



Part 2

LAWS AND REGULATIONS

22 May 2024 / Volume 156

Summary

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Regulations and other Acts
Draft Regulations

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Part 2 – LAWS AND REGULATIONS

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Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

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Regulations and other Acts

Gouvernement du Québec

O.C. 805-2024, 8 May 2024

Professional Code
(chapter C-26)

Diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders — Amendment

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the fourth paragraph of section 12, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, in accordance with the first paragraph of section 184 of the Code, the Office has given its advice to the Government, after consulting in particular the interested educational institutions and professional orders, the Fédération des cégeps and the Minister of Higher Education;

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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2023, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government has obtained the advice of the Office, as well as the advice of the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec and the Ordre des technologues professionnels du Québec in respect of the provisions relevant to them;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in section 2.05 by inserting “at Dawson College and” after “completed at” in subparagraph 2.1 of the first paragraph.

2. Section 2.09 is amended by replacing paragraph 15 by the following:

“(15) in the Health Services vocational sector:

(a) the orthotics and prosthetics technology program, at Montmorency general and vocational college and Collège Mérici;

(b) the orthotics, prosthetics and orthopaedic care program, at Montmorency general and vocational college and Collège Mérici;”.

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

106834

Gouvernement du Québec

O.C. 806-2024, 8 May 2024

Chartered Professional Accountants Act
(chapter C-48.1)

Cooperation Agreement between the Ordre des comptables professionnels agréés du Québec and the Canadian Public Accountability Board

Cooperation Agreement between the Ordre des comptables professionnels agréés du Québec and the Canadian Public Accountability Board

WHEREAS, under the first paragraph of section 9 of the Chartered Professional Accountants Act (chapter C-48.1), the board of directors of the Ordre des comptables professionnels agréés du Québec may enter into an agreement with the following bodies exercising complementary functions with respect to the protection of the public: the Autorité des marchés financiers and the Canadian Public Accountability Board incorporated under the Canada Business Corporations Act (R.S.C. 1970, c. C-32);

WHEREAS the Order and the Canadian Public Accountability Board entered into the Cooperation Agreement on 24 October 2023;

WHEREAS, in accordance with the fifth paragraph of section 9 of the Chartered Professional Accountants Act, the Agreement was published in Part 2 of the *Gazette officielle du Québec* of 3 January 2024 with a notice that it could be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS the Agreement is submitted without amendment;

WHEREAS it is expedient to approve the Agreement;

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

THAT the Cooperation Agreement between the Ordre des comptables professionnels agréés du Québec and the Canadian Public Accountability Board, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Cooperation agreement between L'Ordre des comptables professionnels agréés du Québec ("l'Ordre") and The Canadian Public Accountability Board ("CPAB")

Chartered Professional Accountants Act
(chapter C-48.1)

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

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

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

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

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

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

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

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

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

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

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

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

THE PARTIES HERETO AGREE TO THE FOLLOWING PROVISIONS:

SECTION 1 **General provision**

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

SECTION 2 **Inspection and investigation**

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

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

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

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

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

SECTION 3 **Inspection and investigation reports**

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

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

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

SECTION 4

Measures imposed by the Parties

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

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

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

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

SECTION 5

Confidentiality

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

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

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

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

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

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

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

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

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

SECTION 6

Miscellaneous provisions

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

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

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

SECTION 7

Final provisions

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

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

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

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

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

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

This Agreement is drafted in French and English.

Signed in Montreal, on this
20th day of October, 2023

**For the Ordre des comptables
professionnels agréés du Québec**

GENEVÈVE MOTTARD, CPA
President and Chief Executive
Officer

106835

Signed in Toronto, on this
24th day of October, 2023

**For The Canadian Public
Accountability Board**

CAROL A. PARADINE, FCPA, FCA
Chief Executive Officer

Gouvernement du Québec

O.C. 807-2024, 8 May 2024

Public Administration Act
(chapter A-6.01)

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

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

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

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

WHEREAS it is expedient to make the Regulation respecting the signing of certain acts, documents or writings emanating from the Secretariat of the Conseil du trésor;

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

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

DOMINIQUE SAVOIE

Clerk of the Conseil exécutif

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

Public Administration Act
(chapter A-6.01, s. 88, 2nd par., and s. 89, 1st par.)

