.1, 42.2, the second paragraph of section 118, section 125, sections 132 to 135, sections 142.4, 144, 146.6 to 146.9.1, 182.1, 182.2 and 230.2 of the Act.

## DIVISION III CONTRIBUTIONS

**4.** The special amortization payment referred to in section 29 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1), the amount paid for any additional obligation resulting from an amendment to the plan pursuant to section 19 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1) and the special improvement payment referred to in section 11, are considered to be, for the purposes of the Act, a special improvement payment referred to in paragraph 1 of section 38.2 of the Act.

**5.** For the purposes of the second paragraph of section 60 and section 78 of the Act, the stabilization contributions paid by a member, with accrued interest, are considered to be member contributions.

**6.** Where, for the purposes of the Act, member contributions paid, with accrued interest, must be taken into account, the stabilization contributions paid by a member bear interest at the rate credited to the member contributions.

## DIVISION IV FUNDING RULES

### §1. General

**7.** Despite subparagraph 5 of the first paragraph of section 118 of the Act, a pension plan must be the subject of an actuarial valuation at the date that precedes the date from which surplus assets are appropriated.

**8.** For the purposes of the second paragraph of section 123 of the Act, a pension plan is funded if, at the date of the actuarial valuation, the plan's general account is equal to or greater than its liabilities.

**9.** For the purposes of section 124 of the Act, the plan's assets mean the general account.

**10.** Only a technical actuarial deficiency referred to in section 131 of the Act may be established in a pension plan to which this Regulation applies. The deficiency corresponds, at the date of an actuarial valuation, to the plan's surplus liabilities credited to the general account.

**11.** Where an actuarial valuation determines the value of additional obligations arising from an amendment to the pension plan, the provisions of the first paragraph of section 139 of the Act apply with the following modifications:

(1) a special improvement payment must be paid into the pension fund, regardless of the pension plan's funding level;

(2) the value of the additional obligations, at the date of the valuation, is equal to the higher of the value of additional obligations that is calculated on a solvency basis and the value of additional obligations that is calculated on a funding basis.

Despite subparagraph 2 of the first paragraph, if the special improvement payment is paid in full by means of actuarial gains recorded in the reserve referred to in the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1), the value of the additional obligations arising from an amendment to the plan must be calculated only on a funding basis.

**12.** Section 140 of the Act does not apply to a partial actuarial valuation.

### §2. Determination of the provision for adverse deviation

**13.** The provision for adverse deviation is calculated at the date of a complete actuarial valuation of a pension plan and at the date of a partial actuarial valuation referred to in subparagraph 5 of the first paragraph of section 118 of the Act, unless for the purposes of that valuation, it is estimated according to the provisions of the second paragraph of section 16.

**14.** The provision for adverse deviation is equal to amount "P" in the following formula:

$$(T \times R) + (7\% \times S) + X = P$$

"T" represents the rate, expressed in percentage, obtained by multiplying "D" determined in accordance with section 15 by 0.0175;



“R” represents the value of the liabilities associated to the pensions being paid, excluding guaranteed pensions, increased, if the policies established by the pension committee so provide, by the value of the benefits of members and beneficiaries in the pension plan who are less than 10 years under normal retirement age and to whom no pension is paid, the latter value excluding here the value of the contributions referred to in paragraphs 1 and 2 of “S” paid by those members and the value of the guaranteed pensions constituted in their respect;

“S” represents the value of the plan’s liabilities reduced by an amount representing the sum of the following values:

(1) the value of the additional voluntary contributions and optional ancillary contributions paid into the pension fund, with interest accrued;

(2) the value of the contributions paid under a defined-contribution plan to which Chapter X of the Act applies or under provisions that, in a defined-benefit plan, are identical to the provisions of a defined-contribution plan, with interest accrued;

(3) the value of the liabilities associated to the pensions being paid increased, if the policies established by the pension committee so provide, by the value of the benefits of the members in the plan who are less than 10 years under normal retirement age and to whom no pension is paid, the latter value excluding here the value of the contributions referred to in paragraphs 1 and 2 paid by those members;

(4) the value of the liabilities associated to the guaranteed deferred pensions not referred to in paragraph 3;

“X” represents:

(1) in the case where the rate represented by “T” is less than 7%, the result of the formula

$$(R - V) \times (7\% - T)$$

in which “V” is equal to “V” in section 15;

(2) in the other cases, zero.

The value of the liabilities taken into consideration for the calculation of the provision for adverse deviation is established using the information on a solvency basis.

**15.** Where the value represented by “R” of section 14 is null, “D” of that section is equal to zero.

In other cases, “D” corresponds to the result, in absolute value, of the following formula:

$$\frac{R \times d^R - V \times d^M}{R}$$

“R” represents “R” of section 14;

“d<sup>R</sup>” represents the duration of the liabilities constituting “R”;

“V” represents the lesser of

(1) the amount that is equivalent to the amount of the fixed-income investments within the meaning of section 60.8 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6). The amount of the fixed-income investments of a pension plan is determined by including the amount of any variable income investment associated with a financial instrument that converts it into a fixed-income investment but excluding the amount of any fixed-income investment associated with a financial instrument that converts it into a variable income investment;

(2) the amount that is equivalent to the value that “R” represents;

“d<sup>M</sup>” represents the duration of the investments referred to in paragraph 1 of “V”. The duration attributed to an investment in infrastructure or in immovables (real estate) cannot exceed 6.

For the purposes of paragraph 1 of “V”, fixed-income investments do not consider guaranteed pensions or the contributions referred to in paragraphs 1 and 2 of “S” of section 14, which are the subject of a separate investment.

**16.** Element “d<sup>M</sup>” of section 15 is determined by the actuary responsible for the actuarial valuation using the durations calculated by the person who invests any part of the plan’s assets. Derivatives may be taken into consideration for the purpose of establishing the duration of the assets.

For the purposes of a partial actuarial valuation, the actuary may estimate “R” and “S” of section 14 and “d<sup>R</sup>” of section 15.

**17.** Sections 14 to 16 apply for the purpose of calculating the value of the stabilization fund pursuant to sections 15 and 17 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1) or of sections 9 and 23 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1).

### §3. *Payment of benefits*

**18.** Despite the third paragraph of section 143 of the Act, the benefits of the members and beneficiaries referred to in paragraph 1 or 2 of section 146 of the Act are paid in full.

## DIVISION V SURPLUS ASSETS

### §1. *Appropriation of surplus assets*

**19.** The amount of surplus assets that may be used for the fiscal year of a pension plan, or part of that fiscal year, that immediately follows the date of the actuarial valuation and, where applicable, for one or each of the following fiscal years until the date of the next complete actuarial valuation, is appropriated according to one or a combination of the following appropriation methods, as set out in the pension plan:

- (1) the payment of employer contributions;
- (2) the payment of member contributions;
- (3) the payment of special improvement payments;
- (4) the transfer of amounts to the employer only, to members only, or to both;

**20.** The amount of surplus assets that may be appropriated for payment of special improvement payments corresponds, at the date of an actuarial valuation of the plan, to the difference between the plan's assets determined on a funding basis and the sum of its liabilities determined on a funding basis and the provision for adverse deviation.

In the case of an appropriation of surplus assets referred to in paragraphs 1, 2, and 4 of section 19, the maximum amount of surplus assets that may be used is equal to the lesser of the following amounts, determined at the date of the actuarial valuation:

- (1) the amount determined pursuant to the first paragraph;
- (2) on a solvency basis, the amount by which the plan's assets exceeds 105 % of its liabilities.

In addition, in the case of a pension plan governed by the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1) or the Act to foster the financial health and sustainability of

municipal defined-benefit pension plans (chapter S-2.1.1) that, according to the provisions of the act that are applicable to the plan, may be subject to an appropriation referred to in paragraph 4 of section 19, the amount referred to in subparagraph 1 of the second paragraph is the amount determined in accordance with the provisions of the act applicable to it.

