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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Draft Bill

**An Act to amend the Professional  
Code and other legislation  
respecting the professions**

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

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## EXPLANATORY NOTES

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*This draft bill proposes amendments to the Professional Code and, mainly to achieve uniformity, to all statutes creating professional corporations.*

*First, regarding the Office des professions du Québec, it is proposed that its membership be increased from five to seven persons, two of whom would not be members of a professional corporation. In addition, new powers would be given to the Office, as in relation to investigations which the Office may carry out regarding a professional corporation and to the regulatory powers of the Office.*

*With respect to the Government, the draft bill increases the powers of the Government to place a professional corporation under the control of the Office and makes changes to the Government's powers of regulation.*

*With respect to professional corporations, the draft bill modifies the powers they hold over the admission of new members. As such, the draft bill removes certain conditions which could make it difficult to obtain a permit to practice. On the other hand, to better protect the public, the draft bill proposes, among other things, give professional corporations the power to deny a person a permit or his registration on the roll whenever the person making the request has been the subject of certain decisions of a criminal or disciplinary nature.*

*The draft bill also proposes amendments to the regulatory powers of professional corporations, for instance by requiring them to adopt certain regulations which presently are optional and by providing for regulations instituting a conciliation procedure. In addition, the draft bill proposes changes to the procedure for the adoption or approval of certain regulations.*

*Concerning disciplinary matters, first, the draft bill proposes rules allowing easier consultation of the disciplinary hearings list and of the records of disciplinary proceedings. Secondly, the draft bill proposes that a committee for the examination of complaints be*

*created within each professional corporation. The syndic of a corporation would be required to ask the opinion of this committee in relation to requests for investigation which the syndic has decided are not cause for bringing forth a complaint. In addition, the syndic would be required to send the Office a written report each time he has not completed an investigation on a professional within 60 days of its request.*

*As well, with respect to disciplinary matters, the draft bill contains provisions meant to facilitate the recourse of persons, other than the syndic, who decide to file a complaint themselves. The draft bill also proposes measures for improving the efficiency of the disciplinary process.*

*Finally, the draft bill makes other changes of a more technical nature which seek to improve the administration of Québec's professional system.*

#### **ACTS AMENDED BY THIS DRAFT BILL:**

- Agrologists Act (R.S.Q., chapter A-12);
- Architects Act (R.S.Q., chapter A-21);
- Land Surveyors Act (R.S.Q., chapter A-23);
- Hearing-aid Acousticians Act (R.S.Q., chapter A-33);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Professional Chemists Act (R.S.Q., chapter C-15);
- Chiropractic Act (R.S.Q., chapter C-16);
- Professional Code (R.S.Q., chapter C-26);
- Chartered Accountants Act (R.S.Q., chapter C-48);
- Dental Act (R.S.Q., chapter D-3);
- Denturologists Act (R.S.Q., chapter D-4);
- Nurses Act (R.S.Q., chapter I-8);
- Engineers Act (R.S.Q., chapter I-9);
- Forest Engineers Act (R.S.Q., chapter I-10);
- Veterinary Surgeons Act (R.S.Q., chapter M-8);

- Medical Act (R.S.Q., chapter M-9);
  - Notarial Act (R.S.Q., chapter N-2);
  - Dispensing Opticians Act (R.S.Q., chapter O-6);
  - Optometry Act (R.S.Q., chapter O-7);
  - Pharmacy Act (R.S.Q., chapter P-10);
  - Podiatry Act (R.S.Q., chapter P-12);
  - Radiology Technicians Act (R.S.Q., chapter T-5).
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## Draft Bill

### **An Act to amend the Professional Code and other legislation respecting the professions**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### PROFESSIONAL CODE

**1.** Section 2 of the Professional Code (R.S.Q., chapter C-26) is amended by adding, at the end, the words “and to their members”.

**2.** Section 4 of the said Code is amended by replacing the word “five” in the first line of the first paragraph by the word “seven”.

**3.** Section 6 of the said Code is amended

(1) by striking out the words “and is a member of a corporation” in the second line of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraph:

“Five of the seven members of the Office, including the chairman and the vice-chairman, must be members of professional corporations. The other two members must not be members of professional corporations, either at the time of their appointment or during their term of office.”;

(3) by replacing the word “Three” in the first line of the second paragraph by the word “Five”.

**4.** Section 12 of the said Code is amended

(1) by inserting the words “, letters patent, regulations and by-laws” after the word “acts” in the third line of the second

paragraph, and by replacing the words “; it shall make recommendations concerning the regulations and by-laws of that professional corporations” in the eighth and ninth lines of that paragraph by the following: “. It shall examine and make a recommendation in respect of any regulation to which section 95 applies; it shall examine and may approve any regulation to which section 95.1 applies; it may give its advice on any draft regulation to which section 95.2 applies.”;

(2) by replacing the third paragraph by the following paragraph:

“The Office shall, in particular,

(1) ensure that each corporation adopts the regulations or by-laws it is required to adopt under this Code or, as the case may be, under the Act constituting it as a professional corporation;

(2) adopt, by regulation in accordance with this Code or, as the case may be, with the Act constituting the professional corporation, the regulations and by-laws the corporation is required to adopt under this Code or, as the case may be, under the said Act, if the corporation itself fails to do so within the time fixed by the Office;

(3) suggest to any corporation, at any time, the amendments it considers necessary to any regulation or by-law adopted by the corporation, even before its publication as a draft regulation or by-law in the *Gazette officielle du Québec* or after the regulation or by-law is in force;

(4) adopt, at any time, by regulation in accordance with this Code or, as the case may be, with the Act constituting the professional corporation, the amendments it considers necessary to any regulation or by-law adopted by the corporation, whether published or not as a draft regulation or by-law in the *Gazette officielle du Québec*, and whether or not in force, if the corporation itself fails to do so within the time fixed by the Office;

(5) fix, by regulation, the rules governing the retention of disciplinary records and other records held by a corporation in respect of its members and of applicants for a permit, together with the rules governing access to those records, the rules for protecting the confidential information it determines and contained in the records, and the periods during which the records must be retained by the corporation;

(6) determine, by regulation and after consultation with the Interprofessional Council, standards concerning the preparation,

content, updating and publication of the roll of the members of a corporation;

(7) determine, by regulation and after consultation with the Interprofessional Council, standards concerning the preparation and content of the annual report of a corporation;

(8) advise the Government on any diploma giving access to a permit or specialist's certificate issued by a corporation, after consultation, in particular, with

(a) the teaching institutions and the corporation concerned;

(b) the Conférence des recteurs et des principaux des universités du Québec and the Conseil des universités in the case of a university-level diploma;

(c) the Conseil des collèges in the case of a college-level diploma;

(d) the Minister of Education in the case of a secondary-level diploma;

(e) the Minister of Higher Education and Science in the case of a college-level or university-level diploma;

(9) establish a form for applications for inquiries under section 122, a form for complaints under section 126 and any appropriate document to facilitate the exercise of all recourses available under this Code, and may determine the procedures for distribution thereof by a corporation."

**5.** The said Code is amended by inserting, after section 12, the following section:

**"12.1** The Office may, by regulation,

(1) adopt rules concerning the management of its affairs;

(2) fix the terms and conditions of cooperation by an interested corporation with the authorities of the teaching institutions in Québec referred to in a regulation made under section 184, in particular in the development and review of programs of study leading to diplomas giving access to a permit or a specialist's certificate and in the preparation of examinations or other means of evaluating the persons pursuing such studies.

The Office shall, before fixing the terms and conditions referred to in subparagraph 2 of the first paragraph, consult, in particular, the

persons and bodies mentioned in paragraphs *a* to *e* of subparagraph 8 of the third paragraph of section 12.”

**6.** The French text of section 13 of the said Code is amended by replacing the words “de ce” in the first line of the first paragraph by the words “du présent”.

**7.** The said Code is amended by inserting, after section 13, the following section :

**“13.1** The Office shall report to the Government on any corporation which fails to exercise its functions or perform its duties in accordance with this Code or the Acts, letters patent, regulations or by-laws governing it, and on any corporation which shows a deficit, has insufficient income to meet its obligations or does not provide adequate protection for the public.”

**8.** Section 14 of the said Code is amended

(1) by replacing the words “show a deficit or have insufficient income to meet their obligations” in the third and fourth lines by the words “fail to exercise their functions or perform their duties in accordance with this Code or the Acts, letters patent, regulations or by-laws governing them, show a deficit, have insufficient income to meet their obligations or do not provide adequate protection for the public”;

(2) by adding, at the end, the following paragraph :

“It may, in particular, provide that the Office shall replace, wholly or in part, the Bureau, the administrative committee, the professional inspection committee or the syndic of a corporation in the exercise of their functions and the performance of their duties, for the period it indicates.”

**9.** Section 15 of the said Code is amended by inserting the word “, record” after the word “document” in the second line, and by adding, at the end, the words “, including any information, records or copies of records obtained by it from a professional”.

**10.** The said Code is amended by inserting, after section 15, the following sections :

**“15.1** The Office may inquire into any corporation where it has reasonable grounds to believe that it is not exercising its functions or performing its duties in accordance with this Code or the Acts, letters patent, regulations and by-laws governing it, is showing a deficit, has

insufficient income to meet its obligations or does not provide adequate protection for the public.

The Office may authorize a person, generally or specially, to carry out the inquiry.

The Office and, where applicable, any person so authorized are vested with the powers and immunity conferred on commissioners under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose a term of imprisonment.

**“15.2** The person carrying out the inquiry may enter the head office of the corporation at any reasonable time and shall, on request, produce a certificate signed by the chairman of the Office attesting his quality.

He may examine and copy any document or record, require any document and demand any information or report he needs for the purposes of the inquiry.

For the purposes of this section, the words “document” and “record” include, respectively, any document and any copy of a record held by a professional and covered by section 192.

**“15.3** No person may, in any way whatsoever, hinder a person carrying out an inquiry, mislead him by concealment or false declarations, refuse to provide him with any information, document or record which he is entitled to obtain for the purposes of the inquiry or refuse to let him make a copy of any such document or record.

**“15.4** The powers set out in sections 15 and 15.2 may be exercised notwithstanding a professional’s obligation to protect professional secrecy.”

**11.** Section 32 of the said Code is amended by replacing the word “any” in the sixth line by the words “one of the above titles or any other”.

**12.** Section 34 of the said Code is replaced by the following section:

**“34.** Nothing in section 32 shall prevent

(1) a person duly registered for a program of study leading to a diploma which gives access to a permit or specialist’s certificate from performing, in accordance with the regulations made pursuant to paragraph *g* of section 94, any act reserved for a professional that he is required to perform within the scope of the program of study;

(2) a person who is serving a period of professional training referred to in paragraph *i* of section 94 from performing, in accordance with the conditions determined by regulation made pursuant to paragraph *h* of that section, any act determined in the regulation;

(3) a teacher or tutor from performing, in accordance with the conditions determined by regulation made pursuant to paragraph *g* of section 94, any act reserved for a professional that he is required to perform within the framework of a program of study referred to in subparagraph 1 of this paragraph or a period of professional training referred to in subparagraph 2;

(4) a person belonging to a class of persons authorized to perform an act reserved for a professional under a regulation made pursuant to an Act establishing a professional corporation from performing, in accordance with the conditions prescribed by the regulation, any act determined therein;

(5) a person duly registered for a training program for persons belonging to a category authorized to perform an act reserved for a professional under a regulation made pursuant to an Act constituting a professional corporation from performing, in accordance with the conditions determined by regulation made pursuant to paragraph *g.1* of section 94, an act reserved for a professional that he is required to perform within the framework of the training program;

(6) a teacher from performing, in accordance with the conditions determined by regulation made pursuant to paragraph *g.1* of section 94, an act reserved for a professional that he is required to perform within the framework of a training program referred to in subparagraph 5 of this paragraph;

(7) a person who has successfully completed a program of study leading to a diploma giving access to a permit or a specialist's certificate, or a person whose diploma has been recognized by the Bureau as being equivalent, from performing, in accordance with the conditions determined by regulation made pursuant to paragraph *g* of section 94, an act reserved for a professional.