DIVISION I GENERAL

1. Subject to other conditions that may be prescribed by the Act, the members of the personnel of the Secretariat of the Conseil du trésor or the holders of a position the functions of which are indicated hereafter are authorized, in the exercise of their respective powers, duties and functions, to sign, alone and with the same authority and effect as the chair of the Conseil du trésor the acts, documents and writings listed after their respective position.

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

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

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

3. Associate secretaries and assistant secretaries are authorized, in the exercise of their respective powers, duties and functions, to sign

- (1) supply contracts;
- (2) services contracts, except services contracts for the transportation and handling of goods;
- (3) agreements entered into with other government departments or bodies;
- (4) promises or grants of subsidies; and
- (5) authorizations for out-of-court settlements, with or without consideration, discharges from any personal right, and any act, document or writing relating to those discharges.

4. The associate secretary for public contracts is authorized, in the exercise of the associate secretary's powers, duties and functions, to sign attestations issued to secretaries of selection committees certifying that they have completed the training required.

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

DIVISION III SIGNING AUTHORITY OF THE ADMINISTRATIVE DIRECTORS OF THE SECRETARIAT OF THE CONSEIL DU TRÉSOR

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

- (1) the contracts or other acts referred to in paragraphs 1, 2, 3 and 5 of section 3;
- (2) insurance contracts;
- (3) services contracts for the transportation and handling of goods;
- (4) contracts of alienation of movable property, subject to the Act respecting the Centre d'acquisitions gouvernementales (chapter C-7.01) and the Règlement sur la disposition des biens meubles excédentaires (chapter C-65.1, r. 7.1);
- (5) construction contracts;
- (6) proposals concerning immovable property and occupancy or immovable property layout agreements entered into with the Société québécoise des infrastructures;
- (7) contracts for the administration of immovables;
- (8) documents relating to the management of a special fund established under an Act;
- (9) declarations required when a debtor's income is seized in the hands of a third person under the Code of Civil Procedure (chapter C-25.01) or any other Act; and

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

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

(1) supply contracts;

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

(3) construction contracts;

(4) insurance contracts;

(5) services contracts, except

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

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

(6) agreements entered into with other government departments or bodies;

(7) proposals concerning immovable property and occupancy or immovable property layout agreements entered into with the Société québécoise des infrastructures;

(8) contracts for the administration of immovables;

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

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

8. The director of financial resources and the director of financial operations are authorized, in the exercise of their respective powers, duties and functions, to sign

(1) supply contracts;

(2) insurance contracts;

(3) services contracts, except

(a) services contracts for the transportation and handling of goods and

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

(4) agreements entered into with other government departments or bodies;

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

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

DIVISION IV

SIGNING AUTHORITY OF MEMBERS OF THE PERSONNEL OF THE SECRETARIAT OF THE CONSEIL DU TRÉSOR

9. The directors general and the senior directors other than the director referred to in section 6 are authorized, in the exercise of their respective powers, duties and functions, to sign

(1) supply contracts;

(2) services contracts, except

(a) services contracts for the transportation and handling of goods and

(b) financial services contracts and banking services contracts;

(3) agreements entered into with other government departments or bodies; and

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

10. The director of human resources, in the exercise of the director's powers, duties and functions, is authorized to sign, in addition to the contracts or other acts referred to in section 9, the declarations required when a debtor's income is seized in the hands of a third person under the Code of Civil Procedure (chapter C-25.01) or any other Act.

