

6. The following subdivision is inserted after subdivision 4 of Division II:

“§4.1. Other days off

18.1. Full-time members are entitled to paid days of absence, the duration of which must be agreed upon in advance with the president of the Tribunal, for the purpose of a marriage or civil union, a birth, the adoption of a child, a death, moving or for any other reason considered appropriate, in accordance with the Directive concernant l'ensemble des conditions de travail des cadres de la fonction publique (C.T. 208914, 2010-04-20, in French only) and its amendments.

18.2. Full-time members benefit from the provisions concerning parental rights that are provided for in chapter 13 of the Directive concernant l'ensemble des conditions de travail des cadres de la fonction publique, to the extent that they are compatible with the provisions of this Regulation.”.

7. Section 25 is amended by adding the following paragraph at the end:

“Such allocation is paid in a lump-sum payment and is not part of the pensionable salary for the purposes of pension plans and insurance.”.

8. Section 27 is amended by inserting “or is bound by a service contract” after “Schedule III” in the first paragraph.

9. Schedule II is amended

(1) by replacing “an affidavit whereby” in the third dash of paragraph 2 by “a sworn statement whereby”;

(2) by striking out “or employment occupied outside regular working hours” in paragraph 4;

(3) by replacing paragraph 6 by the following:

“6. If more advantageous, calculating the average of the income received during the 3 previous years that varies notably from one year to the next because that income is in the form of profit sharing or another form. The same applies to the regular salary received, in the event of variations in salary or changes in employment during the 3 previous years.”.

10. Schedule III is amended by adding the following paragraph at the end:

“16. The federal public sector referred to in paragraphs 11 to 14 of Schedule I to the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein (D. 450-2007, 2007-06-20, in French only)”.

11. This Regulation comes into force on 1 April 2020.

Level 4 members of the Tribunal who have been in office for at least 4 months as at 1 April 2020 and who receive a salary that is less than the minimum of the salary scale applicable as at 2 April 2020 will obtain a salary adjustment on that date in order that it corresponds to the minimum of the salary scale.

Level 4 members of the Tribunal who have been in office for at least 4 months as at 1 April 2020 benefit, if applicable, from a salary increase on 2 April 2020, in accordance with section 9 of the Regulation respecting the remuneration and other conditions of employment of the members of the Administrative Labour Tribunal, provided that the revised salary does not exceed the maximum of the salary scale applicable to the level of the position held.

104288

M.O., 2020

Order number AM 2020-001 of the Minister of Forests, Wildlife and Parks dated 25 February 2020

Sustainable Forest Development Act
(chapter A-18.1)

CONCERNING the Regulation to amend the Regulation concerning forestry permits

THE MINISTER OF FORESTS, WILDLIFE AND PARKS,

CONSIDERING the first paragraph of section 73 of the Sustainable Forest Development Act (chapter A-18.1), which provides that a forestry permit is required to carry out the forest development activities mentioned in subparagraphs 1 to 7 of the first paragraph in the forests in the domain of the State;

CONSIDERING subparagraph 8 of the first paragraph of section 73 of the Act, which provides that a forestry permit is required to carry out any other forest development activity determined by the Minister in the forests in the domain of the State;

CONSIDERING paragraphs 1 and 4 of section 87 of the Act, which provide that the Minister may, by regulation, according to the categories of forestry permit, determine

the content of a permit, the conditions for its issue and the cases in and conditions under which it may be transferred, and set the dues to be paid by a given permit holder and the terms of payment;

CONSIDERING paragraphs 2 and 2.1 of section 87 of the Act, which provide that the Minister may, by regulation, according to the categories of forestry permit, determine, for permits other than a sugar bush management permit, the conditions for the modification or renewal of the permit and define the conditions of the permit that may be revised while it is in effect and at the time of its renewal;

CONSIDERING the making of the Regulation respecting forestry permits (chapter A-18.1, r. 8.1);

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting forestry permits was published in Part 2 of the *Gazette officielle du Québec* of 27 February 2019 with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting forestry permits, attached hereto, is hereby made.

Québec, 25 February 2020

PIERRE DUFOUR,
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting forestry permits

Sustainable Forest Development Act
(chapter A-18.1, s. 73, 1st par., subpar. 8, s. 87,
subpars. 1 to 2.1 and 4)

1. The Regulation respecting forestry permits (chapter A-18.1, r. 8.1) is amended by striking out “sworn” in subparagraph 3 of the second paragraph of section 26.

2. The following is amended by striking out

(1) “de l’identité” in subparagraphs 1 and 3 of the second paragraph of section 31 of the French text;

(2) “of the identity” in subparagraph 6 of the second paragraph of section 47.