**21.** The appropriation of surplus assets to the payment of contributions ceases on the date of any actuarial valuation or of any notice referred to in section 119.1 of the act that shows that the conditions set out in section 20 are no longer met.

### §2. *Allocation of surplus assets*

**22.** The allocation of surplus assets of a terminated pension plan must comply with the terms and conditions provided by the plan.

The portion allocated to the members and beneficiaries is apportioned among them proportionately to the value of their benefits or according to another method set out in the plan.

## DIVISION VI PROVISIONS APPLICABLE TO THE COMPONENTS OF A PENSION PLAN

### §1. *General*

**23.** A pension plan that was subject to an amendment to establish a stabilization fund has, as of the effective date of the amendment which is called "date of segregation of the pension fund", two separate components:

(1) a prior component related to service completed before the date of segregation of the pension fund to which the provisions of subdivision 2 of this Division apply;

(2) a subsequent component related to service completed as of the date of segregation of the pension fund to which the provisions of subdivision 3 of this Division apply.

**24.** Every pension plan that has not been subject to an amendment referred to in the first paragraph of section 23, is governed by the provisions of subdivision 2 of this Division. Despite the foregoing, a pension plan in which the reserve has been converted into a stabilization fund pursuant to section 40 is governed by the provisions of subdivision 3 of this Division.

**25.** Every plan that has, during its establishment, a stabilization fund is governed by the provisions of subdivision 3 of this Division.

**26.** Each component of the plan is governed by the Act and this Regulation with regard to the application of the provisions related to funding, asset investment, appropriation and allocation of any surplus assets, division and merger, withdrawal of an employer from a multi-employer pension plan and the termination of a pension plan, as well as the terms of payment of members' and beneficiaries' benefits as though they were 2 separate pension plans.

**27.** For the purposes of section 60 of the Act, the pension plan is considered not to have separate components. Despite the foregoing, member contributions above the limit set by section 60 of the Act must be apportioned in proportion to the value of defined benefits accrued in each component of the pension plan.

**28.** Despite section 26, a pension plan may provide that it is considered not to have any separate component for the purposes of the terms of payment of the benefits of members and beneficiaries pursuant to section 98, paragraph 4 of section 200 and section 236 of the Act as well as the pension paid by the plan and the exercise of the options provided for in Division IV of Chapter VI of the Act.

**29.** Unless the employer has no active members in its employ for both the prior and subsequent component of the pension plan on the date of withdrawal, there can be no withdrawal of an employer for a multi-employer pension plan pursuant to the provisions of subdivision 1 of Division I of Chapter XIII of the Act.

**30.** One component of a plan cannot be terminated unless the other component is also terminated.

Despite the foregoing, if the plan so provides, the prior component of a plan can be terminated provided that the pensions of all the members and beneficiaries with benefits for that component are in payment on the termination date, that the plan is not subject to any amendment or suspension of the pension indexation pursuant to the first paragraph of section 21 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1) or of the first paragraph of section 16 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1) and that any other condition that may be provided by the pension plan to terminate the component is met.

**31.** If the plan is terminated, the surplus assets of a component cannot be transferred from one component to the other.

**32.** A portion of the member contribution may be paid into the prior component of the pension plan, to the extent provided under the plan and provided the member is entitled to benefits under the component.

## *§2. Provisions related to the prior component*

**33.** At the beginning of each fiscal year of a pension plan, after, where applicable, any transfer provided for in section 35 or section 37, payment of a portion of the amortization payment determined for that fiscal year in relation to the technical actuarial deficiency is made by a transfer from the reserve to the general account. That portion is equal to the lesser of the reserve at that time and 50% of the amortization payment. It is divided equally between each monthly payment relating to the deficiency for the fiscal year.

Where a complete actuarial valuation of a plan at a date during a fiscal year establishes that the amount transferred from the reserve to the general account at the beginning of the fiscal year is less than what it should have been according to that actuarial valuation, the difference must be transferred from the reserve to the general account. If the amount transferred at the beginning of the fiscal year is greater than what it should have been according to that actuarial valuation, the difference must be transferred from the general account to the reserve.

A transfer provided for in the second paragraph is made on the day following the date of the actuarial valuation.

**34.** For the determination of the funding, the assets of the prior component are divided between a general account and a reserve. The general account corresponds to the value of the assets of the prior component reduced by the reserve.

In addition, the rate of return of the reserve corresponds to the rate of return derived from the investment of the assets of the prior component.

**35.** Where, at the date of the complete actuarial valuation of a pension plan, the reserve exceeds the provision for adverse deviation of the prior component calculated in accordance with the provisions of sections 14 to 16, the surplus is, at that date, transferred from the reserve to the general account.

**36.** The actuarial gains are determined at the date of a complete actuarial valuation of a pension plan. The amount corresponds to the amount by which the general account of the plan, increased by the value of the amortization payments remaining to be paid to amortize an unfunded actuarial liability determined during a prior actuarial valuation, exceeds the plan's liabilities.

If actuarial gains are so determined, they are composed of the following elements:

(1) additional contributions corresponding to the amount by which the value of the contributions included in the plan's assets since the date of the last complete actuarial valuation exceeds the value of the contributions provided for, for the same period, in subparagraph 2 of the first paragraph of section 39 of the Act;

(2) the technical gains or losses whose amount corresponds to the sum of the variations, since the last complete actuarial valuation, in the value of obligations arising from the plan and its general account, caused by deviations between the results and forecasts and by changes made to the actuarial assumptions and methods, it being understood that the additional contribution determined in paragraph 1 are excluded from that calculation;

(3) other actuarial gains.

The value of the amortization payments referred to in the first paragraph is established using the interest rate of the previous complete actuarial valuation without taking into account the deviations that result from the application of section 50.

**37.** At the date of a complete actuarial valuation of a pension plan, the lesser of the following amounts must be transferred from the general account to the reserve:

(1) the amount of the technical gains determined during the actuarial valuation and the amount by which the special improvement payment since the last complete actuarial valuation of the plan exceeds the value, on a funding basis, of the additional obligations arising from the amendments in respect of which that payment was made;

(2) the amount by which the provision for adverse deviation of the prior component calculated in accordance with the provisions of sections 14 to 16 exceeds the reserve.

**38.** For the purposes of sections 35 and 37, the balance of actuarial gains recorded in the reserve pursuant to the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1) must be excluded from the reserve.

**39.** For the purposes of paragraph 1 of section 138 of the Act, the amortization period of a technical actuarial deficiency related to the prior component of a pension plan ends not later than 15 years after the date of the actuarial valuation.

**40.** Despite the provisions of this subdivision, a pension plan referred to in section 17 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1), may be amended to convert, at a date not prior to the date on which the amendment is made, the reserve into a stabilization fund. The actuarial valuation that considers the amendment for the first time must be complete.

The actuarial gains determined at the date of the actuarial valuation in accordance with section 36 must be transferred into the stabilization fund.

### **§3. Provisions related to the subsequent component**

**41.** For the determination of the funding, the assets of the subsequent component are divided between the general account and the stabilization fund. The general account corresponds to the value of the assets of the subsequent component reduced by the stabilization fund.

In addition, the rate of return of the stabilization fund corresponds to the rate of return derived from the investment of the plan's assets of the subsequent component.

**42.** The stabilization fund is to be funded by a stabilization contribution which represents at least 10% of the current service contribution, determined without taking into account any margin for adverse deviation provided for by the Canadian Institute of Actuaries, of accrued interest and actuarial gains determined in accordance with section 36. The plan must indicate whether the stabilization contributions are paid either by the employer, active members, or both and, where applicable, indicate the higher proportion of the stabilization contributions.