11. Directors other than those referred to in sections 7 and 8, are authorized, in the exercise of their respective powers, duties and functions, to sign

(1) supply contracts;

(2) services contracts, except

(a) services contracts for the transportation and handling of goods and

(b) financial services contracts, banking services contracts or legal services contracts.

12. Assistant directors are authorized, in the exercise of their respective powers, duties and functions, to sign

(1) supply contracts;

(2) services contracts, except

(a) services contracts for the transportation and handling of goods and

(b) financial services contracts, banking services contracts or legal services contracts.

The services contracts entered into must be with non-natural persons. Despite the foregoing, services contracts relating to the hiring of a labour relations negotiator or arbitrator, of an expert witness before the court or of a physician or a dentist in matters of medical assessment may be entered into with natural persons, among others.

13. A member of the personnel who holds a credit card on behalf of the Secretariat of the Conseil du trésor is authorized to sign the documents concerning the acquisition of eligible goods or services within the meaning of the agreement entered into with the credit card issuer up to the maximum amount authorized for each transaction.

DIVISION V SPECIAL CONDITIONS GOVERNING SIGNING

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

DIVISION VI FINAL

15. This Regulation replaces the Regulation respecting the signing of certain acts, documents or writings emanating from the secretariat of the Conseil du trésor (chapter A-6.01, r. 7).

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

106836

Gouvernement du Québec

O.C. 840-2024, 15 May 2024

Civil Code of Québec

Parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec

Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec

WHEREAS, under the third paragraph of article 541.28 of the Civil Code, the Government may, by regulation, determine other conditions that must be met by the person alone or the spouses who formed a parental project;

WHEREAS, under the first paragraph of article 541.32 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), once the prior authorization has been obtained, the surrogacy agreement, accompanied by the information concerning the profile of the woman or the person who has agreed to give birth to the child and the documents determined by government regulation, must, before being signed, be submitted to the Minister of Health and Social Services for authorization, according to the terms prescribed by such a regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec was published in Part 2 of the *Gazette officielle du Québec* of 14 February 2024 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 Justice:

THAT the Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting parental projects involving surrogacy in which the woman who agrees to give birth to the child is domiciled outside Québec

Civil Code of Québec
(Civil Code, art. 541.28, 3rd par., and art. 541.32, 1st par.; 2023, chapter 13, s. 20)

1. A person alone or spouses having formed a parental project involving surrogacy in which the woman or person who agrees to give birth to the child is domiciled outside Québec must, to obtain the prior authorization provided for in article 541.27 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), submit to the Minister of Health and Social Services the following information and documents:

(1) the name of the State chosen to carry out their parental project;

(2) an affidavit stating that

(a) the person alone has formed a parental project, or the spouses are married, in a civil union or in a de facto union and have formed a parental project;

(b) the parental project was formed before the pregnancy of the woman or person who agrees to give birth to the child;

(c) the woman or person who agrees to give birth to the child is not party to the parental project;

(d) the parental project comprises all children born of it and does not entail their being dissociated;

(e) the person alone has been domiciled in Québec for at least one year or the spouses have been domiciled in Québec for at least one year before authorization is requested;

(f) the person alone is a Canadian citizen or permanent resident, or at least one of the spouses is a Canadian citizen or permanent resident, if the woman or person who agrees to give birth to the child is domiciled outside Canada;

(g) the person alone has or the spouses have been informed of the rules relating to parental projects involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec, which rules are set out in the Civil Code, in this Regulation and in the rules of the State chosen, and acknowledges or acknowledge that the rules apply to her, him or them despite any stipulation to the contrary;

(h) the person alone undertakes or the spouses undertake to notify the Minister of any change concerning the person alone or the spouses or concerning the parental project that may have an impact on the implementation of the parental project or the Minister's decision.

In addition, the person alone or the spouses must not have been found guilty of a criminal offence against a minor or a person she, he or they believed to be a minor, or of a criminal offence in matters of child pornography.

