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**Summary**

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## Regulations and other acts

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Gouvernement du Québec

### **O.C. 1143-2007, 19 December 2007**

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2)

#### **Claims adjusters — Code of ethics**

Code of ethics of claims adjusters

WHEREAS paragraph 1 of section 202.1 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) provides that the Autorité des marchés financiers must determine, by regulation, the rules of ethics applicable to representatives, other than securities representatives, of each sector or class of sector;

WHEREAS the Chambre de l'assurance de dommages is a legal person established under the Act;

WHEREAS the fourth paragraph of section 312 of the Act provides that the Chambre de l'assurance de dommages must exercise, in respect of its members, the regulatory power provided for in section 202.1 of the Act;

WHEREAS the first paragraph of section 217 of the Act provides that a regulation made pursuant to the Act is to be submitted to the Government for approval with or without amendment;

WHEREAS, by Order in Council 1040-99 dated 8 September 1999, the Government approved the Code of ethics of claims adjusters;

WHEREAS the Chambre de l'assurance de dommages made the Code of ethics of claims adjusters on 13 December 2006 to replace the aforementioned regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Code of ethics of claims adjusters was published in Part 2 of the *Gazette officielle du Québec* of 29 August 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Code of ethics of claims adjusters, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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### **Code of ethics of claims adjusters**

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 202.1, par. 1 and s. 312)

#### **DIVISION I GENERAL**

**1.** The purpose of the provisions of this Code is to promote the protection of the public and the honest and competent practice of the professional activities of claims adjusters, regardless of the structure of their practice, the nature of their contractual relationship with clients or the class of the claims adjustment sector in which they practise.

**2.** Claims adjusters must ensure that they and their mandataries and employees comply with the provisions of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) and its regulations.

**3.** Claims adjusters must not, directly or indirectly, pay or promise to pay remuneration, compensation or any other benefit to a person who is not a representative in order for that person to act in that capacity or use that title.

**4.** Claims adjusters must not, directly or indirectly, procure a promise of payment or payment of remuneration, compensation or any other benefit from a person who is not a representative and who acts or attempts to act in that capacity.

**5.** Claims adjusters must not, directly or indirectly, procure a promise of payment or payment of remuneration, compensation or any other benefit not authorized by the Act or its regulations from a person other than the person who has retained their services.

**6.** Claims adjusters must not pay, offer to pay or agree to pay any remuneration, compensation or benefit to a person who is not a representative, except where permitted by law.

**7.** Claims adjusters must not pay or promise to pay any remuneration, compensation or benefit in order to have their professional services retained, except as provided by the Act or its regulations.

**8.** Claims adjusters must not accept, other than the remuneration or compensation to which they are entitled, any benefit relating to their professional activities, except where permitted by law.

**9.** Claims adjusters must avoid placing themselves, directly or indirectly, in a situation of conflict of interest. Without limiting the generality of the foregoing, a claims adjuster would be in a situation of conflict of interest where

(1) the interests involved are such that the claims adjuster may tend to favour certain interests over those of the client, or the claims adjuster's judgment and loyalty towards the client may be adversely affected; or

(2) the claims adjuster obtains a current or future personal benefit, directly or indirectly, for a particular act.

**10.** Claims adjusters must not neglect professional duties relating to their professional activities and must carry out such duties with integrity.

**11.** Claims adjusters must not

(1) have a personal interest in the settlement of a claim;

(2) derive or seek to derive personal benefit from a matter entrusted to them, other than their remuneration;

(3) ask anyone, except a client or client's representatives, to inform them of an event giving rise to a claim;

(4) obtain or attempt to obtain details concerning an insurance policy from any person other than a client or client's representatives, with a view to having the settlement of claim entrusted to them; or

(5) advise an insured, a claimant, a client or a third party against consulting another representative or another person of their choice.

## **DIVISION II** **DUTIES AND OBLIGATIONS TOWARDS** **THE PUBLIC**

**12.** Claims adjusters must support any measure designed to protect the public.

**13.** Claims adjusters must support any measure likely to improve the quality of services in their field of professional activities.

**14.** Claims adjusters must promote measures to provide education and information in their field of professional activities.

**15.** The conduct of claims adjusters must be characterized by objectivity, discretion, moderation and dignity.

**16.** No claims adjuster may, in any manner whatsoever, make any representations that are false, misleading or likely to be misleading.

**17.** In their professional activities, claims adjusters must identify themselves clearly and, where applicable, identify their client. Claims adjusters must show their certificate upon request.

**18.** Claims adjusters must notify an insured of the approach of a prescription date concerning the insured.

**19.** Claims adjusters must notify the parties involved, as well as any person that they know has an interest in the compensation requested, of any refusals or any measures that the insurer intends to take regarding a claim.

**20.** Claims adjusters must act in a manner that does not mislead or abuse the good faith of the parties involved.

**21.** Claims adjusters must provide the insured with the explanations necessary for them to understand the settlement of the claim and services rendered to them.

**22.** Claims adjusters must respect the confidentiality of all personal information obtained about a client and use the information for the purposes for which it was obtained, unless relieved of that obligation by a provision of a law or an order of a competent court.

**23.** Claims adjusters must not disclose, other than in accordance with the law, personal or confidential information obtained nor use such information to the detriment of one of the parties involved or with a view to obtaining a benefit for themselves or another person.