“Act reserved for a professional” means any act so reserved under the terms of an Act constituting a professional corporation which may, in certain cases be performed by a category of persons other than the professional for whom it is reserved, and determined by regulation made pursuant to that Act.”

**13.** Section 42 of the said Code is amended by striking out the words “subparagraph *a* of the first paragraph” in the fourth line of the first paragraph.

**14.** Section 44 of the said Code is replaced by the following section:

“**44.** No corporation may refuse to issue a permit to a person for the sole reason that he is not a Canadian citizen, if he was legally admitted to Canada as a permanent resident.”

**15.** Section 45 of the said Code is replaced by the following section:

“**45.** The Bureau may refuse the issue of a permit or entry on the roll where the applicant

(1) is the subject of a final decision of a Canadian court convicting him of a criminal offence which is triable by way of indictment only, or of another criminal offence which, in the opinion of the Bureau, is directly related to the practice of the profession, except where that person has served his sentence or obtained a pardon;

(2) is the subject of a final decision of a foreign court convicting him of a criminal offence which, had it been committed in Canada, would have been triable by way of indictment only, or of another criminal offence which, in the opinion of the Bureau, is directly related to the practice of the profession, except where that person has served his sentence or obtained a pardon;

(3) is the subject of a final disciplinary decision made outside Québec and entailing the revocation of a permit which, in Québec, could be issued under this Code and, where applicable, under an Act constituting a professional corporation.

The Bureau may refuse entry on the roll where the applicant

(1) is the subject of a final disciplinary decision made outside Québec and entailing a striking off the roll which, in Québec, could be imposed by a committee on discipline, including under section 133, except where the striking off is no longer in effect;

(2) is the subject of a final disciplinary decision made outside Québec and entailing a restriction or suspension of the right to engage in professional activities, where the right of that person to engage in the same activities in Québec could be restricted or suspended by a

committee on discipline, except where the restriction or suspension is no longer in effect, or where the Bureau restricts or suspends, in the same manner, his right to engage in professional activities.

A person who is the subject of a final decision referred to in the first or second paragraph shall inform the Bureau thereof in his application for a permit or entry on the roll, as the case may be.”

**16.** Section 46 of the said Code is replaced by the following section:

“**46.** The secretary of a corporation shall enter on the roll every person who applies therefor and who satisfies the following conditions:

- (1) he holds a permit issued by the Bureau of the corporation;
- (2) within the period fixed, he pays the assessments and other amounts owed by him to the corporation;
- (3) within the period fixed, he furnishes security for his professional liability or pays the amount fixed in accordance with subparagraph *p* of the first paragraph of section 86;
- (4) where applicable, he has paid any fine imposed and any costs awarded against him by the committee on discipline or the Professions Tribunal;
- (5) he completes the formalities and pays the fees for entry on the roll as determined in accordance with paragraph 8 of section 86.01;
- (6) he satisfies the other conditions for entry on the roll prescribed by this Code or by the Act constituting the corporation.”

**17.** Section 49 of the said Code is amended by adding, after the fourth paragraph, the following paragraph:

“The expert’s fees shall be paid by the Bureau in the case of the physician designated by it, by the person contemplated in the case of the physician designated by him or, as the case may be, by the Bureau in his place, and by the Bureau and the person contemplated, in equal shares, in the case of the third physician.”

**18.** Section 53 of the said Code is amended

- (1) by replacing the words “. The appeal must be lodged within thirty days of the service of the Bureau’s decision, in accordance with

the Code of Civil Procedure (chapter C-25), on the person concerned” in the second, third, fourth and fifth lines of the first paragraph by the words “in accordance with the provisions of Division VIII of Chapter IV”;

(2) by striking out the second paragraph.

**19.** Section 60 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“60.** Every professional must, within thirty days after he begins to practise, elect domicile by informing the secretary of the corporation of which he is a member of the place where he principally practises his profession or, as the case may be, his place of residence; the elected domicile shall constitute his professional domicile. He must also inform the secretary of all the places where he practises his profession.”

**20.** Section 61 of the said Code is amended

(1) by replacing the words and figure “*a* of section 94” in the second line of subparagraphs *b* and *c* of the first paragraph by the words and figure “*e* of section 93”;

(2) by striking out the words “Canadian citizens,” in the first line of the second paragraph.

**21.** Section 63 of the said Code is amended by replacing the word “; or” in the second line of subparagraph 1 of the third paragraph by the words “or in accordance with the Act constituting the professional corporation; or”.

**22.** Section 65 of the said Code is amended

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

**“65.** To ensure adequate regional representation on the Bureau of the corporation, the Bureau shall, by regulation, delimit territorial regions of Québec and fix the mode of representation of each such region in terms of the number of elected directors of the Bureau of the corporation.”;

(2) by replacing the word “a” in the first line of the second paragraph by the word “the” and by replacing the word “Government” in the second line of the second paragraph by the word “Bureau”;

(3) by adding, after the second paragraph, the following paragraph:

“The regulation may provide, within the Bureau, for representation of the sectors of professional activity of the corporation members and, for that purpose, may determine the sectors of activity concerned, fix the number of directors representing them and establish how the sectors are to be represented among the directors.”

**23.** Section 66.1 of the said Code is amended by adding, at the end, the following paragraph:

“Only those members of the corporation whose professional domicile is in a particular region may be candidates in that region.”

**24.** Section 68 of the said Code is amended by replacing the words “practise their profession principally in a given region” in the first and second lines by the words “have their professional domiciles in a particular region”.

**25.** Section 75 of the said Code is amended

(1) by replacing the words “practise their profession principally” in the first line of the first paragraph by the words “have their professional domiciles”;

(2) by replacing the words “practise his profession principally” in the second line of the second paragraph by the words “have his professional domicile”;

(3) by adding, after the second paragraph, the following paragraph:

“The first and second paragraphs do not apply to the elected director holding the office of president.”

**26.** Section 79 of the said Code is amended by replacing the words “practise his profession principally” in the first line of the second paragraph by the words “have his professional domicile”.

**27.** Section 85 of the said Code is amended

(1) by inserting the words “or of the committee on discipline” after the word “corporation” in the third line, and by inserting the words “inspector or an” after the word “an” in the fourth line;

(2) by adding, at the end, the following sentence: “The dismissal shall not take effect before 30 days after the date of the resolution pronouncing it.”;

(3) by adding, at the end, the following paragraphs:

“The Bureau may adopt a resolution to dismiss a syndic or an assistant or corresponding syndic only after sending him a written notice of not less than thirty days before the date of the meeting at which the resolution is to be proposed. A copy of the notice shall be sent to the Office within the same time.

The notice shall set out the reasons for the proposed dismissal and shall inform the person concerned of his right to be heard by the Bureau. The person may, within ten days after the date on which he receives the notice, apply to the Bureau for a hearing.

The Bureau shall notify the Office within thirty days of its decision.”

**28.** Section 86 of the said Code is amended

(1) by replacing the words “the Government in accordance with subparagraph *a* of the first paragraph of section 183” in the second, third and fourth lines of subparagraph *a* of the first paragraph by the words “regulation of the Office made pursuant to subparagraph 6 of the third paragraph of section 12”;

(2) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) fix the date, time and place of the annual general meeting of the members of the corporation;”;

(3) by striking out subparagraph *c* of the first paragraph;

(4) by adding, at the end of subparagraph *g* of the first paragraph, the words “, and the equivalence of the training of a person who does not hold a diploma required for those purposes”;

(5) by striking out subparagraph *h* of the first paragraph;

(6) by inserting the word “activities,” after the word “organize” in the first line of subparagraph *j* of the first paragraph;

(7) by inserting the words “, where applicable,” after the word “and” in the first line of subparagraph *k* of the first paragraph;

(8) by inserting the words “of the corporation” after the word “members” in that part of subparagraph *l* of the first paragraph which precedes paragraph *i*;

(9) by striking out subparagraphs *n* and *o* of the first paragraph;

(10) by inserting the words “, pursuant to the regulation adopted under paragraph *d* of section 93,” after the word “establish” in the first line of the first paragraph of subparagraph *p* of the first paragraph, by replacing, in the French text, the words “sa classe” in the eighth line of that paragraph by the words “la classe à laquelle il appartient”, by replacing, in the French text, the word “Comité” in the first line of the third paragraph of subparagraph *p* by the word “comité”, and by adding, at the end of the third paragraph of subparagraph *p*, the words “of this subparagraph”;

(11) by replacing the word “second” in the first line of subparagraph *q* of the first paragraph by the word “third”;

(12) by adding, after subparagraph *r* of the first paragraph, the following subparagraphs:

“(s) impose on its members and the employees of the corporation the obligation to take an oath or make an affirmation of discretion, and establish the form thereof;

“(t) cooperate, in accordance with the terms and conditions fixed under subparagraph 2 of the first paragraph of section 12.1, in the development and review of programs of study leading to diplomas giving access to a permit or a specialist’s certificate and in the preparation of examinations or other procedures for the evaluation of the persons pursuing such studies.”;

(13) by replacing the words “by the Government by virtue of section 183 or” in the sixth line of the second paragraph by the words “made pursuant to subparagraphs 6 and 7 of the third paragraph of section 12, subparagraph 2 of the first paragraph of section 12.1 or section”.

**29.** The said Code is amended by inserting, after section 86, the following section:

**“86.01** The Bureau may, in particular, by resolution,

(1) publish any periodical, leaflet or information relating to the activities of the corporation or its members;

(2) appoint committees, determine their powers and fix the salary, fees or indemnities of their members;

(3) establish a benevolent fund or a pension plan, in accordance with the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), for the benefit of the members or employees of the corporation;

(4) establish and administer a retirement fund for the members of the corporation and organize group insurance plans on their behalf;

(5) establish and administer a contingency fund for the benefit of members of the corporation in need, and invest the assets thereof in accordance with article 981*o* of the Civil Code of Lower Canada;

(6) establish and administer an education fund to promote the practice of the profession, training, research and information;

(7) prescribe the fees payable by candidates wishing to practise the profession or obtain a specialist's certificate;

(8) determine the formalities and fees relating to entry on the roll and to applications for special authorization;

(9) impose on any person applying for a permit or for entry on the roll the obligation to take the oath or make the solemn affirmation in the form established by the Bureau.”

**30.** Section 86.1 of the said Code is amended by replacing the words and figure “*l* of section 94” in the fourth line of the second paragraph by the words and figure “*d* of section 93” and by replacing the word “Comité” in the first line of the fifth paragraph of the French text by the word “comité”.

**31.** Section 87 of the said Code is amended

(1) by adding, at the end of paragraph 4, the words “, and provisions respecting the obligation for that professional to give him a copy of those documents”;

(2) by replacing the words “its members” in the second line of paragraph 5 by the words “the members of the corporation”.

**32.** Section 88 of the said Code is amended

(1) by adding, at the end of subparagraph 1 of the second paragraph, the following sentence: “The member may not institute proceedings in respect of a billing until the time granted to apply for conciliation has expired;”;

(2) by adding, after the third paragraph, the following paragraph:

“The regulation may also contain provisions which, when all or part of the account in dispute is maintained or when a reimbursement

is granted, enable the council of arbitration to add interest and compensation, computed in accordance with article 1078.1 of the Civil Code of Lower Canada, from the date of the application for conciliation.”

**33.** The said Code is amended by inserting, after section 88, the following section:

**“88.1** The Bureau shall determine, by regulation, a conciliation procedure for disputes between the members of the corporation and the persons using their services.”