2. To obtain authorization to proceed with a parental project involving surrogacy in which the woman or person who agrees to give birth to the child is domiciled outside Québec, the person alone or the spouses having formed the project must, in accordance with article 541.32 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), submit the surrogacy agreement to the Minister of Health and Social Services along with, in particular,

(1) an affidavit stating that the person alone undertakes or the spouses undertake

(a) to ensure that the surrogacy agreement is entered into before the pregnancy of the woman or person who agrees to give birth to the child;

(b) to ensure that there is no combining of the reproductive material of the woman or person who agrees to give birth to the child with that of the woman or person's sibling, ascendant or descendant, if the woman or person is a sister, ascendant or descendant of the person alone or of one of the spouses;

(c) if the person alone is a permanent resident, to provide her or his reproductive material, or if neither of the spouses is a Canadian citizen, to ensure that the reproductive material is provided by a spouse who is a permanent resident, as the case may be, if the woman or person who agrees to give birth to the child is domiciled outside Québec;

(d) to ensure that the woman or person who agrees to give birth to the child is 21 years of age or over and is domiciled in a State designated by the Government in accordance with 541.31 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project, and to comply with the conditions set by the laws of that State and, where applicable, submit the documents showing compliance with those conditions;

(e) to submit all changes made to the agreement to the Minister for authorization;

(f) to ensure that the child is born in a State designated by the Government in accordance with article 541.31 of the Civil Code;

(g) to ensure that, after the child's birth, the consent of the woman or person who gave birth to the child is given in express terms, in writing or by a judicial declaration in the course of proceedings relating to the filiation of the child;

(h) to notify the Minister of the birth of a child as the result of a parental project authorized by the Minister;

(2) if applicable and if possible, a letter, declaration or attestation from the establishment or centre for assisted procreation that will be responsible for the procreation containing the following information:

(a) the name of and contact information for the establishment or centre;

(b) the date on which the assisted procreation treatment is scheduled to begin;

(c) the number of treatment cycles provided for in the agreement;

(d) the source of the reproductive material;

(3) if not mentioned in the surrogacy agreement, an affidavit stating the nature of the expenses that the person alone has or the spouses have agreed to pay or reimburse to the woman or the person who agrees to give birth to the child and, if applicable, the amount of each expense and the amount of the compensation for loss of work income that the person alone has or the spouses have agreed to pay.

3. If drawn up in a language other than French, the documents transmitted to the Minister of Health and Social Services or filed with the Minister in accordance with article 541.32 of the Civil Code, as enacted by section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13), including the surrogacy agreement prior to its signature or the copy of the signed agreement, must be accompanied by a translation authenticated in Québec.

4. This Regulation comes into force on 6 June 2024.

106838

Gouvernement du Québec

O.C. 841-2024, 15 May 2024

Civil Code of Québec

Terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code

Regulation respecting the terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code

WHEREAS, under the second paragraph of article 583 of the Civil Code, as replaced by section 93 of the Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status (2022, chapter 22), the adoptee has the right to obtain a copy of his or her original act of birth and of the judgments concerning the adoption, according to the terms determined by government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code was published in Part 2 of the *Gazette officielle du Québec* of 14 February 2024 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 Justice:

THAT the Regulation respecting the terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting the terms for obtaining a copy of an original act of birth and of judgments concerning adoption for the purposes of article 583 of the Civil Code

Civil Code of Québec
(Civil Code, a. 583, 2nd par.; 2022, chapter 22, s. 93)

1. An adoptee must, to obtain a copy of his or her original act of birth from the registrar of civil status or from any other body or person holding the original act of birth, or a copy of the judgments concerning his or her adoption from the office of the court in the district where the judgments were rendered, obtain an attestation from the authorities responsible under the law for disclosing the information referred to in article 583 of the Civil Code, as replaced by section 93 of the Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status (2022, chapter 22). The same applies to the descendants in the first degree of a deceased adoptee.