**24.** Claims adjusters must not accept or continue a mandate if it involves or may involve disclosing or using confidential information or documents obtained from another claimant, unless that claimant consents thereto.

**25.** Claims adjusters must avoid any misrepresentations as to their level of competence or the effectiveness of their services or those of their firm or independent partnership.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

**26.** Before accepting a mandate, claims adjusters must take into account the limits of their abilities and knowledge and the means available to them. They must not undertake or continue a mandate for which they are not sufficiently prepared, without obtaining the necessary assistance.

**27.** Claims adjusters must act promptly, honestly and fairly in providing their professional services under the mandates entrusted to them.

**28.** Claims adjusters may not be the mandatary of both the insurer and the insured at the same time.

**29.** Claims adjusters may not represent opposing interests, except with the consent of their clients.

**30.** Claims adjusters must not under any circumstances undertake appraisal work before receiving a mandate to that effect.

**31.** Claims adjusters must notify the client promptly of any information in their possession that could affect decisions regarding the settlement of a claim or reduce or compromise an entitlement to compensation, such as breaches of contract, fraud, misrepresentations and the forging of evidence.

**32.** Claims adjusters must, without delay, act on the instructions received from a client or notify the client that they are unable to comply with them.

**33.** Claims adjusters must, upon request, report to the client and show diligence in submitting reports, rendering accounts and making remittances.

**34.** Claims adjusters must submit every offer of settlement to the client.

**35.** In carrying out a mandate, claims adjusters must avoid multiplying professional acts.

**36.** Claims adjusters may, for good and reasonable cause, cease to act on behalf of a client after taking the necessary measures to prevent prejudice to the client.

**37.** Claims adjusters must cease to represent a client if their mandate is revoked.

**38.** Claims adjusters must not, through fraud, trickery or other deceitful means, avoid or attempt to avoid their professional civil liability or that of the firm or independent partnership within which they carry on their professional activities.

**39.** Claims adjusters who have been given a mandate must not require advances that are disproportionate to the nature and circumstances of the claim and the state of the parties. In addition, they must charge fair and reasonable remuneration, justified by the circumstances and proportionate to the services rendered. In setting remuneration, claims adjusters must take particular account of the following factors:

- (1) their experience;
- (2) the time devoted to the matter;
- (3) the difficulty of the problem submitted;
- (4) the importance of the matter;
- (5) the responsibility assumed;
- (6) the provision of unusual services or services requiring exceptional competence or speed; and
- (7) the result obtained.

**40.** Claims adjusters must ensure that a client is informed of the approximate and foreseeable cost for their services.

**41.** Claims adjusters who have entered into a contract with a client providing for hourly remuneration must provide all explanations necessary for the client to understand the statement of remuneration and the terms and conditions of payment.

**42.** Claims adjusters may not charge interest on overdue accounts unless they have an agreement to that effect with the client. If there is such an agreement, the

interest must be charged at a reasonable rate, which does not exceed the rate determined pursuant to section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

**43.** Upon completion of their mandate, claims adjusters must repay any part of an advance on their remuneration for which no work was performed.

#### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE CLAIMANT**

**44.** Claims adjusters must not withhold a claimant's money, securities, documents or property unless permitted under a legislative or regulatory provision.

**45.** Claims adjusters must take reasonable care of property entrusted to their care during their mandate.

**46.** Claims adjusters must not borrow from a claimant sums of money they have collected for the claimant. Claims adjusters must not endorse a cheque made out to a claimant or to a client unless authorized by the claimant or client and provided that the cheque is endorsed for deposit only into a separate account.

#### **DIVISION V DUTIES AND OBLIGATIONS TOWARDS INSURERS**

**47.** Claims adjusters must notify the insurer of any ties or interests third parties may have in property that is the subject of a claim.

**48.** Claims adjusters must not mislead an insurer, abuse its good faith or use unfair practices in their dealings with the insurer.

**49.** Claims adjusters must not misrepresent to an insurer that they are responsible for settling a claim.

#### **DIVISION VI DUTIES AND OBLIGATIONS TOWARDS REPRESENTATIVES**

**50.** Claims adjusters must not denigrate, depreciate or discredit other representatives.

**51.** Claims adjusters must not mislead other representatives, abuse their good faith or use unfair practices in their dealings with them.

**52.** Claims adjusters must collaborate with other representatives insofar as they cause no prejudice to their client or to the parties involved in a claim.

**53.** Claims adjusters must not bring a malicious complaint or make a malicious accusation against other representatives.

#### **DIVISION VII DUTIES AND OBLIGATIONS TOWARDS THE AUTORITÉ DES MARCHÉS FINANCIERS AND THE CHAMBRE DE L'ASSURANCE DE DOMMAGES**

**54.** Claims adjusters must answer without delay any correspondence from the syndic, the co-syndic or an assistant to the syndic of the Chamber in the performance of the duties devolved upon them by the Act respecting the distribution of financial products and services and its regulations.

**55.** Claims adjusters must attend any meeting as required by the syndic, the co-syndic, an assistant to the syndic or a member of their personnel.

**56.** Claims adjusters must not, directly or indirectly, obstruct the work of the Autorité des marchés financiers, the Chamber or one of its committees, the syndic, the co-syndic, an assistant to the syndic or a member of their personnel.

