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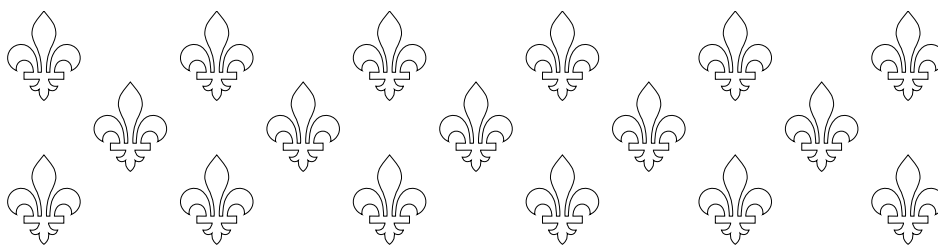
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 75
(2008, chapter 11)

An Act to amend the Professional Code and other legislative provisions

Introduced 2 April 2008
Passed in principle 9 April 2008
Passed 4 June 2008
Assented to 5 June 2008

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EXPLANATORY NOTES

This Act makes various amendments to the Professional Code.

With respect to the governance of professional orders, the Act changes the composition and mode of operation of the Bureau, among other things by permitting certain decisions to be delegated to committees created for that purpose. It also changes the composition of the administrative committee, clarifies the rules governing elections, in particular as concerns the qualifications required to be a candidate and to vote, reviews the appointment process for directors appointed by the Office des professions du Québec and extends the time within which the general meeting is to be held. The Act facilitates the sharing of information within an order, in particular between the syndic and the professional inspection committee for the protection of the public, and revises the rules for the dismissal of certain employees of an order.

With respect to verifying the competence of candidates for admission to a profession and of members of an order, the Act allows certain supervisory mechanisms to be applied in a larger number of situations. These include a criminal record check, and the examination of a person to make sure his or her physical or mental condition is compatible with the practice of a profession. The Act also makes it possible, in some cases, to verify a candidate's competence to practise a profession before the issue of a permit or entry on the roll, or to ascertain whether a member who was provisionally struck off the roll of an order has met all applicable conditions before he or she is again entered on the roll. It simplifies the rules for issuing a special authorization and allows an order to restrict the professional activities of a member who consents to it.

With respect to regulations, the Act amends the approval process for regulations adopted by professional orders and removes the obligation for orders to adopt regulations in certain internal management matters. It clarifies the regulatory powers under which orders may set standards for their members' professional liability insurance, the authorization of activities, ethics, account conciliation and arbitration, the holding of funds on behalf of a client and compensation of an aggrieved client, refresher courses or training periods, record keeping and the operation of consulting rooms. It also confers more flexibility on professional orders as regards the determination of assessments.

With respect to discipline, the Act changes the rules relating to the organization of the office of the syndic while preserving the independence of that office so that the persons who form it may exercise their functions. It provides for the appointment of syndics ad hoc, extends the syndic's capacity to intervene, and sets out new rules regarding information sent by the syndic to a complainant or to the Bureau. It better defines the powers of the review committee. It also better defines the operating rules applicable to committees on discipline. It changes certain rules governing appeals to the Professions Tribunal, determines or changes certain deadlines in disciplinary matters and modifies the standards regarding the publication of disciplinary notices.

The Act also proposes certain amendments to provisions pertaining to the Office des professions du Québec. Thus, it confers on the Office a regulatory power with respect to the code of ethics governing members and the chairmen of committees on discipline, allows it to adopt rules of practice for committees on discipline, and grants it new powers with respect to professional orders. It also simplifies the Office's funding formula.

Lastly, the Act changes the names of the Bureau, the administrative committee, and the committee on discipline of a professional order to board of directors, executive committee and disciplinary council, respectively.

LEGISLATION AMENDED BY THIS ACT:

- Agrologists Act (R.S.Q., chapter A-12);
- Land Surveyors Act (R.S.Q., chapter A-23);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Professional Chemists Act (R.S.Q., chapter C-15);
- 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);

- Geologists Act (R.S.Q., chapter G-1.01);
- Court Bailiffs Act (R.S.Q., chapter H-4.1);
- Taxation Act (R.S.Q., chapter I-3);
- Nurses Act (R.S.Q., chapter I-8);
- Veterinary Surgeons Act (R.S.Q., chapter M-8);
- Medical Act (R.S.Q., chapter M-9);
- Notaries Act (R.S.Q., chapter N-3);
- Optometry Act (R.S.Q., chapter O-7);
- Pharmacy Act (R.S.Q., chapter P-10);
- Midwives Act (R.S.Q., chapter S-0.1).