The attestation must confirm the applicant's status as an adoptee or as a descendant in the first degree of a deceased adoptee and confirm that the applicant is entitled to obtain the adoptee's original name, the name of the adoptee's parents of origin, or information making it possible for the applicant to contact the adoptee's parents including, in the latter case, the conditions that apply.

2. This Regulation comes into force on 8 June 2024.

106839

M.O., 2024

Order 2024-5213 of the Minister of Justice dated 6 May 2024

Code of Civil Procedure
(chapter C-25.01)

Districts in which mediation is mandatory and those in which arbitration is offered to the parties at the Small Claims Division of the Court of Québec

THE MINISTER OF JUSTICE,

CONSIDERING article 570 of the Code of Civil Procedure (chapter C-25.01), as amended by section 11 of the Act to follow up on the Table Justice-Québec with a view to reducing processing times in criminal and penal matters and to make the administration of justice more efficient (2024, c. 7), which provides that the Minister of Justice determines, by order published in the *Gazette officielle du Québec*, the districts in which mediation is mandatory and those in which arbitration is offered to the parties at the Small Claims Division of the Court of Québec;

CONSIDERING section 42 of the Act to follow up on the Table Justice-Québec with a view to reducing processing times in criminal and penal matters and to make the administration of justice more efficient (2024, c. 7), which provides that mediation is mandatory and that arbitration is offered to the parties in the judicial districts of Laval, Longueuil, Québec, Richelieu and Saint-Hyacinthe, at the Small Claims Division of the Court of Québec;

CONSIDERING that it is expedient to determine another judicial district in which mediation is mandatory and in which arbitration is offered to the parties pursuant to article 570 of the Code of Civil Procedure (chapter C-25.01);

ORDERS AS FOLLOWS:

THAT mediation be mandatory and that arbitration be offered to the parties in the judicial district of Beauce as of 13 May 2024.

Québec, 6 May 2024

SIMON JOLIN-BARRETTE
Minister of Justice

106832

Draft Regulations

Draft Regulation

Act respecting the lands in the domain of the State
(chapter T-8.1)

Sale, lease and granting of immovable rights on lands in the domain of the State —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to

—review the method of fixing the rent of leases and provide for the annual indexation of the rent of certain leases;

—subject all projects, other than those for the purposes of building a residence or cottage, the construction of a rough shelter or as a complement or accessory to a main use, to an analysis of the principles of sustainable development prior to being sited on lands in the domain of the State;

—amend the definition of “rough shelter”, in particular to increase the authorized maximum floor area;

—amend the procedure applicable to a lessee who wishes to transfer a right to occupy land for certain purposes;

—tighten the transfer conditions applicable to new cottage leases attributed by drawing of lots as of the coming into force of the draft Regulation;

—prohibit camping in layouts allowing access to a body of water or adjacent to that access;

—provide that the lessee of land will have priority in purchasing that land;

—revoke existing regulatory terms and conditions concerning the conditions applicable to the granting of certain authorizations;

—allow for the billing of fees for development work carried out on land intended for building cottages prior to becoming available by drawing of lots;

—charge administrative fees for applications for temporary occupation licences.

Study of the matter has shown no impact on enterprises, except with respect to the administrative fees related to applications for temporary occupation licences that will add a financial charge of \$128 per application. The other current rules and procedures have been modified with no significant impact on the costs and revenues they generate.

Further information on the draft Regulation may be obtained by contacting Nicolas Tremblay, Director, Direction de la mise en valeur du territoire public, Ministère des Ressources naturelles et des Forêts, 5700, 4^e Avenue Ouest, bureau E-323, Québec (Québec) G1H 6R1; telephone: 418 627-6362, extension 705724; email: nicolas.tremblay@mrrnf.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Lucie Ste-Croix, Associate Deputy Minister, Territoire et affaires stratégiques, Ministère des Ressources naturelles et des Forêts, 5700, 4^e Avenue Ouest, bureau A-407, Québec (Québec) G1H 6R1; email: BSMA-TAS@mrrnf.gouv.qc.ca.