**57.** Claims adjusters who have been informed that they are the subject of an inquiry or a complaint must not communicate with the complainant or the person who requested the holding of the inquiry, unless required to do so in the performance of their mandate.

#### **DIVISION VIII BREACHES OF THE CODE OF ETHICS**

**58.** Acts by claims adjusters that are contrary to the honour and dignity of the profession constitute a breach of the Code of ethics, including

(1) carrying on their professional activities dishonestly or negligently;

(2) carrying on their professional activities under conditions or in situations likely to compromise the quality of services;

(3) taking into account any intervention by a third party that could affect the performance of their professional duties to the detriment of the client or the insured;

(4) knowingly deriving benefit from perjury or false evidence;

(5) knowingly making a statement that is false, misleading or likely to be misleading;

(6) participating in the preparation or preservation of evidence that they know is false;

(7) paying or offering to pay a witness compensation conditional on the content of the witness's testimony or on the outcome of a case;

(8) unduly withholding, concealing, harbouring, falsifying, mutilating or destroying evidence, whether directly or indirectly;

(9) suppressing evidence that they have or a client has a legal obligation to preserve, disclose or produce;

(10) concealing or knowingly withholding that which a legislative or regulatory provision requires them to disclose;

(11) advising or encouraging a client to commit an act that they know is illegal or fraudulent;

(12) not informing the client, the insured or the opposing party of any impediment to the continuation of their mandate;

(13) insistently or repeatedly urging a person to use their professional services;

(14) carrying on their activities with persons not authorized by the Act or its regulations to carry on such activities or using their services to do so;

(15) charging for professional services not rendered or falsely described; and

(16) using or appropriating, for personal purposes, money or securities entrusted to them in the performance of any mandate, whether the activities carried on by them are in the sector of claims adjustment or in another sector governed by the Act.

**59.** This Regulation replaces the Code of ethics of claims adjusters approved by Order in Council 1040-99 dated 8 September 1999.

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

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Gouvernement du Québec

## O.C. 1149-2007, 19 December 2007

Consent of the Government of Québec to the coming into force of certain amendments to the Canada Pension Plan

WHEREAS subsection 4 of section 114 of the Canada Pension Plan (R.S.C. 1985, c. C-8) provides that where any enactment of Parliament contains any provision that alters, or the effect of which is to alter, either directly or indirectly and either immediately or in the future, the general level of benefits, the classes of benefits, the contribution rate for employees, employers or self-employed persons for any year, the formulae for calculating the contributions and benefits payable under the Canada Pension Plan, it shall be deemed to be a term of that enactment, whether or not it is expressly stated in the enactment, that the amendment shall come into force only on a day to be fixed by order of the Governor in Council, which order may not be made and shall not in any case have any force or effect unless the lieutenant governor in council of each of at least two thirds of the included provinces, within the meaning of subsection 1 of section 114 of the Canada Pension Plan, having in the aggregate not less than two thirds of the population of all of the included provinces, has signified the consent of that province to the enactment;

WHEREAS the Act to amend the Canada Pension Plan and the Old Age Security Act (S.C. 2007, c. 11), assented to on 3 May 2007, contains certain amendments contemplated by subsection 4 of section 114 of the Canada Pension Plan;

WHEREAS the consent of the provinces is necessary for the amendments to come into force;

WHEREAS the Minister of Employment and Social Solidarity is responsible for the application of the provisions of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), other than those relating to Title III and Division I of Title V;

WHEREAS, under section 2 of the Act respecting the Ministère des Finances (R.S.Q., c. M-24.01), the mission of the Minister of Finance is, among other things, to advise the Government on financial matters;

WHEREAS the second paragraph of section 3.2 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30) provides that the Minister responsible for

Canadian Intergovernmental Affairs, Aboriginal Affairs, Francophones within Canada, the Reform of Democratic Institutions and Access to Information is to advise the Government on any question relating to Canadian intergovernmental relations

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity, the Minister of Finance and the Minister responsible for Canadian Intergovernmental Affairs, Aboriginal Affairs, Francophones within Canada, the Reform of Democratic Institutions and Access to Information:

THAT the Government consent to the coming into force of sections 2, 12 to 14 and 36 of the Act to amend the Canada Pension Plan and the Old Age Security Act (S.C. 2007, c. 11) in accordance with subsection 4 of section 114 of the Canada Pension Plan (R.S.C. 1985, c. C-8).

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 1179-2007, 19 December 2007**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### **Non-structural metalwork industry**

##### **— Montréal**

##### **— Amendments**

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r.35);

WHEREAS the contracting parties to the Decree have, under section 6.1 of the Act, petitioned the Minister of Labour for amendments to be made to the Decree;

WHEREAS the Government may amend a collective agreement decree under sections 2 and 6.1 of the Act;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, under sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, an amending draft Decree was published in Part 2 of the *Gazette officielle du Québec* of 18 April 2007 and, on that same date, in a French-language newspaper and an English-language newspaper, with a notice that it could be made by the Government on the expiry of the 45-day period following that publication;

WHEREAS the comment received was considered;

WHEREAS it is expedient to make the draft Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Decree to amend the Decree respecting non-structural metalwork in the Montréal region, attached hereto, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region\***

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 2 and 6.1)

**1.** The Decree respecting the non-structural metalwork industry in the Montréal region is amended by replacing “The United Steelworkers of America, Local 7625” by “United Steelworkers” in the first WHEREAS preceding DIVISION 1.00.