The target level of the stabilization fund must be at least equal to the provision for adverse deviation of the subsequent component established in accordance with the provisions of sections 14 to 16. In addition, stabilization contributions can cease to be paid, as provided for in the plan, once the level of the stabilization fund has reached the level of the provision for adverse deviation.

The stabilization contributions made by members are separate from the member or voluntary contributions referred to in section 37 of the Act.

**43.** With the exception of amortization payments related to the technical actuarial deficiency which, if they are established in accordance with section 50, cannot be paid from the stabilization fund, the plan must provide the terms and conditions for the payment from the stabilization fund of technical actuarial deficiencies and amortization payments related to those deficiencies.

**44.** The surplus assets may only be appropriated as provided for in the pension plan if the subsequent component of the plan has no technical actuarial deficiency.

**45.** The balance of the stabilization fund at the end of a fiscal year is determined by applying the following adjustments to the balance of the fund at the end of the preceding fiscal year:

(1) the stabilization contributions paid during the fiscal year are added;

(2) the actuarial gains transferred from the general account at the date of a complete actuarial valuation are added;

(3) the amounts transferred to the general account to pay all or part of the technical actuarial deficiency or the required amortization payments with regard to the deficiency are subtracted;

(4) the amounts used for the appropriation of surplus assets are subtracted.

For the purposes of this section, the return derived from the investment of the assets of the subsequent component must be taken into account.

#### *§4. Miscellaneous provisions*

**46.** The information that the statements provided for in sections 112, 113 and 207.3 of the Act must contain is presented for the subsequent component and the prior component of the plan as though they were separate pension plans. In addition, the statements must indicate that the appropriation and the allocation of surplus assets of a component only affect the members and beneficiaries with benefits under that component.

**47.** For the purposes of sections 57, 58, 59.0.2 and 65 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), the stabilization contributions paid by the members and the employer must be added respectively to member contributions and employer contributions.

### **DIVISION VII** **DEFERMENT OF CONTRIBUTIONS**

**48.** Where the current service contribution, stabilization contribution or technical amortization payment is divided, any variation in the amount of the monthly payments of any of the contributions or amortization payments may, on the conditions provided for in the funding policy of the pension plan, take effect on the first day of the fiscal year following the one for which the contributions are calculated.

Where the value, discounted at the date of the actuarial valuation, of the monthly amounts of the amortization payments to be made for the period affected by the deferment of the variation is less than the amount of the technical actuarial deficiency established by the actuarial valuation, the amount of the technical actuarial deficiency on the first day of the following fiscal year must correspond to the difference between the following:

(1) the accumulated value of the technical actuarial deficiency determined as at the date of the actuarial valuation;

(2) the accumulated value of the required monthly payments set out in the previous actuarial valuation in relation to such a deficiency for the period affected by the deferment of the variation.

The deferment of contributions applies only to the component of a pension plan that so provides and only to those contributions expressly affected thereby.

The discounted or accumulated values are determined using an interest rate identical to the rate used to establish the plan's liabilities at the date of the actuarial valuation.

The provisions of this section apply despite those of the fourth paragraph of section 41 of the Act.

**49.** For the purpose of amortizing the technical actuarial deficiency where contributions are deferred, the time period provided for in paragraph 1 of section 138 of the Act begins on the end date of the fiscal year following the actuarial valuation date.

**50.** For the purposes of section 137 of the Act, the monthly payments that represent a percentage of the total payroll for the active members must be established using a percentage which, for the period covered by the actuarial valuation, allows the monthly payments at least equal to the payments that would have been established as a set amount. The percentage may be adjusted at a frequency other than annually to ensure a uniform funding of the pension plan during the period covered by the actuarial valuation.

In addition, an average of the total payroll estimated for the period covered by the actuarial valuation may be used to obtain a fixed percentage for the period concerned.

The period covered by the actuarial valuation means, for the purposes of the first and second paragraphs, the three-year period which begins on the date on which the contributions affected by the deferment begin to be paid into the pension plan in accordance with what is provided for in the actuarial valuation.

**51.** The funding policy established pursuant to section 142.5 of the Act must indicate whether the contributions referred to in section 48 or any other of those contributions can be deferred and the conditions that apply to such a deferment.

If there are no provisions in the funding policy, the deferment of any contribution referred to in section 48 applies.

## DIVISION VIII REPORTS

### *§1. Presentation of information*

**52.** Where a pension plan has two components, the information related to each component must be presented separately in every report referred to in this Division.

In addition, the provisions of subdivision 3 of Division I of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) apply taking into account the necessary modifications provided for in this Division.

### *§2. Complete actuarial valuation of the prior component*

**53.** The part of the report related to a complete actuarial valuation that concerns the prior component must, in addition, contain the following information:

(1) regarding the provision for adverse deviation of the prior component determined pursuant to sections 14 to 16:

- (a) its amount and the amount of “R”, “S” and “D”;
- (b) “d<sup>R</sup>” and the actuarial assumptions and methods used to determine it;
- (c) the amount determined in accordance with paragraph 1 of “V” of section 15 and the amount of “d<sup>M</sup>” of that section;

(2) regarding the reserve:

- (a) the reconciliation of the reserve since the previous complete actuarial valuation, specifying the inflows and outflows, including those at the date of the actuarial valuation;
- (b) the amount of the actuarial gains determined at the date of the actuarial valuation in accordance with section 36 and the amount of additional contributions, technical gains or losses and other actuarial gains forming them;

(c) if applicable, an estimate of the amounts of the reserve that will be used, for each fiscal year following the date of the actuarial valuation, to pay part of the amortization payments related to the technical actuarial deficiency;

(d) the balance of gains recorded in the reserve pursuant to the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1);

(3) the rules concerning the deferment of contributions provided for in the funding policy;

(4) the balance of the municipal bonds at the date of the actuarial valuation remitted to the pension fund pursuant to section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20);

(5) whether a stabilization contribution is paid pursuant to section 17 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1):

(a) stabilization contributions projected for the fiscal year or part of the fiscal year immediately following the actuarial valuation;

(b) the rule used to determine the stabilization contributions for the fiscal year or part of the fiscal year referred to in subparagraph *a* and for the 2 subsequent fiscal years;

(c) the amounts to be paid respectively by the employer and by the active members for each fiscal year or part of the fiscal year referred to in subparagraph *b*.

**54.** The part of the report related to a complete actuarial valuation referred to in subparagraph 4 of the first paragraph of section 118 of the Act that concerns the prior component must in addition contain the following information:

- (1) the amount of the special improvement payment;
- (2) the special improvement payment method, with, where applicable, the amount of surplus assets used or the amounts withdrawn from the gains recorded in the reserve pursuant to the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1);
- (3) the special improvement payment, paid either by the employer, active members, or both.

**55.** The part of the report related to a complete actuarial valuation referred to in subparagraph 5 of the first paragraph of section 118 of the Act that concerns the prior component must in addition contain the following information:

- (1) the amount of surplus assets that may be used;
- (2) in the case of an appropriation of surplus assets referred to in paragraph 1, 2, or 4 of section 19, each amount of the surplus assets determined pursuant to the second paragraph of section 20;
- (3) the amount of surplus assets expected to be used and the conditions for their appropriation.

Where the amount of surplus assets is used to resume pension indexation in accordance with the provisions of the third and fourth paragraphs of section 33 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1) or third and fourth paragraphs of section 16 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1), the report must indicate the following information:

- (1) a brief description of the resumption of pension indexation;
- (2) the amount of surplus assets used to resume pension indexation;
- (3) the value of the pension indexation established on a solvency basis and the degree of solvency of the plan after indexation has resumed.