Bill 75

AN ACT TO AMEND THE PROFESSIONAL CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Professional Code (R.S.Q., chapter C-26) is amended by replacing

(1) “Bureau”, where it designates the Bureau of a professional order, by “board of directors”, with the necessary modifications;

(2) “administrative committee”, “Administrative Committee” and “Executive Committee”, where they designate a body of a professional order, by “executive committee”, with the necessary modifications; and

(3) “committee on discipline”, where it designates a body of a professional order, by “disciplinary council”, with the necessary modifications.

2. Section 12 of the Code is amended

(1) by replacing “the syndic or assistant syndic” in subparagraph 9 of the third paragraph by “a syndic”;

(2) by adding the following subparagraph at the end of the third paragraph:

“(12) in situations in which it considers it necessary for the protection of the public, propose a course of action or measures to be taken by an order.”

3. Section 15 of the Code is amended by replacing “any document or” by “, within the time and in the manner it specifies, any document, report or”.

4. Section 19.1 of the Code is amended by replacing “196.4” in subparagraph 4 of the first paragraph by “196.2”.

5. The Code is amended by inserting the following section after section 30:

“**30.1.** No entity may act in such a way as to lead to the belief that it is an order if that is not the case.”

6. Section 33 of the Code is repealed.

7. Sections 39 and 39.1 of the Code are repealed.

8. Section 39.8 of the Code is amended by replacing “or rectal” in the next to last line by “, rectal or vaginal”.

9. Section 40 of the Code is amended by inserting “or a specialist’s certificate” after “permit”.

10. The Code is amended by inserting the following section after section 42.3:

“42.4. Despite sections 32, 36 and 37.2, the board of directors may issue a special authorization granting a person legally authorized to practise the profession outside Québec the right to use a title reserved for members of the order in Québec or to engage in Québec in professional activities reserved to them in Québec.

A special authorization is valid only for the activities or the title it specifies. Moreover, it must specify the person or group of persons for whom the activities may be engaged in, as well as any other applicable condition or restriction. It is valid for a period not exceeding one year and is renewable.

The board of directors may delegate to the president of the order the power to issue or renew a special authorization, in accordance with the conditions it determines.”

11. Section 45 of the Code is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

“45. The board of directors may refuse to issue a permit or to enter an applicant on the roll, or refuse any other application preceding admission to the profession, if the applicant”;

(2) by replacing “of an order, imposing the revocation of a permit” in subparagraph 3 of the first paragraph by “of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of a permit or a striking off the roll, including a provisional striking off the roll”;

(3) by inserting “or a striking off the roll, including a provisional striking off the roll” after “permit” in subparagraph 4 of the first paragraph;

(4) by adding the following subparagraphs at the end of the first paragraph:

“(5) has been the subject of a decision made in Québec finding the applicant guilty of an offence under section 188 or an offence under a provision of an Act of Québec or a federal Act identified for the purposes of this subparagraph in the order’s code of ethics; or

“(6) has been the subject of a decision made outside Québec finding the applicant guilty of an offence which, if committed in Québec, could have resulted in penal proceedings under section 188 or penal proceedings under a provision of a Québec or a federal Act identified for the purposes of this subparagraph in the order’s code of ethics;”;

(5) by striking out the second paragraph ;

(6) by replacing the last paragraph by the following paragraphs:

“Before making a decision under this section, the board of directors must give the person concerned an opportunity to submit observations.

A decision refusing to issue a permit or to enter an applicant on the roll, or refusing any other application preceding admission to the profession shall be served on the applicant in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

Within three years after a decision is made under this section, no new application for a permit or for entry on the roll or new application preceding admission to the profession may be presented to the board of directors that made the decision unless there are new facts that may warrant a different decision.”

12. Section 45.1 of the Code is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

“**45.1.** The board of directors may, after giving an applicant an opportunity to submit observations, enter the applicant on the roll, but restrict or suspend his right to engage in professional activities if the applicant”;

(2) by replacing “of an order” in subparagraph 1 of the first paragraph by “of another order or by the Professions Tribunal in an appeal from a decision of that council”;

(3) by striking out “of the Bureau” in the last paragraph.