MAÏTÉ BLANCHETTE VÉZINA
Minister of Natural Resources and Forests

Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State

Act respecting the lands in the domain of the State
(chapter T-8.1, s. 71, 1st par., subpars. 3, 5, 7 to 9, and
2nd par.)

1. The Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) is amended in section 4

(1) by replacing “commercial or industrial purposes” in the second, third and fourth paragraphs by “purposes other than building cottages”;

(2) by replacing “purposes other than commercial or industrial purposes” in the fifth paragraph by “building cottages”.

2. Section 5 is amended

(1) by replacing “the granting of a” and “comprise the” in the first paragraph respectively by “the issue of an occupation licence, the granting of an authorization pursuant to sections 54 or 55 of the Act, the granting of any other” and “be subject to”;

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

“Other departments and public bodies within the meaning of section 4 of the Act are exempt from paying the fees prescribed in this Regulation.”.

3. Section 7 is replaced by the following:

“7. If more than one person wishes to purchase or lease the same land intended for residential purposes, building cottages, the construction of a rough shelter or for purposes that are complementary or accessory thereto, priority must be given to the highest bidder in the case of a purchase or to the first applicant in the case of a lease.

If more than one person wishes to purchase or lease the same land intended for any other purpose, priority must be given to the person who demonstrates that the repercussions of the project are the most positive from a sustainable development perspective, particularly with regard to the environmental, social and economic aspects.”.

4. The following is inserted after section 9:

“9.1. Despite sections 7 to 9, if both the lessee and another person wish to purchase the land leased to the lessee, priority must be given to the lessee.”.

5. Section 10 is amended by replacing “7, 8 and 9” in the first paragraph by “7 to 9.1”.

6. Section 21 is amended

(1) by replacing “the annual rent for land or buildings must be” in the first paragraph by “the annual rent for land or buildings is established at”;

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

“Where the term of the lease is less than 5 years, the rent is reviewed on 1 April of each year in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.”.

7. Section 24 is amended

(1) by replacing “corresponding to” in the first paragraph by “established at”;

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

“Where the term of the lease is less than 5 years, the rent is reviewed on 1 April of each year in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.

The rent is rounded off to the next highest dollar if the dollar fraction is \$0.50 or more, or to the next lowest dollar if the dollar fraction is less than \$0.50.”.

8. Section 25 is amended

(1) by striking out “The term of the lease may not exceed 4 years and” in the second paragraph;

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

“For the purpose of this Regulation, “rough shelter” means a building or a work used as a shelter, without a permanent foundation and having the following characteristics:

(1) no dependencies other than a shed, whose floor area must not exceed 6 m², or a privy;

(2) no electricity;

(3) no running water;

(4) a floor area not exceeding 30 m².”.

9. Section 26 is amended by adding the following paragraph at the end:

“The lease is not transferable.”.

10. Section 26.01 is replaced by the following:

“**26.01.** A lessee wishing to transfer their right to occupy land for certain purposes must file an application with the Minister, using the form provided for that purpose, to request that the Minister sign a new lease with the person the lessee has designated.

If the lessee has respected the purposes and obligations provided for in the lease, the Minister must offer the designated person to conclude a new lease.

The new lease is granted for the same land and purposes as the initial lease. Despite the foregoing, the Minister may change the rights and obligations of the designated person.”.

11. Section 29.1 is replaced by the following:

“**29.1.** The lessee of land for building cottages awarded by the Minister by drawing lots may not request the transfer of the right granted to them by the lease to occupy that land for certain purposes, except in the following cases:

(1) a building of a minimum value of \$20,000 was constructed on the leased land or, if the land was awarded between 2 October 2010 and (indicate the date that precedes the date of coming into force of this section), the building constructed is of a minimum value of \$10,000;

(2) the building constructed on the leased land was sold under judicial authority, for non-payment of taxes or for the exercise of a hypothecary right; or

(3) the transfer is made in favour of the lessee’s spouse, father, mother, brother, sister or child, or following the lessee’s death.

