

## Draft Regulations

### Draft Regulation

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

#### Forest royalties — Amendments

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting forest royalties, the text of which appears below, may be made by the Government on the expiry of 10 days following this publication.

The purpose of the draft Regulation is to render admissible, as payment of royalties, the costs for the planning and monitoring of silvicultural treatments, and to increase from 90% to 100% the admissibility rate for silvicultural treatments that do not have an immediate effect on allowable forest production. It will also allow the Minister of Natural Resources and Wildlife to publish, before 1 July 2006, new charts for the value of silvicultural treatments and unit rates of royalties to reflect the effect of the proposed measures.

Under section 12 of the Regulations Act, the Regulation may be made on the expiry of a period shorter than the 45-day period prescribed in section 11 of that Act, by reason of the urgency due to the following circumstances:

— The first silvicultural treatments in Québec are carried out in May and, without them, forest workers could see their working season significantly shortened if the measures proposed in the Regulation do not take effect in the very near term.

— Given the difficult economic situation of the forest industry, it is expedient to implement a critical set of measures derived from the work of the advisory group on the economic future of the forest industry in Québec.

The positive financial impact of the Regulation is estimated at \$10 million for enterprises in the forest sector during the year 2006-2007.

Further information on the draft Regulation may be obtained by contacting Jean-Pierre Adam, Head of the Service de la tarification et des évaluations économiques, Direction de l'aménagement des forêts publiques et privées, Ministère des Ressources naturelles et de la Faune,

880, chemin Sainte-Foy, bureau 6.00, Québec (Québec) G1S 4X4; telephone: 418 627-8650, extension 4375; fax: 418 646-9245; e-mail: jean-pierre.adam@mrnf.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 10-day period, to Paule Têtu, Associate Deputy Minister for Forêt Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,  
*Minister of Natural Resources and Wildlife*

### Regulation to amend the Regulation respecting forest royalties\*

Forest Act  
(R.S.Q., c. F-4.1, s. 172, 1st par., subpars. 1, 3 and 3.1)

**1.** The Regulation respecting forest royalties is amended in section 2 by adding the following paragraph after the second paragraph:

“However, for the year 2006-2007, that value shall be recalculated not later than 1 July 2006, in accordance with the first paragraph.”

**2.** Section 11 is replaced by the following:

“**11.** The value of the silvicultural treatments carried out by an agreement holder to attain the annual yield indicated in the agreement that are accepted by the Minister and admissible as payment of dues, corresponds to the amount determined according to the formula

$A + B.$

For the purposes of the formula,

(1) A is 90% of the lesser of

\* The Regulation respecting forest royalties, made by Order in Council 372-87 dated 18 March 1987 (1987, *G.O.* 2, 1099), was last amended by the regulation made by Order in Council 92-2005 dated 9 February 2005 (2005, *G.O.* 2, 562). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

(a) the unit cost for carrying out the silvicultural treatments provided for in the Minister's Order made under section 73.3 of the Forest Act; and

(b) the unit cost for carrying out the treatments referred to in the first paragraph; and

(2) B is 90% of the lesser of

(a) the unit cost for the operational planning and quality monitoring of the silvicultural treatments provided for in the Minister's Order made under section 73.3 of the Act; and

(b) the unit cost for the operational planning and quality monitoring of the treatments referred to in the first paragraph.

The admissible value is expressed in dollars per hectare, per thousand plants, per thousand microsites or per linear or cubic metre.

**11.1.** The value of the activities carried out by an agreement holder to promote the protection or development of forest resources that are accepted by the Minister and admissible as payment of dues, corresponds to the amount determined according to the formula

$A + B.$

For the purposes of the formula,

(1) A is the lesser of

(a) the unit cost for carrying out the forest management activities provided for in the Minister's Order made under section 73.3 of the Act; and

(b) the unit cost for carrying out the forest management activities referred to in the first paragraph; and

(2) B is the lesser of

(a) the unit cost for the operational planning and quality monitoring of the forest management activities provided for in the Minister's Order; and

(b) the unit cost for the operational planning and quality monitoring of the forest management activities referred to in the first paragraph.

