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Part

2

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Laws and Regulations

Volume 151

Summary

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- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) Orders in Council, decisions of the Conseil du trésor and minister’s orders whose publication is required by law or by the Government;
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- (7) any other document whose publication is required by the Government.

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

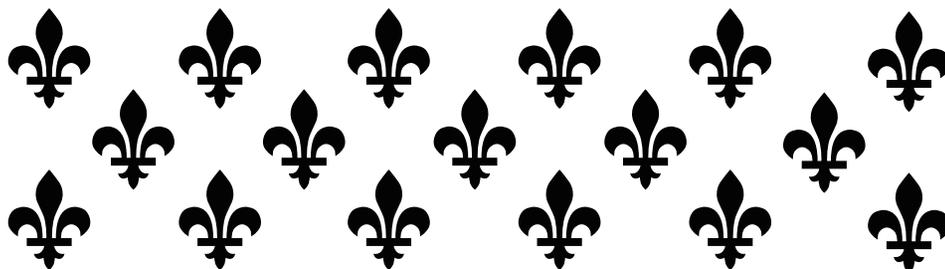
QUÉBEC, 17 APRIL 2019

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 17 April 2019*

This day, at thirty minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

3 An Act to establish a single school tax rate

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 3
(2019, chapter 5)

**An Act to establish a single school tax
rate**

**Introduced 6 December 2018
Passed in principle 13 February 2019
Passed 16 April 2019
Assented to 17 April 2019**

**Québec Official Publisher
2019**

EXPLANATORY NOTES

The purpose of this Act is to establish a single school tax rate applicable to all school boards established under the Education Act.

To that end, the Act provides that the single school tax rate is computed on the basis of an amount for financing school boards' local needs, which is established annually using the method prescribed by government regulation. The school tax rate is published in the Gazette officielle du Québec.

The Act gives the Minister of Education and Higher Education the power to pay a fiscal balance subsidy to any school board to ensure full financing of its local needs not covered by the tax.

The Act provides for a transitional school tax system as of the school year 2019–2020 which, based on the amounts allocated annually for that purpose by the Minister and in accordance with the computations it includes, allows the school tax rate applicable to the various school boards to gradually decrease until a floor rate, determined for the duration of the transition, applies to all school boards.

The Act repeals various measures established by the Act to reform the school tax system, in particular to abolish the school tax regions and to allow school boards to continue collecting the school tax. However, the exemption introduced by that Act for the first \$25,000 of the value of immovables subject to the school tax is maintained.

Lastly, the Act contains various consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting municipal taxation (chapter F-2.1);
- Education Act (chapter I-13.3);
- Act to reform the school tax system (2018, chapter 5).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the municipal and school tax system applicable to the governments of the other provinces, foreign governments and international bodies (chapter F-2.1, r. 12).

Bill 3

AN ACT TO ESTABLISH A SINGLE SCHOOL TAX RATE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATION ACT

1. Section 114 of the Education Act (chapter I-13.3) is amended by striking out the last sentence of the first paragraph.

2. Section 118 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

(2) by striking out the last sentence of the second paragraph.

3. Section 302 of the Act is amended

(1) by inserting the following paragraph after paragraph 2:

“(2.1) “**adjusted standardized assessment**” means the value of the standardized assessment or, if there is a variation in the municipality’s standardized assessment of taxable immovables resulting from the coming into force of its assessment roll, the adjusted value obtained after averaging the variation in the standardized assessment in accordance with the provisions of Division IV.3 of Chapter XVIII of the Act respecting municipal taxation, with the necessary modifications;”;

(2) by inserting “or trust” after “person” in paragraph 4;

(3) by striking out the definition of “**school tax region**”.

4. Section 303 of the Act is replaced by the following:

“§2.—*Levy and determination of the school tax*

“**303.** For each school year, a school tax is levied on every taxable immovable.

The tax is levied on the value of the adjusted standardized assessment of the immovable that exceeds \$25,000.

“**303.1.** The school tax rate is the same for all taxable immovables.

It is computed annually, in accordance with section 303.4.

“303.2. The clerk of a municipal body having jurisdiction in property assessment shall provide every school board all or part of whose territory is included in the body’s territory with a certified copy of the assessment roll of the taxable immovables situated in the common territory and a certificate attesting the standardizing factor for that roll.

The clerk shall send the copy within 15 days after the day on which the Minister of Municipal Affairs, Regions and Land Occupancy communicates the standardizing factor for the municipal fiscal year in which the roll comes into force to the body.

The copy is provided on payment of the fees payable for the issue of copies of municipal documents.

“303.3. Each year, every school board shall send the Minister the information he considers necessary for computing the school tax rate, in the form determined by the Minister.

The information shall be sent on or before 1 May for the school year beginning on the next 1 July and be based on the assessment roll that is up to date on 1 April of the current school year for all taxable immovables situated in the school board’s territory.

“303.4. The school tax rate for a school year corresponds to the proportion that the amount for financing local needs for all school boards for the school year, computed using the method prescribed by a regulation made under section 455.1, minus the total standardizing compensation referred to in section 303.5, is of the adjusted standardized assessment of all taxable immovables as at 1 April preceding the school year.

The proportion is multiplied by 100 to express the rate in dollars per \$100 of adjusted standardized assessment. The rate is expressed as a five-decimal number. The fifth decimal is increased by 1 if the sixth is greater than 4.

“303.5. The total standardizing compensation corresponds to the sum of the most recent standardizing compensation amounts computed for each school board under section 35 of the Act to establish a single school tax rate (2019, chapter 5).

“303.6. The maximum school tax rate is \$0.35 per \$100 of the adjusted standardized assessment of all taxable immovables.

The maximum rate is applied where the computation of the school tax rate results in a higher rate.

“303.7. The Minister shall publish the school tax rate in the *Gazette officielle du Québec* and give notice of it to the school boards and the Comité de gestion de la taxe scolaire de l’île de Montréal, not later than 15 June preceding the school year concerned.

“§3. — *Collection of the school tax*”.

5. Section 304 of the Act is amended

(1) by replacing “An immovable” and “is taxable” in the first paragraph by “The school tax levied on an immovable” and “shall be collected”, respectively;

(2) by replacing “the immovable is taxable” and “levied by” in the second paragraph by “the school tax shall be collected” and “intended for”, respectively.

6. Section 305 of the Act is amended by replacing “An immovable” and “is taxable” by “The school tax levied on an immovable” and “shall be collected”, respectively.

7. Section 306 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The school tax levied on an immovable owned by a natural person to whom sections 304 and 305 do not apply and who has elected to pay the school tax to a school board shall be collected exclusively by that school board.”;

(2) by replacing “levy” in the second paragraph by “destination”.

8. Section 307 of the Act is amended

(1) by replacing “An immovable” and “is taxable” in the first paragraph by “The school tax levied on an immovable” and “shall be collected”, respectively;

(2) by replacing “to be levied” and “levied by” in the second paragraph by “to be collected” and “intended for”, respectively.

9. Section 308, the heading of subdivision 2 before section 310, and sections 310 to 312 of the Act are repealed.

10. Section 313 of the Act is amended by striking out the first paragraph.

11. The heading of subdivision 3 before section 314 of the Act is struck out.

12. Section 314 of the Act is replaced by the following section:

“314. After 1 July of the school year concerned, the director general of the school board shall have a request for payment of school taxes sent to every owner of a taxable immovable, except where the collection of the school tax is entrusted to another school board under section 304 or 307.”

13. Section 316 of the Act is replaced by the following section:

“316. Interest is payable on school taxes at the rate applicable under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002) on the day the notice required under section 303.7 is published in the *Gazette officielle du Québec*. The notice shall mention the applicable interest rate.

The rate applies to all taxes payable, from 1 July of the school year to which the notice referred to in the first paragraph applies.

Every tax bill shall clearly state the applicable interest rate and the fact that the rate may be changed in accordance with this section.”

14. Section 317 of the Act is amended by inserting “, except where an owner’s annual tax bill is for an amount under \$2” at the end.

15. Section 343 of the Act is amended by inserting “by the owner of the immovable” after “If the right of redemption is exercised” in the second paragraph.

16. Section 344 of the Act is amended by replacing “shall be sold at auction or by private sale, as the school board may determine” by “shall be disposed of in accordance with the regulation referred to in the second paragraph of section 272”.

17. Section 434.1 of the Act is replaced by the following section:

“434.1. The Comité shall collect the school tax intended, under sections 304 to 307, for any of the school boards situated in whole or in part on the island of Montréal.

To that end, it shall exercise the functions and powers the law confers on school boards, with the necessary modifications.”

18. Sections 434.2 to 434.4 of the Act are repealed.

19. Section 434.5 of the Act is amended by replacing the first paragraph by the following paragraph:

“Each year, every school board on the island of Montréal shall, by resolution of its council of commissioners, require from the Comité the payment of the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1.”

20. Sections 435 and 436 of the Act are repealed.

21. Section 439 of the Act is amended by replacing the introductory clause and paragraph 1 by the following:

“**439.** The Comité shall, for each school year, apportion the amount for financing local needs and the investment income of all or part of that amount according to the following rules:

(1) every school board on the island of Montréal shall, not later than 3 January of each year, receive the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1;”.

22. Sections 440 to 443 of the Act are repealed.

23. Section 455.1 of the Act is replaced by the following section:

“**455.1.** The Government shall, by regulation, prescribe the method for computing the amount referred to in section 303.4 for financing local needs for a school board. The method must make it possible to determine basic financing and financing that takes the number of students into account.

The method for computing basic financing may vary according to categories of school boards and types of activities.

The method for computing financing that takes the number of students into account may include rules for establishing the number of eligible students and may vary according to categories of students, weighting indexes applicable to students, measures to mitigate the impact of a decline in the number of students in a school board, and categories of school boards.

The regulation may provide for the indexing of the amounts included in the computation method.”

24. Sections 475 and 475.1 of the Act are replaced by the following sections:

“**475.** The Minister shall, in the budgetary rules referred to in section 472, provide for the payment of a fiscal balance subsidy to allow each school board to obtain the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1.

The subsidy corresponds to the difference between that amount and the school tax proceeds for the year concerned established on the basis of the assessment roll referred to in section 303.3. It is paid in equal parts not later than 31 July and 31 October of the year concerned.

The school boards shall send the Minister the information he considers necessary for computing the fiscal balance subsidy, on the date and in the form determined by the Minister.

The Minister shall also, in those budgetary rules, provide for the payment to the school boards and to the Comité de gestion de la taxe scolaire de l'île de Montréal of compensation for loss of revenue incidental to the taxation in an amount corresponding to the last compensation that was paid to them under section 40 of the Act to establish a single school tax rate (2019, chapter 5), where applicable.

“475.0.1. Where the sum of the school tax proceeds and the fiscal balance subsidy provided for in section 475 does not correspond to the amount for financing local needs computed using the method prescribed by a regulation made under section 455.1, the difference between the sum and the amount is taken into account in establishing the subsidy amounts granted under the budgetary rules referred to in section 472 and may be considered to stand in lieu of a subsidy, in whole or in part.

The first paragraph does not apply to a school board on the island of Montréal where the sum of the school tax proceeds and the fiscal balance subsidy is greater than the amount for financing local needs for that school board.

“475.1. A fiscal balance subsidy intended for a school board on the island of Montréal under section 475 is paid to the Comité de gestion de la taxe scolaire de l'île de Montréal.

The same applies to the compensation for loss of revenue incidental to the taxation.”

25. Schedule I to the Act is repealed.

AMENDING PROVISIONS

ACT RESPECTING MUNICIPAL TAXATION

26. Section 495 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing “taxation power” by “taxation-related power”.

ACT TO REFORM THE SCHOOL TAX SYSTEM

27. Sections 6 to 12, 14, 16 to 26, 28 to 35, 40 to 50, 56, 58, 68 to 72, 74 and 75, paragraph 1 of section 76, sections 77, 78, 80 and 81, paragraph 1 of section 82, and sections 83, 85 and 87 to 95 of the Act to reform the school tax system (2018, chapter 5) are repealed.

28. Section 96 of the Act is amended

- (1) by replacing “2020” in the introductory clause of the first paragraph by “2019”;
- (2) by striking out the portion after subparagraph 2 of the first paragraph.

REGULATION RESPECTING THE MUNICIPAL AND SCHOOL TAX SYSTEM APPLICABLE TO THE GOVERNMENTS OF THE OTHER PROVINCES, FOREIGN GOVERNMENTS AND INTERNATIONAL BODIES

29. Section 7 of the Regulation respecting the municipal and school tax system applicable to the governments of the other provinces, foreign governments and international bodies (chapter F-2.1, r. 12) is amended by replacing “. If the school tax in lieu of which the sum stands is not collected by a local municipality, the word “municipality” in the Regulation” in the second paragraph by “and the word “municipality””.

TRANSITIONAL PROVISIONS

30. Sections 31 to 42 apply for the purpose of computing the school tax rate applicable for the school year 2019–2020 and subsequent school years. They cease to have effect on the coming into force of section 4, insofar as it enacts sections 303.1, 303.4, 303.5 and 303.7 of the Education Act (chapter I-13.3).

31. Subject to sections 38 and 39, the applicable school tax rate is determined by school board.

It is determined annually, in accordance with sections 32 and 34.

32. The school tax rate applicable to a school board for a school year corresponds to the proportion that the amount for financing local needs for the school board for the school year, computed using the method prescribed by a regulation made under section 455.1 of the Education Act, as enacted by section 23, minus the increased standardizing compensation provided for in section 33 for the school board for the school year, is of the adjusted standardized assessment, as at 1 April preceding the school year, of all taxable immovables included in the school board’s property tax base.

The proportion is multiplied by 100 to express the rate in dollars per \$100 of adjusted standardized assessment. The rate is expressed as a five-decimal number. The fifth decimal is increased by 1 if the sixth is greater than 4.

If the school tax rate computed for a school board is greater than the school tax rate it applied the previous year, the latter rate applies.

33. The increased standardizing compensation for a school board whose school tax rate the previous school year was greater than the floor rate is equal to the sum of

(1) the standardizing compensation computed for the school board for the previous school year; and

(2) the standardizing compensation increase computed for the school board in accordance with section 36 for the school year concerned.

For the school year 2019–2020, the amount deemed to have stood in lieu of the standardizing compensation for the school board for the school year 2018–2019 is computed

(1) by determining the balance subsidy obtained by the school board for the school year 2018–2019 under any of paragraphs 17 to 19 of section 87 of the Act to reform the school tax system (2018, chapter 5);

(2) by multiplying by \$25,000 the number of taxable immovables included in the school board's property tax base for the year concerned and whose adjusted standardized assessment is greater than \$25,000;

(3) by adding the aggregate value of the adjusted standardized assessment of all taxable immovables included in the school board's property tax base for the year concerned and whose adjusted standardized assessment is \$25,000 or less to the amount obtained under subparagraph 2;

(4) by multiplying the amount obtained under subparagraph 3 by the school tax rate applicable to the school board the previous year; and

(5) by subtracting the amount obtained under subparagraph 4 from the amount determined under subparagraph 1.