### **§3. Complete actuarial valuation of the subsequent component**

**56.** The part of the report related to a complete actuarial valuation that concerns the subsequent component must in addition contain the following information:

- (1) regarding stabilization contributions:
  - (a) stabilization contributions projected for the fiscal year or part of the fiscal year immediately following the actuarial valuation;
  - (b) the rule used to determine the stabilization contributions for the fiscal year or part of the fiscal year referred to in subparagraph *a* and for the 2 subsequent fiscal years;
  - (c) the amounts to be paid respectively by the employer and by the active members for each fiscal year or part of the fiscal year referred to in subparagraph *b*;

- (2) where applicable, an estimate of member contributions that must be paid to the prior component of the plan pursuant to section 32 for the fiscal year or part of the fiscal year immediately following the actuarial valuation and for the 2 subsequent fiscal years;

- (3) the rules concerning the deferment of contributions provided for in the funding policy;

- (4) the information provided for in paragraph 1 of section 53 regarding the provision for adverse deviation of the subsequent component;

- (5) the reconciliation of the stabilization fund since the last complete actuarial valuation specifying the inflows and outflows provided for in section 45 including those at the date of the actuarial valuation;

- (6) where applicable, an estimate of the amounts of the stabilization fund that are used, for each fiscal year following the date of the actuarial valuation, to pay all or part of the amortization payments related to the technical actuarial deficiency.

**57.** The part of the report related to a complete actuarial valuation referred to in subparagraph 4 of the first paragraph of section 118 of the Act that concerns the subsequent component must in addition contain the following information:

- (1) the amount of the special improvement payment;
- (2) the special improvement payment method with, where applicable, the amount of surplus assets used;
- (3) the special improvement payment, paid either by the employer, active members, or both.

**58.** The part of the report related to a complete actuarial valuation referred to in subparagraph 5 of the first paragraph of section 118 of the Act that concerns the subsequent component must in addition contain the following information:

- (1) the amount of surplus assets that may be used;
- (2) in the case of an appropriation of surplus assets referred to in paragraph 1, 2, or 4 of section 19, each amount of the surplus assets determined pursuant to the second paragraph of section 20;
- (3) the amount of surplus assets expected to be used and the conditions for their appropriation.

**§4. Partial actuarial valuation of the prior component**

**59.** The part of the report related to a partial actuarial valuation referred to in subparagraph 4 of the first paragraph of section 118 of the Act that concerns the prior component must in addition contain the following information:

- (1) the amount of the special improvement payment;
- (2) the special improvement payment method with, where applicable, the amount of surplus assets used or the amounts withdrawn from the gains recorded in the reserve pursuant to the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1);
- (3) the special improvement payment, paid either by the employer, active members, or both;
- (4) the balance of the gains recorded in the reserve pursuant to the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1), where the balance is appropriated to the special improvement payment;
- (5) the rules concerning the deferment of contributions provided for in the funding policy.

**60.** The part of the report related to a partial actuarial valuation referred to in subparagraph 5 of the first paragraph of section 118 of the Act that concerns the prior component must in addition contain the following information:

- (1) the amount of surplus assets that may be used;
- (2) in the case of an appropriation of surplus assets referred to in paragraph 1, 2, or 4 of section 19, each amount of the surplus assets determined pursuant to the second paragraph of section 20;
- (3) the amount of surplus assets expected to be used and the conditions for their appropriation;
- (4) the amount of the provision for adverse deviation of the prior component calculated or estimated on the basis of estimates authorized under the second paragraph of section 16;
- (5) a certification of the actuary certifying that, if a complete actuarial valuation of the plan were carried out at the valuation date, it would use an amount of surplus assets at least equal to the amount indicated in paragraph 3;
- (6) a certification of the actuary certifying that, if a complete actuarial valuation were carried out at the valuation date, it would establish an amount for the provision for adverse deviation of the prior component equal to or less than the amount indicated in paragraph 4.

**§5. Partial actuarial valuation of the subsequent component**

**61.** The part of the report related to a partial actuarial valuation referred to in subparagraph 4 of the first paragraph of section 118 of the Act that concerns the subsequent component must in addition contain the following information:

- (1) the amount of the special improvement payment;
- (2) the special improvement payment method with, where applicable, the amount of surplus assets used;
- (3) the special improvement payment, paid either by the employer, active members, or both;
- (4) the rules concerning the deferment of contributions provided for in the funding policy.

**62.** The part of the report related to a partial actuarial valuation referred to in subparagraph 5 of the first paragraph of section 118 of the Act that concerns the subsequent component must in addition contain the following information:

- (1) the amount of surplus assets that may be used;
- (2) in the case of an appropriation of surplus assets referred to in paragraph 1, 2, or 4 of section 19, each amount of the surplus assets determined pursuant to the second paragraph of section 20;
- (3) the amount of surplus assets expected to be used and the conditions for their appropriation;
- (4) the amount of the provision for adverse deviation of the subsequent component calculated or estimated on the basis of estimates authorized under the second paragraph of section 16;
- (5) a certification of the actuary certifying that, if a complete actuarial valuation were carried out at the valuation date, it would use an amount of surplus assets at least equal to the amount indicated in paragraph 3;
- (6) if the surplus assets are appropriated for all or part of the special improvement payment, a certification of the actuary certifying that, if a complete actuarial valuation were carried out at the valuation date, the subsequent component would have no technical actuarial deficiency;
- (7) a certification of the actuary certifying that, if a complete actuarial valuation were carried out at the valuation date, it would establish an amount for the provision for adverse deviation of the prior component equal to or less than the amount indicated in paragraph 4.



### §6. Other reports

**63.** The report referred to in the second paragraph of section 202 of the Act must in addition indicate

(1) the stabilization contributions required and those paid by the employer and the members for the period between the end date of the fiscal year of the plan and the date of withdrawal, by distinguishing the contributions related to the employer concerned from those related to all the other employers;

(2) the value of the liabilities related to the benefits of members and beneficiaries whose pension indexation at retirement was amended pursuant to section 21 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1) or suspended pursuant to section 16 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1), with the mention that the annuities paid to those members and beneficiaries on the date of withdrawal were annuity buy-ins guaranteed by an insurer under the conditions provided for in section 67 and that they remain members and beneficiaries of the pension plan.

**64.** The termination report referred to in section 207.2 of the Act must in addition indicate the following information:

(1) the value of the plan's assets established without taking into account the balance of the gains recorded in the reserve pursuant to the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1);

(2) if the plan has gains referred to in paragraph 1:

(a) the balance of those gains on the termination date;

(b) a summary of the provisions of the plan related to the allocation of the balance of those gains, or a mention that the plan has no such provisions;

(c) a description of the allocation of the balance of those gains.

(3) the stabilization contributions required and those paid by the employer and the members for the period between the end date of the fiscal year and the termination date, by distinguishing the contributions related to the employer concerned from those related to all the other employers.

### §7. Miscellaneous

**65.** Every report related to an actuarial valuation must, in the case of a multi-employer pension plan that is not considered as such pursuant to section 11 of the Act, indicate if at least 90 % of the active members of the plan with benefits under defined-benefit provisions are employed by the employers referred to in the first paragraph of section 1.

### DIVISION IX SPECIAL PROVISIONS RELATED TO WITHDRAWAL AND TERMINATION

**66.** The notice referred to in section 200 of the Act must inform every member and beneficiary referred to in paragraph 3 of that section for which the automatic pension indexation was amended pursuant to section 21 of the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1) or suspended pursuant to section 16 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1) that the purchase of an annuity from an insurer does not constitute the payment of his or her benefits and that he or she remains a member or beneficiary of the plan in particular for the purpose of resuming pension indexation.

**67.** The annuity paid by the pension plan on the date of withdrawal of an employer to every member or beneficiary referred to in section 66 must be guaranteed by an insurer, except for the automatic pension indexation that was amended or suspended and of any other characteristic of the pension that is unavailable on the market, by means of buy-in annuity contracts.

The provisions of section 237 of the Act do not apply to the purchase of those annuities.