**34.** Section 89 of the said Code is amended by replacing the words “establish, by regulation,” in the third line of the first paragraph by the words “determine, by regulation, the terms, conditions and the standards for receipt, custody and disposition of the sums of money and securities held by it, and the terms and conditions and standards relating to the holding and auditing of accounts held in trust, books, and registers of such members. The regulation shall establish”, and by striking out the words “, by regulation,” in the sixth line of the first paragraph.

**35.** Section 91 of the said Code is amended by replacing the first paragraph by the following paragraphs:

**“91.** The Bureau shall, by regulation, determine standards concerning the keeping, holding and retention by a professional in the practice of his profession of records, books, registers, medications, poisons, products, substances, apparatus and equipment and property entrusted to him by a client, and standards concerning the keeping by a professional of a consulting room and other offices.

It shall also, in the regulation, determine the rules, terms, conditions and formalities for the preservation, use, management, administration, transfer, assignment, provisional custody and destruction of the records, books, registers, medications, poisons, products, substances, apparatus and equipment of a professional, and the rules, terms, conditions and formalities for the preservation, use, management, administration and provisional custody of property entrusted to him by a client, applicable in the event of his death or his being struck off the roll or ceasing to practise, or in the event of his right to practise being restricted or suspended, his permit being revoked or his agreeing to perform a function which prevents him from completing the mandates entrusted to him.”

**36.** Section 93 of the said Code is amended

(1) by adding, at the end of paragraph *c*, the words “, and the standards of equivalence of the training of a person who does not hold a diploma required for those purposes”;

(2) by adding, after paragraph *c*, the following paragraphs:

“(d) impose on the members of the corporation or certain classes of such members, in relation to the risk they represent, in particular on those who practise for their own account, the obligation to furnish a security, by means of an insurance policy, a surety bond or by any other means determined by regulation, against any liability they may incur owing to fault or negligence in the practice of their profession, or the obligation to join a group plan contract entered into by the corporation or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1;

“(e) fix, in accordance with section 61, the number of directors of the Bureau;

“(f) determine the location of the head office of the corporation.”

**37.** Section 94 of the said Code is amended

(1) by striking out the words “fix in accordance with section 61, the number of members of the Bureau,” in the first and second lines of paragraph *a*;

(2) by replacing the words “or sitting of the Bureau or” in the third and fourth lines of paragraph *b* by the words “of the Bureau or a sitting of the”;

(3) by striking out paragraphs *c* and *d*;

(4) by replacing paragraph *g* by the following paragraphs:

“(g) determine the conditions on which a person referred to in subparagraph 1 or 7 of the first paragraph of section 34 or a teacher or tutor referred to in subparagraph 3 of that paragraph may perform an act reserved for a professional;

“(g.1) determine the conditions on which a person or a teacher referred to in subparagraph 5 or 6 of the first paragraph of section 34 may perform an act reserved for a professional which may be performed by a class of persons authorized to do so under a regulation made pursuant to an Act constituting a professional corporation;”;

(5) by replacing the words “particularly, in relation to professional training and professional examinations” in the second and

third lines of paragraph *i* by the words “in particular the obligation to undergo the professional training and to pass the professional examinations it determines; the regulation shall also fix the standards of equivalence of the terms and conditions determined therein”;

(6) by striking out paragraphs *k* and *l*.

**38.** Section 95 of the said Code is amended

(1) by replacing the word “Every” in the first line of the first paragraph by the words “Subject to sections 95.1 and 95.2, every”, and by replacing the words “de ce” in the first line of the first paragraph of the French text by the words “du présent”;

(2) by striking out the second and third paragraphs.

**39.** The said Code is amended by inserting, after section 95, the following sections:

**“95.1** Every regulation made under section 90 or under paragraph *j* of section 94 shall be sent for examination to the Office, which may approve it with or without amendment.

**“95.2** A regulation may be made under paragraphs *a*, *b*, *e* and *f* of section 93 or under paragraphs *a* and *b* of section 94 only if the secretary of the corporation has sent the draft of it to the Office at least sixty days before the date on which it is to be adopted. If no advice to the contrary is issued by the Office within that period, the regulation may be adopted by the Bureau and shall come into force on the fifteenth day following the date on which it is adopted.

The Regulations Act (R.S.Q., chapter R-18.1) shall not apply to a regulation made pursuant to the first paragraph.

**“95.3** A regulation may be made under sections 87, 88, 89 and 90 or under paragraph *j* of section 94 only if the secretary of the corporation has sent the draft of it to every member of the corporation at least thirty days before its adoption by the Bureau.

**“95.4** The Bureau shall send a copy of every regulation in force and adopted by it or adopted by the Office pursuant to section 12 to the members of the corporation and the appointed directors.”

**40.** Section 100 of the said Code is amended by adding, after the third paragraph, the following paragraph:

“In the case of a tie vote, the chairman has a casting vote.”

**41.** Section 101 of the said Code is amended by replacing the word “sitting” in the first line by the word “meeting”.

**42.** Section 104 of the said Code is amended by replacing the words “requirements for that purpose of the regulations made by the Government” in the fifth and sixth lines of the first paragraph by the words “standards prescribed by regulation of the Office adopted pursuant to subparagraph 7 of the third paragraph of section 12”.

**43.** Section 109 of the said Code is amended by replacing the words “, with the same quorum, including the chairman or another member of the committee designated by the Bureau” in the fourth, fifth and sixth lines of the third paragraph by the words “of three members, including the chairman or another member of the committee designated by him”.

**44.** Section 111 of the said Code is amended by replacing the words “investigator or member of the committee” in the first line by the words “member of the committee, inspector, investigator or expert”.

**45.** Section 112 of the said Code is amended

(1) by adding, at the end of the first paragraph, the words “and the inspection of property entrusted to them by their clients. For this purpose, the Bureau may appoint inspectors to assist the committee; the committee may also act of its own initiative by selecting inspectors from among those whose names appear on a list that may be established by the Bureau.”;

(2) by replacing the words “in the exercise of its duties” in the seventh and eighth lines of the second paragraph by the words “or one of its members in the exercise of its or his functions; the committee may also act of its own initiative by selecting investigators from among those whose names appear on a list that may be established by the Bureau”;

(3) by inserting, after the second paragraph, the following paragraph:

“The inspectors and investigators must be members of the corporation.”;

(4) by adding, after the third paragraph, the following paragraph:

“In addition, the committee shall inform the syndic where it has reasonable grounds to believe that a professional has committed an offence referred to in section 116.”

**46.** Section 114 of the said Code is amended by replacing the words “an investigator or a member of the professional inspection committee or any expert whose services it has retained,” in the first, second and third lines by the words “a member of the committee, an inspector, an investigator or an expert”, and by inserting the words “an inspection carried out by him or an” after the word “to” in the sixth line.

**47.** The said Code is amended by replacing the heading of subdivision 1 of Division VII of Chapter IV by the following heading:

“§ 1.—*Committees on discipline, syndics and committees for the examination of complaints*”.

**48.** Section 117 of the said Code is amended

(1) by inserting the words “The term of office of the chairman shall be fixed by the Government.” after the word “practice.” in the fourth line of the first paragraph;

(2) by adding, after the second paragraph, the following paragraphs:

“The chairman chosen shall not, from the time of his appointment until the expiry of his term of office, act as attorney for a party to disciplinary proceedings governed by this Code.

The chairman shall remain in office upon expiry of his term until he is replaced or reappointed.”

**49.** Section 118 of the said Code is amended

(1) by adding, at the end of the second paragraph, the words “and ensure that they are accessible”;

(2) by adding, after the second paragraph, the following paragraphs:

“He shall keep a roll for hearing and ensure that it is accessible.

The secretary shall, in particular, enter on the roll, in respect of every complaint for which a date of hearing has been fixed, the nature of the complaint, the names of the members of the committee who will hear it and the date, place and time of the hearing.

However, the secretary shall not enter on the roll any information of a kind that may allow identification of the professional in respect of whom the complaint is made or of the person who lodged the complaint pursuant to the second paragraph of section 128.”

**50.** The said Code is amended by inserting, after section 118, the following sections:

**“118.1** The roll for hearing shall be available at the head office of the corporation and must be posted by the secretary of the committee on discipline not less than ten days before the date set for the hearing.

Subject to section 118.3, a record of the committee shall be available at the head office of the corporation from the date on which the hearing is held.

Access to the roll and to the record shall be exercised by obtaining a copy or by consultation on the premises during the corporation’s regular office hours. However, a record may be consulted only in the presence of the secretary or a person designated by him.

**“118.2** A person who demands access to the roll or record may be required to pay a reasonable fee, not exceeding the cost of transcription or reproduction or of transmission of copies.

**“118.3** The committee may, at all times, of its own initiative or following a request, prohibit access to any information or document indicated by it and contained in a record of the committee, in the interest of morality or public order, in particular to preserve professional secrecy or to protect a person’s privacy or reputation.

Every person who, by performing or failing to perform an act, infringes an order prohibiting access to any information or document is guilty of contempt of court.”

**51.** The said Code is amended by inserting, after section 122, the following sections:

**“122.1** A committee for the examination of complaints is hereby established within every corporation.

The function of the committee is to advise the syndic or an assistant syndic and to give its opinion on any application concerning a disciplinary matter.

It shall be composed of five persons appointed by the Bureau, including two members chosen from among the directors appointed

under section 78; one of these two directors shall not be a member of a corporation.

The quorum of the committee is three members, including one of the directors referred to in the third paragraph.

**“122.2** Before concluding that an application for an inquiry does not justify referral of complaint to the committee on discipline, the syndic or assistant syndic shall, within five days after completing his inquiry, seek the advice of the committee for the examination of complaints.

Within 60 days after the date of the request therefor, the committee for the examination of complaints shall give its opinion in writing after having taken cognizance of the record and the documentary evidence, which the syndic or assistant syndic must send to it, and after having heard the syndic, assistant syndic or corresponding syndic, as the case may be, and the professional, the person who requested the holding of an inquiry or any other witness.

The committee for the examination of complaints may, in the opinion given, ask the syndic or assistant syndic, within the time it indicates,

- (1) to complete his inquiry;
- (2) to lodge a complaint before the committee on discipline;
- (3) to issue a warning to the professional.

The warning issued under subparagraph 3 of the third paragraph cannot be invoked and is not admissible as evidence against the professional before a judicial or quasi-judicial body.

**“122.3** The syndic or an assistant syndic shall inform the professional inspection committee where he has reasonable grounds to believe that the practice of the profession by a professional or his professional competence should be the subject of an inspection or inquiry under section 112.”

**52.** Section 123 of the said Code is amended

(1) by inserting the words “, or of his decision to transmit the request to the professional inspection committee” after the word “request” in the fifth line of the first paragraph, and by inserting the words “, or if he transmits the request to the professional inspection committee” after the word “complaint” in the sixth line of that paragraph;

(2) by adding, at the end of the first paragraph, the words “and set out in writing for that person the conclusions contained in the opinion from the committee for the examination of complaints”;

(3) by adding, after the second paragraph, the following paragraph:

“If the syndic or assistant syndic has not completed his inquiry within 60 days after receipt of the request for an inquiry, he shall, within 15 days after the expiry of that period, inform the Office of that fact by sending it a written report setting out, in particular, the facts on which the request is based, the steps taken and the results obtained, together with the reasons why he has not completed the inquiry within the prescribed time.”

**53.** Section 124 of the said Code is amended by replacing the words “and corresponding syndics” in the second line by the words “, corresponding syndics and the members of the committee for the examination of complaints”.

**54.** Section 125 of the said Code is amended by striking out the words “the second paragraph of” in the third line.

**55.** Section 126 of the said Code is amended by adding, at the end, the following sentence: “The committee is then seized of the complaint.”