34. The school tax floor rate is \$0.10540 per \$100 of the adjusted standardized assessment of the taxable immovables.

Section 32 does not apply to a school board to which the school tax floor rate applied the previous school year. In such a case, the floor rate applies to that school board for any school year.

If the school tax rate computed for a school board is lower than the floor rate, the floor rate applies.

35. The fiscal balance subsidy provided for in section 475 of the Education Act, as enacted by section 24, includes a standardizing compensation intended to make it possible, ultimately, to apply a single school tax rate to all school boards.

The standardizing compensation for a school board is computed

(1) by determining the fiscal balance subsidy provided for under section 475 of the Education Act, as enacted by section 24, for the year concerned;

(2) by multiplying by \$25,000 the number of taxable immovables included in the school board's property tax base for the year concerned and whose adjusted standardized assessment is greater than \$25,000;

(3) by adding the aggregate value of the adjusted standardized assessment of all taxable immovables included in the school board's property tax base for the year concerned and whose adjusted standardized assessment is \$25,000 or less to the amount obtained under subparagraph 2;

(4) by multiplying the amount obtained under subparagraph 3 by the floor rate or by the reduced rate; and

(5) by subtracting the amount obtained under subparagraph 4 from the amount determined under subparagraph 1.

36. Each school year, an amount is allocated to the increase in the standardizing compensations by the minister responsible for the administration of the Education Act out of the appropriations granted for that purpose by Parliament.

The standardizing compensation increase is granted for a school year to a school board to which the floor rate did not apply the previous school year and corresponds to the product obtained by multiplying the amount allocated to the increase in the standardizing compensations for that year by the proportion that the difference in the tax proceeds to be eliminated for the school board for that school year is of the sum of the differences in the tax proceeds to be eliminated for all school boards to which the floor rate did not apply the previous school year, in whole or in part.

37. The difference in the tax proceeds to be eliminated for a school board by school year is computed

(1) by dividing by 100 the adjusted standardized assessment of all taxable immovables included in the school board's property tax base for the year concerned;

(2) by subtracting the floor rate from the school tax rate applicable to the school board the previous year; and

(3) by multiplying the amount obtained under paragraph 1 by the amount obtained under paragraph 2.

38. The school tax rate applicable to an English language school board is determined by portion of territory. The rate determined for a portion of territory corresponds to the tax rate applicable to the French language school board established in the same portion of territory.

Consequently, the following computation rules apply with regard to an English language school board:

(1) no standardizing compensation increase is granted to the school board under the second paragraph of section 36;

(2) for the purpose of determining the sum of the differences in the tax proceeds to be eliminated for all school boards in accordance with the second paragraph of section 36, a difference in the tax proceeds to be eliminated is computed for any school board to which the floor rate did not apply the previous school year, in whole or in part;

(3) the difference in the tax proceeds to be eliminated for the school board is computed

(a) by dividing by 100 the adjusted standardized assessment of all taxable immovables included in the school board's property tax base by portion of territory for the year concerned;

(b) by subtracting the floor rate from the school tax rate applicable the previous year by portion of territory;

(c) by multiplying the amount obtained under subparagraph *a* by the amount obtained under subparagraph *b*; and

(d) by adding together the amounts obtained under subparagraph *c* for all of the school board's portions of territory.

39. Despite section 38, the school tax rate applicable to a school board on the island of Montréal is determined for all school boards on the island of Montréal.

For the purposes of the computations provided for in sections 32, 33, 35, 36 and 37, the school boards on the island of Montréal are deemed to be one single French language school board whose value is equal to the sum of the values attributable to each of the school boards on the island of Montréal.

40. The Minister must, in the budgetary rules referred to in section 472 of the Education Act, provide for payment to the school boards and to the Comité de gestion de la taxe scolaire de l'île de Montréal of compensation for loss of revenue incidental to the taxation.

The purpose of the compensation intended for the school boards is to make up for the loss of revenue from arrears, and the purpose of the compensation intended for the Comité de gestion de la taxe scolaire de l'île de Montréal is to make up for the loss of revenue called additional revenue.

The compensation intended for a school board on the island of Montréal is paid to the Comité de gestion de la taxe scolaire de l'île de Montréal.

41. The floor rate applies to all school boards as soon as the minister responsible for the administration of the Education Act finds that the rate corresponds to the proportion that the amount for financing local needs for all school boards for the school year, computed using the method prescribed by a regulation made under section 455.1 of the Education Act, as enacted by section 23, minus the sum of the standardizing compensation amounts for the previous school year and the increase referred to in the first paragraph of section 36 for the school year, is of the adjusted standardized assessment of all taxable immovables as at 1 April preceding the school year, such proportion being multiplied and expressed in accordance with the second paragraph of section 32.

42. The minister responsible for the administration of the Education Act publishes the school tax rates applicable to the school boards in the *Gazette officielle du Québec* and gives notice of them to the school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal, not later than 15 June preceding the school year concerned.

The reference to section 303.7 of the Education Act, in section 316 of that Act as enacted by section 13 of this Act, must be read as a reference to section 42 of this Act.

FINAL PROVISION

43. This Act comes into force on 1 July 2019, except

(1) sections 23 and 30 to 42, which come into force on 17 April 2019;

(2) section 4 insofar as it enacts sections 303.1, 303.4, 303.5 and 303.7 of the Education Act (chapter I-13.3), and section 24 insofar as it enacts the fourth paragraph of section 475 and the second paragraph of section 475.1 of that Act, which come into force on 1 July of the school year following the first school year the floor rate applied to all school boards.

Regulations and other Acts

Gouvernement du Québec

O.C. 461-2019, 1 May 2019

Functions, powers or responsibilities assumed by associations representing institutions for the purposes of the Act respecting the Health and Welfare Commissioner

WHEREAS, under subparagraph *d* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner (chapter C-32.1.1), the nominating committee is composed in particular of a person appointed from among the members of boards of directors of institutions who are elected by the population under paragraph 1 of any of sections 129 to 131 and 133 of the Act respecting health services and social services (chapter S-4.2), after consultation with associations representing these institutions;

WHEREAS, under subparagraph *g* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner, the nominating committee is composed in particular of a person with ethics expertise, appointed after consultation with universities offering philosophy or ethics programs and with associations of institutions whose membership includes one or more institutions that have a research ethics committee or a clinical ethics committee;

WHEREAS section 218 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) provides that if an employers' association in the health and social services network or a group of institutions ceases its activities, the Government may, after consulting with the public institutions concerned, determine, with regard to any text, who is to assume the functions, powers or responsibilities that such a text entrusts to the association or group;

WHEREAS the associations representing the health and social services institutions have ceased their activities and no other association representing those institutions has been constituted to date;

WHEREAS it is expedient to determine, for the purposes of subparagraph *d* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner, that the person referred to in that subparagraph be appointed after consultation with the presidents and executive directors, and the executive directors of public institutions;

WHEREAS it is expedient to determine, for the purposes of subparagraph *g* of paragraph 2 of section 4 of the Act, that the person referred to in that subparagraph be appointed after consultation with universities offering philosophy or ethics programs and with the presidents and executive directors, and the executive directors of public institutions that have a research ethics committee or a clinical ethics committee;

WHEREAS the consultation required by the Act has been carried out;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT, for the purposes of section 4 of the Act respecting the Health and Welfare Commissioner (chapter C-32.1.1), the person referred to in subparagraph *d* of paragraph 2 of section 4 be appointed after consultation with the presidents and executive directors, and the executive directors of public institutions;

THAT, for the purposes of section 4 of the Act respecting the Health and Welfare Commissioner, the person referred to in subparagraph *g* of paragraph 2 of section 4 be appointed after consultation with universities offering philosophy or ethics programs and with the presidents and executive directors, and the executive directors of public institutions that have a research ethics committee or a clinical ethics committee.

YVES OUELLET,
Clerk of the Conseil exécutif

103914

Gouvernement du Québec

O.C. 462-2019, 1 May 2019

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)

Regulation respecting the application — Amendment

REGULATION to amend the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies

WHEREAS the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) has been made;

WHEREAS, under subparagraph *d* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner (chapter C-32.1.1), the nominating committee is composed in particular of a person appointed from among the members of boards of directors of institutions who are elected by the population under paragraph 1 of any of sections 129 to 131 and 133 of the Act respecting health services and social services (chapter S-4.2), after consultation with associations representing these institutions;

WHEREAS, under subparagraph *e* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner, the nominating committee is composed in particular of a person appointed from among the members of boards of directors of institutions operating a hospital centre who are designated by the users' committee of the institutions under paragraph 2 of any of sections 129, 131 and 133 of the Act respecting health services and social services, after consultation with groups of users' committees;

WHEREAS the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies amended the composition of boards of directors of integrated health and social services centres and unamalgamated institutions;

WHEREAS that Act does not provide any measure to address the amendment to the composition of boards of directors of integrated health and social services centres and unamalgamated institutions with respect to the formation by the Government of the nominating committee under section 4 of the Act respecting the Health and Welfare Commissioner;

WHEREAS section 217 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies provides in particular that the Government may, by regulation, take any measure necessary or useful for carrying out the Act and fully achieving its purpose and such regulation is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1);

WHEREAS, under Order in Council 700-2015 dated 11 August 2015, the Government made the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, r. 0.2);

WHEREAS it is expedient to amend the Regulation to specify the classes of persons who are members of boards of directors of integrated health and social services centres and unamalgamated institutions from which the Government may appoint a person to the nominating committee under subparagraphs *d* and *e* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, s. 217)

1. The Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, r. 0.2) is amended by adding the following after section 2.3:

“2.4. For the purposes of subparagraph *d* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner (chapter C-32.1.1), a reference to the members of boards of directors of institutions who are elected by the population under paragraph 1 of any of sections 129 to 131 and 133 of the Act respecting health services and social services (chapter S-4.2) is also a reference to the independent members of boards of directors of integrated health and social services centres and amalgamated institutions appointed under paragraph 8 of sections 9 and 10 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2).

In addition, for the purposes of subparagraph *e* of paragraph 2 of section 4 of the Act respecting the Health and Welfare Commissioner, a reference to the members of boards of directors of institutions operating a hospital centre who are designated by the users' committee of the institutions under paragraph 2 of any of sections 129, 131 and 133 of the Act respecting health services and social services is also a reference to the members of boards of directors of integrated health and social services centres and amalgamated institutions designated by and from among the members of the users' committee of those institutions, under paragraph 6 of sections 9 and 10 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies.”.

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

103915

M.O., 2019-05

Order number D-9.2-2019-05 of the Minister of Finance dated 1 May 2019

An Act respecting the distribution of financial products and services (chapter D-9.2)

Insurers Act (2018, chapter 23)

Regulation respecting Alternative Distribution Methods

CONSIDERING section 202.2 of the Act respecting the distribution of financial products and services (chapter D-9.2), which provides that the Autorité des marchés financiers may, for each sector, determine by regulation the information and documents that a firm acting without the intermediary of a natural person must give to clients, as well as their form;

CONSIDERING paragraphs 5, 8, 12, 13.1 and 15 of section 223 of the Act, which provide that the Authority may, by regulation, determine for each sector the rules relating to maintenance of registration, the rules relating to the keeping of records and the register of commissions, the rules relating to the use, conservation and destruction of the records, books and registers to be kept by firms, independent representatives and independent partnerships, other rules relating to the activities of a firm, an independent representative or an independent partnership and the procedure by which and time within which firms, independent representatives and independent partnerships must advise the Authority of any change affecting the information entered in the register in their respect;

CONSIDERING section 440 of the Act, which provides that a distributor that, at the time a contract is made, causes the client to make an insurance contract must give the client a notice, drafted in the manner prescribed by regulation of the Authority, stating that the client may rescind the insurance contract within 10 days of signing it;

CONSIDERING the first paragraph of section 443 of the Act, which provides that a distributor that offers financing for the purchase of goods or services and that requires the debtor to subscribe for insurance to guarantee the reimbursement of the loan must give the debtor a notice, drawn up in the manner prescribed by regulation of the Authority, stating that the debtor may subscribe for insurance with the insurer and representative of the debtor's choice provided that the insurance is considered satisfactory by the creditor, who may not refuse it without reasonable grounds;

CONSIDERING paragraph 1 of section 485 of the Insurers Act, enacted by section 3 of the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23), which provides that in addition to other regulations that it may make under the Insurers Act, the Authority may, by regulation, determine the standards applicable to authorized insurers in relation to their commercial practices and their management practices;

CONSIDERING the first paragraph of section 194 of the Act respecting the distribution of financial products and services and the third paragraph of section 486 of the Insurers Act, which provide that the Authority is to publish its draft regulations in the Authority's bulletin;

CONSIDERING the second paragraph of section 194 of the Act respecting the distribution of financial products and services, which provides that every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be

submitted for approval, and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice;

CONSIDERING the third paragraph of section 486 of the Insurers Act, which provides that the notice required under section 10 of the Regulations Act (chapter R-18.1) must be attached to the draft regulation published in the Authority's bulletin;

CONSIDERING the first paragraph of section 217 of the Act respecting the distribution of financial products and services and the first paragraph of section 486 of the Insurers Act, which provide that a regulation made under each of the Acts by the Authority is approved by the Minister with or without amendment;

CONSIDERING the third paragraph of section 217 of the Act respecting the distribution of financial products and services and the fourth and fifth paragraphs of section 486 of the Insurers Act, which provide that a draft of a regulation may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft and it comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in it;

CONSIDERING that the draft Regulation respecting Alternative Distribution Methods was published in the Bulletin of the Autorité des marchés financiers of 11 October 2018 [(2018) B.A.M.F., vol. 15, n° 40, section 3.2.1], with the notice provided for in section 10 of the Regulations Act;

CONSIDERING that the Autorité des marchés financiers made, by decision 2019-PDG-0029 dated 12 April 2019, the Regulation respecting Alternative Distribution Methods;

CONSIDERING that it is expedient to approve the Regulation without amendment;

THEREFORE, the Minister of Finance hereby approves the Regulation respecting Alternative Distribution Methods, attached to this Order, without amendments.

1 May 2019,

ERIC GIRARD,
Minister of Finance

Regulation respecting Alternative Distribution Methods

Insurers Act

((2018, chapter 23, section 3); s. 485, par. (1))

An Act respecting the distribution of financial products and services

(chapter D-9.2, s. 202.2, 223, pars. (5), (8), (12), (13.1) and (15), 440 and 443)

CHAPTER I PURPOSE AND SCOPE

1. This Regulation sets out the obligations applicable primarily to a legal person that, in accordance with the Insurers Act (2018, chapter 23, section 3) and the Act respecting the distribution of financial products and services (chapter D-9.2), offers financial products and services through an alternative distribution method, namely, distribution without the intermediary of a natural person or distribution through a distributor.

CHAPTER II OFFER OF FINANCIAL PRODUCTS AND SERVICES BY A FIRM WITHOUT THE INTERMEDIARY OF A NATURAL PERSON

DIVISION I GENERAL PROVISIONS

2. A firm that offers products and services without the intermediary of a natural person must do so through a digital space used to interact directly with clients and enter into contracts and which satisfies the requirements under this chapter.

