

## 2. Section 17 is amended

(1) by inserting “and, where applicable, reimbursed” in the second paragraph after “transferred”;

(2) by replacing “until the date on which the amount is paid” by “and, where applicable, the reimbursement until the date of payment”.

6440

Gouvernement du Québec

### O.C. 726-2004, 28 July 2004

An Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03)

Approval of the delegation of functions and powers of the Agence nationale d'encadrement du secteur financier to the Investment Dealers Association of Canada

WHEREAS section 68 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03) authorizes the Agence nationale d'encadrement du secteur financier (the Agency) to grant recognition to a legal person, partnership or entity where it considers that the legal person, partnership or entity has the administrative structure and the financial and other resources necessary to exercise its functions and powers in an objective, fair and efficient manner;

WHEREAS, by decision 2004-PDG-0083 dated 13 July 2004, the Agency recognized the Investment Dealers Association of Canada (IDAC) as a self-regulatory organization;

WHEREAS, under section 61 of the Act, the Agency may delegate to a recognized organization the exercise of all or part of the functions and powers conferred on it by law;

WHEREAS, under the second paragraph of section 61, the delegation of functions and powers of the Agency shall be subject to the approval of the Government;

WHEREAS, under its decision 2004-PDG-0089 dated 27 July 2004, the Agency delegated certain functions and powers conferred on it by law to the Investment Dealers Association of Canada;

WHEREAS it is expedient to approve the delegation of functions and powers of the Agency;

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

THAT the delegation of functions and powers of the Agence nationale d'encadrement du secteur financier to the Investment Dealers Association of Canada under decision 2004-PDG-0089 dated 27 July 2004, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Decision N° 2004-PDG-0089

### Delegation of functions and powers to the Investment Dealers Association of Canada (the “IDA”)

WHEREAS on July 13, 2004, l'Agence nationale d'encadrement du secteur financier also known under the name Autorité des marchés financiers (the “AGENCY”) rendered decision n° 2004 – PDG - 0083 recognizing the Investment Dealers Association of Canada (the “IDA”) as a self-regulatory organization, in conformity with sections 59 and 60 of An Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., chapitre A-7.03) (the “ARANESF”);

WHEREAS the first paragraph of section 61 of the ARANESF allows the AGENCY to delegate to a recognized organization the exercise of all or part of the functions and powers conferred on it by law;

WHEREAS, in conformity with the first paragraph of section 61 of the ARANESF, the Government must give its approval to the delegation of functions and powers;

WHEREAS section 62 of the ARANESF permits the recognized organization, in this case the IDA, with the prior authorization from the AGENCY, to delegate its functions and powers to a committee formed by it or to a member of its staff;

WHEREAS section 9 of the ARANESF allows the AGENCY to delegate all or part of its inspection functions and powers to a self-regulatory organization;

WHEREAS the AGENCY considers it appropriate that functions and powers be delegated to the IDA;

WHEREAS pursuant to section 81 of the ARANESF, the recognized organization must, before rendering a decision unfavourably affecting the rights of a person, partnership or entity, give the person, partnership or entity an opportunity to present its observations;

WHEREAS pursuant to section 85 of the ARANESF, a person, partnership or other entity directly affected by a decision rendered by a recognized organization may within 30 days apply for a review of the decision by the AGENCY;

WHEREAS pursuant to section 84 of the ARANESF, a person, partnership or other entity directly affected by a decision rendered in the exercise of a power sub-delegated pursuant to section 62 may within 30 days apply for a review of the decision by the recognized organization;

THEREFORE, the AGENCY delegates to the IDA the powers listed hereafter.

1° The following functions and powers provided for in the Securities Act (R.S.Q., chapter V-1.1) (the "SA") and the ARANESF, to the extent that they apply to brokers who are members of the IDA, their senior executives and the representatives carrying on business on their behalf:

<b>Section</b>	<b>Purpose</b>	<b>Delegates</b>
149 SA	To receive the representative's application for registration;	Sub-Committee of District Council, Quebec Manager, Registration
151 SA	Register the representative;	Hearing Panel of the District Council, Quebec Sub-Committee of District Council, Quebec Manager, Registration
151.1 SA	Make an inspection of the affairs of a dealer in order to ascertain the extent to which he complies with the ARANESF, the SA, the Securities Regulation (enacted by decree N° 660-83 dated March 30, 1983) (the "Regulation") as well as the other regulations adopted pursuant to the SA or presumed to be in conformity with section 100 of An Act to amend the Securities Act (S.Q. 2001, c. 38) (hereinafter collectively the "Regulations") and the policy statements;	Vice President, Quebec Director, Member Regulation Manager, Sales Compliance Manager, Financial Compliance
153 SA	Receive the representative's surrender application;  Surrender the registration at the request of the representative;  Impose conditions on the surrender;	Appeal Panel Hearing Panel of the District Council, Quebec Manager, Registration
159 SA	Receive the notice of change;  Authorize any change in the information furnished at the time of registration;  Object to the notice of change;  If it objects, prescribe what is to be done;	Vice President, Quebec Director, Member Regulation Manager, Registration