**56.** Section 128 of the said Code is amended

(1) by inserting the words “or the committee for the examination of complaints” after the word “Bureau” in the second line of the first paragraph, and by replacing the word “appears” in the second line of that paragraph by the words “the Bureau or the committee considers”;

(2) by adding, at the end of the second paragraph, the words “, and that person may not be prosecuted by reason of acts performed in good faith in the exercise of that power”;

(3) by adding, after the second paragraph, the following paragraph:

“The secretary of the committee on discipline shall provide assistance in formulating a complaint to any person who requests it.”

**57.** The French text of section 131 of the said Code is amended by replacing the word “Code” in the fourth and sixth lines by the word “code”.

**58.** Section 138 of the said Code is amended

(1) by replacing the words “including the chairman, at the sittings of the committee” in the first and second lines of the first paragraph by the words “at the sittings of the committee, including the chairman or a person designated by him from a list of advocates prepared by the Government after consultation with the Barreau du Québec.”;

(2) by replacing the words “by him from a list of advocates prepared by the Government, after consultation with the Barreau du Québec” in the third, fourth and fifth lines of the second paragraph by the words “in the manner provided for in the first paragraph”;

(3) by adding, after the second paragraph, the following paragraph:

“The Bureau shall, from among the members of the committee, choose the other two members who, with the chairman or the person designated by him, form the committee or the division; it may delegate this power to the secretary of the committee on discipline.”

**59.** Section 139 of the said Code is amended by inserting the word “the” after the word “of” in the second line.

**60.** The French text of section 140 of the said Code is amended by replacing the word “Code” in the second line of the second paragraph by the word “code”.

**61.** Section 141 of the said Code is replaced by the following section:

“**141.** The hearing shall be recorded, unless all the parties dispense with this requirement.

All the parties must agree on the method of recording; where an agreement is not reached, the hearing shall be recorded mechanically.”

**62.** The French text of section 142 of the said Code is amended by replacing the word “audition” in the first paragraph by the word “audience”.

**63.** The French text of section 144 of the said Code is amended by replacing the word “audition” in the first line of the second paragraph by the word “audience”.

**64.** Section 149 of the said Code is amended

(1) by replacing the words “any court of justice” at the end of the first paragraph by the words “a judicial or quasi-judicial body. He may not invoke his obligation to protect professional secrecy as grounds for refusing to answer.”;

(2) by replacing the words “tribunal hearing an appeal under section 162” in the fourth and fifth lines of the second paragraph by the words “Professions Tribunal”.

**65.** Section 151 of the said Code is replaced by the following section:

**“151.** The committee may condemn the complainant or the professional to pay the costs or condemn them to apportion the costs between them in the proportion that it shall indicate.

However, where the complainant is a person who has lodged a complaint under the second paragraph of section 128, the committee may condemn him to pay the costs only if the professional is acquitted of all charges contained in the complaint and if the complaint was made in bad faith.

The costs include registration fees, experts’ fees and, where the professional is convicted, the travel and lodging expenses of the members of the committee.”

**66.** Section 153 of the said Code is amended by replacing the word “of” in the second line of the second paragraph by the words “of the hearing, including”.

**67.** Section 154 of the said Code is amended

(1) by inserting the words “rendered by a majority of the members. It shall be” after the word “be” in the first line, and by inserting the words “who are in favour of it” after the word “committee” in the second line;

(2) by adding, at the end, the following paragraph:

“If one of the members of the committee is unable to act or is incapacitated, a decision may validly be rendered by the other two members, provided one of them is the chairman or the person designated by him in accordance with the second paragraph of section 138.”

**68.** The said Code is amended by inserting, after section 154, the following section:

**“154.1** The committee on discipline shall render its decision not later than 90 days from the time it was taken under advisement.”

**69.** Section 155 of the said Code is replaced by the following section:

**“155.** The syndic or an assistant syndic of a corporation shall, by means of a complaint, refer to the committee on discipline

(1) a final decision of a Canadian court convicting a professional of a criminal offence which is triable by way of indictment only, or of another criminal offence which, in the opinion of the Bureau, is directly related to the practice of the profession, except where the professional has served his sentence or obtained a pardon;

(2) a final decision of a foreign court convicting a professional of a criminal offence which, had it been committed in Canada, would have been triable by way of indictment only, or of another criminal offence which, in the opinion of the Bureau, is directly related to the practice of the profession, except where the professional has served his sentence or obtained a pardon;

(3) a final disciplinary decision made outside Québec and entailing, for the professional, the revocation of a permit which, in Québec, could be issued under this Code and, where applicable, under an Act constituting a professional corporation;

(4) a final disciplinary decision made outside Québec and entailing, for the professional, a striking off the roll which, in Québec, could be imposed by a committee on discipline, including under section 133, except where the striking off is no longer in effect;

(5) a final disciplinary decision made outside Québec and entailing, for the professional, a restriction or suspension of the right to engage in professional activities, where his right to engage in the same activities in Québec could be restricted or suspended by a committee on discipline, except where the restriction or suspension is no longer in effect.

A professional who is the subject of a final decision referred to in the first paragraph shall inform the syndic or an assistant syndic thereof within 30 days after the decision.

The committee is bound to accept a duly certified copy of the final decision as proof of guilt. The committee is also bound to accept a duly

certified copy of the final decision of the striking off which, in Québec, could have been imposed under section 133. It may then impose one or more of the penalties provided for in section 156. However, where the professional has been the subject of a striking off which, in Québec, could have been imposed under section 133, the committee on discipline may impose only a striking off under that section.”

**70.** Section 156 of the said Code is amended

(1) by replacing the figure “\$500” in subparagraph *c* of the first paragraph by the word and figures “\$600 to \$6 000”;

(2) by inserting, after subparagraph *d* of the first paragraph, the following subparagraph:

“(d.1) the obligation to transmit any document or the information contained in any document, and the obligation to complete, delete, update or rectify any document or information;”;

(3) by replacing the third paragraph by the following paragraphs:

“The committee on discipline may fix the terms and conditions of the penalties it imposes.

The committee on discipline shall, upon a decision imposing a penalty under subparagraph *b*, *e*, *f* or *g* of the first paragraph, decide whether or not the secretary shall publish a notice thereof in a newspaper having general circulation in the locality where the professional has his professional domicile. If the committee orders publication of such a notice, it shall, in addition, decide if the expenses relating to the publication are to be paid by the professional or by the corporation, or apportioned between them.

The notice shall include the name of the professional convicted, the place and address of his professional domicile, the name of the corporation of which he is a member, his specialty, if any, the date and nature of the offence committed by him and the date and a summary of the decision.”;

(4) by replacing the words “respondent to costs or” in the second line of the fourth paragraph by the words “professional to costs,” and by replacing the word “respondent” in the third line of that paragraph by the words “him or ordering him to pay the costs referred to in the fourth paragraph”.

**71.** Section 157 of the said Code is amended by inserting the words “and ordering publication of the notice referred to in the fourth

paragraph of section 156, where that is the case,” after the word “be,” in the third line of the first paragraph.

**72.** Section 158 of the said Code is amended

(1) by inserting, after the first paragraph, the following paragraph:

“A decision of the committee on discipline under the fourth paragraph of section 156 shall be executory upon the expiry of the periods for appeal.”;

(2) by replacing the word “the” in the first line of the second paragraph by the words “such a”, and by inserting the words “or second” after the word “first” in the second line of that paragraph.

**73.** The said Code is amended by inserting, after section 158, the following section:

**“158.1** When a decision of the committee on discipline imposes a fine, in accordance with subparagraph *c* of the first paragraph of section 156, on the convicted professional, the fine must be paid to the professional corporation of which he is a member.

However, the committee on discipline may decide that all or part of the fine must be remitted by the corporation to the person who lodged the complaint under the second paragraph of section 128 and who disbursed sums of money for that purpose.”

**74.** Section 159 of the said Code is amended

(1) by replacing the word “accused” in the second line of the first paragraph by the words “convicted professional”;

(2) by replacing the words “principally practises his profession” in the seventh and eighth lines of the second paragraph by the words “has his professional domicile”.

**75.** The said Code is amended by inserting, after section 161, the following sections:

**“161.1** The committee on discipline may, upon a motion from one of the parties, revoke a decision rendered by it for one of the following reasons:

(1) a new fact is discovered which, if it had been known in due time, could have justified a different decision;

(2) a substantive or procedural defect is likely to invalidate the decision.

The motion for revocation shall be served on the other parties in accordance with the Code of Civil Procedure within fifteen days from the day on which the party making the application becomes aware of the new fact or the fact causing the substantive or procedural defect.

The motion for revocation shall suspend execution of the decision only if it is granted, unless the committee decides otherwise. If the motion is granted, the parties are placed in the position where they were prior to the decision, and the committee shall proceed with the hearing of the complaint.

**161.2** The committee on discipline may, of its own initiative and as long as a decision has not become executory, correct a decision it has rendered on the ground that the decision contains an error in writing or calculation or any other clerical error.

It may, at any time, upon a motion from one party served on the others in accordance with the Code of Civil Procedure, correct a decision it has rendered for the same reason.

If the correction affects the conclusions, the corrected decision becomes executory from the time it is served on the respondent or, if it was already executory, from the date on which the corrected decision is rendered.”

**76.** Section 163 of the said Code is amended by replacing the second paragraph by the following paragraphs:

“However, motions preliminary or incidental to the hearing of the appeal shall be heard by the chairman of the tribunal or a judge designated by him. The judge who hears the motion may refer it to the tribunal, except where it is a motion referred to in the second paragraph of section 171 or in section 172.

In the sixth paragraph of section 164 and in sections 166, 168 and 169, the first paragraph of section 172, sections 173 and 174, the first and second paragraphs of section 175 and sections 176, 177 and 177.1, the word “tribunal” also includes a judge sitting alone pursuant to the second paragraph.”

**77.** Section 164 of the said Code is amended

(1) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) a decision of the committee on discipline ordering publication of the notice referred to in the fourth paragraph of section 156, by the professional, and ordering payment of the cost of publication, in accordance with that paragraph, by the professional or, upon a resolution of the Bureau of the corporation, by the syndic;”;

(2) by inserting the word and figure “or 1.1” after the figure “1” in the first line of the second paragraph, by replacing the words “principally exercises his profession” in the sixth line of that paragraph by the words “has his professional domicile”, and by replacing the words “of the decision imposing a penalty” in the ninth and tenth lines of that paragraph by the words “on which the decision imposing a penalty is served”;

(3) by replacing the words “principally practises his profession” in the third line of the third paragraph by the words “has his professional domicile”;

(4) by replacing the fourth paragraph by the following paragraph:

“Within 30 days after receipt of the notice of appeal or the decision granting leave to appeal, the secretary of the committee shall send the original and three copies of the record relating to the decision appealed from to the clerk of the Court of Québec and a copy to each of the parties.”;

(5) by replacing the words “depositions if they have” in the third line of the fifth paragraph by the words “hearing if it has”, and by adding, at the end of that paragraph, the following sentence: “The record relating to the appeal from a decision rendered under section 118.3 shall include, in particular, the transcription of the hearing, if it was recorded, the minutes of the trial, the decision of the committee and the motion.”;

(6) by replacing that part of the sixth paragraph which precedes subparagraph *a* by the following:

“The tribunal may”;

(7) by striking out the word “three” in the second line of subparagraph *b* of the sixth paragraph.

**78.** Section 165 of the said Code is amended by striking out the words “to which the appeal is referred” in the first line of the first paragraph and by replacing the word “immunities” in the second line of that paragraph by the word “immunity”.

**79.** Section 166 of the said Code is amended by replacing the words “for provisional striking off the roll of a person” in the first line of the second paragraph by the words “prohibiting access under section 118.3, for provisional striking off the roll under section 133 or prohibiting publication or release under section 142”.

