

Regulations and other Acts

Gouvernement du Québec

O.C. 77-2010, 3 February 2010

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendment

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS the Government may, by regulation, govern the matters set forth in subparagraphs *a*, *b* to *b.2*, *c* to *c.3*, *f*, *f.2* and *g* of the first paragraph of section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2);

WHEREAS an earthquake occurred in Haiti on 12 January 2010;

WHEREAS it is expedient to provide for temporary special conditions that will govern the sponsorship of foreign nationals who are victims of that earthquake;

WHEREAS it is expedient to make a transitional provision for the sponsorship of earthquake victims whose sponsorship application was being processed;

WHEREAS, under section 12 of the Regulations Act (R.S.Q. c. R-18.1), a proposed regulation may be made without having been published as required by section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of publication and such coming into force:

— the disaster caused by the earthquake that occurred in Haiti on 12 January 2010 requires that special temporary provisions be made as soon as possible to facilitate the immigration of foreign nationals from Haiti;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration and Cultural Communities:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals^{*}

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *a*, *b* to *b.2*, *c* to *c.3*, *f*, *f.2* and *g*)

1. The Regulation respecting the selection of foreign nationals is amended by adding the following after section 68:

“DIVISION XI VICTIMS OF EARTHQUAKE IN HAITI

69. This Division applies to the selection of persons who were severely and personally affected by the earthquake that occurred in Haiti on 12 January 2010.

It applies to an application for a selection certificate filed with the Minister before 31 December 2010 by an earthquake victim belonging to the family class or the class of foreign nationals who are in a particularly distressful situation referred to in subparagraph *i* of paragraph *c* of section 18.

* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2) was last amended by the regulation made by Order in Council 1289-2009 dated 2 December 2009 (2009, *G.O.* 2, 4088). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

70. In the case of an earthquake victim belonging to the family class, the undertaking required from a sponsor may be given solidarity with another person residing in Québec and, where applicable, the sponsor's spouse or *de facto* spouse.

In the case of an application being processed on 17 February 2010, a sponsor who does not have the minimum gross annual income required may join another person and, where application, that person's spouse or *de facto* spouse in order to solidarily give the undertaking required.

The conditions applicable to sponsors provided for in section 23 and Division III apply to those persons. Despite the foregoing, the total of their income is used to determine if they have the minimum gross annual income required to provide for the basic needs of the sponsored person and family members whether or not they accompany him or her.

71. In the case of an earthquake victim belonging to the class of foreign nationals who are in a particularly distressful situation referred to in subparagraph *i* of paragraph *c* of section 18, the Minister may issue a selection certificate by taking into account, in addition to the items in section 27, the fact that the foreign national is the subject of an undertaking given for 5 years by a Québec resident at least 18 years of age of whom the foreign national is the brother, sister or non-dependent child.

That undertaking may be given solidarily with another person residing in Québec and, where applicable, that person's spouse or *de facto* spouse.

The conditions applicable to sponsors provided for in subparagraphs *b* to *b.5* of the first paragraph of section 23, the second paragraph of section 23 where applicable, paragraphs *e* and *f* of section 28.1 and sections 42, 44, 45 and 46.1 to 46.3 apply to those persons. Despite the foregoing, the total of those persons' income is used to determine if they have the minimum gross annual income required to provide for the basic needs of the sponsored person and family members whether or not they accompany him or her.

The fees to be paid for an application for an undertaking referred to in this section are the fees provided for in section 55.

72. Despite section 22, an application for a selection certificate made by a foreign national referred to in this Division is processed as a priority."

2. This Regulation comes into force on 17 February 2010.

9694

M.O., 2010

Order number V-1.1-2010-02 of the Minister of Finance, January 31, 2010

Securities Act
(R.S.Q., c. V-1.1)

CONCERNING the Regulation 23-102 respecting use of client brokerage commissions and the Regulation to repeal Policy Statement Q-20 Use by dealers of brokerage commissions as payment for goods or services other than order execution services ("Soft Dollar" Deals)

WHEREAS subparagraphs 1, 3, 8, 9, 26 and 34 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1), amended by section 138 of chapter 58 of the statutes of 2009, stipulate that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the draft Regulation 23-102 respecting Use of Client Brokerage Commissions as Payment for Order Execution Services of Research Services was published in the *Bulletin de l'Autorité des marchés financiers*, volume 5, no. 1 of January 11, 2008;

WHEREAS on December 23, 2009, by the decision no. 2009-PDG-0198, the *Autorité des marchés financiers* made Regulation 23-102 respecting use of client brokerage commissions;

WHEREAS the Policy Statement Q-20 Use by dealers of brokerage commissions as payment for goods or services other than order execution services ("Soft Dollar" Deals) was adopted pursuant to decision no. 2001-C-0253 dated June 12, 2001 (*Bulletin hebdomadaire* vol. 32, no. 25, dated June 22, 2001);

WHEREAS there is cause to repeal this regulation;