

13. Section 89 is amended by substituting the following for the second paragraph:

“Where the holder of a management permit carries out, in a forest management sector, cutting with regeneration and soil protection, strip cutting with regeneration and soil protection or block cutting with regeneration and soil protection, the area occupied by the felling and hauling trails shall be less than 25% of the area of the forest management sector.

Notwithstanding the second paragraph, the area occupied by the felling and hauling trails may be greater than 25% without exceeding 33% provided that the holder of the management permit protects, between the hauling trails, the pre-established regeneration with species of priority production, identical to those harvested, so that

(1) the distribution coefficient of unmerchantable trees that are 5 cm high and taller, after cutting, be greater than 80% of the distribution coefficient of unmerchantable trees before cutting;

(2) the distribution coefficient of saplings, after cutting, whose diameter at stump height is equal to or greater than 3 cm, be greater than 60% of the distribution coefficient of those saplings before cutting; and

(3) the distribution coefficient of saplings, after cutting, whose diameter at stump height is equal to or greater than 5 cm, be greater than 40% of the distribution coefficient of those saplings before cutting.

The diameter at stump height of the saplings is measured 15 cm above ground level.

For the purposes of the third and fourth paragraphs, the holder of the management permit shall submit the sampling plan of each management sector to the Minister for approval and send monthly, per management sector, the inventory results of regeneration so as to express

(1) each of the distribution coefficients, before and after cutting, referred to in subparagraphs 1 to 3 of the third paragraph; and

(2) the occupation rate of the felling and hauling trails.”.

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

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Arbitration relating to the surplus assets — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to

— review the rate of arbitration costs and adapt the provisions related to the provision for costs; and

— adapt the provisions to the amendments made in the Supplemental Pension Plans Act by chapter 41 of the Statutes of 2000, regarding in particular the method for selecting the arbitration body and arbitrators, and the new applications referred to in section 243.15 of the Act (correction or interpretation of a decision or supplementary decision on a part of the application omitted in the decision).

Further information may be obtained by contacting Luce Gobeil, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3, by telephone at (418) 657-8702.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Guy Morneau, president and general manager of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4T3. Those comments will be sent by the Régie to the Minister of State for Labour, Employment and Social Solidarity and Minister of Employment and Social Solidarity.

JEAN ROCHON,
*Minister of State for Labour, Employment
and Social Solidarity and Minister of Employment and
Social Solidarity*

Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, ss. 243.7, 243.8, 243.18 and 243.19; 2000, c. 41, ss. 156 and 157)

1. Sections 2 to 4 of the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans are revoked.

2. Section 5 is amended

(1) by substituting the following for the first and second paragraphs:

“Within 30 days following the selection of the arbitration body, the pension committee shall send the arbitration body a notice indicating

(1) the object of the application for arbitration;

(2) the names and addresses of the designated arbitrator or arbitrators or, where applicable, the absence of agreement on the selection of the arbitrator or arbitrators;

(3) the surplus assets determined on termination of the plan as well as, in the case of a plan referred to in section 230.0.1 of the Act, the surplus assets determined in respect of each employer; and

(4) the amount in dispute.”;

(2) by substituting the words “last actuarial valuation of the entire plan, if any” for the words “latest actuarial valuation of the plan,” in subparagraph 3 of the third paragraph;

(3) by deleting the fourth paragraph; and

(4) by substituting the words “As soon as it has been informed of the selection of the arbitrator or arbitrators or as soon as it has completed their designation, the arbitration body shall publish in a daily newspaper” for the words “As soon as it has been informed of that selection or, where the representatives failed to reach an

agreement, within 10 days after having designated the arbitrator or arbitrators itself, the arbitration body shall publish, in a newspaper”, in the fifth paragraph.

3. The following is inserted after section 5:

“5.1. The amount in dispute is the portion of the surplus assets, determined on termination of the plan, to which the arbitration application refers. In the case of an application intended to obtain a decision on any difficulty in interpreting or implementing an agreement or declaration referred to in section 230.1 of the Act, the amount in dispute is the portion of that surplus to which the agreement or declaration refers.”.

4. Division I of Schedule I is amended

(1) by substituting the following for the first table:

“Services	Rate
(1) opening a file	\$2000;
(2) the pre-trial conference	0.3% of the amount in dispute, up to \$8000;
(3) hearings	0.3% of the amount in dispute, up to \$10 000;
(4) services related to an application for correction or interpretation or an additional application referred to in section 243.15 of the Act	\$1000”;

(2) by striking out the second table and the text preceding it; and

(3) by adding the following after the paragraph respecting the services related to hearings:

“The services related to an application for correction or interpretation or a supplementary application referred to in section 243.15 of the Act mean all the related services, from the reopening of the file to the preparation of the account of fees; the costs related to those services are owing upon receipt of the application for arbitration by the arbitration body.”.

5. Division III of Schedule I is amended

(1) by substituting the following for the text preceding the table:

* The Regulation respecting arbitration relating to the surplus assets of supplemental pension plans was made by Order in Council 1894-93 dated 15 December 1993 (1993, *G.O.* 2, 7147) and has not been amended since.

“The provision for costs consists in

(1) a provision of \$1000 for the costs incurred by the arbitration body;

(2) a provision of \$2000 for the remuneration of services of the arbitration body related to the opening of a file;

(3) a provision equal to 55% of the amount of the remuneration of the arbitration body established in accordance with this rate for the services related to the pre-trial conference and hearings; and

(4) a provision for the arbitrators’ fees that is established as follows:”; and

(2) by substituting the words “Amount in Dispute” for the words “Surplus Assets” in the table.

6. Sections 2 to 5 of the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, as they read before the coming into force of this Regulation, shall apply in the place and stead of section 5 of the Regulation as amended by section 2 of this Regulation to any arbitration relating to a plan to which, in accordance with section 311.5 of the Supplemental Pension Plans Act enacted by section 199 of chapter 41 of the Statutes of 2000, the provisions of sections 243.3, 243.6 and 243.7 of the Supplemental Pension Plans Act in their version prior to 1 January 2001 continue to apply.

The following provisions shall be read by making the following amendments thereto:

(1) section 2:

— by substituting thereto the words “as it read before 1 January 2001” for the words “enacted by section 37 of Chapter 60 of the Statutes of 1992”, wherever they appear in the first paragraph;

— by substituting the word “termination” for the words “total termination” in the first paragraph;

— by substituting the words “daily newspaper” for the word “newspaper”;

(2) section 5:

— by substituting the following subparagraphs for subparagraph 3 of the second paragraph:

“(3) the surplus assets determined on termination of the plan as well as, in the case of a plan referred to in the second paragraph of section 230.0.1 of the Act, the surplus assets determined in respect of each employer; and

(4) the amount in dispute.”;

— by substituting the following subparagraph for subparagraph 3 of the third paragraph:

“(3) a true copy of the report on the last actuarial valuation of the entire plan, if any;”;

— by substituting the words “after having designated the arbitrator or arbitrators itself, the arbitration body shall publish, in a daily newspaper” for the words “within 10 days after having designated the arbitrator or arbitrators itself, the arbitration body shall publish, in a newspaper” in the fifth paragraph.

7. The rate of arbitration costs established in Division I of Schedule I, as it read before the date of coming into force of this Regulation, shall continue to apply to arbitration applications forwarded to the arbitration body before that date. Notwithstanding the foregoing, the costs payable from that date may not, considering the costs whose due date is prior to the date of coming into force of this Regulation, exceed \$20 000.

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

4651