**68.** The assets established pursuant to the first paragraph of section 212.1 of the Act must be reduced from the balance of the gains recorded in the reserve referred to in the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1).

**69.** Upon termination of a pension plan, the balance of the gains recorded in the reserve referred to in the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1) is allocated as provided for in the plan.

**70.** Where, on the date of termination, a plan has no provisions on the allocation of the balance of the gains referred to in section 69, *Retraite Québec* may, despite section 207.6 of the Act, after that date, register an amendment

to the plan made, after that date, further to an agreement on the use of the balance of the gains recorded in the reserve referred to in the first paragraph of section 14 of the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1).

The value of such an amendment must not be considered in the liabilities referred to in section 212.1 of the Act.

## DIVISION X MISCELLANEOUS, TRANSITIONAL AND FINAL

### *§1. Rules related to improvement unfunded actuarial liabilities*

**71.** During an actuarial valuation after 30 December 2023, if amortization payments remain to be paid in relation to an improvement unfunded actuarial liability determined at a prior date, for the purpose of establishing the technical actuarial deficiency pursuant to section 10, the general account must be increased by the value of those contributions, which is established using an interest rate identical to the rate used to establish the plan's liabilities.

### *§2. Subsequent use of certain actuarial gains*

**72.** If there is a balance of actuarial gains after the transfer provided for in section 37 and the balance exceeds the total of the value of the amortization payments that would remain to be paid in relation to the technical actuarial deficiency determined during the last complete actuarial valuation of the plan, the surplus may be used to reduce the amortization payments remaining to be paid in relation to any improvement unfunded actuarial liability.

The reduction is made by appropriating the surplus determined in the first paragraph to the reduction of the monthly payments remaining to be paid on the later date. It ceases where the residual surplus does not eliminate all the monthly payments remaining to be paid on a given date.

**73.** A bond remitted before 31 December 2009 to the pension fund of a pension plan pursuant to section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20) may, upon its term, be replaced by a new bond meeting the conditions set out in the second and third paragraphs of that section.

**74.** Despite section 37, if the assets of a pension plan include bonds referred to in section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20), a portion corresponding to 25% of the technical gains determined by a complete actuarial valuation of the plan must first be appropriated, as at the date of the valuation, to reduce the amount of the bonds.

Where, after applying section 37 taking into account the first paragraph of this section and section 72, actuarial gains remain within the meaning of section 12 of chapter 3 of the Act to amend various legislative provisions concerning municipal affairs (2003, chapter 3) as replaced by section 215 of the Act to amend various legislative provisions concerning municipal affairs (2004, chapter 20), the actuarial gains are added to the portion determined in the first paragraph.

### *§3. Other provisions*

**75.** Despite section 18, the balance of the value of the benefits referred to in section 146 of the Act that cannot be paid can, under the terms of a restructuring agreement referred to in the Act respecting the restructuring of university-sector defined-benefit pension plans (chapter R-26.2.1) or the Act to foster the financial health and sustainability of municipal defined-benefit pension plans (chapter S-2.1.1) entered into before 22 February 2024, be funded and paid according to the conditions provided for in that section.

In addition, the rules related to the sharing of contributions do not apply with respect to the sums required to fund the value of the benefits referred to in section 146 of the Act that, under the terms of an agreement referred to in the first paragraph, are paid by the members or the employer after 21 February 2024.

**76.** The provisions of section 18 apply to every member or beneficiary who, after 21 February 2024, ceases to be an active member or for whom entitlement to a refund or the right to a transfer referred to in section 98 of the Act is exercised after that date.

Despite the first paragraph, a pension plan may provide that the balance of the value of the benefits referred to in section 146 of the Act on 22 February 2024 or, on the date agreed by the parties to an agreement referred to in the first paragraph of section 75, is paid in full.

**77.** Despite section 26, the current service contribution to be paid in the subsequent component of the Régime de retraite des employés municipaux du Québec may be paid, to the extent and according to the terms provided for under the pension plan, by appropriation of the surplus assets of the prior component.

**78.** If a pension plan, or a component of a pension plan, provided before 22 February 2024 the division of the amortization payment related to an improvement unfunded actuarial liability referred to in section 71, the deferment of that contribution remains mandatory. The rules provided for in section 48 apply to the monthly amortization payments established in respect of such a liability.

**79.** Despite paragraph 1 of section 138 of the Act, the amortization period of a technical actuarial deficiency that begins at a date after 30 December 2023 and prior to 1 January 2029 expires not later than 31 December 2038 or, if the provisions of Division VII related to the deferment of contributions apply, 31 December 2039.

**80.** The benefits of members and beneficiaries affected by the withdrawal of an employer from a multi-employer pension plan, to whom the notice referred to in section 200 of the Act was sent before 22 February 2024, are paid according to the provisions of the Act as they read before 1 January 2016.

**81.** The provisions of subdivision 4.1 of Division II of Chapter XIII of the Act related to the distribution of surplus assets in the event of termination, as they read before 1 January 2016, apply to every termination report that was sent to Retraite Québec before 22 February 2024.

**82.** This Regulation applies to any actuarial valuation as at a date subsequent to 30 December 2023.

**83.** This Regulation replaces the Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R- 15.1, r. 2).

**84.** This Regulation comes into force on 22 February 2024.

106671

Gouvernement du Québec

## O.C. 47-2024, 23 January 2024

Supplemental Pension Plans Act  
(chapter R-15.1)

### Exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

#### — Amendment

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan and it may also prescribe special rules applicable to the plan or category;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act was published in Part 2 of the *Gazette officielle du Québec* of 5 April 2023, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, attached to this Order in Council, be made.

DOMINIQUE SAVOIE

*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act  
(chapter R-15.1, s. 2, 2nd par.)

**1.** The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 8) is amended in section 1

(1) by replacing “Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2)” in paragraph 1.1 by “Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors (*insert the reference to the Compilation of Québec Laws and Regulations*)”;

(2) by striking out paragraph 1.2;

(3) by striking out paragraph 2.

**2.** Section 1.0.1 is revoked.

**3.** Section 1.0.2 is replaced by the following:

“**1.0.2.** For the purposes of section 20 of the Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors (*insert the reference to the Compilation of Québec Laws and Regulations*), the following modifications apply:

(1) the maximum amount of surplus assets that may be appropriated for the special improvement payment is the amount determined according to the provisions provided for in the second paragraph of that section;

(2) for the purposes of subparagraph 2 of the second paragraph of that section, the amount of surplus assets that may be used on a solvency basis is the amount by which the plan's assets exceeds its liabilities.”.

**4.** The following is inserted after section 1.0.2:

“**1.0.3.** Despite section 26 of the Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors (*insert the reference to the Compilation of Québec Laws and Regulations*), the current service contribution of the subsequent component may be paid, to the extent and according to the terms provided for under the pension plan, by appropriation of the surplus assets of the prior component.”.

**5.** The heading of Division I.1 is replaced by the following: “PROVISIONS CONCERNING THE RÉGIME COMPLÉMENTAIRE DE RENTES DES TECHNICIENS AMBULANCIERS/PARAMÉDICS ET DES SERVICES PRÉHOSPITALIERS D'URGENCE”.

**6.** Section 1.1 is amended

(1) by replacing “Régime complémentaire de rentes des techniciens ambulanciers œuvrant au Québec” in the part preceding paragraph 1 by “Régime complémentaire de rentes des techniciens ambulanciers/paramédics et des services préhospitaliers d'urgence”;

(2) by replacing “Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2)” in paragraph 2 by “Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors (*insert the reference to the Compilation of Québec Laws and Regulations*)”;

(3) by striking out paragraph 3;

(4) by striking out paragraph 3.1.