13. Section 45.2 of the Code is replaced by the following section:

“**45.2.** A person must, in an application for a permit or for entry on the roll or in any other document that is filled out for the purpose of admission to a profession, inform the board of directors that the person is or has been the subject of a judicial or disciplinary decision described in section 45 or 45.1.

A certified copy of a judicial or disciplinary decision described in section 45 or 45.1 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the person to provide any information or document it considers necessary for the purposes of section 45 or 45.1. The board of directors may refuse to examine the application until the information or document is provided to it.”

14. The Code is amended by inserting the following section after section 45.2:

“**45.3.** The board of directors may assess the competence of an applicant for a permit described in section 42 when the applicant has satisfied the conditions set out in that section for a number of years greater than that prescribed by a regulation under paragraph *j* of section 94.

The board of directors may also assess the competence of an applicant for entry on the roll when the applicant has held a permit without being entered on the roll for a number of years greater than that prescribed by a regulation under paragraph *j* of section 94.

Based on the results of an assessment under the first or the second paragraph, the board of directors may, after giving the applicant an opportunity to submit observations,

(1) refuse to issue a permit to or enter on the roll the applicant whose knowledge or skills are not equivalent to those of the members of the order;

(2) enter the applicant on the roll but limit or restrict his right to engage in professional activities until successful completion of a period of refresher training or a refresher course, or both; in the case of repeated failure to successfully complete a required period of refresher training or a required course, the third paragraph of section 55 applies.

A decision under the third paragraph shall be served on the applicant in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.

No new application may be presented to the board of directors after it has made a decision under this section unless there are new facts that may warrant a different decision.”

15. Section 46 of the Code is amended by replacing paragraphs 2 to 5 by the following paragraphs:

“(2) within the period specified, he pays the assessments he owes to the order as well as the amount of the contribution he owes under Chapter VIII.1;

“(2.1) within the period specified, he pays the other amounts he owes to the order in connection with an activity related to the supervision of the practice of the profession;

“(3) within the period specified, he furnishes security to cover his professional liability and, if applicable, the liability of the partnership or the company, in accordance with paragraph *d* or *g* of section 93, or pays the amount determined under section 85.2;

“(4) he has paid any costs awarded against him by the disciplinary council, the Professions Tribunal or the accounts arbitration council as well as any fine or amount imposed by any of those bodies that he owes, or he complies with the payment agreement that has been reached;

“(4.1) he has repaid the compensation paid by the order under a regulation under section 89.1 or he complies with the payment agreement that has been reached;

“(5) he has completed the formalities and paid the fees for entry on the roll determined under paragraph 8 of section 86.01;”.

16. The Code is amended by inserting the following section after section 46:

“46.0.1. A professional who has been struck off the roll of an order must, even on the expiry of a provisional striking off the roll, comply with the conditions and formalities set out in section 46 in order to be again entered on the roll.

Unless the board of directors decides otherwise, entry on the roll entails the resumption of any supervision measure to which the professional was subject on ceasing to be a member of the order and which therefore ceased to be applied at that time.”

17. Section 46.1 of the Code, enacted by section 150 of chapter 22 of the statutes of 2006, is amended by replacing “or 55.1” in subparagraph 7 of the first paragraph by “, 55.1 or 55.2”.

18. Section 46.2 of the Code, enacted by section 150 of chapter 22 of the statutes of 2006, is amended by replacing “section 33, 39 or 39.1” in the second paragraph by “section 42.4”.

19. Section 48 of the Code is amended by replacing “or who applies for entry on the roll” by “, who applies for entry on the roll or who makes another application preceding admission to the profession”.

20. Section 49 of the Code is amended by adding the following sentence at the end of the fourth paragraph: “On receiving the opinions, the board of directors shall send them to the person concerned.”

21. The Code is amended by inserting the following section after section 49:

“49.1. Despite section 49, the medical examination may be carried out by a single physician if the board of directors and the person concerned give their consent.

In such a case, the fourth paragraph of section 49 applies with the necessary modifications and the expert's fees shall be borne in equal shares."

22. Section 51 of the Code is amended

(1) by inserting “, after giving him an opportunity to submit observations,” after “may” in the fourth line of the first paragraph;

(2) by replacing “, or allow his entry on the roll and restrict or suspend his right to engage in professional activities” in subparagraph *b* of the first paragraph by “, allow him to be entered on the roll but restrict or suspend his right to engage in professional activities, or refuse any other application he makes preceding admission to the profession”;

(3) by striking out “, accompanied, where applicable, with the medical examination report on which it is based,” in the second paragraph.