**2.** Section 3.01 is amended by replacing the words “parity committee” by the words “Comité conjoint des matériaux de construction.”

**3.** Section 3.05 is amended by replacing the words “parity committee” by the words “Comité conjoint des matériaux de construction” in paragraph 7.

**4.** Section 3.07 is amended by replacing the number “10” by the number “15.”

\* The Decree respecting the non-structural metalwork industry in the Montreal region (R.R.Q., 1981, c. D-2, r.35) was last amended by the Regulation made by Order in Council No. 736-2005 dated 9 August 2005 (2005, *G.O.* 2, 3444). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2007, updated to 1 September 2007.

**5.** Section 5.01 is replaced by the following:

“**5.01.** The minimum hourly wage rates are as follows for the classifications listed below:

**(1) zone 1:**

Classifications	As of 9 January 2008	As of 30 May 2008	As of 30 May 2009
(a) specialized brake press operator and mechanic	\$21.18	\$21.71	\$22.25
(b) fitter and blacksmith	\$19.33	\$19.81	\$20.31
(c) brake press operator, blade shear operator, buffer	\$19.00	\$19.48	\$19.97
(d) trailer-truck driver	\$18.41	\$18.87	\$19.34
(e) production worker A	\$18.12	\$18.58	\$19.04
(f) truck driver	\$18.12	\$18.58	\$19.04
(g) production worker B and painter	\$12.78	\$13.10	\$13.43
(h) labourer	\$11.43	\$11.98	\$12.48

**(2) zone 2:** The minimum wage rates for zone 2 are those for zone 1 reduced by \$0.15 per hour.”.

**6.** Section 5.04 is replaced by the following:

“**5.04. Labourer:** When a labourer has received during 4,000 hours the rate prescribed in paragraph *h* of section 5.01 for his classification or more, he receives the wages of a production worker B.”.

**7.** Section 6.02 is amended by replacing the first paragraph by the following:

“**6.02.** Holiday pay and movable holiday pay is equal to 8 or 10 times the hourly rate, according to the employee’s regular schedule, plus the shift differential, as the case may be.”.

**8.** Section 6.06 is amended by replacing the words “joint committee” by the words “Comité conjoint des matériaux de construction” in paragraph *b*.

**9.** Section 6.07 is replaced by the following:

“**6.07.** Any employee working on the day of a leave with pay shall be paid once his regular rate plus his leave with pay including the shift differential, as the case may be.”.

**10.** Section 7.03 is amended by replacing paragraphs 4 and 5 by the following:

“4° 20 years and more                      11%              5 weeks.”.

**11.** Section 7.07 is amended by adding the following paragraph after paragraph 4:

“Should an employee be absent owing to sickness or accident or to maternity or paternity leave during the reference year and should that absence result in the reduction of that employee’s annual leave indemnity, the employee is then entitled to an equal indemnity based on the effective wage rate he would normally have earned without that absence. An employee whose annual leave is less than two weeks is entitled to that amount in proportion to the days of leave credited to his account.

To determine the indemnity applicable to that leave, the employer must:

(a) calculate the weekly average of the wages earned by the employee during the period worked;

(b) count the number of weeks during which the employee would normally have worked;

(c) multiply the amount of the wages earned per week by the number of weeks of paid annual leave to which the employee is entitled;

(d) multiply the amount obtained in subparagraph *c* by the number of weeks counted in subparagraph *b*, and divide the result obtained by 52.

An annual leave indemnity calculated in accordance with this section must not, however, exceed that to which the employee would have been entitled if he had not been absent.”.

**12.** Section 13.04 is amended:

(1) by replacing the amount “\$100” by the amount “\$180” in subparagraph *a* of the second paragraph;

(2) by replacing “2003 to 2006” by “2007 to 2009” in subparagraph *a* of the second paragraph;

(3) by replacing subparagraph *b* of the second paragraph by the following:

“(b) an amount of \$120.00 yearly, for the years 2007 to 2009, for safety shoes to any employee having one year of continuous service; that amount shall be paid on September 1.

For an employee working on September 1 and having less than one year of continuous service, the employer shall grant 1/12 of the amount provided for each month beginning with the month following his hiring.”.

**13.** Section 17.01 is amended by replacing the number “2006” by the number “2009” in the first and second sentences.

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

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Gouvernement du Québec

## O.C. 1181-2007, 19 December 2007

Cinema Act  
(R.S.Q., c. C-18.1)

### Fees for examination and duties payable — Amendment

Regulation to amend the Regulation respecting the fees for examination and duties payable under the Cinema Act

WHEREAS, under section 118 of the Cinema Act (R.S.Q., c. C-18.1), the holder of a distributor’s licence is to, before selling, leasing, lending or exchanging video material on a commercial basis, demonstrate before the Régie that the holder has the rights to distribute the film for the retailing of video material in accordance with section 79 of the Act;

WHEREAS, under section 119 of the Act, the Régie is to issue to the holder of a distributor’s licence who meets the requirements set out in section 118 of the Act, on payment of the duties prescribed by regulation, a filing certificate for each film title;

