



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 3
(2009, chapter 16)

**An Act to provide for the implementation
of the Entente entre le Québec et la France
en matière de reconnaissance mutuelle
des qualifications professionnelles and
similar agreements**

**Introduced 11 March 2009
Passed in principle 7 April 2009
Passed 9 June 2009
Assented to 10 June 2009**

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EXPLANATORY NOTES

This Act amends various legislative provisions in order to provide for the implementation of the Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles and similar agreements.

Thus, the Act amends the Professional Code to authorize the issue of a permit or a specialist's certificate to a person who meets the terms and conditions determined by regulation of the governing body of a professional order that are required to give effect to an agreement entered into by the order under an agreement for mutual recognition of professional competence entered into between the Government and another government. The Act also authorizes the issue of a temporary restrictive permit to a person seeking admission to a profession who has the professional competence required.

The Act amends the procedure for the approval of regulations governing admission to a professional order.

In addition, the Act clarifies the scope of certain regulatory powers under the Act respecting labour relations, vocational training and workforce management in the construction industry.

LEGISLATION AMENDED BY THIS ACT:

- Professional Code (R.S.Q., chapter C-26);
- Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20).

Bill 3

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ENTENTE ENTRE LE QUÉBEC ET LA FRANCE EN MATIÈRE DE RECONNAISSANCE MUTUELLE DES QUALIFICATIONS PROFESSIONNELLES AND SIMILAR AGREEMENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 42 of the Professional Code (R.S.Q., chapter C-26) is amended by inserting the following paragraph after paragraph 2:

“(2.1) have the professional competence required in a regulation made under paragraph *c.2* of section 93 and meet the terms and conditions determined in the regulation;”.

2. Section 42.1 of the Code, amended by section 1 of chapter 11 of the statutes of 2008, is again amended by inserting the following paragraph after paragraph 1:

“(1.1) in addition to having the professional competence required, the person must meet one of the conditions set out in a regulation made under paragraph *c.2* of section 93 to obtain a permit issued under paragraph 2.1 of section 42;”.

3. Section 93 of the Code, amended by sections 1 and 61 of chapter 11 of the statutes of 2008, is again amended by inserting the following paragraph after paragraph *c.1*:

“(*c.2*) determine the terms and conditions for issuing a permit or a specialist’s certificate that are required to give effect to an agreement entered into by the order under an agreement for mutual recognition of professional competence entered into between the Government and another government; the board of directors must also, in the regulation, stipulate that a decision refusing to recognize that one of those conditions, other than professional competence, has been fulfilled must be reviewed by persons other than those who made it;”.

4. Section 95 of the Code, amended by sections 1 and 63 of chapter 11 of the statutes of 2008, is again amended by replacing “section 95.2” by “sections 95.0.1 and 95.2”.

5. The Code is amended by inserting the following section after section 95:

“95.0.1. A regulation adopted by the board of directors under paragraph *c*, *c.1* or *c.2* of section 93 or paragraph *i*, *q* or *r* of section 94 shall be transmitted for examination to the Office, which may approve it with or without amendment.

Before approving a regulation referred to in the first paragraph, the Office must consult the ministers concerned, including the Minister responsible for the administration of legislation respecting the professions, the Minister of Education, Recreation and Sports, the Minister of Employment and Social Solidarity, the Minister of Health and Social Services, the Minister of Immigration and Cultural Communities, the Minister of Economic Development, Innovation and Export Trade, and the Minister of International Relations or the Minister responsible for Canadian Intergovernmental Affairs and the Reform of Democratic Institutions, as the case may be.”

6. Section 95.0.1 of the Professional Code applies to the regulations under that section that were made before it came into force but have not yet been approved by the Government.

7. Section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20) is amended by inserting “, or to determine conditions for the issue of such a certificate by the Commission” after “issued by the Commission” in the fifth line of the second paragraph.

8. Section 123.1 of the Act is amended by replacing “domiciled in the territory of a state or province the government of which is, together with the Government of Québec, party to an intergovernmental agreement” in the third and fourth lines of the third paragraph by “in order to give effect to an intergovernmental agreement to which the Gouvernement du Québec is party”.

9. This Act comes into force on 10 June 2009.