23. Section 52 of the Code is amended by replacing the first paragraph by the following paragraph:

“**52.** The situation of a person who is the subject of a decision under section 51 may be reassessed on an application in writing by the person.”

24. Section 52.2 of the Code is replaced by the following section:

“**52.2.** When the board of directors delegates its powers under section 52.1 to a committee created under paragraph 1 of section 62.1, its powers under sections 48 to 50 are also delegated to the committee.”

25. Section 55 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “It may also impose on the member any other requirement provided for in a regulation under section 90 that is recommended by the professional inspection committee.”;

(2) by replacing “requires a member of the order to successfully complete a period of refresher training or a refresher course, or both” in the second paragraph by “imposes a requirement described in the first paragraph on a member of the order”;

(3) by replacing “repeated failure to successfully complete a period of refresher training or a refresher course involving” in the third paragraph by “repeated failure to meet a requirement imposed under the first paragraph accompanied by”;

(4) by striking out “written” in the third paragraph.

26. The Code is amended by inserting the following section after section 55:

“55.0.1. In addition to the other cases provided for in this Code or the Act constituting the order, the board of directors may restrict a member’s right to engage in professional activities if the member consents to it.

The board of directors may reassess the situation of the member concerned on an application in writing by the member, after obtaining the recommendations of the professional inspection committee.”

27. Section 55.1 of the Code is replaced by the following sections:

“55.1. The board of directors may, after giving the professional concerned an opportunity to submit observations, provisionally strike the professional off the roll or provisionally restrict or suspend his right to engage in professional activities if the professional has been the subject of a judicial decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45.

The board of directors shall inform a syndic of any decision, which serves as a request under section 128.

The decision is valid

- (1) until a syndic decides not to lodge a complaint;
- (2) until the disciplinary council or the Professions Tribunal renders a final, enforceable decision on a complaint lodged by a syndic; or
- (3) until the decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45 is quashed in appeal, if applicable.

“55.2. The board of directors may, after giving the professional an opportunity to submit observations, apply the disciplinary penalty handed down

(1) in Québec by a disciplinary council of another order or by the Professions Tribunal in an appeal from a decision of that council, imposing the revocation of the professional’s permit or specialist certificate, a striking off the roll, including a provisional striking off the roll, a restriction, including a provisional restriction, or a suspension of the right to engage in professional activities; or

(2) outside Québec which, if handed down in Québec, would have had the effect of a penalty described in subparagraph 1, with the necessary modifications.

The penalty imposed by the council ends on the expiry date of the disciplinary penalty described in subparagraph 1 or 2 of the first paragraph.

“55.3. A certified copy of a judicial or disciplinary decision described in section 55.1 or 55.2 that was rendered in Canada constitutes proof that the offence was committed and that any facts reported in the decision are true.

The board of directors may require the professional to provide any information or document it considers necessary for the purposes of section 55.1 or 55.2. The board of directors may strike the professional off the roll until the information or document is provided to it.

“55.4. A decision made by the board of directors under section 55.1, 55.2 or 55.3 must be served on the professional immediately, in accordance with the Code of Civil Procedure; the decision may be appealed to the Professions Tribunal in accordance with Division VIII of Chapter IV.”

28. The Code is amended by inserting the following section after section 55.4:

“55.5. For the purposes of section 55.1, the board of directors may send to the Director of Criminal and Penal Prosecutions a list of criminal and penal offences that may be related to the practice of the profession and for which the order wishes to be informed of any charge brought against a member. The order and the Director may enter into an agreement to determine the manner in which this information is to be sent.”

29. Section 58 of the Code is replaced by the following section:

“58. No person may use a specialist’s title corresponding to a class of specialization defined in a regulation under paragraph *e* of section 94 or act in such a way as to lead to the belief that he is a specialist in that class of specialization unless he holds the appropriate specialist’s certificate.

A professional may not designate himself as a specialist unless he holds a specialist’s certificate.”

30. Section 59.3 of the Code is amended

- (1) by replacing “inform” by “notify”;
- (2) by adding “or 55.2” at the end.