**7.** Section 1.2 is revoked.

**8.** Section 1.3 is replaced by the following:

“**1.3.** For the purposes of section 20 of the Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors (*insert the reference to the Compilation of Québec Laws and Regulations*), the following modifications apply:

(1) the maximum amount of surplus assets that may be appropriated for the special improvement payment is the amount determined according to the provisions provided for in the second paragraph of that section;

(2) for the purposes of subparagraph 2 of the second paragraph of that section, the amount of surplus assets that may be used on a solvency basis is the amount by which the plan's assets exceeds its liabilities.”.

**9.** The following is inserted after section 1.3:

“**1.4.** Despite section 26 of the Regulation respecting the funding of defined-benefit pension plans of the municipal and university sectors (*insert the reference to the Compilation of Québec Laws and Regulations*), the current service contribution of the subsequent component may be paid, to the extent and according to the terms provided for under the pension plan, by appropriation of the surplus assets of the prior component.”.

**10.** This Regulation comes into force on 22 February 2024.

106672

Gouvernement du Québec

**O.C. 74-2024, 23 January 2024**

Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapitre A-2.02)

**Regulation  
—Amendment**

Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants

WHEREAS, under the first paragraph of section 2 of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02), an application for recalculation may, in the cases described in a government regulation, be made to SARPA by one or both of the child's parents, and the regulation also determines the application procedure and the information and documents needed for the recalculation that must be provided in support of the application;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants was published in Part 2 of the *Gazette officielle du Québec* of 11 May 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

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## **Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants**

Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapitre A-2.02, a. 2)

**1.** The Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02, r. 1) is amended in section 3 by inserting “or a provisional child support order whose case has not been set down for trial and judgment” after “of a judgment” in paragraph 2.

**2.** Section 5 is amended by replacing “, each year, on the anniversary date of the last judgment determining child support or, if more recent, on the anniversary date of the last recalculation. An application may also be made, within one year,” by “on any other date”.

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

106673

Gouvernement du Québec

## **O.C. 75-2024, 23 January 2024**

Act respecting the Barreau du Québec (chapter B-1)

### **Training, skill and knowledge evaluation, accreditation and discipline of stenographers —Amendment**

Regulation to amend the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers

WHEREAS, under subparagraph 1 of the first paragraph of section 140.4 of the Act respecting the Barreau du Québec (chapter B-1), the Comité sur la sténographie must, by regulation, establish the rules and the terms and conditions related to the training, skill and knowledge evaluation, accreditation and discipline of stenographers;

WHEREAS, under the second paragraph of section 140.4 of the Act, the adoption of a regulation by the committee requires a quorum of at least three members and each regulation requires a majority vote of the members present; however, that majority must include the vote of at least one of the advocates designated pursuant to subparagraph 1 of the first paragraph of section 140.2 of the Act and the vote of at least one of the stenographers designated pursuant to subparagraph 2 of the same paragraph;

WHEREAS, in accordance with the second paragraph of section 140.4 of the Act, the Comité sur la sténographie adopted the draft Regulation to amend the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers on 24 November 2021;

WHEREAS, under the third paragraph of section 140.4 of the Act, the regulations must be transmitted by the committee to the Office des professions, which must submit its opinion to the Minister of Justice; the regulations must be submitted to the Government, which, on the recommendation of the Minister, may approve them with or without amendments;

WHEREAS, on 20 May 2022, the Office des professions gave a favourable opinion on the draft Regulation to the Minister of Justice;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers was published in Part 2 of the *Gazette officielle du Québec* of 13 September 2023 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers, attached to this Order in Council, be approved

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers**

Act respecting the Barreau du Québec  
(chapter B-1, s. 140.4, 1st par., subpar. 1)

**1.** The Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers (chapter B-1, r. 13) is amended in section 5

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

“The stenography examination is held at least once a year and takes place in Montréal or any other region determined by the committee. The committee also sets the date and time for each examination.”;

(2) by striking out the second paragraph;

(3) by replacing “in the Journal du Barreau and on the premises of the École de sténographie judiciaire du Québec” in the third paragraph by “on the website of the Barreau du Québec”.

**2.** Section 10 is amended by replacing “at any of the subsequent examination sessions” by “at a subsequent examination session”.

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

106674

Gouvernement du Québec

### **O.C. 79-2024, 23 January 2024**

Mining Act  
(chapter M-13.1)

Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8)

#### **Mineral substances other than petroleum, natural gas and brine —Amendment**

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine

WHEREAS, under paragraphs 8.3 and 8.4 of section 306 of the Mining Act (chapter M-13.1), as amended by the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may, by regulation, determine, for the purposes of section 69 of the Act, what constitutes impact-causing exploration work and set in particular, for the purposes of sections 69 and 69.2 of the Act, the conditions for the issue and renewal of the authorization for impact-causing exploration work;

WHEREAS, under paragraph 10 of section 306 of the Mining Act, the Government may, by regulation, specify the nature of any work required under the Act, its minimum cost and related expenses, the form and content of any report relating to it and the documents that must accompany the report;

WHEREAS, under paragraph 26.1 of section 306 of the Mining Act, the Government may, by regulation, determine the work and operations contemplated in section 232.1 of the Act and, where expedient, list the mineral substances referred to therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine was published in Part 2 of the *Gazette officielle du Québec* of 6 September 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Forests:

THAT the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine

Mining Act  
(chapter M-13.1, s. 306, pars. 8.3, 8.4, 10 and 26.1)

Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8, s. 46)

**1.** The Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2) is amended by replacing the title by the following:

“**MINING REGULATION**”.

**2.** The following is inserted after section 10:

### “**DIVISION III.1** **IMPACT-CAUSING EXPLORATION WORK**”

**11.** For the purposes of section 69 of the Act, as replaced by section 44 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), impact-causing exploration work consists in

(1) work carried out using hydraulic machinery or explosives, in particular

- (a) excavating in overburden;
- (b) rock stripping;
- (c) bulk sampling;

(d) drill-holes in overburden or in rock;

(e) seismic refraction geophysical surveys;

(2) work carried out using a hydraulic pump for gold mining purposes.

**12.** The Minister issues an authorization for impact-causing exploration work where, in addition to the conditions provided for in the first paragraph of section 69 of the Act, as replaced by section 44 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), a claim holder meets the following conditions:

(1) has gathered the questions, requests and comments of the local municipalities and the Native communities concerned, where applicable, and has provided answers; and

(2) files an application on the form supplied by the Minister for that purpose and includes the following information:

(a) the alphanumerical code identifying the claim situated on the land on which the work is to be carried out;

(b) the applicant’s name, address and telephone number;

(c) a detailed description of each work operation concerned, including in particular

i. the nature of the work and the method of carrying it out;

ii. the area concerned and the volume of mineral substances to be extracted, where applicable;

iii. the number of drill-holes planned, where applicable;

(d) the planned duration of the work and the time of year during which the work will be carried out;

(e) information on the geometrical location and attributes of the geographical entities making it possible to delimit the zone of interest where the work will be carried out;

(f) a report on the exchanges with the local municipalities and the Native communities, where applicable, that indicates in particular the questions, requests and comments received and the answers of the claim holder;

(g) where an authorization is required for the carrying out of bulk sampling, the application must include, in addition to what is provided for in the first paragraph,

- i. a description of the preparatory work that has been carried out;
- ii. the objective of the bulk sampling;
- iii. an estimate of the resources and mineral substance reserves situated on the land that is subject to the claim covered;
- iv. a summary description of the proposed restoration measures.

**13.** The Minister renews an authorization for impact-causing exploration work where

(1) the work covered by the authorization has not been carried out;

(2) no failure to comply with the conditions imposed in accordance with section 69.1 of the Act, as made by section 44 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), has been noted by the Minister;

(3) the claim holder has gathered the questions, requests and comments of the local municipalities and the Native communities concerned, where applicable, and has provided answers; and

(4) the application for renewal was filed by the claim holder before the expiry date of the authorization on the form supplied by the Minister for that purpose and includes the following information:

(a) the alphanumerical code identifying the claim covered by the authorization;

(b) the applicant's name, address and telephone number;

(c) a description of the work progress;

(d) the planned duration of the remaining work and the time of year during which it will be carried out;

(e) a report on the exchanges with the local municipalities and the Native communities with regard to the renewal of the authorization, where applicable, that indicates in particular the questions, requests and comments received and the answers of the claim holder.”.