3. The provisions of this chapter apply, with the necessary modifications, to an independent partnership.

DIVISION II INFORMATION TO BE PROVIDED TO THE AUTORITÉ DES MARCHÉS FINANCIERS

4. Any firm that offers products and services without the intermediary of a natural person must disclose the following information to the Authority without delay:

(1) the name given to the digital space, where this name differs from the name of the firm;

(2) the names of the products and the classes to which they are related or the nature of the financial services offered on the digital space;

(3) the hyperlink or any other means to access the digital space;

(4) the insurers whose products are offered on the firm's digital space, if applicable.

The firm must notify the Authority of any change to such information within 30 days of such change.

5. The firm must disclose annually to the Authority through its maintenance of registration application the number of financial plans prepared, claims settled and insurance policies issued, as well as the amount of premiums written, only through its digital space.

Similarly, the firm must disclose the number of cases where clients cancelled their insurance contracts in accordance with section 64 of the Insurers Act (2018, chapter 23, section 3).

DIVISION III DOCUMENTS AND INFORMATION TO BE PROVIDED TO THE CLIENT

§1. Provisions common to all firms

6. The information presented through the digital space must be clear, readable, specific and not misleading so as to highlight the key elements required for informed decision-making regarding the financial product or service offered and not cause confusion or misunderstanding.

7. The firm must provide to the client through its digital space, with the necessary modifications and depending on the products and services offered, the information and documents that a representative is required to provide to the client pursuant to sections 43, 47 and 48 of the Act respecting the distribution of financial products and services (chapter D-9.2), sections 6, 8, 8.1, 9, 9.1, 16 and 22 of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2, r. 10) and sections 4.6, 4.8, 4.9, 4.13, 4.16, 4.17, 4.18 and 4.19 of the Regulation respecting information to be provided to consumers (chapter D-9.2, r. 18).

8. The firm must make the means to interact with one of its representatives visible at all times. When the digital space does not use a visual interface, the firm must make the client aware of that fact when he initiates an action on the digital space and when he is about to enter into a contract.

The following information must be readily accessible through the firm's digital space:

- (1) the firm's name and contact information;

- (2) each sector in which the firm is registered with the Authority;

- (3) the firm's registration number issued by the Authority and the hyperlink enabling the client to access the registers available on the Authority's website;

- (4) the information on where the client can file a complaint and the summary of the complaint processing policy provided for in the last paragraph of section 103.1 of the Act respecting the distribution of financial products and services (chapter D-9.2).

§2. Provisions specific to insurance firms

9. The firm must, before a contract is entered into, provide the client with the following information through its digital space:

- (1) the name and contact information of the insurer offering the selected product;

- (2) the product coverage, exclusions and limitations in relation to the needs identified;

- (3) any other specific clauses that may affect the insurance coverage;

- (4) warnings about the consequences of misrepresentation or concealment;

- (5) the premiums, and other fees and expenses, including applicable taxes;

- (6) an indication that the premium is fixed or likely to vary over time;

- (7) the period of validity of the quote.

10. The firm must make readily accessible on its digital space a specimen of the policy for each product offered and any available endorsement, if applicable.

11. The firm must, immediately before a contract is entered into, recap for the client the following information through its digital space:

- (1) the information collected from the client;

- (2) the options and conditions the client has chosen relating to the product he is about to purchase.

12. The firm must, as soon as a contract is entered into, provide the client with the following documents and information through its digital space:

(1) confirmation that the contract has been entered into and the temporary insurance, if applicable;

(2) the rules applicable to the temporary insurance, if applicable;

(3) the right of rescission provided for in section 20 of the Act respecting the distribution of financial products and services, if applicable, and the procedures for exercising it;

(4) the way in which the policy will be provided to him.

Similarly, the firm must inform the client of the right of cancellation pursuant to section 64 of the Insurers Act (2018, chapter 23, section 3) and the procedures for exercising it and provide him with a notice of rescission in the form set out in Schedule 1, if applicable.

DIVISION IV DESIGN, OPERATION AND MONITORING OF THE DIGITAL SPACE

13. The firm must ensure the proper operation and reliability of its digital space at all times.

To that end, it must ensure, in particular, that the information presented thereon is accurate.

It must also ensure that the information provided by the client is collected, used, delivered and kept in a manner that ensures its confidentiality and security.

14. The firm must take the necessary measures so that through its digital space it can:

(1) require an action from the client each time confirmation or consent is needed;

(2) detect and, where necessary, automatically suspend or terminate an action initiated on the digital space if:

(a) a discrepancy or an irregularity in the information provided by the client may lead to an inappropriate result;

(b) the client does not meet the product eligibility criteria;

(3) enable the client to correct a mistake at any time prior to entering into a contract.

Where the firm offers an insurance of persons contract that is likely to replace another contract and is unable to proceed with the replacement through its digital space in accordance with section 22 of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2, r. 10), the firm must interrupt such offer.

Similarly, the firm must suspend the action initiated through the digital space when no representative can interact immediately with a client who asks to interact with a representative and when there is a risk that the client, despite the information that the firm sent to him, is unable to make an informed decision regarding the financial product or service offered.

15. The firm must suspend or interrupt its offer through its digital space when such actions are necessary, particularly when the digital space is subject to technical failure.

16. The firm must adopt and ensure the implementation of a procedure for the design, use and maintenance of its digital space.

The procedure must, in particular, describe the operation of the digital space and the measures used to monitor the space. It must also enable the identification, management and mitigation of the internal and external risks related to the digital space.

17. The firm must enter in the client record all information collected from the client as well as all information provided to the client through the digital space and, if applicable, by a representative.

DIVISION V PROHIBITIONS

18. No firm may, through its digital space:

(1) present advertising unrelated to the product or service offered once the client initiates an action on the digital space;

(2) automatically choose the product or service offered for the client;

(3) exclude or limit its liability to the client for the proper operation or reliability of its digital space or the accuracy of the information presented thereon.

CHAPTER III OFFER OF INSURANCE PRODUCTS THROUGH A DISTRIBUTOR

DIVISION I GENERAL PROVISIONS

19. This chapter applies to an insurer that offers insurance products through a distributor in accordance with Title VIII of the Act respecting the distribution of financial products and services (chapter D-9.2).

DIVISION II INFORMATION TO BE PROVIDED TO THE AUTHORITY

20. Before offering an insurance product through a distributor, the insurer must, in addition to the information required under section 66 of the Insurers Act (2018, chapter 23, section 3), disclose the following information to the Authority:

- (1) the name and contact information of the third party to which the insurer has entrusted the performance of the obligations of an insurer with respect to the distribution of a product through a distributor, if applicable;
- (2) the hyperlink or any other means to access the distributor's offer through the Internet, if applicable.
- (3) the contact information of the insurer's assistance service referred to in section 27.

The insurer must notify the Authority of any change to the above information within 30 days of such change.

An insurer that removes a distributor from its list of distributors must indicate to the Authority the reasons for such removal.

21. The insurer must disclose annually to the Authority the following information for each product offered through a distributor:

- (1) the number of insurance policies and certificates issued and the amount of premiums written;
- (2) the number of claims and the amount of indemnities paid;
- (3) the number of rescissions and cancellations;
- (4) the remuneration paid to all distributors and third parties referred to in subparagraph 1 of the first paragraph of section 20.

DIVISION III DOCUMENTS AND INFORMATION TO BE PROVIDED TO THE CLIENT

22. Before offering a product through a distributor, the insurer prepares the product summary in accordance with sections 28 and 29. The insurer mandates the distributor to deliver the summary to the client at the time it offers the product to him, together with a fact sheet in the form set out in Schedule 2.

23. Where the means of communication used to offer the product does not enable the distributor to deliver the summary and the fact sheet at the time the product is offered, the insurer must include in the mandate it entrusts to the distributor the obligation to inform the client of such inability. The insurer must also ensure that the distributor is required to obtain at that time the client's consent to receive those documents no later than when the policy or insurance certificate is delivered and to mention the information contained in those documents to the client.

24. The insurer must be able to provide, at the client's or the Authority's request, all information and documents presented to the client at the time the insurance product was offered to him, particularly the summary and the fact sheet.

25. Where personal information of a medical or lifestyle-related nature is collected from the client, the notice of specific consent provided for in section 93 of the Act respecting the distribution of financial products and services (chapter D-9.2), applicable under section 437 of that Act, must be delivered to the client if the distributor wishes to allow its clerks to use the information it holds on the client for purposes other than those for which it was collected and be in the form set out in Schedule 3.

26. Where the distributor offers the client financing that requires him to subscribe for insurance to secure the repayment of the financing, the notice of free choice provided for in section 443 of the Act respecting the distribution of financial products and services (chapter D-9.2) must be delivered to the client and be in the form set out in Schedule 4.

27. The insurer must have an assistance service to answer questions from the distributor regarding each product offered.

DIVISION IV SUMMARY

28. The summary may pertain only to the product and must satisfy all the following conditions:

- (1) it must be concise;
- (2) it must explain the product;
- (3) it must be written in language that is clear, readable, specific and not misleading so as to highlight the essential elements for informed decision-making and not cause confusion or misunderstanding;
- (4) it must present accurate information;

(5) it must not contain any advertising or promotional offer;

(6) it must not be the insurance policy or certificate.

Where necessary, the insurer may refer the client to the relevant sections of the insurance policy to obtain additional information not found in the summary.

29. The summary must present the following information:

(1) the insurer's name and contact information;

(2) the client number of the insurer registered in the Authority's register of insurers and the Authority's website address;

(3) the name and type of product offered;

(4) the eligibility criteria;

(5) the name and contact information of the distributor that offers the product;

(6) the product coverage, exclusions and limitations;

(7) any other specific clauses that may affect the insurance coverage;

(8) warnings about the consequences of misrepresentations and concealment;

(9) the client's right of cancellation, its duration and the procedures for exercising it;

(10) the rules applicable to the temporary insurance, if applicable;

(11) the information that the client must be made aware of in accordance with section 434 of the Act respecting the distribution of financial products and services (chapter D-9.2);

(12) the premiums and other fees and expenses, including the applicable taxes, or, if an exact amount cannot be indicated, the criteria used to determine it;

(13) an indication that the premium is fixed or likely to vary over time;

(14) the insurer's website address providing access to the information on where the client can file a complaint with the insurer and a summary of the complaint processing policy provided for in the last paragraph of section 52 of the Insurers Act (2018, chapter 23, section 3);

(15) the manner in which the specimen of the policy or the insurance certificate can be accessed on the insurer's website.

Where the policy provides for a formula to calculate the portion of the refundable premium in the event of cancellation, the insurer must indicate as such in the summary and include an example of its application.

30. The insurer must, as soon as the client has subscribed for or enrolled in the insurance contract, provide the client with the following documents:

(1) a summary of the information collected from the client;

(2) the policy, the insurance certificate or the temporary insurance.

31. The notice of rescission provided for in section 440 of the Act respecting the distribution of financial products and services (chapter D-9.2), which must be delivered to the client by the distributor, must be in the form set out in Schedule 5;

32. The insurer must make the product summary and a specimen of the policy or the insurance certificate accessible on its website for each product offered by a distributor, as well as any available endorsement, if applicable.

DIVISION V SUPERVISION OF DISTRIBUTORS

33. The insurer must monitor and supervise the offering of insurance products by its distributors.

To that end, it must adopt and implement procedures that enable the supervision and training of its distributors and the natural persons to whom they entrust the task of dealing with clients in order to ensure compliance with the requirements under the Act respecting the distribution of financial products and services (chapter D-9.2) and this Regulation.

34. The training provided by the insurer must cover the following:

(1) the insurance product, particularly the coverage offered, the eligibility criteria and the applicable exclusions and limitations;

(2) the distributor's legal obligations;

(3) the insurer's complaint processing policy;

(4) the practices promoting the fair treatment of clients;

(5) the filing of a claim.

DIVISION VI PROHIBITIONS

35. For insurance products referred to in paragraph 5 of section 424 and paragraph 1 of section 426 of the Act respecting the distribution of financial products and services (chapter D-9.2), no insurer may:

(1) enable the distributor to keep its remuneration within a time period not commensurate with the term of the product, which time period may not, however, be less than 180 days;

(2) pay to the distributor a bonus or a share in the profits based on contract experience;

(3) set different commission rates applicable to a distributor for products with similar insurance coverage.

CHAPTER IV TRANSITIONAL AND FINAL PROVISIONS

36. This Regulation replaces the Regulation respecting distribution without a representative (chapter D-9.2, r. 8).

37. For the period from 13 June 2019 to 12 June 2020, any delivery to the client of a distribution guide forwarded to the Authority before 13 June 2019 in accordance with section 414 of the Act respecting the distribution of financial products and services (chapter D-9.2), including, if applicable, delivery to the client of the fact sheet in accordance with the Notice regarding the offering of insurance products by automobile and recreational and leisure vehicle dealers, is equivalent to the delivery of a summary and a fact sheet in accordance with section 22 of this Regulation.

Similarly, access to such a distribution guide on the insurer's website during that period is equivalent to access to the summary in accordance with section 32 of this Regulation.

38. The provisions of this Regulation come into force on 13 June 2019, except for the provisions of sections 10 and 16, section 32, excluding the product summary, and sections 33 and 34, which will come into force on 13 June 2020.

SCHEDULE 1

(s. 12)

NOTICE OF CANCELLATION OF AN INSURANCE CONTRACT

NOTICE GIVEN BY A FIRM

Section 64 of the Insurers Act (2018, chapter 23, section 3)

THE INSURERS ACT GIVES YOU IMPORTANT RIGHTS.

The Act allows you to cancel an insurance contract that you entered into without the intermediary of a representative within 10 days after receiving the policy, **without penalty**, unless the contract has expired at that time.

To cancel a contract, you must give the insurer notice, within that time, by registered mail or any other means that allows you to obtain an acknowledgement of receipt.

Caution: You may lose advantageous conditions as a result of this insurance contract. Contact your insurer or consult your contract.

After that period expires, you may cancel the insurance at any time; however, penalties may apply.

For further information, contact the Autorité des marchés financiers at 1-877-525-0337 or visit www.lautorite.qc.ca.

NOTICE OF CANCELLATION OF AN INSURANCE CONTRACT

To:

(name of insurer)_____
(address of insurer)

Date: _____ (date of sending of notice)

Pursuant to section 64 of the Insurers Act, I hereby cancel insurance contract no.:
_____ (number of contract, if indicated)

Entered into on: _____ (date of signature of contract)

In: _____ (place of signature of contract)

(name of client)_____
(signature of client)



SCHEDULE 2
(s. 22)

FACT SHEET

The purpose of this fact sheet is to inform you of your rights. It does not relieve the insurer or the distributor of their obligations to you.

LET'S TALK INSURANCE!

Name of distributor: _____

Name of insurer: _____

Name of insurance product: _____



IT'S YOUR CHOICE

You are never required to purchase insurance:

- that is offered by your distributor;
- from a person who is assigned to you; or
- to obtain a better interest rate or any other benefit.

Even if you are required to be insured, **you do not have to** purchase the insurance that is being offered. **You can choose** your insurance product and your insurer.



HOW TO CHOOSE

To choose the insurance product that's right for you, we recommend that you read the summary that describes the insurance product and that must be provided to you.



DISTRIBUTOR REMUNERATION

A portion of the amount you pay for the insurance will be paid to the distributor as remuneration.