**80.** Section 167 of the said Code is amended by replacing the first paragraph by the following paragraph:

**“167.** Within thirty days after the filing of the motion for appeal under the second paragraph of section 164 or within thirty days after the decision granting leave to appeal in the case provided for in the third paragraph of that section, the appellant must file at the office of the Court of Québec the original and three copies of a factum setting out his claims, and give a copy thereof to each of the other parties. Within the following thirty days, the other parties must file the original and three copies of their own factum at the office of the court, and give a copy thereof to the appellant.”

**81.** Section 171 of the said Code is replaced by the following section:

**“171.** The chairman of the tribunal or a judge designated by him shall fix the date for hearing the appeal.

Upon a motion from one of the parties, served on the others, the chairman or the judge designated by him may decide that the appeal will be heard and decided by preference.

**82.** Section 172 of the said Code is amended

(1) by replacing the words “at the chief place of” in the first line of the first paragraph by the word “in”, and by replacing the words “principally practises his profession” in the second and third lines of that paragraph by the words “has his professional domicile”;

(2) by replacing the words “qu’il désigne” in the first line of the second paragraph of the French text by the words “que désigne le président”, and by replacing the words “at the chief place of” in the third line of that paragraph by the word “in”.

**83.** The French text of section 173 of the said Code is amended by replacing the word “audition” in the first paragraph by the word “audience”.

**84.** The French text of section 174 of the said Code is amended by replacing the word “audition” in the second line by the word “audience”.

**85.** Section 175 of the said Code is amended by adding, after the second paragraph, the following paragraph:

“If the tribunal convicts the respondent when the committee on discipline had acquitted him, it may, by altering or quashing the decision of the committee, impose one or more of the penalties provided for in section 156, after having given the parties the opportunity to make representations thereon. The tribunal may also decide to return the record to the committee on discipline so that the committee may impose one or more of the penalties provided for in the said section.”

**86.** Section 176 of the said Code is amended by replacing the word “The” in the first line by the word “A”.

**87.** Section 177.1 of the said Code is replaced by the following section:

**“177.1** The tribunal may, of its own initiative or upon a motion by one party served on the others in accordance with the Code of Civil Procedure, correct a decision it has rendered where that decision contains an error in writing or calculation or any other clerical error.

If the correction affects the conclusions, the corrected decision shall become executory from the time it is served on the respondent or, if it was already executory, from the date on which the corrected decision is rendered.”

**88.** Section 178 of the said Code is repealed.

**89.** Section 179 of the said Code is amended by adding, at the end, the words “within thirty days after it is rendered”.

**90.** Section 180 of the said Code is amended

(1) by inserting the words “temporarily or permanently” after the word “roll” in the third line of the first paragraph;

(2) by replacing the words “decision of the tribunal correcting or revising such a decision. The notice shall contain the name of the convicted professional, his principal place of practice” in the eighth, ninth and tenth lines of the first paragraph by the words “such decision

rendered following a revocation by the committee or a correction by the committee or the tribunal. The notice shall contain the name of the professional, his professional domicile”;

(3) by inserting the words “of the facts of which he is accused, in the case of a provisional striking off, or” after the word “date” in the twelfth line of the first paragraph;

(4) by striking out the second paragraph.

**91.** Section 180.1 of the said Code is repealed.

**92.** Section 180.2 of the said Code is amended by replacing the words and figures “the first paragraphs of sections 180 and 180.1” in the first and second lines by the word and figure “section 180”.

**93.** Section 182 of the said Code is replaced by the following section:

**“182.** The Office shall publish annually a compendium of the various decisions rendered in accordance with this division, subject to any order prohibiting publication or release of information or documents issued by the committee on discipline or the Professions Tribunal under sections 142 and 173 respectively.

However, each decision published shall include the name of the corporation concerned.”

**94.** The said Code is amended by inserting, after section 182, the following divisions:

#### “DIVISION VIII

##### “APPEAL FROM CERTAIN DECISIONS OF THE PROFESSIONS TRIBUNAL

**“182.1** This division applies to appeals to the Professions Tribunal from the following decisions:

(1) a decision of the Bureau under section 51 or under the second paragraph of section 52 of this Code;

(2) a decision of the Executive Committee under section 48 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) or under subsection 5 of section 70 of that Act;

(3) a decision of the Bureau under the third paragraph of section 20 of the Medical Act (R.S.Q., chapter M-9).

Sections 163, 165, 168, 169, 170, 171, 173 and 174, the first and second paragraphs of section 175 and section 176 apply to appeals from decisions referred to in the first paragraph.

In the sixth paragraph of section 182.2, section 182.3, the first paragraph of section 182.5 and in sections 182.6 and 182.7, the word “tribunal” includes a judge sitting alone pursuant to the second paragraph of section 163.

**“182.2** An appeal from a decision referred to in the first paragraph of section 182.1 shall be brought by way of a motion served on the other party and on the secretary of the Bureau or the Executive Committee, as the case may be. The motion must be filed at the office of the Court of Québec, at the chief place of the judicial district where the appellant has his professional domicile, within thirty days of the service of the decision in accordance with the Code of Civil Procedure (R.S.Q., chapter C-25). Where the appellant is not a member of the corporation, the motion must be filed at the office of the Court of Québec in the judicial district of Québec or Montréal.

Within thirty days of receipt of the notice of appeal, the secretary of the Bureau or of the Executive Committee, as the case may be, shall send the original and three copies of the record relating to the decision appealed from to the clerk of the Court of Québec and a copy to each of the parties.

The record relating to the appeal from a decision under section 51 of this Code shall include, in particular, the decision ordering the medical examination, the medical examination report, the decision made under that section and the motion for appeal. The record relating to the appeal from a decision under the second paragraph of section 52 of this Code shall include, in particular, the decision restricting or suspending the right to practise or striking the professional off the roll, the written application to resume the full right to practise or be entered on the roll, the medical examination report, the decision made under that section and the motion for appeal.

The record relating to an appeal from a decision under section 48 of the Act respecting the Barreau du Québec shall include, in particular, the decision of the committee, the record and decision of the Executive Committee and the motion for appeal. The record relating to an appeal from a decision under subsection 5 of section 70 of the Act respecting the Barreau du Québec shall include, in particular, the record and decision of the Executive Committee and the motion for appeal.

The record relating to an appeal from a decision referred to in the third paragraph of section 20 of the Medical Act shall include, in particular, the record and decision of the Bureau and the motion for appeal.

The tribunal may

(1) on a motion of the secretary of the Bureau or of the administrative committee, as the case may be, extend the period provided for in the second paragraph;

(2) on a motion of a party, enable certain elements of the record not to be reproduced in the copies which must be sent in accordance with the second paragraph.

**“182.3** The appeal shall suspend execution of the decision, except where the tribunal orders provisional execution thereof.

However, an order refusing entry on the roll shall be executory notwithstanding the appeal, unless the tribunal orders otherwise.

**“182.4** Within thirty days after the filing of the motion for appeal provided for in the first paragraph of section 182.2, the appellant must file at the office of the Court of Québec the original and three copies of a factum setting out his claims, and give a copy to the other party. Within the following thirty days, the other party must file the original and three copies of his own factum at the office of the court and give a copy to the appellant.

If the appellant does not file his factum within the period fixed, the appeal may be dismissed; if the other party is in default, the tribunal may refuse a hearing.

**“182.5** The tribunal shall sit in the judicial district where the appellant has his professional domicile.

Where the appellant is not a member of the corporation, the chairman of the tribunal or a judge designated by the chairman shall decide where the appeal is to be heard.

The chairman of the tribunal or a judge designated by him may decide, with the consent of the parties, that the appeal is to be heard in the judicial district of Québec or Montréal.

**“182.6** Within ten days of the final decision of the tribunal, the clerk of the Court of Québec of the district where the tribunal held

its sittings shall cause such decision to be served on the parties and on the secretary of the Bureau or of the Executive Committee, as the case may be, in accordance with the Code of Civil Procedure.

However, where the decision is rendered in the presence of one of the parties, it is deemed to be served on that party in accordance with the first paragraph on being so rendered.

The final decision of the tribunal is executory from its service on the appellant.

**“182.7** The tribunal may, of its own initiative or on a motion by a party served on the others in accordance with the Code of Civil Procedure, correct any decision it has rendered on the ground that the decision contains an error in writing or calculation or any other clerical error.

If the correction affects the conclusions, the corrected decision shall become executory from the time it is served on the appellant or, if it was already executory, from the date on which the corrected decision is rendered.

#### “DIVISION IX

##### “PUBLICATION OF CERTAIN DECISIONS AND REPORTS

**“182.8** The secretary of the corporation to which a professional being struck off the roll or whose right to practise is restricted or suspended belongs must send to each of its members a notice of the final decision of the Bureau or the Professions Tribunal, as the case may be, imposing the striking off, restriction or suspension and, where applicable, a notice of any such decision as corrected by the tribunal. The notice shall contain the name of the professional, the place of his professional domicile and the address thereof, the name of the corporation of which he is a member, his speciality, if any, and a summary and the date of the decision.

In addition, the secretary of the corporation must transmit to the Office every final decision of the Bureau or the Professions Tribunal, as the case may be, imposing a permanent striking off the roll or a permanent restriction or suspension of a professional’s right to practise and, where applicable, any such decision as corrected by the tribunal.

A notice referred to in the first paragraph may be published or inserted in an official or regular publication of the corporation sent to each of its members. If published, a notice must be laid out in a box not less than two columns wide, under the title “NOTICE OF

RESTRICTION AND SUSPENSION OF RIGHT TO PRACTISE OR STRIKING OFF THE ROLL”.

“**182.9** The secretary of the Order referred to in subparagraph *c* of the first paragraph of section 20 of the Medical Act must send to each of the persons entered in the register referred to in that subparagraph a notice of the final decision of the Bureau or the Professions Tribunal, as the case may be, imposing the suspension or cancellation of the registration of a person in that register or the refusal to renew the registration and, where applicable, a notice of any such decision as corrected by the tribunal. The notice must include the name of the person, the place and address where he principally practised acupuncture and the date and a summary of the decision.

In addition, the secretary of the Order must send to the Office every final decision of the Bureau or the Professions Tribunal, as the case may be, imposing the suspension or cancellation of a registration in the register or the refusal to renew a registration and, where applicable, any such decision as corrected by the tribunal.

A notice referred to in the first paragraph may be published or inserted in an official or regular publication of the Order sent to the persons entered in the register. If a notice is published, it must be laid out in a box not less than two columns wide, under the title “NOTICE OF SUSPENSION, CANCELLATION OR NON-RENEWAL OF REGISTRATION IN THE REGISTER OF ACUPUNCTURISTS”.

**95.** Sections 183 and 184 of the said Code are replaced by the following sections:

“**183.** The Government may, by regulation and after consultation with the Office and the Interprofessional Council, reserve certain titles or abbreviations of such titles and certain initials for use by members of a corporation.

“**184.** The Government may, by regulation and after obtaining the opinion of the Office in accordance with subparagraph 8 of the third paragraph of section 12, determine which diplomas issued by the teaching establishments it indicates give access to a permit or specialist’s certificate.

“**184.1** The Professions Tribunal may adopt the rules of practice it considers necessary for the proper application of sections 162 to 177.1 and 182.1 to 182.7 of this Code. The rules shall be submitted to the Government, which may approve them with or without amendment.”

**96.** Section 188 of the said Code is amended by replacing the figures “\$500” and “\$5 000” in the third line by, respectively, the figures “\$600” and “\$6 000”.