WHEREAS, under paragraph 6.2 of section 167 of the Act, the Régie may, by regulation, prescribe the duties payable for the issue of a filing certificate and provide for an exemption with respect to the video material it determines;

WHEREAS section 169 of the Act provides that a regulation made by the Régie must be submitted for approval to the Government, which may amend it;

WHEREAS, in accordance with section 35 of the Act respecting the Société de développement des entreprises culturelles (R.S.Q., c. S-10.002), the Conseil national du cinéma et de la production télévisuelle has been consulted;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 170 of the Cinema Act, the Régie made the Regulation to amend the Regulation respecting the fees for examination and duties payable under the Cinema Act and the Regulation was published in the *Gazette officielle du Québec*, Part 2, on 29 August 2007, page 2473, with a notice that it could be submitted to the Government for approval on the expiry of 60 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture, Communications and the Status of Women:

THAT the Regulation to amend the Regulation respecting the fees for examination and duties payable under the Cinema Act, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the fees for examination and duties payable under the Cinema Act\*

Cinema Act  
(R.S.Q., c. C-18.1, s. 167, par. 6.2)

**1.** Section 6 of the Regulation respecting the fees for examination and duties payable under the Cinema Act is amended by inserting the following after the first paragraph:

\* The Regulation respecting the fees for examination and duties payable under the Cinema Act, approved by Order in Council 744-92 dated 20 May 1992 (1992, *G.O.* 2, 2750), was last amended by the regulation approved by Order in Council 1498-2002 dated 18 December 2002 (2003, *G.O.* 2, 59). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

“Where several films are put together on a single medium or on several media in a single package, case, box or other container, the duties are \$55 for one film title of a compilation and \$3 for the other titles.”.

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

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Gouvernement du Québec

## Agreement

Election Act  
(R.S.Q., c. E-3.3)

### AGREEMENT CONCERNING THE TESTING OF NEW METHODS OF VOTING

BETWEEN

MR. JEAN CHAREST, LEADER OF THE QUÉBEC  
LIBERAL PARTY, AN AUTHORIZED PARTY  
REPRESENTED IN THE NATIONAL ASSEMBLY.

AND

MR. MARIO DUMONT, LEADER OF THE ACTION  
DÉMOCRATIQUE DU QUÉBEC / TEAM MARIO  
DUMONT, AN AUTHORIZED PARTY REPRE-  
SENTED IN THE NATIONAL ASSEMBLY.

AND

MS. PAULINE MAROIS, LEADER OF THE PARTI  
QUÉBÉCOIS, AN AUTHORIZED PARTY REPRE-  
SENTED IN THE NATIONAL ASSEMBLY.

AND

MR. MARCEL BLANCHET IN HIS CAPACITY AS  
THE CHIEF ELECTORAL OFFICER OF QUÉBEC.

WHEREAS section 15 of the Act to amend the Election Act to encourage and facilitate voting (2006, c. 17) introduced to the Election Act (R.S.Q., c. E-3.3) sections 263 to 268 concerning polling by electors at the office of the returning officer of the electoral division of their domicile;

WHEREAS sections 263 to 268 are currently not in force;

WHEREAS pursuant to the provisions of section 489 of the Election Act, the Chief Electoral Officer may recommend to leaders of authorized parties represented at the National Assembly new provisions for exercising voting rights during a by-election or during general elections for all electoral divisions or for only some of them;

WHEREAS the Chief Electoral Officer would like to avail himself of section 489 of the Election Act in order to test polling by electors at the office of the returning officer of the electoral division of their domicile during any by-election and during the next general election if this occurs before the entry into force of sections 263 to 268 introduced by section 15 of the Act to amend the Election Act to encourage and facilitate voting;

WHEREAS the recommendation of the Chief Electoral Officer has been accepted by the three leaders of authorized parties represented at the National Assembly;

WHEREAS section 489 of the Election Act states that when the recommendation of the Chief Electoral Officer is accepted by the party leaders, an agreement must be signed in this respect between the party leaders and the Chief Electoral Officer;

WHEREAS this agreement has force of law.

CONSEQUENTLY, THE PARTIES AGREE AS FOLLOWS:

#### 1. PREAMBLE

The preamble to this agreement forms an integral part of this agreement.

#### 2. PURPOSE OF THE AGREEMENT

The purpose of the present agreement is to test polling by electors at the office of the returning officer of the electoral division of their domicile during any by-election occurring after the signing of the present agreement and during the general election if this occurs before sections 263 to 268 of the Election Act go into effect.

#### 3. AMENDMENTS OF THE ELECTION ACT

##### 3.1 Polling at the office of the returning officer

Sections 263 to 268 of the Election Act, introduced by section 15 of the Act to amend the Election Act to encourage and facilitate voting, are replaced by the following:

“**263.** An elector who would like to vote at the office of the returning officer votes at the main office or at the satellite office of the polling subdivision of his domicile established by the returning officer in the electoral division, on the tenth and ninth days before polling day and from the sixth day to the fourth day before polling day. On the last day, polling ends at 2 p.m.

**264.** Unless the provisions are repugnant, sections 307, 320 to 327, 329 to 332, 334, 335.1 to 340 apply to polling at the office of the returning officer, considering the necessary adaptations.

**265.** The members of the special board of revisors act as members of the identity verification panel.

The chair of the special board of revisors acts as the chair of the identity verification panel.