The admissible value is expressed in dollars per hectare, per thousand plants, per thousand microsites or per linear or cubic metre.

**11.2.** The cost of carrying out silvicultural treatments and other activities to protect or develop forest resources includes the costs for

(1) the carrying out of the treatment on the land by silvicultural workers; and

(2) the operational supervision and monitoring of the silvicultural workers by the operation's supervisor.

The costs for the operational planning and quality monitoring of the silvicultural treatments and other activities to protect or develop forest resources include the costs for

(1) the research and delimitation of the areas treated;

(2) the taking of preliminary inventories which make it possible to ascertain the eligibility of the treatments and other forest management activities; and

(3) the taking of inventories after treatment which are required for acceptance of the work for payment purposes.

**11.3.** On submitting the report referred to in section 70 of the Act, an agreement holder must provide vouchers for the costs of the silvicultural treatments and other activities to protect or develop forest resources, broken down into the costs relating to the carrying out, operational planning and quality monitoring, or a financial report relating to those costs audited by an accountant not employed by the agreement holder.

**11.4.** For the purposes of section 73.3 of the Act, the value of silvicultural treatments and other forest management activities is fixed annually. However, for the year 2006-2007, that value may be fixed a second time, not later than 1 July 2006.

That value of the treatments and activities consists of the costs relating to carrying them out and the costs relating to the operational planning and quality monitoring of the treatments or activities. The value of each of those components is indicated in the Minister's Order.

The value of the treatments or activities corresponds to the average unit costs of the silvicultural treatments or other forest management activities carried out pursuant to sections 65 and 96 of the Act.

In the absence of such treatments or activities, the value of the treatments or activities corresponds to the costs determined according to the cost approach applicable

in matters of real estate assessment, by comparing the treatments or activities to similar treatments or activities whose unit costs are known.”.

**3.** Section 13 is amended

(1) by inserting “admissible” before “value of the activities” in the part preceding subparagraph 1 of the first paragraph;

(2) by replacing “subparagraph 1 of the first paragraph of section 11” in subparagraph 1 of the first paragraph by “section 11.4”;

(3) by striking out “where the unit cost of an activity has not been fixed by the Minister in accordance with subparagraph 1 of the first paragraph of section 11, or” in the second paragraph;

(4) by striking out the third paragraph;

(5) by striking out “fixed in accordance with the third paragraph” in the fourth paragraph.

**4.** Section 15 is amended

(1) by replacing “their area and” and “as well as the cost for carrying them out and name of the person who carried them out” in subparagraph 1 of the first paragraph by “their area,” and “the costs for their carrying out, operational planning and quality monitoring as defined in section 11.2 and the names of the persons who carried them out”, respectively;

(2) by replacing “or not a written contract with a third person for the carrying out” in subparagraph 3 of the first paragraph by “a written contract with a third person governing the carrying out, operational planning or quality monitoring”;

(3) by striking out “and the amount of the costs related to the activities referred to in the second paragraph of section 11 that were paid over and above the cost of carrying out those silvicultural treatments” in subparagraph 3 of the first paragraph.

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

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## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Court bailiffs

#### — Committee on training

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 respecting the committee on training of court bailiffs, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to establish a committee on training to promote cooperation between the Chambre des huissiers de justice du Québec, the institutions issuing a diploma that gives access to a permit issued by the Chambre, and the Minister of Education, Recreation and Sports regarding all matters relating to the training of court bailiffs. The draft Regulation sets the rules governing the composition, functions and work of the committee.

According to the Order, the coming into force of this Regulation will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec which will forward the results of consultations held with teaching institutions and other bodies listed in the Professional Code.

Further information may be obtained by contacting Ronald Dubé, Director General and Secretary, Chambre des huissiers de justice du Québec, 390, boulevard Henri-Bourassa Ouest, Montréal (Québec) H3L 3T5; telephone: 514 721-1100; fax: 514 721-7878.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the application of legislation respecting the professions; they may also be forwarded to the professional order concerned and to interested persons, departments and bodies.

YVON MARCOUX,

*Minister responsible for the application of  
legislation respecting the professions*