**3.** Section 108 is replaced by the following:

“**108.** The following constitute the exploration work referred to in subparagraph 1 of the first paragraph of section 232.1 of the Act:

(1) excavations for the purpose of mining exploration, involving one of the following:

(a) the movement of 5,000 m<sup>3</sup> or more of unconsolidated deposits;

(b) rock stripping or the movement of unconsolidated deposits covering an area of 10,000 m<sup>2</sup> or more;

(c) the extraction or movement of mineral substances for geological or geochemical sampling in amounts of 500 metric tons or more;

(2) work carried out in respect of material deposited in accumulation areas, in particular

(a) drill-holes;

(b) the excavation, movement or sampling of accumulated material or cover material;

(3) underground work related to mining exploration, in particular

(a) the sinking of access ramps and shafts, and any other excavation;

(b) the dewatering of mine shafts and keeping of excavations dry;

(c) the restoration of worksites or other underground works;

(d) the hoisting of mineral substances to the surface;

(4) the preparation of accumulation areas for the work referred to in subparagraph 1, 2 or 3.

For the purposes of subparagraph 1, “unconsolidated deposits” means any mineral substance covering the bedrock, except those deposited in accumulation areas.”.

**4.** Section 109 is amended

(1) by replacing “any activity related to” in paragraph 1 by “work related to”;

(2) by replacing “activities referred to” in paragraph 3 by “work referred to”;



(3) by replacing “exploration activities listed in section 108 where they are involved” in paragraph 5 by “exploration work listed in section 108 where it is involved”;

(4) by striking out the words “one of the following:” wherever they appear.

**5.** The words “trous de sondage” are replaced wherever they appear in the French text by “sondages”.

**6.** This Regulation comes into force on 6 May 2024.

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## Draft Regulations

### Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

#### Pilot project relating to digital transformation of the administration of justice

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting the Pilot project relating to digital transformation of the administration of justice, appearing below, may be made by the Minister of Justice on the expiry of 45 days following this publication.

The draft Regulation amends the Pilot project relating to digital transformation of the administration of justice. The draft Regulation broadens the scope of the Pilot project to include class actions and commercial cases. The draft Regulation also provides rules governing the maintenance of court records in digital format and the remote filing and consultation of documents in those records.

Further information concerning the draft Regulation may be obtained by contacting Chloé Beauregard-Rondeau, Direction des affaires juridiques de la Transformation, Ministère de la Justice, 1200, route de l'Église, 4<sup>e</sup> étage, Québec (Québec) G1V 4M1; email: [chloe.beauregard-rondeau@justice.gouv.qc.ca](mailto:chloe.beauregard-rondeau@justice.gouv.qc.ca).

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE  
*Minister of Justice*

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### Regulation respecting the Pilot project relating to digital transformation of the administration of justice

Code of Civil Procedure  
(chapter C-25.01, a. 28)

#### CHAPTER 1 GENERAL

**1.** The continuation of the Pilot project relating to digital transformation of the administration of justice, established by the Regulation to establish a pilot project relating to digital transformation of the administration of justice (chapter C-25.01, r. 6.2) is hereby authorized, in all judicial districts, until 28 November 2025.

**2.** For this purpose, the Minister of Justice has established a set of technological means, called “Lexius”, which enables in particular the maintenance of court records in digital format and the remote filing and consultation of documents.

**3.** The rights and obligations provided for in this Regulation are subject to the availability of the technological means necessary.

**4.** For the duration of the Pilot project, the special procedural rules set out in this Regulation apply to the following applications:

(1) class actions;

(2) commercial cases, meaning cases where the initial application is based principally on one of the following laws or provisions:

(a) statutes of Canada:

i. Bankruptcy and Insolvency Act (R.S.C., 1985, c. B-3);

ii. Companies’ Creditors Arrangement Act (R.S.C., 1985, c. C-36);

iii. Winding-up and Restructuring Act (R.S.C., 1985, c. W-11);

iv. Canada Business Corporations Act (R.S.C., 1985, c. C-44);

v. Bank Act (S.C. 1991, c. 46);

vi. Farm Debt Mediation Act (S.C. 1997, c. 21);

vii. Commercial Arbitration Act (R.S.C., 1985, c. 17 (2nd Supp.));

(b) statutes of Québec:

i. articles 527, 645 and 647 of the Code of Civil Procedure (chapter C-25.01), which concern the homologation of an arbitration award, as well as articles 507 and 508 of the Code, which concern the recognition and enforcement of an arbitration award made outside Québec;

ii. Companies Act (chapter C-38);

iii. Winding-Up Act (chapter L-4);

iv. Securities Act (chapter V-1.1);

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

vi. Business Corporations Act (chapter S-31.1);

(3) a case deemed to be of a commercial nature on a decision of the Chief Justice or a judge designated by the Chief Justice, made on initiative or on application;

(4) applications dealt with according to the procedure for non-contentious proceedings relating to

(a) an authorization to consent to care that is not required by the state of health of a person under 14 years of age or incapable of giving consent, or an authorization to consent to the alienation of a part of the body of a minor or an incapable person of full age;

(b) a declaratory judgment of death, the probate of a will, letters of verification or, in succession matters, the liquidation or the partition of a succession;

(c) an alteration of the register of civil status;

(d) tutorship to an absentee, to a minor or to a person of full age, emancipation of a minor, and protection mandate and temporary representation of an incapable person of full age;

(e) the appointment, designation or replacement of any person that is required by law to be appointed, designated or replaced by the court on its own initiative or in the absence of an agreement between the interested parties, as well as applications of a similar nature relating to tutorship to a minor, tutorship to a person of full age, a protection mandate, temporary representation of an incapable person of full age, a succession or the administration of the property of others;

(f) administration of undivided property, of a trust or of the property of others;

(g) the issue of a notarial act or the replacement or reconstitution of a writing; and

(h) disinterment.

## CHAPTER 2 PROVISIONS APPLICABLE TO THE PILOT PROJECT

### DIVISION 1 FILING OF DOCUMENTS

**5.** Any pleadings, exhibits or any other document, including a photograph of real evidence, must be filed with the office of the court using Lexius.

Despite the foregoing, until 31 March 2025, self-represented natural persons may file those documents with the office of the court in hard copy.

Where a document was not filed in accordance with this Division, the court clerk informs without delay the person filing the document of the reason why the document cannot be filed.

**6.** Despite section 5, as of 1 April 2025, self-represented natural persons may file documents in hard copy with the office of the court if they produce before the office of the court an attestation, deemed by law to be sworn, of the following facts:

(1) the person is self-represented in the proceedings;

(2) the person is unable to use Lexius;

(3) the person is unable to obtain assistance in order to file documents using Lexius; and

(4) the person requests the assistance of the court clerk to file documents using Lexius.

Section 5 does not apply to the attestation and the attestation is only valid for the case in connection with which it was produced.

**7.** The judge or the special clerk may, on their own initiative and on the basis of the record, order a person who produced the attestation provided for in section 6 to file their documents with the office of the court using Lexius if they note that the person is able to do so.

**8.** A hard copy source document of a holograph will, a will made in the presence of witnesses or a protection mandate given in the presence of witnesses filed with the office of the court using a technological means in connection with an application for probate or homologation must also be physically filed within 15 days.

**9.** Information in a hard copy pleading, exhibit or other document filed with the office of the court is to be transferred by the clerk to a technological medium.