**266.** When the elector is admitted to vote, the person assigned to voting at the returning officer’s office gives the elector a ballot paper, after initialling it in the space reserved for that purpose and removing it from the counterfoil. After voting, the elector places the ballot paper in a ballot box provided for that purpose.

Sections 342 to 351 apply, with the necessary modifications.

**267.** At the end of each voting day at the returning officer’s office, the person assigned to voting seals the ballot box and the various envelopes used and puts the polling materials away in a safe place. When the voting resumes, the person takes out the polling materials and removes the seals.

After each day, the returning officer sends the candidates the list of the electors who have voted.

At the end of the period referred to in section 263, the person assigned to voting at the returning officer’s office follows the procedures set out in sections 301.3 and 301.4, with the necessary modifications.

**268.** The votes are counted in the electoral district.”

### **3.2 Discretion of the Chief Electoral Officer upon Observing an Error, Emergency or Exceptional Circumstance**

Section 490 of the said Act is replaced by the following:

“**490.** If, during the election period, the chief electoral officer realizes that because of an error, emergency or an exceptional circumstance, a provision of the current Act is inadequate, the chief electoral officer may adapt the provision in order to achieve its object.

However, the chief electoral officer must inform the authorized parties represented in the National Assembly beforehand of the intended decision and must use all means necessary to inform the other authorized parties, candidates and electors concerned of the decision.

Within 30 days after polling day, the chief electoral officer must send the President or the Secretary General of the National Assembly a report on the decisions under this section. The President lays the report before the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.”

## **4. APPLICATION OF THE AGREEMENT**

The Chief Electoral Officer and the returning officer of each electoral division in which the present agreement will be applicable are responsible for its application, hence, for the good conduct of the testing of polling at the office of the returning officer.

## **5. EVALUATION REPORT**

Within 90 days following the date of any general or by-election during which the present agreement is applied, the Chief Electoral Officer shall transmit to the leaders of the political parties represented at the National Assembly, a report covering the following points:

— election preparations related to the present agreement;

— the setting up of polling stations at the office of the returning officer;

— the conduct of polling at the office of the returning officer;

— recommended amendments to the provisions of the Election Act, if any.

## **6. EFFECT OF THE AGREEMENT**

The present agreement takes effect on the date on which the last signature is affixed on this agreement.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED, IN FOUR COPIES,

In Québec, on 21 November 2007

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JEAN CHAREST,  
*Leader of the Québec Liberal party*

In Québec, on 27 November 2007

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MARIO DUMONT,  
*Leader of the Action démocratique du Québec /  
team Mario Dumont*

In Québec, on 5 December 2007

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PAULINE MAROIS,  
*Leader of the Parti québécois*

In Québec, on 29 November 2007

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MARCEL BLANCHET,  
*Chief electoral officer of Québec*

8495



## Draft Regulations

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### Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

#### Annual reports of professional orders — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the annual reports of professional orders, made by the Office des professions du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to harmonize the Regulation respecting the annual reports of professional orders with the new rules of the National Assembly concerning the tabling of documents.

The Order foresees no impact of the new measures on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ugo Chaillez, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any person wishing to comment on the draft Regulation may submit written comments to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

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### Regulation to amend the Regulation respecting the annual reports of professional orders\*

Professional Code  
(R.S.Q., c. C 26, s. 12, 3<sup>rd</sup> par., subpar. 6, subpar. b  
and s. 12.2)

**1.** The Regulation respecting the annual reports of professional orders is amended by replacing section 3 by the following:

“**3.** Within 45 days after the date of its annual general meeting, the order must send 50 copies of its annual report in paper form to the Office des professions du Québec, which sends to the Minister responsible for the administration of legislation respecting the professions the copies necessary for tabling the report in the National Assembly. The order must also send a copy of its annual report using an information technology medium specified by the National Assembly.

If changes must be made to the preparation or content of the annual report after it has been sent to the Office and to the Minister, the order must send to the Office without delay 50 copies of the changes in paper form on which the order's letterhead and the period concerned must appear. The order must also send a copy of the document using an information technology medium specified by the National Assembly.”.

**2.** This Regulation comes into force on 1 April 2008.

8493

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\* The Regulation respecting the annual reports of professional orders, approved by Order in Council 981-2007 dated 7 November 2007 (2007, G.O. 2, 2977), has not been amended since its approval.

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Physicians

— Terms and conditions for the issuance of permit and specialist's certificates

— Amendment

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the "Regulation respecting terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec", adopted by the Bureau of the Collège des médecins du Québec, may be submitted to the government, which may approve it, with or without amendment, after the expiry of 45 days following this publication.

According to the Collège des médecins du Québec, the purpose of this Regulation is to ease the rules applicable to the conversion of a restricted permit issued in application of section 35 of the Medical Act and thus favor the arrival of foreign-trained physicians.