**97.** The said Code is amended by inserting, after section 188.3, the following section:

**“188.4** Every person is guilty of an offence and is liable to the fine prescribed in section 188 who uses a title, an abbreviation of a title or initials reserved by regulation of the Government made pursuant to section 183 when he is not a member of the corporation whose members may, in accordance with that regulation, use such a title, abbreviation or initials.”

**98.** Section 189 of the said Code is amended by inserting the words “or its administrative committee” after the word “Bureau” in the third line.

**99.** Section 191 of the said Code is amended by inserting the words “or its administrative committee” after the word “Bureau” in the third line of the first paragraph.

**100.** Section 192 of the said Code is amended

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

**“192.** The following may, in the performance of their duties, take cognizance of a record kept by a professional, require the delivery of any document and take a copy of such a record or document:

(1) a professional inspection committee or a member, inspector, investigator or expert of such a committee;

(2) a syndic or an assistant or corresponding syndic;

(3) a committee for the examination of complaints;

(4) a committee on discipline;

(5) the Professions Tribunal or any of its judges;

(6) any inquiry committee established by a Bureau or any of its members;

(7) the Office or any of its members.”;

(2) by adding, at the end of the second paragraph, the following words: “and he may not invoke his obligation to preserve professional secrecy to refuse to allow it”.

**101.** Section 193 of the said Code is replaced by the following section:

**“193.** None of the following persons or bodies may be prosecuted by reason of acts performed in good faith in the exercise of their duties or functions:

- (1) a member, inspector, investigator, expert or the secretary of a professional inspection committee;
- (2) a syndic or an assistant or corresponding syndic;
- (3) a member of a committee for the examination of complaints;
- (4) a member or the secretary of a committee on discipline;
- (5) a judge of the Professions Tribunal;
- (6) a member of the Bureau or the secretary of the corporation;
- (7) a member of any inquiry committee established by a Bureau;
- (8) the Office or any of its members.”

**102.** Section 194 of the said Code is amended by inserting the words “or body” after the word “persons” in the fourth line.

**103.** Section 195 of the said Code is amended by inserting the words “or body” after the word “persons” in the second line.

#### AGROLOGISTS ACT

**104.** Section 10 of the Agrologists Act (R.S.Q., chapter A-12) is amended

(1) by replacing that part of the first paragraph which precedes subparagraph *a* by the following:

- “10.** The Bureau may by resolution:”;
- (2) by striking out subparagraphs *a* and *c* of the first paragraph;
  - (3) by striking out the words “or dissolved on their own initiative” in the second line of subparagraph *e* of the first paragraph;
  - (4) by striking out subparagraphs *g* and *h* of the first paragraph;
  - (5) by striking out the second paragraph.

**105.** The said Act is amended by inserting, after section 10, the following section:

**“10.1** The Bureau may by regulation determine how the proceeds of the assessments are to be distributed among the sections.

Section 95.2 of the Professional Code shall apply to such regulation.”

**106.** Section 11 of the said Act is amended by adding, at the end, the following paragraph:

“However, the territorial limits of each of these sections shall correspond to the limits of regions determined by regulation in application of section 65 of the Professional Code.”

**107.** Section 15 of the said Act is amended by replacing the words “practising their profession principally” in the first line of the fourth paragraph by the words “who have their professional domicile”.

**108.** Section 19 of the said Act is repealed.

**109.** The heading of Division V of the said Act is amended by adding the words “AND TEMPORARY PERMIT” after the word “PROFESSION”.

**110.** Section 25 of the said Act is repealed.

**111.** Section 26 of the said Act is amended by replacing the words “prescribed in paragraphs *b* and *d* of section 25” in the third line of the first paragraph by the words “for the issue of a permit”.

**112.** Section 27 of the said Act is repealed.

**113.** Section 28 of the said Act is amended by striking out paragraph *e* of the second paragraph.

#### ARCHITECTS ACT

**114.** Section 1 of the Architects Act (R.S.Q., chapter A-21) is amended by striking out paragraph *d*.

**115.** Sections 6, 7, 8 and 9 of the said Act are repealed.

**116.** The heading of Division IV of the said Act is amended by adding the word “TEMPORARY” before the word “PERMIT”.

**117.** Sections 10, 11, 13 and 14 of the said Act are repealed.

**118.** Section 15 of the said Act is amended

(1) by replacing the word “; or” in the second line of subparagraph *e* of the first paragraph by a comma;

(2) by striking out subparagraph *f* of the first paragraph.

LAND SURVEYORS ACT

**119.** Section 7 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by striking out the words “who must be Canadian citizens” in the second line.

**120.** Sections 11 and 12 of the said Act are repealed.

**121.** Section 13 of the said Act is amended

(1) by striking out paragraphs *b*, *c* and *d*;

(2) by striking out the word “other” in the first line of paragraph *i* and by replacing the words “in the second paragraph of” in the second line of paragraph *i* by the word “in”.

**122.** Section 14 of the said Act is replaced by the following section:

“**14.** Section 95.2 of the Professional Code shall apply to a regulation passed in application of paragraph *f* of section 13.”

**123.** Divisions VI and VII of the said Act, entitled respectively “ADMISSION TO THE PROFESSION” and “REGISTRATION” and comprised of sections 20 to 33, are repealed.

**124.** Section 37 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing the words “Notwithstanding paragraphs *b*, *c* and *e*, any” in the first line of the second paragraph by the word “Any” and by striking out the words “mentioned in paragraphs *a*, *d*, *f*, *g* and *h* and those” in the fifth line of the same paragraph.

**125.** Section 38 of the said Act is amended

(1) by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) meets the condition mentioned in section 44 of the Professional Code;”;

(2) by replacing the words “of examiners,” in the first and second lines of subparagraph *b* of the first paragraph by the words “that the Bureau has formed for this purpose”;

(3) by striking out subparagraph *c* of the first paragraph.

**126.** Sections 39, 40 and 41 of the said Act are repealed.

**127.** Section 42 of the said Act is amended by striking out subparagraph *a* of the second paragraph.

**128.** Section 60 of the said Act is amended by replacing the words “the regulations” in paragraph *b* by the word “resolution”.

**129.** Section 62 of the said Act is amended by replacing the words “according to the tariff of fees adopted in accordance with the Professional Code” in the first and second lines of the first paragraph by the words “determined by resolution of the Bureau”.

**130.** Section 67 of the said Act is amended by replacing the words “according to the tariff of fees adopted in accordance with the Professional Code” in the first and second lines by the words “determined by resolution of the Bureau”.

**131.** Section 68 of the said Act is amended by replacing the words “in the regulations” in the second line by the words “by resolution”.

#### HEARING-AID ACOUSTICIANS ACT

**132.** Section 1 of the Hearing-aid Acousticians Act (R.S.Q., chapter A-33) is amended by striking out paragraph *d*.

**133.** Sections 6, 9 and 10 of the said Act are repealed.

**134.** Section 13 of the said Act is amended by striking out the second paragraph.

**135.** Section 17 of the said Act is repealed.

#### ACT RESPECTING THE BARREAU DU QUÉBEC

**136.** Section 7 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing the words “, at such

place as it may fix by by-law” in the first and second lines of subsection 1 by the words “or at any other place determined by regulation of the General Council”.

**137.** Section 12 of the said Act is amended by adding the words “of the General Council and section 95.2 of the Professional Code shall apply to such regulation” after the word “by-law” in the second paragraph of subsection 1.

**138.** Section 15 of the said Act is amended

- (1) by striking out paragraphs *a*, *d* and *g* of subsection 1;
- (2) by striking out the words “, or of those dissolved on their own initiative” in the second and third lines of paragraph *h* of subsection 1;
- (3) by striking out paragraphs *i* and *j* of subsection 1;
- (4) by replacing the words “, the Committee on applications or, pursuant to section 88, the professional inspection committee” in the second, third and fourth lines of paragraph *k* of subsection 1 by the words “or the Committee on applications”;
- (5) by adding, after paragraph *l* of subsection 1, the following paragraphs:
 

“(m) put under trusteeship sections which do not have sufficient funds to subsist or do not use their funds properly or judiciously; compel the officers of such sections to report upon the employment of their funds and, if necessary, order an investigation;

“(n) impose on sections in default to pay the assessment imposed under paragraph *f* of this subsection the following penalties: forfeiture of the right of representation on the General Council and the putting under trusteeship of the sections;

“(o) prescribe the form of the oath of office that advocates and articulated students are required to take, as well as the conditions required when such an oath is being taken;”;
- (6) by striking out paragraphs *a* and *b* of subsection 2;
- (7) by striking out the words “put under trusteeship or” in the first line of paragraph *c* of subsection 2;
- (8) by replacing the words “the following penalties: forfeiture of the right of representation on the General Council, putting under

trusteeship or abolition of the section” in the second, third and fourth lines of paragraph *d* of subsection 2 by the words “the following penalty: abolition of the sections”;

(9) by striking out paragraphs *e*, *g* and *h* of subsection 2;

(10) by striking out paragraphs *a*, *b* and *f* of subsection 3.

**139.** Section 16 of the said Act is replaced by the following section:

“**16.** Section 95.2 of the Professional Code shall apply to any regulation passed by the General Council in application of subsections 2 and 3 of section 15.”

**140.** Section 17 of the said Act is amended by inserting the words “or under the Professional Code” after the word “thereunder” in the second line of subsection 1.

**141.** Section 18 of the said Act is amended by replacing the words “the register established under subparagraph *e*” in the first and second lines by the words “the registers established under subparagraphs *e* and *g*” and by inserting the words “or mandates given in anticipation of the incapacity of the mandate and filed with advocates” after the word “advocates” in the third line.

**142.** Section 20 of the said Act is amended

(1) by replacing the words “third paragraph” in the second and third lines of subsection 2 by the words “third and fourth paragraphs”;

(2) by striking out subsection 3.

**143.** Section 22.1 of the said Act is amended by striking out the figure “, 121” in the first line of the first paragraph.

**144.** Section 23 of the said Act is amended by adding, at the end of subsection 1, the following sentence: “He shall discharge the duties and shall carry out the functions that the Professional Code assigns to the secretary of the corporation.”

**145.** Section 26 of the said Act is amended by replacing the words “and none of them” in the second and third lines by the words “. Neither the executive director nor his assistant”.

**146.** Section 43 of the said Act is repealed.

**147.** Section 44 of the said Act is amended by striking out the letter “g,” in the second line.

**148.** Section 46 of the said Act is amended by inserting the words “, the Professional Code” after the word “Act” in the second line.

**149.** Section 47 of the said Act is repealed.

**150.** Section 48 of the said Act is amended

(1) by inserting a comma in the fourth line of the first paragraph of the French text and by adding the words “according to the provisions of Division VIII of Chapter IV of the Professional Code” at the end of this paragraph;

(2) by striking out the second paragraph.

**151.** Section 49 of the said Act is amended by striking out the second paragraph.

**152.** Sections 50, 51, 53 and 54 of the said Act are repealed.

**153.** Section 55 of the said Act is amended by striking out the words “for at least three years and has never been condemned to a disciplinary penalty” in the third and fourth lines of paragraph *a* of subsection 1.

**154.** Section 56 of the said Act is amended

(1) by striking out the words “subparagraph *a* of” in the fourth line of that part of subsection 1 which precedes subparagraph *a* and the words “, even if not a Canadian citizen,” in the fourth and fifth lines of that part;

(2) by striking out the words “subparagraph *a* of” in the fourth line of paragraph *a* of subsection 1.

**155.** Section 57 of the said Act is amended by striking out the second paragraph.

**156.** Section 60 of the said Act is amended by replacing the words “prescribed in section 43, section 50 or sections 55 and 57” in the first and second lines of subsection 2 by the words “of admission prescribed in Division V of this Act and in the Professional Code”.

**157.** Section 65 of the said Act is amended by replacing the words “under subparagraph o of the first paragraph of section 86 of the Professional Code (chapter C-26)” in the sixth and seventh lines of subsection 1 by the words “by the General Council”.