<b>Section</b>	<b>Purpose</b>	<b>Delegates</b>
237 SA	Require a registrant to submit any document or information it considers expedient for the discharge of its functions in connection with the exercise by IDA of the powers conferred upon it by this decision;	Vice President, Quebec Director, Member Regulation Manager, Sales Compliance Manager, Financial Compliance Manager, Registration
237 SA	Require the confirmation by affidavit of the authenticity or veracity of submitted documents or information in connection with the exercise by IDA of the powers conferred upon it by this decision;	Vice President, Quebec Director, Member Regulation Investigators, Enforcement Counsel, Enforcement
238 SA	Require any registrant or any senior executive or employee thereof to submit to examination under oath;	Vice President, Quebec Director, Member Regulation Investigators, Enforcement
320.1 SA	Request the homologation of an IDA decision by the Superior Court or the Court of Québec, according to their respective jurisdictions, at the expiry of the time prescribed for applying for a review of the decision before the Bureau de révision et de décision en valeurs mobilières;	Vice President, Quebec Director, Member Regulation Counsel, Enforcement
9 ARANESF	Designate any person who is a staff member to carry out an inspection;	Vice President, Quebec Director, Member Regulation

2° The following powers resulting from the application of the Regulation or the application of the following provisions of the Regulation, to the extent that they apply to brokers who are members of the IDA, their senior executives and the representatives carrying on business on their behalf:

<b>Section</b>	<b>Purpose</b>	<b>Delegates</b>
202	<p>Receive notice from a securities dealer who has engaged a representative who had ceased his activity;</p> <p>Render the decision authorizing a representative to move from a dealer with a restricted practice to a discount broker or an unrestricted practice dealer;</p> <p>Render the decision authorizing a representative to move from a discount broker to an unrestricted practice dealer;</p> <p>Automatically cancel the registration of the representative when he has ceased his activity for more than six months;</p>	<p>District Council, Quebec</p> <p>Approval Committee</p> <p>Manager, Registration</p>
205	<p>Determine whether the professional training of the person applying for registration is adequate;</p> <p>Determine whether the person who wishes to carry out the duties of a senior executive possesses the knowledge and experience which would adequately prepare him for his duties;</p>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Registration</p>
225	<p>Receive notice from a dealer within ten days of:</p> <ul style="list-style-type: none"> <li>• The change of address of any of its establishments;</li> <li>• The end of the term of office of a director;</li> <li>• The termination of employment of a representative and the reason therefor;</li> <li>• The termination of duties of a senior executive;</li> </ul>	<p>Director, Member Regulation</p> <p>Manager, Registration</p>
225	<p>Receive notice from a dealer within ten days of the change in the ending date of a financial year;</p>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Financial Compliance</p>
226	<p>Receive notice from a dealer within ten days of the opening or closing of an establishment located in Quebec and the appointment of a representative to be in charge of an establishment;</p>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Registration</p>

Section	Purpose	Delegates
227	<p>Receive notice from a representative or an officer within ten days of:</p> <ul style="list-style-type: none"> <li>• A change of address;</li> <li>• The termination of his employment;</li> <li>• A petition in bankruptcy or declaration in bankruptcy;</li> <li>• An assignment of its property;</li> <li>• An indictment regarding a criminal or an infraction to a fiscal law, and the judgement rendered with regards to that indictment or the guilty plea in response to that indictment;</li> <li>• One or many civil proceedings instituted against him for an aggregate amount greater than \$50,000;</li> <li>• Disciplinary measures instituted against him or a penalty imposed by a self-regulatory organization or a securities regulatory authority;</li> </ul>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Registration</p>
228	<p>Receive notice from a dealer and give its approval as prescribed by the second paragraph of section 159 of the SA in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Appointment of an officer;</li> <li>• Appointment of a director;</li> <li>• Appointment of a new officer responsible for the principal establishment in Quebec;</li> <li>• End of office of a senior executive in charge of the principal office in Quebec;</li> </ul>	<p>Vice President, Quebec</p> <p>Director, Member Regulation</p> <p>Manager, Registration</p>
228.1	<p>Receive the notice and the required form;</p>	<p>Director, Member Regulation</p> <p>Manager, Registration</p>

FURTHERMORE, the AGENCY delegates to the District Council or to the Sub-Committee of the District Council, to the Hearing Panel of the District Council the function and power to exempt an applicant for registration from the requirements provided for in sections 35, 40, 42, 43, 45 and 53 of the Policy Statement n° Q-9 – Dealers, Advisers and Representatives [B.C.V.M.Q., 1994-10-07, Vol. XXV, n° 40, 3-38] (Decision n° 1994-C-0395 of October 5, 1994) as modified or replaced (the “Policy Statement N° Q-9”);

IN ADDITION, the AGENCY authorizes the IDA, pursuant to section 62 of the ARANESF, to delegate to committees formed by it or to members of its staff and who are enumerated hereinabove the functions and powers that it has been delegated.