The distributor **must** tell you when the remuneration exceeds 30% of that amount.



RIGHT TO CANCEL

The Act allows you to rescind an insurance contract, **at no cost**, within 10 days after the purchase of your insurance. However, the insurer may grant you a longer period of time. After that time, fees may apply if you cancel the insurance. **Ask** your distributor about the period of time granted to cancel it **at no cost**.

If the cost of the insurance is added to the financing amount and you cancel the insurance, your monthly financing payments might not change. Instead, the refund could be used **to shorten the financing period**. **Ask your distributor for details**.

The *Autorité des marchés financiers* can provide you with unbiased, objective information.
Visit www.lautorite.qc.ca or call the AMF at 1-877-525-0337.

Reserved for use by the insurer

This fact sheet cannot be modified

SCHEDULE 3

(s. 25)

NOTICE OF SPECIFIC CONSENT

You are free to grant or refuse this consent.

Sections 93 and 437 of the Act respecting the distribution of financial products and services (chapter D-9.2)

WHAT YOU MUST KNOW

- At this date, we hold certain information relating to you.
- We require your consent to allow some of our clerks to have access to this information.
- These clerks will also have access to any update of the information done during the period of validity of the consent.
- These clerks will use the information available in order to solicit you for the purchase of new financial products and services.

YOU ARE FREE TO SET THE PERIOD OF VALIDITY OF YOUR CONSENT

- If you grant consent for an undetermined period of time, you may at any time terminate it by revoking it. At the end of this form, you will find a model revocation notice that you may use for this purpose or as a basis for preparing your own notice.
- If you wish to grant consent for a limited period of time, you may do so by determining this period yourself. This form provides, in the “specific consent” section, a place where you may write down the period of validity desired.

THE ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES GIVES YOU IMPORTANT RIGHTS

Without this specific consent, the distributor may not use this information for a purpose other than the purpose for which it was collected. **The distributor cannot compel you to give your consent or refuse to do business with you if you refuse to give it; section 94 of the Act protects you.** For further information, contact the Autorité des marchés financiers at 1-877-525-0337 or visit www.lautorite.qc.ca.

The information we hold pertaining to you, as at today’s date, was collected as part of:

(purposes of the file)

Here are the required categories of information that we would like one of our clerks to use and the products and services he may offer you. For a fuller description of each category, you may refer to the back of this sheet.

Please authorize each category of information requested.

Required information category to be accessed ¹	For which products and services ²	Client authorization ³		Initials ⁴
<i>To be completed by the distributor</i>	<i>To be completed by the distributor</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Instructions for the distributor (duplication not required):

1. The distributor must describe each category on the reverse side of this sheet.

2. The distributor must specify the nature of the products and services it wishes to offer the client. Each information category must be associated with a specific purpose. Where a category serves several purposes the distributor must repeat it for each purpose.

3. The client may give his or her authorization by telephone, provided both parties can identify each other. In such case, this form shall serve as a script for the clerk, who will also read the detailed description of each category to the client. The distributor must fill out this form and send it to the client within 10 days of obtaining the verbal consent.

4. If in electronic form, the initials may be replaced by a confirmation window. However, the notice of consent must be made available to the client by any means allowing the reading or printing thereof.

In accordance with the Act respecting the protection of personal information in the private sector (chapter P-39.1), **you may request to be given access to the information we hold pertaining to you.**

SPECIFIC CONSENT

Having read the above, I, the undersigned, _____ (*name of client*) _____, consent to use of the information held by the distributor for the purposes indicated above.

This consent will be valid until revoked or for the following period:

DD/MM/YY (to be filled out by the client)

I may revoke this consent at any time by sending a notice. I may use the attached model notice for this purpose or as a basis for preparing my own notice.

(signature of client) (date of signature of the consent)

(client identification, address, folio or contract no., etc.)

I HEREBY REVOKE THE SPECIFIC CONSENT GIVEN TO THE DISTRIBUTOR BY THE FOLLOWING NOTICE

To: _____
(name of distributor)

(address of distributor)

On: _____
I, the undersigned, _____ (*name of client*) _____, hereby notify you that I am revoking the specific consent authorizing the use of my personal information for new purposes.

Consent given to you on:

(date of consent)

(name of client) (signature of client)

(client identification, address, folio or contract no., etc.)

SCHEDULE 4*(s. 26)*

NOTICE OF FREE CHOICE OF INSURER AND REPRESENTATIVE

Section 443 of the Act respecting the distribution of financial products and services (chapter D-9.2)

THE ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES GIVES YOU IMPORTANT RIGHTS

- You are required to purchase insurance coverage described below in order to secure the repayment of a loan.
- However, you are free to purchase this insurance from the insurer and representative of your choice. **You can thus obtain the required insurance in 3 different ways:**

(1) By purchasing the insurance offered to you;

If you choose this option, you benefit from the application of section 441 of the Act which allows you to rescind an insurance contract that you signed at the time of signing another contract, without penalty, within 10 days of its signature. However, you must then purchase another equivalent insurance to the satisfaction of the creditor who may not refuse without reasonable cause.

(2) By purchasing other insurance that is equivalent to the insurance required, to the satisfaction of the creditor who may not refuse without reasonable cause.

(3) By demonstrating that you already have insurance that is equivalent to the insurance required, to the satisfaction of the creditor who may not refuse without reasonable cause.

You may change insurer or representative at any time, provided that you maintain during the term of the loan agreement an insurance equivalent to the insurance required to the satisfaction of the creditor who may not refuse without reasonable cause. You cannot be required to choose or keep an insurance contract with a particular insurer, nor can you be refused credit or have your loan called in for this reason.

To rescind your insurance, you may use the section hereunder entitled “Notice of rescission of an insurance contract.” For further information, contact the Autorité des marchés financiers at 1-877-525-0337 or visit www.lautorite.qc.ca.

DESCRIPTION OF THE REQUIRED COVERAGE

(section completed by the distributor)

To secure the repayment of your loan, we have required that you purchase:

damage insurance: _____

in an amount of: \$ _____ (coverage) _____ (particulars)

insurance of persons of the following type: _____

_____ (life, disability, other)

in an amount of: \$ _____ (coverage) _____ (particulars)

NOTICE OF RESCISSION OF AN INSURANCE CONTRACT

To:

_____ (name of insurer)

_____ (address of insurer)

Date: _____ (date of sending of notice)

Pursuant to section 441 of the Act respecting the distribution of financial products and services, I hereby rescind insurance contract no.: _____ (number of contract, if indicated)

Entered into on: _____ (date of signature of contract)

In: _____ (place of signature of contract)

_____ (name of client)

_____ (signature of client)

SCHEDULE 5*(s. 31)*

NOTICE OF RESCISSION OF AN INSURANCE CONTRACT

NOTICE GIVEN BY A DISTRIBUTOR

Section 440 of the Act respecting the distribution of financial products and services (chapter D-9.2)

THE ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES GIVES YOU IMPORTANT RIGHTS.

The Act allows you to rescind an insurance contract, **without penalty**, within 10 days of the date on which it is signed. However, the insurer may grant you a longer period.

To rescind the contract, you must give the insurer notice, within that time, by registered mail or any other means that allows you to obtain an acknowledgement of receipt.

Despite the rescission of the insurance contract, the first contract entered into will remain in force. Caution, it is possible that you may lose advantageous conditions as a result of this insurance contract; contact your distributor or consult your contract.

After the expiry of the applicable time, you may rescind the insurance contract at any time; however, penalties may apply.

For further information, contact the Autorité des marchés financiers at 1-877-525-0337 or visit www.lautorite.qc.ca.

NOTICE OF RESCISSION OF AN INSURANCE CONTRACT

To:

 (name of insurer)

 (address of insurer)

Date: _____ (date of sending of notice)

Pursuant to section 441 of the Act respecting the distribution of financial products and services, I hereby rescind insurance contract no.: ____ (number of contract, if indicated)

Entered into on: _____ (date of signature of contract)

In: _____ (place of signature of contract)

 (name of client)

 (signature of client)

Draft Regulations

Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to constitute the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite, appearing below, on the expiry of 45 days following this publication.

The constitution of the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite, a name approved by the Commission de toponymie, will give to the territory of the proposed Réserve aquatique projetée de la vallée de la rivière Sainte-Marguerite, set aside in September 2005, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for that aquatic reserve applicable to the territory designated in the plan accompanying it.

The draft Regulation contains the general guidelines of the activities framework currently in force in the territory of the proposed Réserve aquatique projetée de la vallée de la rivière Sainte-Marguerite. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the aquatic reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information on the constitution of the proposed Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: consultation.GOO@environnement.gouv.qc.ca.

Any person wishing to comment on the constitution of the proposed Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite is requested to submit written comments within the 45-day period to Francis Bouchard at the above contact information.

BENOIT CHARETTE,
*Minister of the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1,
subpars. e, f and g, and par. 2, and s. 47)

1. The Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite is constituted in the mapped territory in the Schedule.

2. For the purposes of this Regulation,

(1) the words or terms “high-water mark”, “littoral zone”, “floodplain”, “lakeshore” and “riverbank” have the meaning given to them in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

(2) the term “wetlands and bodies of water” has the meaning given to it in section 46.0.2 of the Environment Quality Act (chapter Q-2);

(3) the term “forest development activity” has the meaning given to it in the Sustainable Forest Development Act (chapter A-18.1).

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

3. Subject to the prohibition in the second paragraph, no person may introduce any individuals of a native or non-native species of fauna into the aquatic reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a lake or watercourse for aquaculture, commercial fishing or any other commercial purpose.

Except with the authorization of the Minister, no person may introduce non-native species of flora into the aquatic reserve.

4. No person may use fertilizers in the aquatic reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a lake or watercourse, measured from the high-water mark.

5. No person may remove from the aquatic reserve species of flora, small fruits or any other non-timber forest product by mechanical means.

6. No person may in the aquatic reserve, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, in particular a marsh, swamp or peat bog;

(2) modify the natural drainage or water regime, including by creating or developing lakes and watercourses;

(3) dig, fill, obstruct or divert a lake or watercourse;

(4) install or construct a structure, infrastructure or new works in the littoral zone, on the banks or shores or the floodplains of a lake or watercourse; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

(5) carry on an activity other than those referred to in paragraphs 1 to 4 likely to directly and substantially affect the biochemical characteristics or quality of wetlands and bodies of water in the aquatic reserve, including by discharging or dumping residual materials or contaminants into the wetlands or bodies of water;

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

(9) use a pesticide; no authorization is required for the use of personal insect repellent;

(10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

7. Despite paragraphs 6, 7 and 8 of section 6, if the requirements provided for in the second paragraph are met, no authorization is required to carry out the following work:

(1) the maintenance, repair or improvement of any structure, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(2) the construction or installation

(a) of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents; or

(b) of a trapping camp, a rough shelter, a shelter or a cabin if, on (*insert the date of coming into force of this Regulation*), such a building was permitted under the right of use or occupancy granted, but had not yet been carried out; or

(3) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a structure, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents.

The carrying out of the work referred to in the first paragraph must comply with the following requirements:

(1) the work involves a structure, infrastructure or works whose presence is permitted within the aquatic reserve;

(2) the work is carried out within the area of the land or right of way subject to the right to use or occupy the land in the aquatic reserve, whether the right results from a lease, a servitude or other form of title, permit or authorization;

(3) the nature of the work or elements installed by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that structure, works or infrastructure;

(4) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the structure, infrastructure or works to which they are related, as well as in compliance with the applicable legislative and regulatory measures;

(5) in the case of forest roads, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

For the purposes of this section, repair and upgrading work includes work to replace or install works or facilities to comply with the requirements of an environmental regulation.

8. No person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister or, in other cases, with the authorization of the Minister.

Despite the first paragraph, a controlled zone does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the controlled zone was already using the facility or site on (*insert the date of coming into force of this Regulation*).

DIVISION II RULES OF CONDUCT FOR USERS

9. No person may enter, carry on an activity or operate a vehicle in a given sector of the aquatic reserve if the signage installed by the Minister restricts access, traffic or certain activities in the sector in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

10. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the aquatic reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

11. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the aquatic reserve, unless the person has been authorized by the Minister.

For the purposes of the first paragraph,

(1) the occupation or use of a site includes

(a) staying or settling in the aquatic reserve, for instance for vacation purposes;

(b) setting up a camp or a shelter; and

(c) installing, burying or abandoning any property in the reserve, including equipment, a device or a vehicle; and

(2) the expression “same site” includes any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, an authorization is not required if a person,

(1) on (*insert the date of coming into force of this Regulation*), was a party to a lease or had already obtained another form of right or another authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (chapter T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees.

12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, persons staying or residing within the aquatic reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

No such authorization is required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the reserve in the following cases and on the following conditions:

(1) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

In addition, no authorization to carry on a forest management activity is required if a person authorized by lease to occupy land within the aquatic reserve in accordance with this Regulation carries on the activity for the purpose of

(1) clearing, maintaining or creating visual openings, and any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1), including for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 14 and 16.

13. No person may carry on commercial activities in the aquatic reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities which, on (*insert the date of coming into force of this Regulation*), were the subject of a right to use the land for such a purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits of the right.

DIVISION IV AUTHORIZATION EXEMPTIONS

14. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the aquatic reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

15. Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the aquatic reserve where that

intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and those rights are credibly asserted or established.

16. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (hereinafter the “Société”) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this Regulation:

(1) any activity or intervention required within the aquatic reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request.