The Collège des médecins du Québec anticipates that the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting, M<sup>e</sup> Linda Bélanger in the Legal Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: (toll-free) 1 888 633-3246 or 514 933-4441, extension 5362, fax number: 514 933-3276, e-mail: lbelanger@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, Place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

JEAN PAUL DUTRISAC,  
*Chair of the Office  
des professions du Québec*

## Regulation amending the Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec\*

Professional Code  
(R.S.Q., c. C-26, s. 93, sub. c and c.1, s. 94, sub. h and i and s. 94.1)

**1.** The Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins is amended by the insertion, after section 25, of the following:

"**25.1** The Bureau issues a permit contemplated by section 33 of the Medical Act and an attestation in family medicine or a specialist's certificate to the holder of the restrictive permit contemplated by section 35 of the Medical Act who fulfills the following conditions and formalities:

(1) he has completed a postdoctoral training in a university program that has not been approved that is equivalent in length and content to that provided in Schedule I;

(2) he holds a restrictive permit for more than five years;

(3) he is the holder of a restrictive permit the restrictions of which cover only the conditions of practice and the authorized activities of which correspond to the field of exercise of family medicine or one of the specialties listed in Schedule I;

(4) he fills out the application provided by the Collège des médecins du Québec for this purpose;

(5) he pays the amount prescribed in application of paragraph 8<sup>o</sup> of section 86.0.1 of the Professional Code for the purposes of obtaining the permit and certificate or attestation."

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

8501

\* The Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec was approved by Order-in-Council No. 339-2006 of April 26, 2006 (2006, *G.O.* 2, 1435). It has not been amended since.

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Podiatrists

#### — Diploma and training equivalence standards for the issue of a permit

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting diploma and training equivalence standards for the issue of a permit by the Ordre des podiatres du Québec, made by the Bureau of the Ordre des podiatres du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to determine, pursuant to paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the equivalence standards for diplomas issued by educational institutions outside Québec that will apply for the purposes of the issuance of a permit by the Ordre des podiatres du Québec, and to determine the equivalence standards that will apply to the training of a person who does not hold the requisite permit.

The Regulation also establishes, pursuant to paragraph *c.1* of section 93 of the Professional Code, the equivalence recognition procedure whereby any review of a decision must be made by persons other than those who originally made it.

The Order advises that the Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean Tanguay, Director General and Secretary, Ordre des podiatres du Québec, 300, rue du Saint-Sacrement, bureau 324, Montréal (Québec) H2Y 1X4; telephone: 514 288-0019 or 1 888 514-7433; fax: 514 288-5463; e-mail: podiatres@ordredespodiatres.qc.ca

Any person wishing to comment on the draft Regulation may submit written comments to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be sent by the Office to the Minister responsible for the administration of legisla-

tion respecting the professions. They may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office  
des professions du Québec*

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## Regulation respecting diploma and training equivalence standards for the issue of a permit by the Ordre des podiatres du Québec

Professional Code  
(R.S.Q., c. C-26, s. 93, pars. *c* and *c.1* and s. 94, pars. *h* and *i*)

### DIVISION I GENERAL

**1.** The secretary of the Ordre des podiatres du Québec must forward a copy of this Regulation to a candidate who, for the purpose of obtaining a permit from the Order, applies to have a diploma or training recognized as equivalent.

**2.** In this Regulation,

“credit” means the quantitative value attributed to a student’s work-load, one credit representing 45 hours of training or learning activities spent in a classroom or laboratory as part of a training period or as personal work;

“diploma equivalence” means recognition, pursuant to the Professional Code (R.S.Q., c. C-26), that a diploma issued by an educational institution outside Québec certifies that a candidate’s level of knowledge and skills is equivalent to the level attained by the holder of a diploma recognized as giving access to the permit issued by the Order;

“diploma giving access to the permit” means a diploma recognized pursuant to a regulation of the Government made under the first paragraph of section 184 of the Professional Code as giving access to the permit issued by the Order;

“training equivalence” means recognition, pursuant to the Professional Code, that a candidate’s training has enabled the candidate to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma giving access to the permit issued by the Order.

## DIVISION II DIPLOMA EQUIVALENCE STANDARDS

**3.** A candidate who holds a diploma awarded by an educational institution outside Québec is granted a diploma equivalence if the diploma was obtained upon completion of studies at a level equivalent to university comprising a minimum of 195 credits. At least 192 of the 195 credits must be apportioned as follows:

(1) **basic sciences:** a minimum of 37 credits in anatomy, physiology, biochemistry, microbiology and histology, and at least 6 credits in community health and research methodology;

(2) **clinical sciences and podiatry:** at least 80 credits apportioned as follows:

(a) pathologies	16 credits;
(b) biomechanics	4 credits;
(c) radiology	7 credits;
(d) podiatric orthopedics	8 credits;
(e) pharmacology	5 credits;
(f) emergency care / traumatology	3 credits;
(g) podiatric surgery	10 credits;
(h) ethics and deontology	3 credits;
(i) clinical podiatry	24 credits;

(3) **clinical practicums in podiatry:** a minimum of 69 credits apportioned as follows:

(a) podiatry	18 credits;
(b) podiatric orthopedics	22 credits;
(c) podiatric surgery	20 credits;
(d) podiatric radiology	9 credits.

**4.** Despite section 3, if the diploma for which an equivalence application is made was obtained more than three years before the date of the application and, considering the developments in the profession, the knowledge and skills certified by the diploma no longer correspond to what is currently being taught in a program of studies leading to the issue of a diploma giving access to the permit issued by the Order, the candidate is granted a training equivalence pursuant to section 5 if the candidate has attained the required level of knowledge and skills since being awarded the diploma.