The present decision is subject to the controls of the AGENCY as provided for in the SA and the ARANESF as well as to the following conditions:

— Despite the fact that the power to make an inspection provided for in section 151.1 of the SA has been delegated to the IDA pursuant to this decision by the AGENCY, the latter may still exercise such power;

— The exchange of information between the AGENCY and the IDA in connection with the present delegation of powers to the IDA must be done in accordance with the provisions of An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) and sections 296, 297 and 297.1 of the SA;

— The AGENCY shall have access at all times to all the documentation held by the IDA in the exercise of the powers conferred upon it by this decision;

— The IDA shall send to the AGENCY, upon receipt, the fees payable relating to the exercise of the powers delegated under this decision and prescribed by the Regulation;

— The IDA ensures itself that the applicant fulfills the conditions established in the Regulations or the policy statements by checking the information provided in the application form prescribed by sections 195 or 197 of the Regulation, with the AGENCY agreeing to supply the IDA with the forms prescribed by the Regulations or the policy statements;

— The IDA shall exercise its delegated powers with regard to the registration of representatives through the National Registration Database (the “NRD”) at such times as the AGENCY instructs it to do so;

— The IDA immediately send the AGENCY any application for exemption from a requirement prescribed by the SA, the ARANESF, the Regulation or Policy Statement n° Q-9, with the exception of those which are set out in this decision, along with the fees provided by the Regulation;

— The AGENCY assists the IDA to ensure itself that the applicant has the integrity required for the protection of investors;

— The IDA sends to the Surintendante, Direction de l’encadrement de la distribution of the AGENCY the decisions made in exercising a power delegated in accordance with this decision, within ten working days of the date the decision was made and according to the modalities determined by the AGENCY;

— When the IDA renders the decisions referred to in the previous paragraph and said decisions provide for conditions and restrictions, the IDA shall also send them to the Directeur des pratiques de distribution of the AGENCY in an electronic format according to the modalities determined by the AGENCY;

— The decisions made in exercising a delegated power shall also comply with the provisions of the Politique linguistique of the AGENCY taking into account the necessary adaptations;

— The IDA shall keep a record of complaints it receives respective representatives of members, members and their senior executives as well as a file for each complaint which shall contain information on the nature of the complaint, the findings and the measures taken;

— The IDA shall ensure the constant updating of the AGENCY’s computer database with respect to the information collected by the IDA in connection with the exercise of the powers conferred upon it by this decision, within ten working days of the date on which the decisions are made or the information is received by the IDA according to the modalities determined by the AGENCY; and

— The IDA can renounce, in whole or in part, to the delegation by giving a prior notice of at least six months to the AGENCY, the AGENCY recognizing that such a notice is sufficient to protect registrants and investors and undertaking to authorize such a renunciation on this condition or on any other condition that it deems necessary.

The Vice-president, Quebec of the IDA and the Surintendante, Direction de l'encadrement de la distribution of the AGENCY shall be responsible of the implementation of this decision.

This decision to delegate functions and powers replace decision N° 2004-PDG-0084 rendered on July 13, 2004 and will enter into force when it receives approval by the Government or at any other date which it chooses.

Executed July 27, 2004.

JEAN ST-GELAIS,  
*Président-directeur général*

6441

Gouvernement du Québec

## O.C. 732-2004, 28 July 2004

Forest Act  
(R.S.Q., c. F-4.1)

### Sugar bush

#### — Management in the domain of the State

Regulation respecting sugar bush management in forests in the domain of the State

WHEREAS, under subparagraphs 5, 5.1 and 19 of the first paragraph of section 172 of the Forest Act (R.S.Q., c. F-4.1), the Government may, by regulation,

(1) prescribe the information which an applicant for a sugar bush management permit must provide to the Minister and the rules the permit holder must observe when tapping maples and carrying on other forest management activities in the sugar bush;

(2) prescribe the form and content of the progress report to be submitted to the Minister by the holder of a sugar bush management permit for acericultural purposes, and the time at which the report must be submitted;

(3) prescribe which of the regulations under this section carry a penalty pursuant to section 181 of the Forest Act in the event of contravention;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting sugar bush management in forests in

the domain of the State was published in Part 2 of the *Gazette officielle du Québec* of 11 February 2004, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments have been received on the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting sugar bush management in forests in the domain of the State, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation respecting sugar bush management in forests in the domain of the State

Forest Act  
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 5, 5.1 and 19)

**1.** A person applying for a permit to manage a sugar bush in a forest in the domain of the State must furnish the information required by subparagraphs 2 and 3 of the first paragraph of section 13 of the Forest Act (R.S.Q., c. F-4.1).

**2.** No holder of a sugar bush management permit may erect or install buildings in a sugar bush other than buildings necessary for the management of the sugar bush. The holder may use the buildings solely for the collection and processing of sap.

**3.** A permit holder must comply with the following conditions when tapping maple trees:

(1) maple trees may be tapped once a year only, between 1 January and 30 April;

(2) only maple trees at least 20 centimetres in diameter at 1.30 metres above the highest ground level may be tapped;