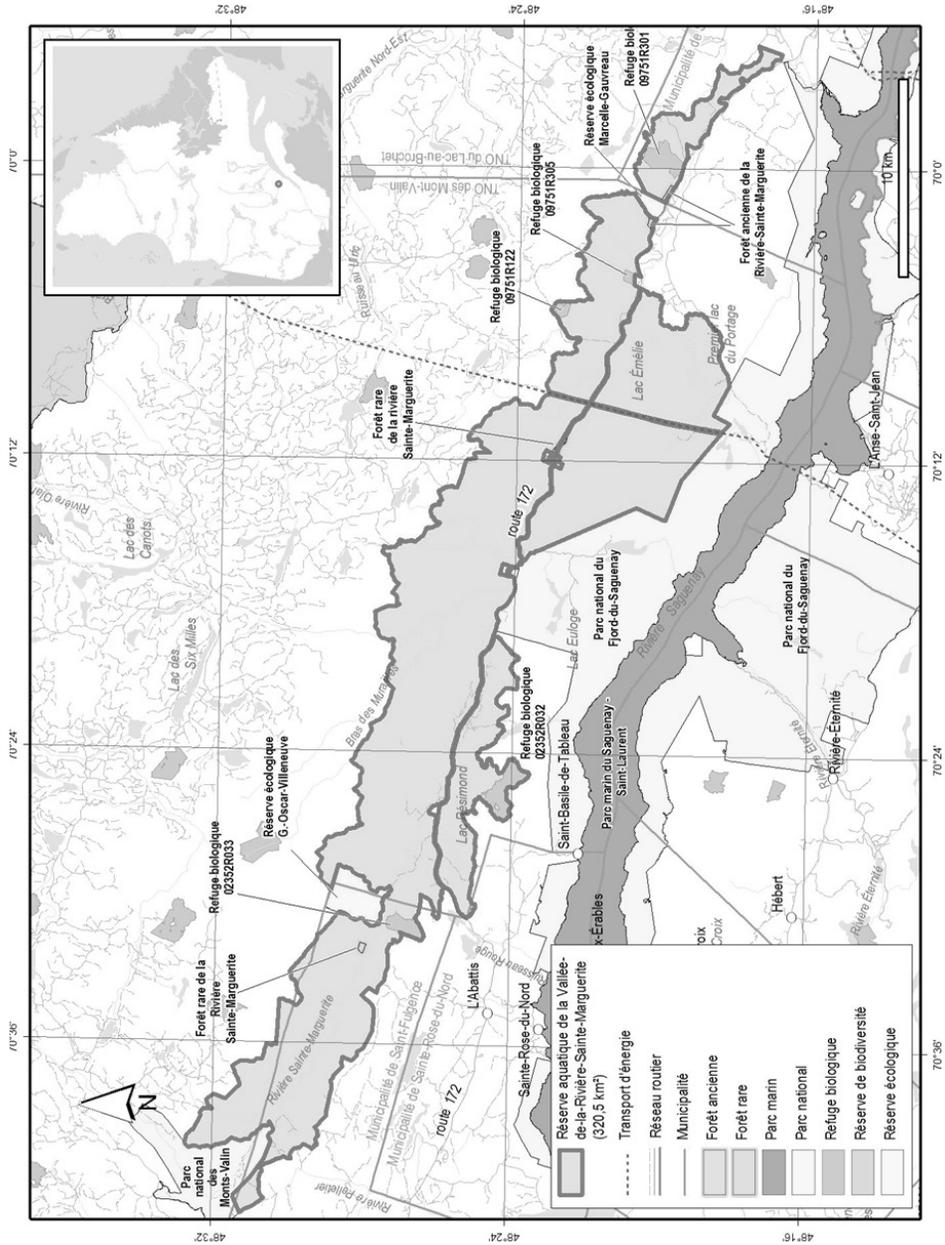
The Société informs the Minister of the various activities or interventions referred to in this section it proposes to carry out before the work is begun within the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and monitor the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purposes of access, construction or traffic incidental to the work.

DIVISION V FINAL

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

SCHEDULE
LOCATION PLAN OF THE RÉSERVE AQUATIQUE DE LA VALLÉE-DE-LA-RIVIÈRE-
SAINTE-MARGUERITE
 (s. 1)



103913

Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité Akumunan

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to establish the Réserve de biodiversité Akumunan and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the Regulation respecting the Réserve, de biodiversité Akumunan, appearing below, on the expiry of 45 days following this publication.

The establishment of the Réserve de biodiversité Akumunan, a name approved by the Commission de toponymie, will give to the territory of the proposed Réserve de biodiversité Akumunan, set aside in September 2005, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for that biodiversity reserve applicable to the territory designated in the plan accompanying it.

The draft Regulation contains the general guidelines of the activities framework currently in force in the territory of the proposed Réserve de biodiversité Akumunan. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information on the proposed establishment of the Réserve de biodiversité Akumunan may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: consultation.GOQ@environnement.gouv.qc.ca.

Any person wishing to comment on the proposed establishment of the Réserve de biodiversité Akumunan is requested to submit written comments within the 45-day period to Francis Bouchard at the above contact information.

BENOIT CHARETTE,
*Minister of the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité Akumunan

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and . 46, par. 1,
subpars. e, f and g, and par. 2)

1. The Réserve de biodiversité Akumunan is established in the mapped territory in the Schedule.

2. For the purposes of this Regulation,

(1) the words or terms “high-water mark”, “littoral zone”, “floodplain”, “lakeshore” and “riverbank” have the meaning given to them in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

(2) the term “wetlands and bodies of water” has the meaning given to it in section 46.0.2 of the Environment Quality Act (chapter Q-2);

(3) the term “forest development activity” has the meaning given to it in the Sustainable Forest Development Act (chapter A-18.1).

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

3. Subject to the prohibition in the second paragraph, no person may introduce any individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a lake or watercourse for aquaculture, commercial fishing or any other commercial purpose.

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

4. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a lake or watercourse, measured from the high-water mark.

5. No person may remove from the biodiversity reserve species of flora, small fruits or any other non-timber forest product by mechanical means.

6. No person may in the biodiversity reserve, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, in particular a marsh, swamp or peat bog;

(2) modify the natural drainage or water regime, including by creating or developing lakes and watercourses;

(3) dig, fill, obstruct or divert a lake or watercourse;

(4) install or construct a structure, infrastructure or new works in the littoral zone, on the banks or shores or the floodplains of a lake or watercourse; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

(5) carry on an activity other than those referred to in paragraphs 1 to 4 likely to directly and substantially affect the biochemical characteristics or quality of wetlands and bodies of water in the biodiversity reserve, including by discharging or dumping residual materials or contaminants into the wetlands or bodies of water;

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

(9) use a pesticide; no authorization is required for the use of personal insect repellent;

(10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

7. Despite paragraphs 6, 7 and 8 of section 6, if the requirements provided for in the second paragraph are met, no authorization is required to carry out the following work:

(1) the maintenance, repair or improvement of any structure, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(2) the construction or installation

(a) of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents; or

(b) of a trapping camp, a rough shelter, a shelter or a cabin if, on (*insert the date of coming into force of this Regulation*), such a building was permitted under the right of use or occupancy granted, but had not yet been carried out; or

(3) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a structure, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents.

The carrying out of the work referred to in the first paragraph must comply with the following:

(1) the work involves a structure, infrastructure or works whose presence is permitted within the biodiversity reserve;

(2) the work is carried out within the area of the land or right of way subject to the right to use or occupy the land in the biodiversity reserve, whether the right results from a lease, a servitude or other form of title, permit or authorization;

(3) the nature of the work or elements installed by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that structure, works or infrastructure;

(4) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the structure, infrastructure or works to which they are related, as well as in compliance with the applicable legislative and regulatory measures;

(5) in the case of forest roads, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

For the purposes of this section, repair and upgrading work includes work to replace or install works or facilities to comply with the requirements of an environmental regulation.

8. No person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister or, in other cases, with the authorization of the Minister.

Despite the first paragraph, a controlled zone or an outfitter having a lease for lodging purposes in the reserve does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if they were already using the facility or site on *(insert the date of coming into force of this Regulation)*.

DIVISION II RULES OF CONDUCT FOR USERS

9. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity reserve if the signage installed by the Minister restricts access, traffic or certain activities in the sector in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

10. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

11. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

For the purposes of the first paragraph,

- (1) the occupation or use of a site includes
 - (a) staying or settling in the biodiversity reserve, for instance for vacation purposes;
 - (b) setting up a camp or a shelter; and
 - (c) installing, burying or abandoning any property in the reserve, including equipment, a device or a vehicle; and
- (2) the expression “same site” includes any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, an authorization is not required if a person,

(1) on *(insert the date of coming into force of this Regulation)*, was a party to a lease or had already obtained another form of right or another authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (chapter T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees.

12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, persons staying or residing within the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

No such authorization is required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the biodiversity reserve in the following cases and on the following conditions:

(1) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

In addition, no authorization to carry on a forest management activity is required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this Regulation carries on the activity for the purpose of

(1) clearing, maintaining or creating visual openings, and any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1), including for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 14 and 16.

13. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities which, on (*insert the date of coming into force of this Regulation*), were the subject of a right to use the land for such a purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits of the right.

DIVISION IV AUTHORIZATION EXEMPTIONS

14. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

15. Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the biodiversity reserve where that intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and those rights are credibly asserted or established.

16. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (hereinafter the “Société”) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this Regulation:

(1) any activity or intervention required within the biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request.

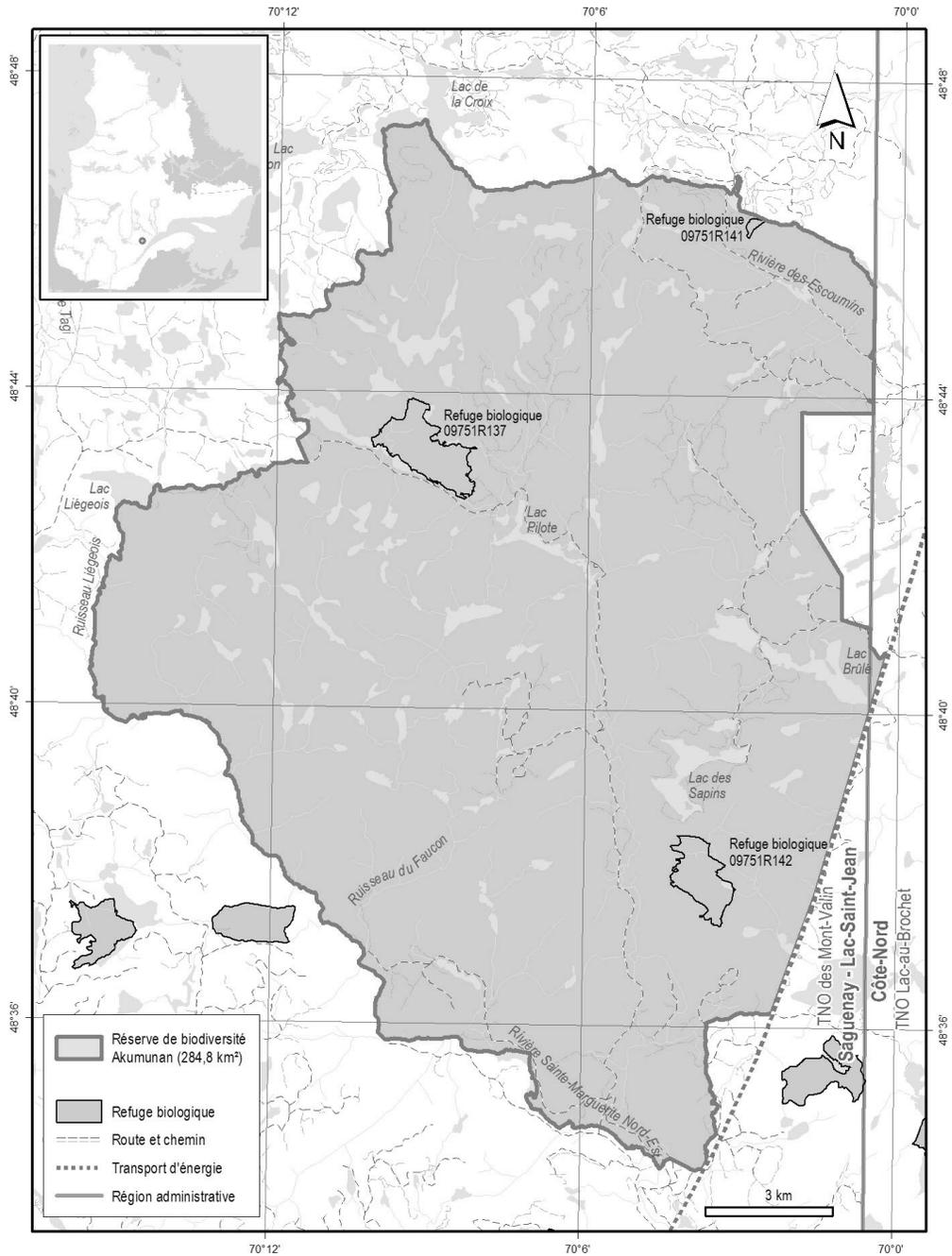
The Société informs the Minister of the various activities or interventions referred to in this section it proposes to carry out before the work is begun within the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and monitor the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purposes of access, construction or traffic incidental to the work.

DIVISION V FINAL

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

SCHEDULE
LOCATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ AKUMUNAN
 (s. 1)



Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to establish the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the Regulation respecting the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache, appearing below, on the expiry of 45 days following this publication.

The establishment of the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache, a name approved by the Commission de toponymie, will give to the territory of the proposed Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache, set aside in June 2008, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for that biodiversity reserve applicable to the territory designated in the plan accompanying it.

The draft Regulation contains the general guidelines of the activities framework currently in force in the territory of the proposed Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information on the proposed establishment of the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: consultation.GOQ@environnement.gouv.qc.ca.

Any person wishing to comment on the proposed establishment of the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache is requested to submit written comments within the 45-day period to Francis Bouchard at the above contact information.

BENOIT CHARETTE,
*Minister of the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1,
subpars. e, f and g, and par. 2)

1. The Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache is established in the mapped territory in the Schedule.

2. For the purposes of this Regulation,

(1) the words or terms “high-water mark”, “littoral zone”, “floodplain”, “lakeshore” and “riverbank” have the meaning given to them in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

(2) the term “wetlands and bodies of water” has the meaning given to it in section 46.0.2 of the Environment Quality Act (chapter Q-2);

(3) the term “forest development activity” has the meaning given to it in the Sustainable Forest Development Act (chapter A-18.1).

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

3. Subject to the prohibition in the second paragraph, no person may introduce any individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a lake or watercourse for aquaculture, commercial fishing or any other commercial purpose.

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

4. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a lake or watercourse, measured from the high-water mark.

5. No person may remove from the biodiversity reserve species of flora, small fruits or any other non-timber forest product by mechanical means.

6. No person may in the biodiversity reserve, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, in particular a marsh, swamp or peat bog;

(2) modify the natural drainage or water regime, including by creating or developing lakes and watercourses;

(3) dig, fill, obstruct or divert a lake or watercourse;

(4) install or construct a structure, infrastructure or new works in the littoral zone, on the banks or shores or the floodplains of a lake or watercourse; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

(5) carry on an activity other than those referred to in paragraphs 1 to 4 likely to directly and substantially affect the biochemical characteristics or quality of wetlands and bodies of water in the biodiversity reserve, including by discharging or dumping residual materials or contaminants into the wetlands or bodies of water;

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

(9) use a pesticide; no authorization is required for the use of personal insect repellent;

(10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

7. Despite paragraphs 6, 7 and 8 of section 6, if the requirements provided for in the second paragraph are met, no authorization is required to carry out the following work:

(1) the maintenance, repair or improvement of any structure, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(2) the construction or installation

(a) of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents; or

(b) of a trapping camp, a rough shelter, a shelter or a cabin if, on (*insert the date of coming into force of this Regulation*), such a building was permitted under the right of use or occupancy granted, but had not yet been carried out; or

(3) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a structure, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents.

The carrying out of the work referred to in the first paragraph must comply with the following requirements:

(1) the work involves a structure, infrastructure or works whose presence is permitted within the biodiversity reserve;

(2) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the biodiversity reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(3) the nature of the work or elements installed by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that structure, works or infrastructure;

(4) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the structure, infrastructure or works to which they are related, and compliance with the laws and regulations that apply;

(5) in the case of forest roads, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

For the purposes of this section, repair and upgrading work includes work to replace or install works or facilities to comply with the requirements of an environmental regulation.

8. No person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister or, in other cases, with the authorization of the Minister.

Despite the first paragraph, a controlled zone does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the controlled zone was already using the facility or site on (*insert the date of coming into force of this Regulation*).