## DIVISION III TRAINING EQUIVALENCE STANDARDS

**5.** A candidate is granted a training equivalence if the candidate demonstrates having a level of knowledge and skills equivalent to the level attained by the holder of a diploma giving access to the permit issued by the Order.

**6.** In assessing the training submitted in support of a training equivalence application, the Bureau is to take particular account of the following factors:

(1) the fact that the candidate holds one or more diplomas;

(2) the nature of courses taken, their content and duration in hours or number of credits earned for them;

(3) the total number of years of schooling;

(4) supervised practicums completed by the candidate in podiatric practice, and any other training or upgrading activities;

(5) the nature and duration of the candidate's experience in podiatric practice; and

(6) any contribution to the advancement of the profession of podiatry.

## DIVISION IV EQUIVALENCE RECOGNITION PROCEDURE

**7.** A candidate wishing to have an equivalence recognized must provide the secretary with the following documents and information:

(1) a written equivalence application accompanied by the application examination fees required pursuant to paragraph 8 of section 86.0.1 of the Professional Code;

(2) the candidate's complete academic record, including a description of the courses taken, their duration in hours or the number of credits earned for them, and the corresponding transcript;

(3) a certified true copy of all diplomas held;

(4) where applicable, proof that the candidate is or was a member of an order or recognized association of podiatrists or a true copy of any permit to practice held by the candidate;

(5) where applicable, an attestation and a description of the candidate's relevant work experience in the practice of podiatry;

(6) where applicable, an attestation of successful completion of a supervised practicum or of satisfactory participation in any other training or upgrading activity relating to the practice of podiatry, and a detailed description of the content of the activity; and

(7) where applicable, any information relating to other factors the Bureau may take into account pursuant to section 6.

**8.** Documents in a language other than French or English submitted in support of an equivalence application must be accompanied by a French or English translation certified under oath by the translator.

**9.** The committee formed by the Bureau to examine equivalence applications is to make the appropriate recommendations to the Bureau.

For the purposes of an appropriate recommendation, the committee may require the candidate to sit for an interview, pass an examination or serve a practicum.

**10.** At the first regular meeting following the date of receipt of the committee's recommendation, the Bureau must decide

(1) to grant the diploma or training equivalence;

(2) to grant the training equivalence in part; or

(3) to refuse to grant the diploma or training equivalence.

**11.** The secretary must inform the candidate in writing of the Bureau's decision by registered mail within 15 days after the date of the decision.

If the Bureau refuses to grant the equivalence or grants a training equivalence in part, it must at the same time inform the candidate in writing of any programs of study, bridging programs, practicums or examinations which if successfully completed within the allotted time would enable the candidate to be granted the training equivalence. The Bureau must also inform the candidate of the candidate's right to apply for a review of the decision in accordance with section 12.

**12.** A candidate who is informed of the Bureau's decision not to grant the equivalence or to grant the equivalence in part may apply for review of the decision subject, however, to the review application being made to the secretary in writing within 30 days of receiving the decision.

The committee formed by the Bureau to examine review applications is composed of persons other than members of the Bureau or of the committee referred to in section 9.

Before disposing of the review application, the committee must inform the candidate of the date of the meeting at which the review application will be examined and of the candidate's right to make submissions.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date set for the meeting. The candidate may, however, send written submissions to the secretary at any time before the date set for the meeting.

The decision of the review committee is final and must be sent to the candidate in writing by registered mail within 30 days after the date of the decision.

**13.** The Provisional regulation respecting terms and conditions for issuing permits in podiatry (R.R.Q., 1981, c. P-12, r.4) is revoked.

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

8498



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## Parliamentary Committees

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### Committee on Institutions

#### General consultation

#### **Rapport d'évaluation de la Loi portant réforme du Code de procédure civile et Les poursuites stratégiques contre la mobilisation publique – les poursuites-bâillons (SLAPP)**

The Committee on Institutions has been instructed to hold public hearings beginning on 19 February 2008 in pursuance of a general consultation on the papers entitled “Rapport d'évaluation de la Loi portant réforme du Code de procédure civile” (evaluation report on the Act to reform the Code of Civil Procedure) and “Les poursuites stratégiques contre la mobilisation publique – les poursuites-bâillons (SLAPP)” (Strategic Lawsuits against Public Participation (SLAPP)). These documents can be obtained from the clerk or by visiting the Committee's Website at the following address: [www.assnat.qc.ca](http://www.assnat.qc.ca)

Individuals and organizations who wish to express their views on this matter must submit a brief to the Committees Secretariat not later than 1st February 2008. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the Press Gallery must provide an additional 20 copies. You may also add an electronic version of your brief by e-mailing it to the Clerk of the Committee. Please note that unless otherwise decided by the Committee, briefs will be made public, as well as all personal information contained therein, and will be placed on the Internet site of the Committee.

Please note that the dates for the reception of briefs or the beginning of the hearings could be modified. Where applicable, information will be published on the Website of the National Assembly and no further notice will be published in newspapers.

Briefs, correspondence and requests for information should be addressed to: Mr. Yannick Vachon, Clerk of the Committee on Institutions, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3rd floor, Québec (Québec) G1A 1A3.

Telephone: 418 643-2722  
Facsimile: 418 643-0248  
E-mail: [ci@assnat.qc.ca](mailto:ci@assnat.qc.ca)

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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