**158.** Section 66 of the said Act is amended by replacing the words “under subparagraph o of the first paragraph of section 86 of the Professional Code (chapter C-26)” in the third, fourth and fifth lines by the words “by the General Council”.

**159.** Section 68 of the said Act is amended by replacing the words “under subparagraph o of the first paragraph of section 86 of the Professional Code” in the second and third lines of subsection 8 by the words “by the General Council”.

**160.** Section 70 of the said Act is amended

(1) by replacing the words “under subparagraph o of the first paragraph of section 86 of the Professional Code (chapter C-26)” in the sixth and seventh lines of subsection 1 by the words “by the General Council”;

(2) by replacing the words “. The provisions of subdivision 5 of Division VII of Chapter IV of the Professional Code, adapted as required, apply to the appeal from the decision” in the second, third and fourth lines of subsection 5 by the words “, according to the provisions of Division VIII of Chapter IV of the Professional Code”.

**161.** Section 71 of the said Act is amended by replacing the words “under subparagraph o of the first paragraph of section 86 of the Professional Code (chapter C-26)” in the second and third lines of subsection 3 by the words “by the General Council”.

**162.** Section 72 of the said Act is amended by replacing the words “under subparagraph o of the first paragraph of section 86 of the Professional Code (chapter C-26)” in the second, third and fourth lines of the third paragraph by the words “by the General Council”.

**163.** Division VIII of the said Act, entitled “SYNDIC” and comprised of sections 75 to 80, is repealed.

**164.** Sections 81 to 85, 88 and 89 of the said Act are repealed.

**165.** Division X of the said Act, entitled “DISCIPLINE” and comprised of sections 91 to 121, is repealed.

**166.** Section 122 of the said Act is amended by replacing the words “X, except section 113” in the first line of the fourth paragraph of subsection 2 by the words “VII of Chapter IV of the Professional Code, except section 156, applies”.

**167.** Section 123 of the said Act is amended by replacing the figure “113” in the fifth line of subsection 1 by the figure and words “156 of the Professional Code”.

**168.** Section 124 of the said Act is amended by replacing the figure “113” in the eighth line by the figure and words “156 of the Professional Code”.

**169.** The heading of Division XII of the said Act is amended by striking out the words “AND EXTRAJUDICIAL”.

**170.** Section 125 of the said Act is amended

(1) by striking out the words “and extrajudicial” in the first and second lines of subsection 1;

(2) by striking out the words “subject to the requirements of section 16” in the first and second lines of subsection 2.

**171.** Section 126 of the said Act is repealed.

**172.** Section 127.1 of the said Act is amended by striking out the words “and extra-judicial” in the first line.

**173.** Section 128 of the said Act is amended by adding, after subparagraph 6 of paragraph *a* of subsection 2, the following subparagraph:

“(7) the Bureau de révision en immigration in the case referred to in section 31 of the Act respecting the Ministère des Communautés culturelles et de l’Immigration (R.S.Q., chapter M-23.1);”.

**174.** Section 130 of the said Act is amended by striking out the words “and subject to subsection 2 of section 76” in the second line.

PROFESSIONAL CHEMISTS ACT

**175.** Section 4 of the Professional Chemists Act (R.S.Q., chapter C-15) is amended by adding, at the end, the words “or at any other place determined by regulation of the Bureau”.

**176.** Section 6 of the said Act is amended by striking out paragraph *b*.

**177.** Sections 8 and 9 of the said Act are repealed.

**178.** Section 10 of the said Act is amended

(1) by striking out subsections 1 and 2;

(2) by replacing the words “qualified for membership, except as to the requirements of paragraph *b* of subsection 1 of this section,” in the first and second lines of subsection 4 by the words “who does not satisfy the requirements of section 42 of the Professional Code”.

**179.** Section 11 of the said Act is repealed.

CHIROPRACTIC ACT

**180.** Section 1 of the Chiropractic Act (R.S.Q., chapter C-16) is amended by striking out paragraph *d*.

**181.** Sections 5, 8 and 9 of the said Act are repealed.

**182.** Section 13 of the said Act is amended by striking out the second paragraph.

**183.** Section 15 of the said Act is repealed.

CHARTERED ACCOUNTANTS ACT

**184.** Section 1 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by striking out paragraphs *d* and *e*.

**185.** Sections 8, 9, 10 and 11 of the said Act are repealed.

**186.** Division V of the said Act, entitled “REGISTRATION” and comprised of sections 16 to 18, is repealed.

**187.** Sections 20, 21, 22 and 23 of the said Act are repealed.

**188.** Section 24 of the said Act is amended by striking out paragraph *a* of the second paragraph.

## DENTAL ACT

**189.** Section 1 of the Dental Act (R.S.Q., chapter D-3), amended by section 148 of chapter 21 of the statutes of 1992, is again amended by striking out paragraphs *d* and *e*.

**190.** Section 6 of the said Act is amended by striking out the second paragraph.

**191.** Section 8 of the said Act is repealed.

**192.** Section 15 of the said Act, amended by section 149 of chapter 21 of the statutes of 1992, is again amended by striking out paragraphs *b*, *c* and *d*.

**193.** Section 19 of the said Act is amended by striking out subparagraph *b* of the first paragraph.

**194.** Sections 20, 21 and 22 of the said Act are repealed.

**195.** Division IV of the said Act, entitled "REGISTRATION" and comprised of sections 23 to 25, is repealed.

**196.** Section 29 of the said Act is repealed.

**197.** Section 30 of the said Act is amended by striking out the words "who is not a Canadian citizen and" in the second line and by replacing the words "prescribed in section 29" in the third line by the words "for issue of the permit".

**198.** Section 31 of the said Act is amended by replacing the words "prescribed in section 29" in the second line of the first paragraph by the words "for issue of the permit".

**199.** Sections 32 and 33 of the said Act are repealed.

**200.** Section 38 of the said Act is amended by striking out the second paragraph.

## DENTUROLOGISTS ACT

**201.** Section 1 of the Denturologists Act (R.S.Q., chapter D-4) is amended by striking out paragraph *d*.

**202.** Sections 5, 9 and 10 of the said Act are repealed.

**203.** Section 13 of the said Act is amended by striking out the second paragraph.

NURSES ACT

**204.** Section 1 of the Nurses Act (R.S.Q., chapter I-8), amended by section 172 of chapter 21 of the statutes of 1992, is again amended by striking out paragraph *e*.

**205.** Section 7 of the said Act is replaced by the following section:

“**7.** To ensure adequate representation of the sections within the Bureau, the Bureau shall fix, by regulation, the mode of representation of each council of a section.”

**206.** Section 9 of the said Act is amended by inserting the words “du Québec” after the word “professions” in the fourth line of the fourth paragraph.

**207.** Section 11 of the said Act, amended by section 173 of chapter 21 of the statutes of 1992, is again amended

(1) by striking out paragraphs *b*, *c* and *d*;

(2) by adding, after subparagraph ii of paragraph *g*, the following subparagraphs:

“iii. put under trusteeship or abolish a section which does not have sufficient funds to subsist or does not make suitable and beneficial use of its funds;

“iv. impose, on any section which fails to file, within the time fixed by the Bureau, a report required under paragraph *f* of this section or which fails to submit to the disallowance of a by-law effected under section 31, or on a section whose president fails to file, within the time fixed by the Bureau, a report required under subparagraph i of this paragraph, the following penalties: placing under trusteeship or abolition of the section.”

**208.** Section 13 of the said Act is repealed.

**209.** Section 14 of the said Act is amended by striking out paragraphs *a*, *c* and *d*.

**210.** Section 15 of the said Act is replaced by the following section:

“**15.** Section 95.2 of the Professional Code applies to any regulation adopted under subparagraph *b* of the first paragraph of section 12 or under paragraph *e* of section 14.”

**211.** The said Act is amended by inserting, after section 17, the following section:

“**17.1** The annual general meeting shall be held within nine months from the end of the fiscal year of the Order.”

**212.** Section 21 of the said Act is amended by replacing the words “shall be those fixed by the regulations of the Bureau” in the second and third lines by the words and figure “shall correspond to those of the regions determined by regulation of the Bureau made under section 65 of the Professional Code.”

**213.** Section 28 of the said Act is amended by striking out the second paragraph.

**214.** Section 38 of the said Act is amended

(1) by striking out subparagraph *b* of the first paragraph;

(2) by striking out the words “, this Act and the regulations of the Bureau” in the second and third lines of subparagraph *c* of the first paragraph.

**215.** Section 39 of the said Act is repealed.

**216.** Section 41 of the said Act is amended by striking out subparagraphs *b*, *c* and *d* of the second paragraph.

#### ENGINEERS ACT

**217.** Section 8 of the Engineers Act (R.S.Q., chapter I-9) is amended by inserting the words “regulation of” after the word “by” in the second line.

**218.** Section 9 of the said Act is amended by striking out the words “in accordance with the Professional Code” in the first and second lines of the second paragraph, and by striking out the words “in the manner provided by the regulations” in the second and third lines of the same paragraph.

**219.** Section 10 of the said Act is amended by replacing the words “that where he mainly practises his profession” in the second and third lines of the first paragraph by the words “his professional domicile.”

**220.** Section 11 of the said Act is amended

(1) by striking out subparagraphs *a* to *k* and *m* of the first paragraph;

(2) by striking out the second paragraph.

**221.** Sections 14 and 15 of the said Act are repealed.

**222.** Section 16 of the said Act is amended by striking out the words “, however, in all cases and notwithstanding the method of admission provided,” in the first and second lines.

**223.** Section 17 of the said Act is repealed.

**224.** Section 19 of the said Act is amended by striking out the words “domiciled outside Québec” in the second line of subsection 1.

**225.** Section 20 of the said Act is amended by inserting the words and figure “Notwithstanding section 44 of the Professional Code,” at the beginning of the first line, and by striking out the words and figure “not a Canadian citizen and does not fulfil the conditions prescribed by section 44 of the Professional Code but is domiciled in Québec, is otherwise” in the first, second, third and fourth lines.

**226.** Section 22 of the said Act is amended by striking out subparagraph 6 of the first paragraph.

#### FOREST ENGINEERS ACT

**227.** Section 2 of the Forest Engineers Act (R.S.Q., chapter I-10) is amended by striking out paragraph 5.

**228.** Sections 6, 7 and 8 of the said Act are repealed.

**229.** Section 9 of the said Act is amended by striking out the first and second paragraphs.

**230.** Section 13 of the said Act is amended by striking out the second paragraph.

VETERINARY SURGEONS ACT

**231.** Section 1 of the Veterinary Surgeons Act (R.S.Q., chapter M-8) is amended by striking out paragraph *d*.

**232.** Section 6 of the said Act is repealed.

**233.** Section 6.1 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Section 95.2 of the Professional Code applies to any regulation made under subparagraph 1 of the first paragraph.”

**234.** The heading of Division IV of the said Act is replaced by the following heading: “PRACTICE OF VETERINARY MEDICINE”.

**235.** Sections 10 to 20 of the said Act are repealed.

**236.** The said Act is amended by striking out, after section 20, the following:

“DIVISION V

“PRACTICE OF VETERINARY MEDICINE”.

**237.** Section 21 of the said Act is repealed.

**238.** Section 22 of the said Act is amended

(1) by striking out the first paragraph;

(2) by striking out the words “For the purposes of this section,” at the beginning of the first line of that part of the second paragraph preceding paragraph *a*;

(3) by striking out paragraph *a* of the second paragraph.

**239.** Section 26 of the said Act is amended

(1) by striking out the first sentence;

(2) by replacing the word “thereof” in the second sentence by the words “of an assessment”.