DIVISION II RULES OF CONDUCT FOR USERS

9. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity reserve if the signage installed by the Minister restricts access, traffic or certain activities in the sector in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

10. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

11. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

For the purposes of the first paragraph,

(1) the occupation or use of a site includes

(a) staying or settling in the biodiversity reserve, for instance for vacation purposes;

(b) setting up a camp or a shelter; and

(c) installing, burying or abandoning any property in the reserve, including equipment, a device or a vehicle; and

(2) the expression “same site” includes any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, an authorization is not required if a person,

(1) on (*insert the date of coming into force of this Regulation*), was a party to a lease or had already obtained another form of right or another authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (chapter T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees.

12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, persons staying or residing within the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

No such authorization is required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the biodiversity reserve in the following cases and on the following conditions:

(1) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

In addition, no authorization to carry on a forest management activity is required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this Regulation carries on the activity for the purpose of

(1) clearing, maintaining or creating visual openings, and any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1), including for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 14 and 16.

13. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities which, on (*insert the date of coming into force of this Regulation*), were the subject of a right to use the land for such a purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits of the right.

DIVISION IV AUTHORIZATION EXEMPTIONS

14. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

15. Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the biodiversity reserve where that intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and those rights are credibly asserted or established.

16. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (hereinafter the “Société”) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this Regulation:

(1) any activity or intervention required within the biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request.

The Société informs the Minister of the various activities or interventions referred to in this section it proposes to carry out before the work is begun within the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and monitor the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purposes of access, construction or traffic incidental to the work.

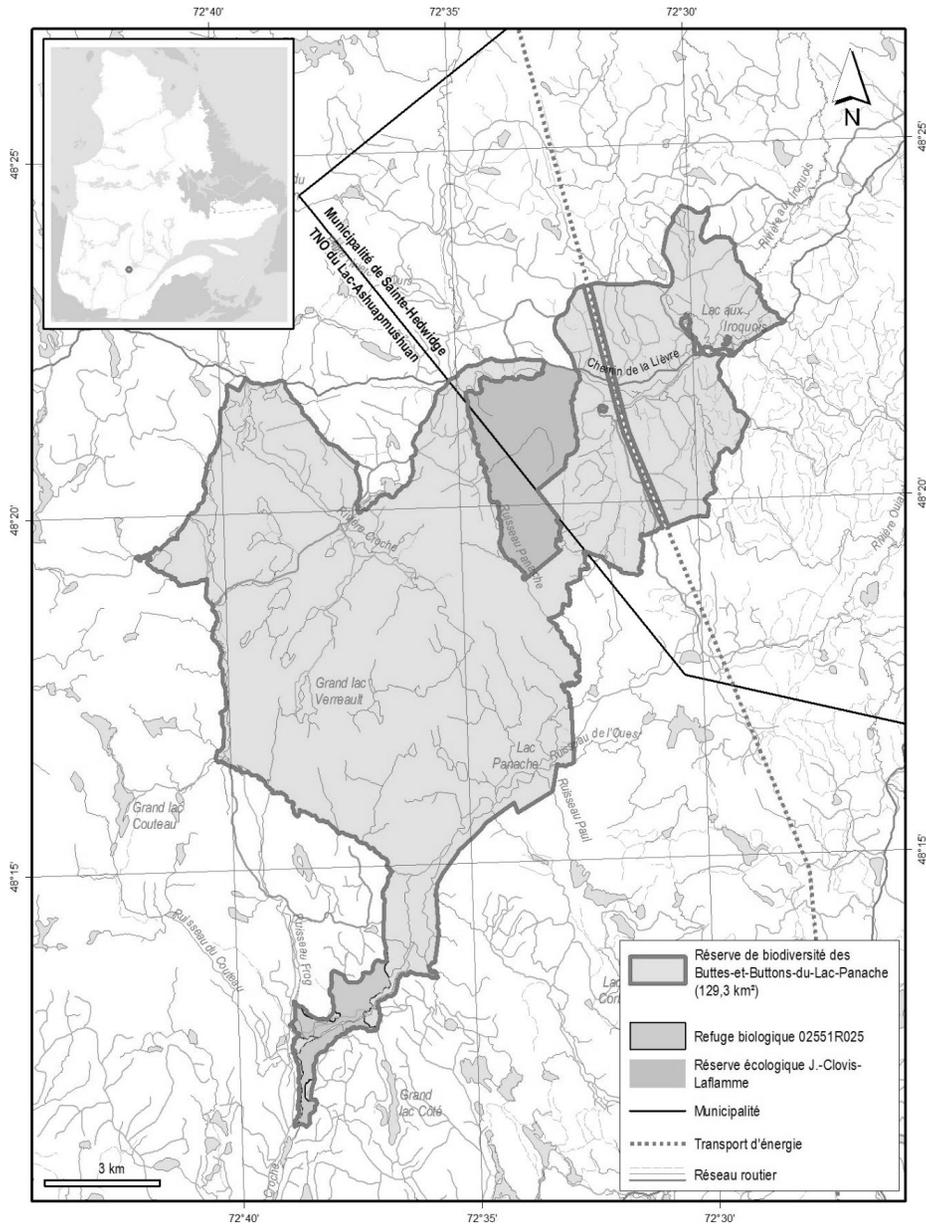
DIVISION V FINAL

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

SCHEDULE

LOCATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ DES BUTTES-ET-BUTTONS-DU-LAC-PANACHE

(s. 1)



Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité des Drumlins-du-Lac-Clérac

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to establish the Réserve de biodiversité des Drumlins-du-Lac-Clérac and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the Regulation respecting the Réserve de biodiversité des Drumlins-du-Lac-Clérac, appearing below, on the expiry of 45 days following this publication.

The establishment of the Réserve de biodiversité des Drumlins-du-Lac-Clérac, a name approved by the Commission de toponymie, will give to the territory of the proposed Réserve de biodiversité des Drumlins-du-Lac-Clérac, set aside in September 2005, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for that biodiversity reserve applicable to the territory designated in the plan accompanying it.

The draft Regulation contains the general guidelines of the activities framework currently in force in the territory of the proposed Réserve de biodiversité des Drumlins-du-Lac-Clérac. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information on the proposed establishment of the Réserve de biodiversité des Drumlins-du-Lac-Clérac may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: consultation.GOQ@environnement.gouv.qc.ca.

Any person wishing to comment on the proposed establishment of the Réserve de biodiversité des Drumlins-du-Lac-Clérac is requested to submit written comments within the 45-day period to Francis Bouchard at the above contact information.

BENOIT CHARETTE,
*Minister of the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité des Drumlins-du-Lac-Clérac

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1,
subpars. e, f and g, and par. 2)

1. The Réserve de biodiversité des Drumlins-du-Lac-Clérac is established in the mapped territory in the Schedule.

2. For the purposes of this Regulation,

(1) the words or terms “high-water mark”, “littoral zone”, “floodplain”, “lakeshore” and “riverbank” have the meaning given to them in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

(2) the term “wetlands and bodies of water” has the meaning given to it in section 46.0.2 of the Environment Quality Act (chapter Q-2);

(3) the term “forest development activity” has the meaning given to it in the Sustainable Forest Development Act (chapter A-18.1).

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

3. Subject to the prohibition in the second paragraph, no person may introduce any individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a lake or watercourse for aquaculture, commercial fishing or any other commercial purpose.

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

4. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a lake or watercourse, measured from the high-water mark.

5. No person may remove from the biodiversity reserve species of flora, small fruits or any other non-timber forest product by mechanical means.

6. No person may in the biodiversity reserve, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, in particular a marsh, swamp or peat bog;

(2) modify the natural drainage or water regime, including by creating or developing lakes and watercourses;

(3) dig, fill, obstruct or divert a lake or watercourse;

(4) install or construct a structure, infrastructure or new works in the littoral zone, on the banks or shores or the floodplains of a lake or watercourse; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

(5) carry on an activity other than those referred to in paragraphs 1 to 4 likely to directly and substantially affect the biochemical characteristics or quality of wetlands and bodies of water in the biodiversity reserve, including by discharging or dumping residual materials or contaminants into the wetlands or bodies of water;

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

(9) use a pesticide; no authorization is required for the use of personal insect repellent;

(10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

7. Despite paragraphs 6, 7 and 8 of section 6, if the requirements provided for in the second paragraph are met, no authorization is required to carry out the following work:

(1) the maintenance, repair or improvement of any structure, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(2) the construction or installation

(a) of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents; or

(b) of a trapping camp, a rough shelter, a shelter or a cabin if, on (*insert the date of coming into force of this Regulation*), such a building was permitted under the right of use or occupancy granted, but had not yet been carried out; or

(3) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a structure, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents.

The carrying out of the work referred to in the first paragraph must comply with the following requirements:

(1) the work involves a structure, infrastructure or works whose presence is permitted in the biodiversity reserve;

(2) the work is carried out within the area of the land or right of way subject to the right to use or occupy the land in the biodiversity reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(3) the nature of the work or elements installed by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that structure, works or infrastructure;

(4) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the structure, infrastructure or works to which they are related, and compliance with the laws and regulations that apply;

(5) in the case of forest roads, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

For the purposes of this section, repair and improvement work includes work to replace or install works or facilities with facilities to comply with the requirements of an environmental regulation.

8. No person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister or, in other cases, with the authorization of the Minister.

DIVISION II RULES OF CONDUCT FOR USERS

9. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity reserve if the signage installed by the Minister restricts access, traffic or certain activities in the sector in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

10. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

11. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

For the purposes of the first paragraph,

- (1) the occupation or use of a site includes
 - (a) staying or settling in the biodiversity reserve, for instance for vacation purposes;
 - (b) setting up a camp or a shelter; and
 - (c) installing, burying or abandoning any property in the reserve, including equipment, a device or a vehicle; and

(2) the expression “same site” includes any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, an authorization is not required if a person,

(1) on (*insert the date of coming into force of this Regulation*), was a party to a lease or had already obtained another form of right or another authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (chapter T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees.

12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, persons staying or residing within the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

No such authorization is required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the biodiversity reserve in the following cases and on the following conditions:

(1) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

In addition, no authorization to carry on a forest management activity is required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this Regulation carries on the activity for the purpose of

(1) clearing, maintaining or creating visual openings, and any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1), including for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 14 and 16.

13. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle.

DIVISION IV **AUTHORIZATION EXEMPTIONS**

14. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

15. Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the biodiversity reserve where that intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and those rights are credibly asserted or established.

16. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (hereinafter the “Société”) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this Regulation:

(1) any activity or intervention required within the biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request.

The Société informs the Minister of the various activities or interventions referred to in this section it proposes to carry out before the work is begun within the reserve.

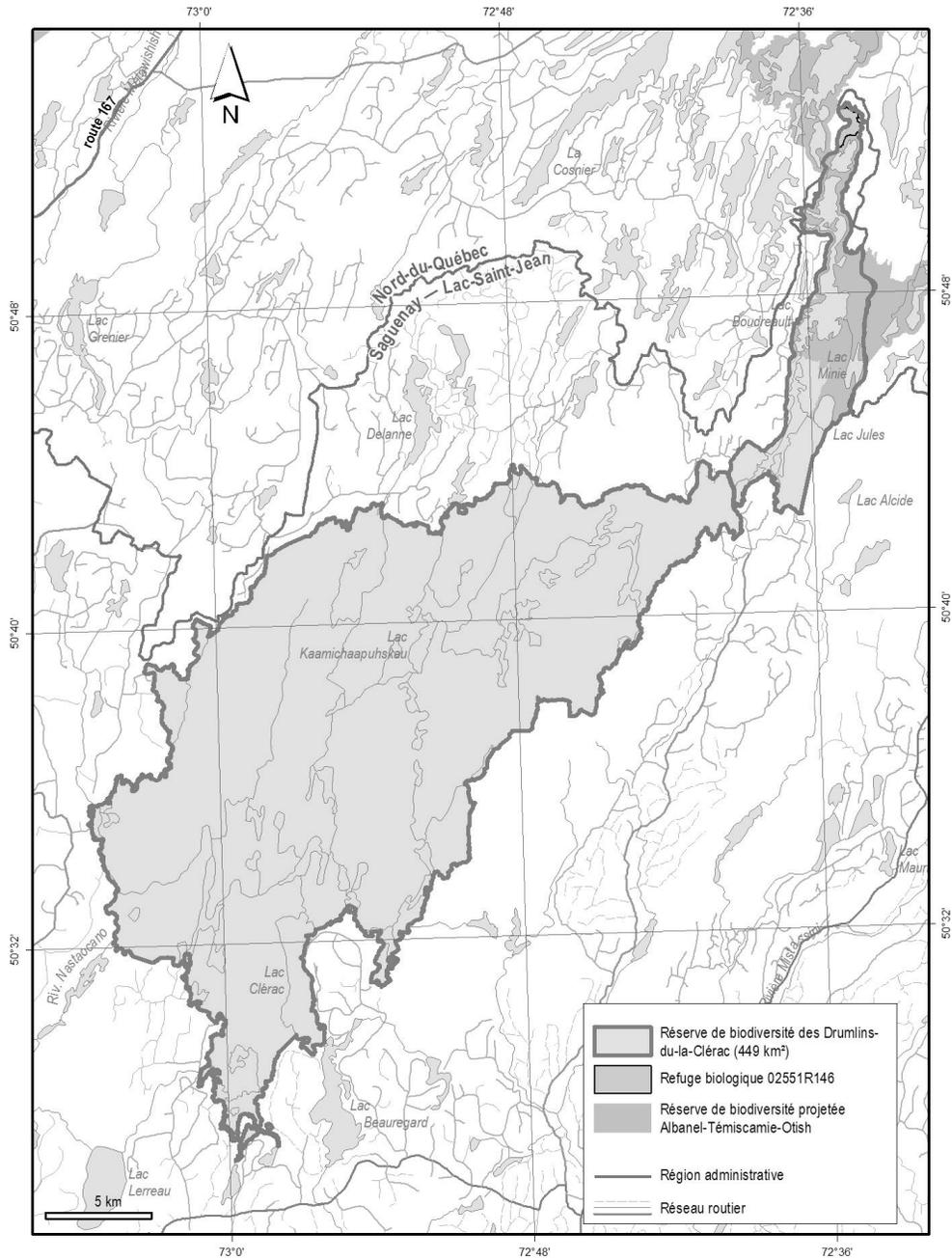
For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and monitor the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purposes of access, construction or traffic incidental to the work.

DIVISION V **FINAL**

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

SCHEDULE**LOCATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ DES DRUMLINS-DU-LAC-CLÉRAC**

(s. 1)



Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to establish the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes, appearing below, on the expiry of 45 days following this publication.

The establishment of the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes, a name approved by the Commission de toponymie, will give to the territory of the proposed Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes, set aside in March 2007, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for that biodiversity reserve applicable to the territory designated in the plan accompanying it.

The draft Regulation contains the general guidelines of the activities framework currently in force in the territory of the proposed Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes. It provides for prohibitions in addition to those set out in the Natural Heritage Conservation Act and it regulates the carrying out of certain activities that may be carried out within the territory to better ensure the protection of the natural environment, in conformity with the principles of conservation and other objectives of management of the biodiversity reserve. Thus certain activities are subject to the prior authorization of the Minister.

Further information on the proposed establishment of the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes may be obtained by contacting Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 4^e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: consultation.GOQ@environnement.gouv.qc.ca.