The hard copy source document is to be given to the party, the party's representative or the bailiff after the information has been transferred, except for a document relating to a probate or homologation procedure, in particular

(1) a holograph will or a will made in the presence of witnesses; and

(2) a protection mandate given in the presence of witnesses.

**10.** The party, the party's representative or the bailiff is required, until the date on which the judgment becomes final or the date of the pleading terminating the proceeding, to keep and preserve the integrity, in its original medium, of any document that has been filed with the office of the court whether by a technological means or as a hard copy document.

The chief justice or chief judge, if of the opinion that the document may still be useful, may order the court to keep and preserve the integrity of any document referred to in the first paragraph for a longer period.

**11.** Any document kept pursuant to section 10 must, at the request of the court, be provided to the court in its original medium.

**12.** A person who wishes that a document be filed in a sealed envelope or in a form that protects the confidentiality of the information contained therein must indicate so at the place provided for that purpose in Lexius.

**13.** In proceedings where all parties are represented by a lawyer, the disclosure of an exhibit or other evidence is replaced by the transmission of a letter to the other parties' lawyers, stating that that exhibit or evidence has been filed in Lexius. The letter serves as disclosure of the exhibit or evidence and it is filed in Lexius.

**14.** The file formats accepted for filing documents in Lexius are the following:

(1) for pleadings, PDF;

(2) for all other exhibits and documents, GIF, JPEG, MP3, PDF, PNG or any other format indicated in Lexius.

Files must not exceed the size specified in Lexius.

## DIVISION 2 DIGITAL JUDICIAL RECORD

**15.** Judicial records for cases referred to in section 4 are kept in digital format in Lexius.

**16.** Any person may consult a digital judicial record at a courthouse using the technological means provided for that purpose.

**17.** Only the following persons may remotely consult a digital judicial record:

(1) a lawyer or notary acting in respect of the case;

(2) a represented natural person who is party to the case;

(3) a self-represented natural person who is party to the case;

(4) a trustee in bankruptcy involved in the case.

**18.** A digital judicial record may not be remotely consulted unless the person requesting access to the record is identified using a means of authentication indicated in Lexius.

**19.** Consultation of a digital judicial record is subject to other legal provisions, including article 16 of the Code of Civil Procedure (chapter C-25.01), or to an order of the court.

**20.** No person may obtain from the clerk a copy of a document contained in a digital judicial record if the person can remotely consult the record. Despite the foregoing, a person having produced the attestation provided for in Section 6 may obtain such a copy at no cost.

This section does not apply to the issue of a certified true copy required by law.

### CHAPTER 3 PROVISIONS AMENDED FOR THE DURATION OF THE PILOT PROJECT

**21.** For the duration and as part of the Pilot project, the following provisions are to be read as indicated in this chapter.

The text of the Pilot project that differs from the text otherwise in force is highlighted by the underlining of added text and by a strikethrough line for deleted portions.

**22.** Section 108 of the Code of Civil Procedure (chapter C-25.01) is amended as follows:

~~“108.~~ The parties and the lawyers, or in non-contentious proceedings, the notaries representing the parties, must see to it that exhibits and other documents that contain identifying particulars generally held to be confidential are filed in a form that protects the confidentiality of the information.

Any document or real evidence that is filed in the record as an exhibit must remain in the record until the end of the proceeding, unless all the parties consent to its being removed. If the parties consent to an exhibit in technological media being removed, the exhibit is destroyed by the court clerk. Once the proceeding has ended, the parties must retrieve the hard copy exhibits they have filed or, if the exhibits are in technological media, request that the court clerk destroy them; otherwise, the court clerk may destroy them one year after the date on which the judgment becomes final or the date of the pleading terminating the proceeding. In either case all cases, the chief justice or chief judge, if of the opinion that the exhibits can still be useful, may stay their destruction.

However, in reviewable or reassessable matters and, in non-contentious cases, notices, certificates, minutes, inventories, medical and psychosocial evidence, affidavits, statements, declarations and documents made enforceable by a judgment, including any child support determination form attached to a judgment, cannot be removed from the record or destroyed.”.

**23.** Section 262 is replaced by the following:

~~“262.~~ The origin of evidence or the integrity of the information it contains is presumed admitted unless one of the parties contests it within 30 days of the date on which the evidence was disclosed to the party. That admission does not entail admission of the truth of the contents of the evidence.

The contesting party must specify, in a statement, the facts and grounds that support the party’s claim and make it probable. That statement is deemed to be made under oath.”

**24.** Section 264 and what precedes it is stricken out as follows:

### ~~“CHAPTER VI ADMISSION OF AUTHENTICITY OF EVIDENCE~~

~~264. A party may give another party a formal notice to admit the origin of a document or the integrity of the information it contains.~~

~~The formal notice must be notified at least 30 days before the trial. If the document or other evidence has not already been disclosed, a suitable representation of it or, in the absence of such a representation, particulars on how to access it must be attached.~~

~~The party having been given the formal notice admits or denies the origin or integrity of the evidence in an affidavit giving reasons, and notifies the affidavit to the other party within 10 days.~~

~~Failure to respond to the formal notice is deemed an admission of the origin and integrity of the evidence, but not of the truth of its contents.”~~

**25.** Section 309 is amended as follows:

~~“309.~~ The court ascertains that the application presented before it has been served on the person concerned and notified to the interested persons, and that the necessary opinions, reports and expert reports have been filed in the record.

The court may order that the application be notified to any person whom it considers to have an interest, call a meeting of relatives, persons connected by marriage or civil union, or friends, or request the opinion of a tutorship council; it may also require the complementary opinions, reports or expert reports it considers necessary and, if applicable, order an appraisal by an independent expert designated by the court if it has reason to believe the appraisal attached to the application does not reflect the value of the property. The court may also authorize an interested person to produce evidence in support of the view that person intends to assert. The court may take any other appropriate case management measure.

The applicant, the person concerned or another interested person may make their proof by affidavit, by a statement, deemed to be an affidavit, attesting to the truth of the facts alleged, by testimony or by means of documents or real evidence. The evidence so submitted may pertain to any relevant fact, even one that has arisen since the application was instituted.”

**26.** Written statements and applications referred to in sections 101, 134, 155, 175, 181, 222 and 259 of the Code of Civil Procedure (chapter C-25.01) do not have to be made under oath; they are deemed to be affidavits.

#### CHAPTER 4 TRANSITIONAL AND FINAL

**27.** This Regulation replaces the Regulation to establish a pilot project relating to digital transformation of the administration of justice (chapter C-25.01, r. 6.2).

**28.** The applications referred to in paragraphs 1, 2 and 3 of section 4 are subject to the Pilot project if filed as of (indicate the date of coming into force of this Regulation).

**29.** The applications referred to in paragraph 4 of section 4 are subject to the Pilot project if filed as of 28 November 2022.

**30.** Despite paragraph 4 of section 4, an application referred to the court pursuant to sections 304 or 317 of the Code of Civil Procedure (chapter C-25.01) remains subject to the Pilot project.

**31.** Subparagraph a of paragraph 4 of section 4 ceases to have effect on 31 May 2024.

**32.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except that sections 6 and 7 come into force on 1 April 2025.

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## Notices

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### Notice

Natural Heritage Conservation Act  
(chapter C-61.01)

#### **Haut-Bois Nature Reserve** **— Recognition**

Notice is hereby given, pursuant to section 60 of the Natural Heritage Conservation Act (Chapter C-61.01), that the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks has recognized a private property located in the city of Sainte-Anne-des-Plaines, within the regional county municipality of Thérèse-de-Blainville, known and designated as a part of lot 2 084 943 of the Québec cadastre, Terrebonne registry division, as a nature reserve. This property covers an area of 7.25 hectares.

The recognition is given in perpetuity and takes effect on the date of publication of this notice in the *Gazette officielle du Québec*.

FRANCIS BOUCHARD  
*Director of Protected Areas*

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