



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 67

An Act to amend the Professional Code

Introduction

**Introduced by
Mr Raymond Savoie
Minister responsible for the administration
of legislation respecting the professions**

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EXPLANATORY NOTE

This bill amends the Professional Code in order to introduce the provisions necessary to permit the payment of financial contributions intended to ensure reimbursement by the professional corporations of the expenses incurred by the Office des professions du Québec in the performance of its functions.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 86 of the Professional Code (R.S.Q., chapter C-26) is amended by adding, at the end of the second paragraph, the words “, or to pay the contribution required under Chapter VIII.1”.

2. The said Code is amended by inserting, after section 196, the following heading and sections:

“CHAPTER VIII.1

“FINANCIAL CONTRIBUTIONS

“196.1 For the purposes of this chapter,

“year” means the fiscal year of the Office, which runs from 1 April to 31 March;

“reference year” means the year in respect of which the amount of expenses incurred by the Office is determined by the Government in accordance with section 196.11;

“contribution” means the sum of the annual contribution and any supplementary contribution fixed under subparagraph *k* of the first paragraph of section 86 and paid by a member during the reference year;

“member” means a person who holds a permit issued by a corporation and who, on the last day of the reference year, is entered on the roll of the corporation.

“196.2 The expenses incurred by the Office during a reference year shall be paid by the professional corporations.

“196.3 Each corporation is bound to contribute to the payment of the expenses incurred by the Office by means of an annual contribution equal to

(a) one-half of the expenses incurred by the Office multiplied by the proportion that the number of members of the corporation on the last day of the reference year is of the total number of members of all the corporations on that day; and

(b) one-half of the expenses incurred by the Office multiplied by the proportion that the total of the contributions collected by the corporation during the reference year is of the total of the contributions collected by all the corporations for that same year.

“196.4 Notwithstanding section 196.3, the contribution of a corporation shall not exceed the lesser of the following amounts:

(a) 10 % of the expenses incurred by the Office;

(b) the product obtained by multiplying \$25 by the number of members of the corporation.

The amount obtained pursuant to subparagraph *b* of the first paragraph is adjusted annually at the rate represented by the variation in the expenses incurred by the Office compared to those incurred in the previous year.

“196.5 Where the total of the contributions of the corporations established in accordance with sections 196.3 and 196.4 is less than the amount of the expenses incurred by the Office, the difference is apportioned in accordance with section 196.3 among the corporations whose contribution has not reached the limit provided for in section 196.4.

The first paragraph applies until the total of the contributions is equal to the expenses incurred by the Office.

“196.6 For the purpose of computing the contributions provided for in sections 196.3 to 196.5, the Office shall send to the Minister of Revenue, not later than 31 December of the year following the reference year, all the information required by the Minister, in particular the amount of the expenses incurred by the Office, the number of members of each corporation and the contributions collected by each corporation.

“196.7 The Minister of Revenue shall establish the contribution of, and send a written request for payment to, each corporation not later than 1 March of the year following the reference year.

“196.8 Every corporation must, not later than 30 April following the written request for payment provided for in section 196.7, pay the contribution provided for in sections 196.3 to 196.5 to the Minister of Revenue.

Each corporation must also, each year, file with the Minister of Revenue a declaration containing the prescribed information, together with the payment referred to in the first paragraph, in the manner and form determined by the Minister.

“196.9 The Minister of Revenue shall pay to the consolidated revenue fund, on receipt, the contribution received from a corporation.

He shall also pay to the consolidated revenue fund any sums received or recovered as unpaid contributions, together with the interest and penalties on those sums.

“196.10 Sections 196.1 to 196.9 constitute a fiscal law within the meaning of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

“196.11 The Government shall determine the amount of the expenses incurred by the Office in respect of a reference year in the following manner:

(a) it shall establish the amount of expenditure of the Office during the reference year as it appears in the public accounts of the Government;

(b) it shall add to that amount the amount of expenditure of government departments or other bodies for the benefit of the Office during the reference year, where such expenditure is directly related to the remuneration of the employees of the Office or to its management or the collection of amounts under this chapter;

(c) it shall subtract from the total of the amounts so obtained the total of the amounts collected by the Office during the reference year as fees or charges in accordance with any regulation adopted under the authority of section 196.12.

“196.12 The Government may, after consultation with the Office and the Interprofessional Council, establish by regulation a

tariff of fees or charges to be paid, in particular by any professional group wishing to be constituted as a professional corporation in accordance with this Code, by any person, professional corporation, government department or other government body in respect of any application made to the Office or in respect of any act which must be performed by the Office within the scope of its functions.”

3. Section 197 of the said Code is amended by adding, at the end, the following sentence: “However, the Minister of Revenue is responsible for the application of sections 196.1 to 196.10 of this Code.”

4. This Act comes into force on (*insert here the date of assent to this Act*).