Any person wishing to comment on the proposed establishment of the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes is requested to submit written comments within the 45-day period to Francis Bouchard at the above contact information.

BENOIT CHARETTE,
*Minister of the Environment and the
Fight Against Climate Change*

Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes

Natural Heritage Conservation Act
(chapter C-61.01, s. 43 and s. 46, par. 1,
subpars. e, f and g, and par. 2)

1. The Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes is established in the mapped territory in the Schedule.

2. For the purposes of this Regulation,

(1) the words or terms “high-water mark”, “littoral zone”, “floodplain”, “lakeshore” and “riverbank” have the meaning given to them in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

(2) the term “wetlands and bodies of water” has the meaning given to it in section 46.0.2 of the Environment Quality Act (chapter Q-2);

(3) the term “forest development activity” has the meaning given to it in the Sustainable Forest Development Act (chapter A-18.1).

DIVISION I PROTECTION OF RESOURCES AND THE NATURAL ENVIRONMENT

3. Subject to the prohibition in the second paragraph, no person may introduce any individuals of a native or non-native species of fauna into the biodiversity reserve, including by stocking, unless the person has been authorized by the Minister.

No person may stock a lake or watercourse for aquaculture, commercial fishing or any other commercial purpose.

Except with the authorization of the Minister, no person may introduce non-native species of flora into the biodiversity reserve.

4. No person may use fertilizers in the biodiversity reserve. Compost for domestic purposes is however permitted if it is used at least 20 metres from a lake or watercourse, measured from the high-water mark.

5. No person may remove from the biodiversity reserve species of flora, small fruits or any other non-timber forest product by mechanical means.

6. No person may in the biodiversity reserve, unless the person has been authorized by the Minister,

(1) intervene in a wetland area, in particular a marsh, swamp or peat bog;

(2) modify the natural drainage or water regime, including by creating or developing lakes and watercourses;

(3) dig, fill, obstruct or divert a lake or watercourse;

(4) install or construct any structure, infrastructure or new works in the littoral zone, on the banks or shores or the floodplains of a lake or watercourse; no authorization is however required for minor works — quay or platform, boat shelter — installed for private purposes and may be free of charge under section 2 of the Regulation respecting the water property in the domain of the State (chapter R-13, r. 1);

(5) carry on an activity other than those referred to in paragraphs 1 to 4 likely to directly and substantially affect the biochemical characteristics or quality of wetlands and bodies of water in the biodiversity reserve, including by discharging or dumping residual materials or contaminants into the wetlands or bodies of water;

(6) carry out soil development work or an activity likely to degrade the soil or a geological formation, or to damage the vegetation cover, in particular by stripping, the digging of trenches or excavation work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose;

(7) install or construct a structure, infrastructure or new works;

(8) reconstruct or demolish a structure, infrastructure or works;

(9) use a pesticide; no authorization is required for the use of personal insect repellent;

(10) carry on educational or research-related activities if the activities are likely to directly or significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used; or

(11) hold a sports event, tournament, rally or any other similar event where

(a) fauna or flora species are taken or are likely to be taken; or

(b) motor vehicles or craft are used.

7. Despite paragraphs 6, 7 and 8 of section 6, if the requirements provided for in the second paragraph are met, no authorization is required to carry out the following work:

(1) the maintenance, repair or improvement of any structure, infrastructure or works, including a camp, a cabin, a road or a trail, including an ancillary facility such as a lookout or stairs;

(2) the construction or installation

(a) of a dependency or a facility ancillary to a trapping camp, a rough shelter, a shelter or a cabin, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents; or

(b) of a trapping camp, a rough shelter, a shelter or a cabin if, on (*insert the date of coming into force of this Regulation*), such a building was permitted under the right of use or occupancy granted, but had not yet been carried out; or

(3) the demolition or reconstruction of a trapping camp, a rough shelter, a shelter or a cabin, including a dependency or a facility ancillary to such a structure, including a shed, a water withdrawal facility or a system for the discharge and disposal of waste water, grey water and toilet effluents.

The carrying out of the work referred to in the first paragraph must comply with the following requirements:

(1) the work involves a structure, infrastructure or works whose presence is permitted within the biodiversity reserve;

(2) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the biodiversity reserve, whether the right results from a lease, a servitude or other form of title, permit or authorization;

(3) the nature of the work or elements installed by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1) and, if applicable, the limits set under an authorization issued in connection with that structure, works or infrastructure;

(4) the work is carried out in accordance with the prescriptions of any permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in compliance with the laws and regulations that apply;

(5) in the case of forest roads, the work must not operate to alter or exceed the existing right of way, widen the roadway or convert the road to a higher class.

For the purposes of this section, repair and upgrading work includes work to replace or install works or facilities to comply with the requirements of an environmental regulation.

8. No person may bury, incinerate, abandon or dispose of residual materials or snow, except if they are disposed of in waste disposal containers, facilities or sites determined by the Minister or, in other cases, with the authorization of the Minister.

Despite the first paragraph, a controlled zone does not need an authorization to use a disposal facility or site, in compliance with the Environment Quality Act (chapter Q-2) and its regulations, if the controlled zone was already using the facility or site on (*insert the date of coming into force of this Regulation*).

DIVISION II RULES OF CONDUCT FOR USERS

9. No person may enter, carry on an activity or operate a vehicle in a given sector of the biodiversity reserve if the signage installed by the Minister restricts access, traffic or certain activities in the sector in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister.

10. No person may destroy, remove, move or damage any poster, sign, notice or other type of signage posted by the Minister within the biodiversity reserve.

DIVISION III ACTIVITIES REQUIRING AN AUTHORIZATION

11. No person may, for a period of more than 90 days in the same year, occupy or use the same site of the biodiversity reserve, unless the person has been authorized by the Minister.

For the purposes of the first paragraph,

(1) the occupation or use of a site includes

(a) staying or settling in the biodiversity reserve, for instance for vacation purposes;

(b) setting up a camp or a shelter; and

(c) installing, burying or abandoning any property in the reserve, including equipment, a device or a vehicle; and

(2) the expression “same site” includes any other site within a radius of 1 kilometre from the site.

Despite the first paragraph, an authorization is not required if a person,

(1) on (*insert the date of coming into force of this Regulation*), was a party to a lease or had already obtained another form of right or another authorization allowing the person to legally occupy the land under the Act respecting the lands in the domain of the State (chapter T-8.1) or, if applicable, the Act respecting the conservation and development of wildlife (chapter C-61.1), and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees; or

(2) in accordance with the law, has entitlement under a sublease, an assignment of a lease or a transfer of a right or authorization referred to in subparagraph 1, and whose right to occupy the land is renewed or extended on the same conditions, subject to possible changes in fees.

12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister.

Despite the first paragraph, persons staying or residing within the biodiversity reserve and who collect wood required to make a campfire are not required to obtain the authorization of the Minister.

No such authorization is required if a person collects firewood to meet domestic needs to supply a trapping camp or a rough shelter permitted within the biodiversity reserve in the following cases and on the following conditions:

(1) the wood is collected by a person in compliance with the conditions set out in the permit for the harvest of firewood for domestic purposes issued under the Sustainable Forest Development Act (chapter A-18.1);

(2) the quantity of wood collected does not exceed 7 apparent cubic metres per year.

In addition, no authorization to carry on a forest management activity is required if a person authorized by lease to occupy land within the biodiversity reserve in accordance with this Regulation carries on the activity for the purpose of

(1) clearing, maintaining or creating visual openings, and any other similar removal work permitted under the provisions governing the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (chapter T-8.1), including for access roads, stairs or other trails permitted under those provisions; or

(2) clearing the necessary area for the installation, connection, maintenance, repair, reconstruction or upgrading of facilities, lines or mains for water, sewer, electric power or telecommunications services.

If the work referred to in subparagraph 2 of the fourth paragraph is carried on for or under the responsibility of an enterprise providing any of those services, the work requires the prior authorization of the Minister, other than in the case of the exemptions provided for in sections 14 and 16.

13. No person may carry on commercial activities in the biodiversity reserve, except with the authorization of the Minister.

Despite the first paragraph, no authorization is required

(1) if the activity does not involve the taking of fauna or flora resources, or the use of a motor vehicle; or

(2) to carry on commercial activities which, on (*insert the date of coming into force of this Regulation*), were the subject of a right to use the land for such a purpose, whether the right results from a lease or other form of title, permit or authorization, within the limits of the right.

DIVISION IV AUTHORIZATION EXEMPTIONS

14. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the biodiversity reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended catastrophe. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

15. Despite the preceding provisions, an authorization is not required for a member of a Native community for an intervention within the biodiversity reserve where that intervention is part of the exercise of rights covered by section 35 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom) and those rights are credibly asserted or established.

16. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (hereinafter the “Société”) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this Regulation:

(1) any activity or intervention required within the biodiversity reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the latter, in accordance with the requirements of the Environment Quality Act (chapter Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société and it is carried out in accordance with the request.

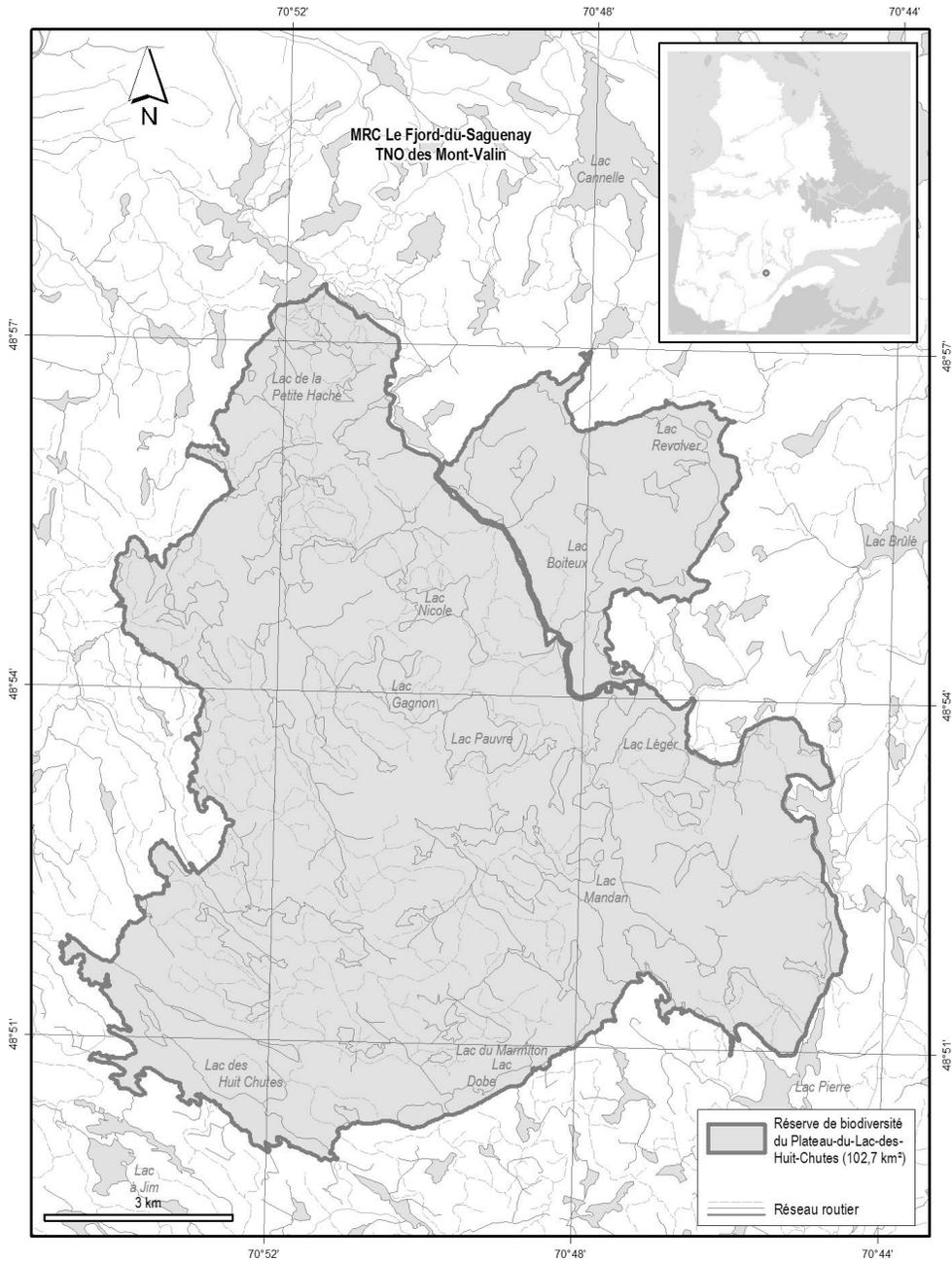
The Société informs the Minister of the various activities or interventions referred to in this section it proposes to carry out before the work is begun within the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and monitor the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purposes of access, construction or traffic incidental to the work.

DIVISION V FINAL

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

SCHEDULE
LOCATION PLAN OF THE RÉSERVE DE BIODIVERSITÉ DU PLATEAU-DU-LAC-DES-HUIT-CHUTES
 (s. 1)



Draft Regulation

Professional Code
(chapter C-26)

Pharmacists

— **Extension or adjustment of a physician’s prescription by a pharmacist and the substitution of a medication prescribed**
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the extension or adjustment of a physician’s prescription by a pharmacist and the substitution of a medication prescribed, as made by the board of directors of the Ordre des pharmaciens du Québec and appearing below, may be examined by the Office des professions du Québec then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

Under the draft Regulation, pharmacists do not have to systematically inform attending physicians each time the pharmacists extend a prescription. The information will be communicated only where a pharmacist will deem it useful to do so.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Manon Bonnier, Director of Legal Services and Assistant Secretary, Ordre des pharmaciens du Québec, 266, rue Notre-Dame Ouest, bureau 301, Montréal (Québec) H2Y 1T6; telephone: 514 284-9588, extension 286, or 1 800 363-0324; email: mbonnier@opq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Guylaine Couture, secretary, Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

GUYLAINE COUTURE,
*Secretary of the Office des
professions du Québec*

Regulation amending the Regulation respecting the extension or adjustment of a physician’s prescription by a pharmacist and the substitution of a prescribed medication

Pharmacy Act
(chapter P-10, s. 10, 1st par., subpar. h)

1. The Regulation respecting the extension or adjustment of a physician’s prescription by a pharmacist and the substitution of a prescribed medication is amended by adding to section 2, before “A pharmacist”, the words “If he deems it relevant”.

2. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

103917

Draft Regulation

Professional Code
(chapter C-26)

Physicians

— **Certain professional activities that may be engaged in by a pharmacist**
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a pharmacist, as made by the board of directors of the Collège des médecins du Québec and appearing below, may be examined by the Office des professions du Québec then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation provides that a pharmacist practising in a community pharmacy who prescribes laboratory analyses will communicate the results to the physician or the specialized nurse practitioner only in the cases the pharmacist deems relevant or where the clinical situation requires it.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Linda Bélanger, Assistant Director, Direction des services juridiques, Collège des médecins du Québec, 1250, boulevard René-Lévesque Ouest, bureau 3500, Montréal (Québec) H3B 0G2; telephone: 514 933-4441 or 1 800 633-3246; email: lbelanger@cmq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Guylaine Couture, Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

GUYLAINE COUTURE,
*Secretary of the Office des
professions du Québec*

Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a pharmacist

Medical Act
(chapter M-9, s. 19, 1st par., subpar. b)

1. The Regulation respecting certain professional activities that may be engaged in by a pharmacist (chapter M-9, r. 12.2) is amended by the insertion in the third paragraph of the section 6, before “The pharmacist communicates” of “If he deems it relevant or if the clinical situation requires it,”.