The amount paid by the lessee for development work carried out on the leased land at the expense of the Minister under section 32.1 is taken into account in the minimum value referred to in subparagraph 1 of the first paragraph.

29.2. The prohibition prescribed in section 29.1 does not apply to the lessee if a period of 5 years has elapsed since the date of coming into force of the initial lease of land awarded before (*insert the date of coming into force of this section*).”.

12. The following is inserted after section 32:

“**32.1.** If development work done at the expense of the Minister on land for building cottages awarded by drawing lots was carried out before the land was awarded, the cost of the work must be assumed by the lessee and is payable upon signing the lease.”.

13. Section 34 is amended by striking out the second paragraph.

14. Section 35.2 is amended

(1) by striking out “on the basis of the market rental value determined by generally recognized approaches of property assessment. The minimum rent is that fixed in section 7 of Schedule I”;

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

“The rent is determined on the basis of the market rental value according to the generally recognized approaches to property assessment. The minimum rent is that fixed in section 7 of Schedule I.

Where the term of the lease is less than 5 years, the rent is reviewed on 1 April of each year in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.

The rent is rounded off to the next highest dollar if the dollar fraction is \$0.50 or more, or to the next lowest dollar if the dollar fraction is less than \$0.50.”.

15. Section 36 is amended

(1) by striking out the second paragraph; and

(2) by striking out “and to observe the conditions prescribed in section 33” in the third paragraph.

16. Section 36.3 is amended by replacing “a loading and unloading zone”, wherever it appears, by “a development providing public access to a body of water or adjacent to such an area of access”.

17. The heading of Division VII is amended by replacing “COMMERCIAL OR INDUSTRIAL PURPOSES” by “CERTAIN PURPOSES”.

18. Section 39 is amended

(1) by replacing the first sentence of the first paragraph by the following: “A person wishing to purchase or lease land for purposes other than residential purposes, building cottages, the construction of a rough shelter or purposes that are complementary or accessory thereto, must submit a written application to the Minister along with any other document or information, as the case may be, to enable the Minister to analyze the repercussions of the project in terms of sustainable development.”

(2) by striking out the second paragraph; and

(3) by replacing “the business plan” in the third paragraph by “the project presented by the applicant”.

19. Subdivision 3 of Division IX, which includes sections 46 to 46.2, is struck out.

20. Schedule I is amended

(1) by replacing “the granting of a” in section 1 by “the issue of a temporary occupation licence, the granting of an authorization pursuant to sections 54 or 55 of the Act, the granting of any other”;

(2) by replacing “comporte” in section 1 of the French text by “est assujettie à”;

- (3) in the first paragraph of section 2,
- (a) in subparagraph 2,
- i. by striking out “its transfer,”;
- ii. by inserting “, the transfer of the right to occupy the land for certain purposes” after “request”;
- (b) by striking out “for commercial or industrial purposes” in subparagraph 8;
- (c) by replacing “46.1 or 46.2” in subparagraph 9 by “54 of the Act for the installation of piping, a telecommunication line or a power distribution line, or the construction, layout, maintenance and operation of a recreational trail”;
- (4) by striking out “\$124, except for the Abitibi-Témiscamingue administrative region, as defined by Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1), where the annual rent is” in subparagraph 10.

TRANSITIONAL AND FINAL

21. In addition to the review on 1 April of each year, the rent established pursuant to sections 21, 24 and 35.2 of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) for leases whose term is less than 5 years is reviewed on 1 December 2024 in accordance with the variations in the average Consumer Price Index for the preceding year, based on the index compiled by Statistics Canada for the whole of Québec.

22. This Regulation comes into force on 1 December 2024, except sections 8, 11 and 12, which come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106840