**240.** Section 27 of the said Act is amended by replacing the word “contributions” in the second line of the first paragraph of subsection 1 and the word “contribution” in the first line of the second paragraph of subsection 2 by the words “assessments” and “assessment”, respectively.

**241.** Section 29 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing the word “Such” in the first line of the second paragraph by the word “The”;

(3) by replacing the word “regulation” in the second line of the third paragraph by the word “resolution”.

**242.** Divisions VI and VII of the said Act are renumbered V and VI.

#### MEDICAL ACT

**243.** Section 1 of the Medical Act (R.S.Q., chapter M-9), amended by section 188 of chapter 21 of the statutes of 1992, is again amended by striking out paragraph *e*.

**244.** Section 8 of the said Act is repealed.

**245.** Section 15 of the said Act, amended by section 189 of chapter 21 of the statutes of 1992, is again amended by striking out paragraphs *b* and *d*.

**246.** Section 20 of the said Act is amended by replacing the words and figure “whose decision is final and without appeal. Such appeal must be lodged within thirty days from the service upon the person concerned, in accordance with the Code of Civil Procedure (chapter C-25), of the Bureau’s decision” in the fourth, fifth, sixth and seventh lines of the third paragraph by the words “in conformity with the provisions of Division VIII of Chapter IV of the Professional Code”.

**247.** Sections 22 and 23 of the said Act are repealed.

**248.** Section 24 of the said Act is replaced by the following section:

**24.** Section 95.2 of that Code applies to any regulation made under subparagraphs *c* and *d* of the first paragraph of section 19.”

**249.** Section 33 of the said Act is amended

(1) by striking out subparagraphs *b* and *c* of the first paragraph;

(2) by replacing the words “this act and the regulations of the Bureau” in the second line of subparagraph *d* of the first paragraph by the words “the Professional Code”.

**250.** Section 34 of the said Act is amended by striking out the words “is not a Canadian citizen and who” in the second and third lines.

**251.** Section 36 of the said Act is repealed.

**252.** Section 37 of the said Act is amended

(1) by striking out subparagraph *b* of the first paragraph;

(2) by replacing the words “this act and the regulations of the Bureau” in the second line of subparagraph *c* of the first paragraph by the words “the Professional Code”.

**253.** Section 43 of the said Act is amended

(1) by striking out paragraph *a* of the second paragraph;

(2) by adding the words and figures “or under paragraph 2 of the third paragraph of section 12 of the Professional Code” after the figure “19” in the third line of paragraph *c* of the second paragraph;

(3) by striking out paragraph *d* of the second paragraph;

(4) by replacing the words and figures “section 20 or 22” in the second line of paragraph *e* of the second paragraph by the words and figures “section 20 or under paragraph 2 of the third paragraph of section 12 of the Professional Code”;

(5) by striking out paragraph *f*.

**254.** Section 44 of the said Act is amended by adding the words and figures “or under paragraph 2 of the third paragraph of section 12 of the Professional Code” after the figure “20” in the sixth line.

## NOTARIAL ACT

**255.** Section 1 of the Notarial Act (R.S.Q., chapter N-2) is amended by striking out paragraph *o*.

**256.** Section 7 of the said Act is amended by striking out subsection 2.

**257.** Section 8 of the said Act is repealed.

**258.** Section 15 of the said Act is amended by striking out paragraph *i*.

**259.** Section 21 of the said Act is amended by striking out subsection 2.

**260.** Section 22 of the said Act is amended by inserting the words “adopted in accordance with the Professional Code” after the word “regulation” in the third line.

**261.** Section 72 of the said Act is amended by adding, at the end of subsection 1, the words “or in any other place determined by regulation of the Bureau”.

**262.** Section 74 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The former president of the Order is a *de jure* member during the term or terms following his term as president.”

**263.** Section 75 of the said Act is amended

(1) by replacing the words and figures “subparagraph 4 of the second paragraph of section 93” in the third and fourth lines of the first paragraph by the words “the Professional Code”;

(2) by replacing the words “and that of the *de jure* member is” in the first line of the second paragraph by the word “are”, by replacing the words and figures “subparagraphs 4 and 5 of the second paragraph of section 93” in the second and third lines of the same paragraph by the words “the Professional Code” and by adding, at the end of the same paragraph, the following sentence: “The term of office of the *de jure* member is fixed by regulation of the Bureau.”

**264.** Section 78 of the said Act is amended by replacing the words and figures “subparagraph 3 of the first paragraph of section

93” in the fourth and fifth lines of subparagraph vii of paragraph *a* of subsection 2 by the words “the Professional Code”.

**265.** Section 81 of the said Act is amended by replacing the words and figures “subparagraph 3 of the first paragraph of section 93” in the fifth and sixth lines of subsection 1 by the words “the Professional Code”.

**266.** Section 93 of the said Act is amended

(1) by replacing that part of the first paragraph preceding subparagraph 1 by the following:

“**93.** The Bureau may, by regulation:”;

(2) by striking out subparagraphs 1, 2, 3, 6, 8 and 9 of the first paragraph;

(3) by striking out the words “in accordance with the Professional Code” in that part of the second paragraph preceding paragraph 1;

(4) by striking out paragraphs 1 to 4 of the second paragraph.

**267.** Section 94 of the said Act is replaced by the following section:

“**94.** Section 95.2 of the Professional Code applies to any regulation made under section 93.”

**268.** Section 95 of the said Act is repealed.

**269.** Section 96 of the said Act is amended by replacing paragraph *b* by the following paragraphs:

“(b) change the model of the seal and the information that it must bear;

“(c) determine the criteria according to which, upon the recommendation of the Administrative Committee, it may confer the title of honorary notary on a notary, or withdraw such title from him, and prescribe the conditions and modalities of its use and the rights and privileges related thereto.”

**270.** Section 97 of the said Act is amended

(1) by replacing the words and figures “made under subparagraph 4 of the second paragraph of section 93” in the fourth

and fifth lines of the third paragraph by the words and figure “of the Bureau. Section 95.2 of the Professional Code applies to such regulation.”;

(2) by replacing the words and figures “subparagraph 3 of the first paragraph of section 93” in the fourth and fifth lines of the fourth paragraph by the words “the Professional Code”;

(3) by striking out the fifth paragraph;

(4) by replacing the words and figures “subparagraph 3 of the first paragraph of section 93” in the fifth line of the sixth paragraph by the words “the Professional Code”.

**271.** Section 104 of the said Act is amended

(1) by striking out subsection 1;

(2) by replacing the words “the subscription” in the first line of subsection 2 by the words “an assessment”;

(3) by replacing the word “subscription” in the fourth line of subsection 3 by the word “assessment”.

**272.** Section 105 of the said Act is amended by replacing the word “subscriptions” in the first line of subsection 1 by the word “assessments”.

**273.** The said Act is amended by striking out the heading of subdivision 1 of Division VII.

**274.** Section 109 of the said Act is amended by replacing the words “in the regulations” in the third line by the words “by resolution of the Bureau”.

**275.** Section 110 of the said Act is amended by replacing the words “examination committee” in the first line by the words “committee set up by the Bureau for that purpose”.

**276.** The said Act is amended by striking out the heading of subdivision 2 of Division VII.

**277.** Section 111 of the said Act is repealed.

**278.** Section 112 of the said Act is amended by replacing the words “examination committee” in the first line of subsection 1 by the

words “committee set up by the Bureau for that purpose”, and by replacing the word “examination” in the second line of the same subsection by the words “practice of the profession”.

**279.** Subdivision 3 of Division VII of the said Act, entitled “*Admission to practice*” and including sections 113, 114 and 116 to 118, is repealed.

**280.** Section 136 of the said Act is amended by inserting the words “adopted in accordance with the Professional Code” after the word “regulation” in the third line.

#### DISPENSING OPTICIANS ACT

**281.** Section 1 of the Dispensing Opticians Act (R.S.Q., chapter O-6) is amended by striking out paragraph *d*.

**282.** Sections 7, 10 and 11 of the said Act are repealed.

**283.** Section 15 of the said Act is amended by striking out paragraph *d* of the second paragraph.

#### OPTOMETRY ACT

**284.** Section 1 of the Optometry Act (R.S.Q., chapter O-7), amended by section 194 of chapter 21 of the statutes of 1992, is again amended by striking out paragraphs *d* and *e*.

**285.** Section 7 of the said Act, amended by section 195 of chapter 21 of the statutes of 1992, is again amended by striking out paragraphs *b* and *c*.

**286.** Section 10 of the said Act is amended

- (1) by striking out subparagraph *b* of the first paragraph;
- (2) by adding, after the second paragraph, the following paragraph:

“Section 95.2 of the Professional Code applies to any regulation made under subparagraph *c* of the first paragraph.”

**287.** Sections 11, 12, 13, 15, 18 and 19 of the said Act are repealed.

**288.** Section 19.2 of the said Act, enacted by section 1 of chapter 12 of the statutes of 1992, is amended by replacing the words and figure “fix, by regulation, in accordance with section 95 of the Professional Code” in the first and second lines by the words “, by regulation, fix”.

**289.** Section 25 of the said Act is amended by striking out the second paragraph.

PHARMACY ACT

**290.** Section 1 of the Pharmacy Act (R.S.Q., chapter P-10), amended by section 1 of chapter 75 of the statutes of 1990 and by section 197 of chapter 21 of the statutes of 1992, is again amended by striking out paragraph *f*.

**291.** Section 6 of the said Act is repealed.

**292.** Section 8 of the said Act is amended by striking out paragraphs *a* and *c*.

**293.** Section 10 of the said Act, amended by section 3 of chapter 75 of the statutes of 1990, is again amended by adding, after the second paragraph, the following paragraph:

“Section 95.2 of the Professional Code applies to any regulation made under subparagraph *b* of the first paragraph.”

**294.** Section 11 of the said Act is repealed.

**295.** Section 12 of the said Act is amended by striking out paragraphs *b* and *c*.

**296.** Section 13 of the said Act is repealed.

**297.** Section 18 of the said Act, amended by section 5 of chapter 75 of the statutes of 1990 and by section 199 of chapter 21 of the statutes of 1992, is again amended by striking the words “of the Government” in the seventh and eighth lines of the second paragraph.

**298.** Section 19 of the said Act is amended

(1) by striking out subparagraph *b* of the first paragraph;

(2) by replacing the words “this act and the regulations of the Bureau” in the second line of subparagraph *c* of the first paragraph by the words “the Professional Code”.

**299.** Section 20 of the said Act is amended by striking out the first paragraph.

**300.** Section 35 of the said Act is amended by striking out the second paragraph.

**301.** Section 37 of the said Act, amended by section 200 of chapter 21 of the statutes of 1992, is again amended by replacing the words "The Gouvernement" in the first line by the words "The Office des professions du Québec".

PODIATRY ACT

**302.** Section 1 of the Podiatry Act (R.S.Q., chapter P-12) is amended by striking out paragraph *d*.

**303.** Section 5 of the said Act is repealed.

**304.** Section 6 of the said Act is amended

(1) by striking out subparagraph *a* of the first paragraph;

(2) by replacing the third paragraph by the following paragraph:

"Section 95.2 of the Professional Code applies to any regulation made under subparagraph *c* of the first paragraph."

**305.** Sections 9 and 10 of the said Act are repealed.

**306.** Section 16 of the said Act is amended by striking out the second paragraph.

**307.** Section 19 of the said Act is repealed.

RADIOLOGY TECHNICIANS ACT

**308.** Section 1 of the Radiology Technicians Act (R.S.Q., chapter T-5) is amended by striking out paragraph *d*.

**309.** Sections 6, 9 and 10 of the said Act are repealed.

**310.** Section 12 of the said Act is amended by striking out the second paragraph.

FINAL PROVISION

**311.** This Act shall come into force on the date or dates fixed by the Government.

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