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

103918

Draft Regulation

An Act to promote the protection of persons by establishing a framework with regard to dogs
(chapter P-38.002)

Regulation respecting the application —Making

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation obligates veterinary surgeons and physicians to report dog-inflicted injuries without delay. It determines the information that must be included in, and specifies the local municipality to which the report must be made.

The draft Regulation allows a local municipality to have a dog examined by a veterinary surgeon that it chooses to evaluate the dog's condition and dangerousness. It provides that the local municipality may, after having considered the veterinary surgeon's report, declare the dog potentially dangerous where it is of the opinion that it constitutes a risk for public health and safety. It also provides that a dog that bit or attacked a person or a domestic animal and inflicted injuries may be declared potentially dangerous by a local municipality. In the case where a dog that bit or attacked a person caused the person's death or inflicted serious injuries, the draft Regulation provides that the local municipality order that the dog be euthanized. It also grants to local municipalities the power to order the owner or custodian of a dog, where circumstances justify it, to comply with certain measures, for example, to have the dog euthanized or prohibit the owner or custodian from owning a dog. The draft Regulation establishes the terms of exercise of powers of local municipalities. It also establishes dog supervision and ownership standards and confers powers of inspection and seizure on inspectors of a local municipality. It also provides offences.

Lastly, the draft Regulation exempts certain dogs from the application of its provisions.

The measures proposed by the draft Regulation have no significant impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Thierry Lorman, Strategic Advisor, Bureau du sous-ministre associé, Direction générale des affaires policières, Ministère de la Sécurité publique, Tour du St-Laurent, 8^e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2; telephone: 418 646-6777, extension 60132; email: thierry.lorman@misp.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Véronyck Fontaine, Secretary General, Ministère de la Sécurité publique, Tour des Laurentides, 5^e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2; fax: 418 643-3500; email: veronyck.fontaine@misp.gouv.qc.ca.

GENEVIÈVE GUILBAULT,
Minister of Public Security

Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs

An Act to promote the protection of persons by establishing a framework with regard to dogs (chapter P-38.002, s. 1).

DIVISION I EXEMPTED DOGS

1. This Regulation does not apply to the following dogs:

(1) a dog needed by a person to assist the person and that is the subject of a valid certificate attesting that the dog has been trained for that purpose by a professional service dog training organization;

(2) a dog in a police force dog team;

(3) a dog used in the course of the activities of the holder of a licence issued under the Private Security Act (chapter S-3.5);

(4) a dog used in the course of a wildlife protection officer's activities.

DIVISION II REPORTING OF DOG-INFLICTED INJURIES

2. A veterinary surgeon must report without delay to the local municipality concerned dog-inflicted injuries to a person or domestic animal by communicating, if known, the following information:

(1) the name and contact information of the owner or custodian of the dog;

(2) any information, including the breed or type, allowing the dog to be identified;

(3) the name and contact information of the injured person or of the owner or custodian of the injured domestic animal and the nature and seriousness of the injury that was inflicted.

3. A physician must report without delay to the local municipality concerned dog-inflicted injuries to a person by communicating the nature and seriousness of the injury and, if known, the information provided for in subparagraphs 1 and 2 of the first paragraph of section 2.

4. For the purposes of sections 2 and 3, the local municipality concerned is that of the principal residence of the owner or custodian of the dog that inflicted the injury or, if that information is unknown, that where the incident took place.

DIVISION III DECLARATIONS OF DOGS POTENTIALLY DANGEROUS AND ORDERS WITH REGARD TO OWNERS OR CUSTODIANS OF DOGS

§1. Powers of local municipalities

5. Where there are reasonable grounds to believe that a dog constitutes a risk for public health and safety, a local municipality may require that its owner or custodian have the dog undergo an examination by a veterinary surgeon that it chooses so that its condition and dangerousness are evaluated.

6. The local municipality notifies the owner or custodian of the dog, where known, of the date, time and place to appear for the dog's examination and of the fees to be paid for the examination.

7. The veterinary surgeon sends the report to the local municipality as soon as possible. It must contain the veterinary surgeon's opinion as to the risk the dog constitutes for public health and safety.

It may also contain recommendations on the measures to be taken with regard to the dog.

8. A dog may be declared potentially dangerous by the local municipality that is of the opinion that, after considering the report of the veterinary surgeon having examined the dog and evaluated its condition and dangerousness, it constitutes a risk for public health and safety.

9. A dog that bit or attacked a person or a domestic animal and injured the person or animal may also be declared potentially dangerous by a local municipality.

10. A local municipality orders the owner or custodian of a dog that bit or attacked a person and that caused the person's death or inflicted a serious injury to the person to have the dog euthanized. It must also have such a dog euthanized where the owner or custodian is unknown or cannot be found.

Until the dog is euthanized, a dog referred to in the first paragraph must be muzzled at all times with a basket muzzle where it is outside the residence of its owner or custodian.

For the purposes of this section, any physical injury that could lead to death or that results in serious physical consequences constitutes a serious injury.

11. A local municipality may, where circumstances justify it, order the owner or custodian of a dog to comply with one or more of the following measures:

(1) submit the dog to one or more of the standards provided for in Division IV or to any other measure intended to reduce the risk that the dog constitutes for public health and safety;

(2) have the dog euthanized;

(3) get rid of the dog or any other dog or prohibit the owner or custodian from owning, acquiring, keeping or breeding a dog for a period it determines.

The order must be proportionate to the risk that the dog, owner or custodian constitutes for public health and safety.

§2. Terms governing the exercise of powers by local municipalities

12. A local municipality must, before declaring a dog potentially dangerous under section 8 or 9 or rendering an order under section 10 or 11, inform the owner or custodian of the dog of its intention and of the grounds on which it is founded and indicate the period within which the owner or custodian may present observations and, where applicable, produce documents to complete the file.

13. Every decision of the municipality is sent in writing to the owner or custodian of the dog. Where the municipality declares a dog potentially dangerous or renders an order, the decision must be in writing, with reasons, and must refer to any document or information that the local municipality has taken into consideration.

The declaration or order is notified to the owner or custodian of the dog and indicates the period the owner or custodian has to comply therewith. Before the expiry of that period, the owner or custodian of the dog must, at the request of the municipality, show that the owner or custodian has complied with the order. Failing that, the owner or custodian is presumed not having complied with the order. In that case, the municipality gives a formal notice to the owner or custodian to comply within a given period and indicates to the owner or custodian the consequences of the failure.

14. A local municipality may designate an officer or an employee of the municipality responsible for the exercise of the powers provided for in this Division.

15. The powers of a local municipality to declare a dog potentially dangerous and to render orders under this Regulation are exercised with regard to dogs whose owner or custodian has his or her principal residence in its territory.

Despite the foregoing, a declaration or an order rendered by a local municipality applies to the entire territory of Québec.

**DIVISION IV
DOG SUPERVISION AND OWNERSHIP
STANDARDS**

§1. Standards applicable to all dogs

16. The owner or custodian of a dog must register it with the local municipality of the principal residence within 15 days of the acquisition of the dog, of the establishment of the principal residence in a municipality or of the day when the dog reaches the age of 3 months.

Despite the first paragraph, the obligation to register a dog

(1) applies from the day on which the dog reaches the age of 6 months where a pet shop, namely, a business where companion animals are kept and offered for sale to the public, or a dog breeder is the owner or custodian of the dog; and

(2) does not apply to a veterinary establishment, a shelter, an animal service, a pound or any person or organization dedicated to the protection of animals that holds a permit referred to in section 19 of the Animal Welfare and Safety Act (chapter B-3.1) and to an educational institution or establishment that carries out research activities.

The owner or custodian of a dog must pay the annual registration fees set by the local municipality.

17. The owner or custodian of a dog must provide, for it to be registered, the following information and documents:

(1) its name and contact information;

(2) the breed or type, sex, colour, year of birth, name, distinctive features, the dog's origin and if its weight is 20 kg or more;

(3) where applicable, proof that the dog was vaccinated against rabies, spayed or neutered, or microchipped and the number of the microchip, or a notice written by a veterinary surgeon indicating that the vaccination, spay or neuter, or microchipping is contraindicated for the dog;

(4) any decision with regard to the dog or with its regard rendered by a local municipality under this Regulation or a municipal by-law concerning dogs.

18. The registration of a dog in a local municipality subsists for as long as the dog and its owner or custodian remain the same.

The owner or custodian of a dog must inform the local municipality in which the dog is registered of any change in the information provided pursuant to section 17.

19. The local municipality gives to the owner or custodian of a registered dog a tag with the dog's registration number.

A dog must wear the tag given by the local municipality in order to be identifiable at all times.

20. In a public place, a dog must at all times be under the control of a person capable of controlling it.

Except in a dog run facility, a dog must also be on a leash whose maximum length is 1.85 m. A dog of 20 kg and more must also wear, at all times, a halter or a harness attached to its leash.

21. A dog may not be on property belonging to a person other than its owner or custodian, unless the presence of the dog has been expressly authorized.

§2. Standards applicable to dogs declared potentially dangerous

22. A dog declared potentially dangerous must be vaccinated against rabies, microchipped and spayed or neutered, unless there is a contraindication for the dog established by a veterinary surgeon. Vaccination against rabies must be administered every 3 years.

23. A dog declared potentially dangerous may not be kept in the presence of a child 10 years of age or under unless it is under the constant supervision of a person 18 years of age or over.

24. A dog declared potentially dangerous must be kept using a device that prevents the dog from going beyond the boundaries of a private property that is not fenced or whose fence cannot contain it. In addition, a sign must be posted at a place announcing to a person coming on the property the presence of a dog declared potentially dangerous.

25. In a public place, a dog declared potentially dangerous must wear, at all times, a halter or a basket muzzle. In addition, it must be on a leash whose maximum length is 1.25 m, except in a dog run facility.

DIVISION V
INSPECTION AND SEIZURE

§1. Inspection

26. For the purpose of ensuring the application of this Regulation, an inspector who has reasonable grounds to believe that a dog is on premises or in a vehicle may, in the performance of inspection duties,

(1) enter and inspect the premises at any reasonable time;

(2) inspect the vehicle or order any such vehicle to be stopped for inspection;

(3) examine the dog;

(4) take photographs and make recordings;

(5) require any person to produce any books, accounts, registers, records or other documents for examination or for the purpose of making copies or obtaining extracts, if the inspector has reasonable grounds to believe that they contain information relating to the application of this Regulation; and

(6) require any person to provide any information relating to the application of this Regulation.

If the premises or vehicle are unoccupied, the inspector leaves a notice indicating his or her name, the time of the inspection, as well as the reasons for the inspection.

27. An inspector who has reasonable grounds to believe that a dog is in a dwelling house may require that the owner or occupant of the premises show them the dog. The owner or occupant must comply immediately.

The inspector may enter the dwelling house only with the occupant's authorization or else with a search warrant issued by a judge, on the basis of a sworn statement by the inspector asserting that the inspector has reasonable grounds to believe that a dog that constitutes a risk for public health and safety is in the dwelling house, authorizing, on the conditions the judge indicates, the inspector to enter the dwelling house, seize the dog and dispose of it in accordance with this Division. The warrant may be obtained in accordance with the procedure provided for in the Code of Penal Procedure (chapter C-25.1), with the necessary modifications.

Every judge of the Court of Québec or of a municipal court or every presiding justice of the peace has jurisdiction to issue a search warrant under the second paragraph.

28. The inspector may require that the owner, custodian or person responsible for a vehicle or for premises being inspected, as well as any person in the vehicle or on the premises, assist the inspector in the performance of inspection duties.

§2. Seizure

29. An inspector may seize a dog for the following purposes:

(1) have the dog undergo an examination by a veterinary surgeon in accordance with section 5 where the inspector has reasonable grounds to believe that the dog constitutes a risk for public health and safety;

(2) have the dog undergo the examination required by the local municipality where its owner or custodian fails to attend the examination in accordance with the notification under section 6;

(3) execute an order rendered by the local municipality under section 10 or 11 where the period provided for in the second paragraph of section 13 to comply with it has expired.

30. The inspector has custody of the seized dog and may keep the dog or entrust it to a person in a veterinary establishment or in a shelter, an animal service, a pound or premises kept by a person or an organization dedicated to the protection of animals holding a permit referred to in section 19 of the Animal Welfare and Safety Act (chapter B-3.1).

31. Custody of the dog is maintained until the dog has been returned to its owner or custodian.

Except if the dog has been seized to execute an order rendered under the first paragraph of section 10 or subparagraph 2 or 3 of the first paragraph of section 11, or if the municipality renders an order under one of its provisions, the dog is returned to its owner or custodian

(1) if, as soon as the dog has been examined, the veterinary surgeon is of the opinion that the dog does not constitute a risk for public health and safety, or as soon as the order has been executed; and

(2) if 90 days have elapsed since the date of the seizure without the dog having been declared potentially dangerous or, before that time limit expires, if the inspector has been notified that there is no reason to declare the dog potentially dangerous or that the dog has been declared potentially dangerous.

32. Animal care expenses incurred as a result of a seizure are borne by the owner or custodian of the dog, including the costs incurred to provide veterinary care, treatment, surgical procedures and medication required during the seizure and examination by a veterinary surgeon, and to transport, euthanize or dispose of the dog.

DIVISION VI OFFENCE

33. The owner or custodian of a dog who contravenes section 6 or does not comply with an order rendered under section 10 or 11 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$2,000 to \$20,000 in other cases.

34. The owner or custodian of a dog who contravenes any of sections 16, 18 and 19 is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.

35. The owner or custodian of a dog who contravenes any of sections 20 and 21 is liable to a fine of \$500 to \$1,500 in the case of a natural person and \$1,000 to \$3,000 in other cases.

36. The minimum and maximum fines provided for in sections 34 and 35 are doubled where the offence concerns a dog declared potentially dangerous.

37. The owner or custodian of a dog who contravenes any of sections 22 to 25 is liable to a fine of \$1,000 to \$2,500 in the case of a natural person and \$2,000 to \$5,000 in other cases.

38. The owner or custodian of a dog who provides false or misleading information or information that the owner or custodian should have known to be false or misleading relating to the registration of a dog is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.

39. Every person who in any way hinders any person responsible for the application of the Act in the performance in the person's duties, deceives the person by concealment or misrepresentation or refuses to provide information that the person is entitled to obtain under this Regulation is liable to a fine of \$500 to \$5,000.

40. The minimum and maximum fines prescribed in this Division are doubled for a subsequent offence.

DIVISION VII

TRANSITIONAL AND FINAL

41. The owner or custodian of a dog on the date of coming into force of this Regulation has 3 months following that date to register the dog in accordance with section 16.

42. 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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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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