3. The following is inserted before Chapter IV:

“CHAPTER III.1 PROVISIONS RESPECTING THE FORESTRY PERMIT FOR THE HARVEST OF LABRADOR TEA FOR COMMERCIAL PURPOSES

DIVISION I CONDITIONS FOR ISSUE

44.1. An enterprise whose economic activities include marketing products derived from Labrador tea is eligible for the issue of a forestry permit for the harvest of that resource for commercial purposes.

44.2. A permit application must be made in writing to the Minister.

The application contains the following information, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person’s name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of the forest management activity to be carried out, its nature, location, the area concerned, in hectares, the period planned to carry it out and the quantity of Labrador tea applied for;

(3) the proposed harvest methods;

(4) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

The Minister may require from the applicant an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application.

At the request of the Minister, the applicant must send a business plan that includes a description of the project and any other document showing that the applicant is able to operate an enterprise marketing products from that resource and has the financial resources or the financing necessary for carrying out the business plan.

44.3. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes.

DIVISION II **CONTENT OF PERMIT**

44.4. The permit contains at least the following information, as applicable:

- (1) in respect of the permit, its number and term;
- (2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;
- (3) in respect of the description of the authorized forest management activity, its nature, location, the area concerned, in hectares, and the quantity of Labrador tea that the holder is authorized to harvest;
- (4) the conditions for the authorized forest management activity, including the authorized harvest methods.

DIVISION III **DUES PAYABLE**

44.5. The dues payable by the holder of a forestry permit for the harvest of Labrador tea for commercial purposes are \$20 per green metric ton harvested.

44.6. The dues referred to in section 44.5 are adjusted and published in accordance with section 7 of this Regulation.

44.7. Where no scaling is requested by the Minister, payment of the dues payable is made on the basis of the assessment of the quantities submitted by the applicant. The dues are payable upon issuance of the permit and may not be reimbursed.

Where scaling is requested, the dues are payable as of the billing date or according to the directions appearing on the permit.

DIVISION IV **CONDITIONS FOR MODIFICATION**

44.8. A forestry permit issued under this Chapter may be the subject of an application for modification in one of the following cases:

(1) to modify the location of the forest management activity, insofar as the quantity of Labrador tea that the holder is authorized to harvest may not be entirely harvested at the location initially authorized in accordance with the authorized harvest methods;

(2) to be authorized to harvest new quantities of Labrador tea.

The following conditions may be modified:

(1) in respect of the authorized forest management activity, its location, the area concerned, in hectares, and the quantity of Labrador tea that the holder is authorized to harvest;

(2) the conditions for the authorized forest management activity, including the authorized harvest methods.

44.9. An application for a permit modification must be made in writing to the Minister.

The application contains the following information, as applicable:

- (1) the permit number and the nature of the activity;
- (2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;
- (3) a description of the modifications applied for;
- (4) in respect of the person carrying out the work, if not carried out by the applicant and where the person is replaced, the information listed in subparagraph 2, as applicable, if it is known at the time of the application.

In the case of an application for modification in order to modify the location of the forest management activity, an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application must, if the Minister requires it, be attached to the application.

44.10. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

DIVISION V

CONDITIONS FOR RENEWAL AND REVIEW

44.11. A forestry permit issued under this Chapter may be the subject of an application for renewal if the following conditions are met:

- (1) the permit holder has
 - (a) paid the dues payable for the permit;
 - (b) complied with the conditions indicated on the permit, the standards applicable to the forest management activities and the provisions of the Act and its regulations; and
 - (c) harvested at least 50% of the total of the quantity of Labrador tea indicated on the permit for all its term;
- (2) the allowable harvest is sufficient.

44.12. An application for renewal of a permit must be made in writing to the Minister.

The application contains the following information, as applicable:

- (1) the permit number and the nature of the activity;
- (2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;
- (3) in respect of the description of the forest management activity to be carried out, its location, the area concerned, in hectares, and the period planned to carry it out;
- (4) the modifications in respect of the harvest methods, if applicable;
- (5) in respect of the person carrying out the work, if not carried out by the applicant and where the person is replaced, the information listed in subparagraph 2, as applicable, if it is known at the time of the application.

The Minister may require from the applicant an assessment approved by a forest engineer on the quantity of Labrador tea present in the territory covered by the application be provided to the Minister.

44.13. The Minister may, upon renewal of the permit and after having given the permit holder the opportunity to make observations, lower the quantity of Labrador tea that the permit holder is authorized to harvest in one of the following cases:

- (1) the permit holder did not harvest at least 90% of the total of the quantity indicated on the permit for all its term;
- (2) the allowable harvest in that territory has been lowered.

44.14. The Minister may add new conditions upon renewal of the permit if the public interest so warrants.”.

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

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