31. Section 60 of the Code is amended

- (1) by replacing “so chooses” in the first paragraph by “does not practise”;
- (2) by inserting “or principal place of employment” after “residence” in that paragraph;
- (3) by replacing “the places” in that paragraph by “the other places”.

32. Section 60.2 of the Code is amended by striking out “to a person having recourse to his services”.

33. Section 60.4 of the Code is amended by inserting “or expressly authorized” after “ordered” in the second paragraph.

34. Section 60.5 of the Code is amended by replacing “a professional may refuse to allow access to the information contained in such records where their disclosure would be likely to cause serious harm to the client or to a third person” in the second paragraph by “where authorized by law, a professional may refuse to allow access to the information contained in such a record”.

35. The Code is amended by inserting the following section after section 60.6:

“**60.7.** Every professional must furnish and at all times maintain security to cover any liability he may incur because of any fault committed in the practice of his profession. A professional who complies with a regulation of the order under paragraph *d* of section 93 fulfils this obligation.”

36. Section 61 of the Code is amended by replacing the first paragraph by the following paragraph:

“**61.** An order shall be administered by a board of directors consisting of a president and a number of directors to be determined in a regulation under paragraph *e* of section 93. That number must be

- (1) at least 8 if the order has fewer than 5,000 members; and
- (2) at least 12 if the order has 5,000 members or more.”

37. Section 62 of the Code is amended

(1) by adding the following sentence at the end: “Unless otherwise provided by this Code or such Act, it shall exercise them by resolution.”;

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

“The board of directors shall, in particular,

- (1) appoint the secretary of the order;
- (2) require its members and the employees of the order to take an oath of discretion, and determine the form of the oath; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;
- (3) make sure that activities, refresher courses or training periods are offered to the members of the order;

(4) give any advice it considers expedient to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit;

(5) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions set under the second paragraph of section 184, in the development and review of programs of study leading to diplomas giving access to a permit or a specialist's certificate, of the standards that the board of directors must prescribe by a regulation under paragraph *c* of section 93 and, where applicable, of the other terms and conditions that the board of directors may determine by a regulation under paragraph *i* of section 94, together with standards of equivalence for those terms and conditions that the board of directors may prescribe in that regulation.”

38. The Code is amended by inserting the following sections after section 62:

“**62.1.** The board of directors may

(1) delegate to a committee it creates for that purpose the power to decide any application preceding admission to the profession as well as its powers under sections 45 to 45.3, 46.0.1, 48 to 52.1 and 55 to 55.3; the members of such a committee shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;

(2) establish rules for the carrying on of its business, including the number of meetings and the intervals at which they are to be held, and rules concerning the administration of the order's property;

(3) determine the means of communication through which members of the board of directors or the executive committee who are not present or physically in attendance at the place where a meeting of the board or the committee is being held may express their opinion with a view to the making of a decision, determine conditions for the use of such means of communication and, for the purposes of the fourth paragraph of section 79, the second paragraph of section 84 and the second paragraph of section 99, determine what constitutes a failure to express one's opinion or an impediment, as the case may be.

“**62.2.** A professional must, in accordance with the terms and conditions determined by the board of directors, inform the order of which he is a member of any professional liability claim against him filed with his insurer and of any notice of loss he files with his insurer with respect to professional liability.”

39. Section 63 of the Code is amended

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

“63. The president and the directors, except those appointed by the Office under section 78, shall be elected in accordance with a regulation under section 65. They shall be elected on the dates and for the terms not exceeding four years determined in a regulation under paragraph *b* of section 93; they are reeligible unless they have served the maximum number of consecutive terms that may be determined by the Order in the regulation.”;

(2) by replacing “first and second” in subparagraph 1 of the third paragraph by “first”;

(3) by replacing “third” wherever it appears in the fourth paragraph by “second”;

(4) by replacing “fourth” wherever it appears in the last paragraph by “third”.

40. Section 66 of the Code is repealed.

41. Section 66.1 of the Code is amended by replacing the first paragraph by the following paragraph:

“66.1. Only those members of the order who are entered on the roll and whose right to engage in professional activities is not restricted or suspended at least 45 days before the date set for the closing of the poll may be candidates. However, the board of directors may, in a regulation under paragraph *b* of section 93, set a longer period of up to 60 days. A candidate who is struck off the roll or whose right to engage in professional activities is restricted or suspended before the election is no longer eligible for the election in progress.”

42. Section 71 of the Code is amended by inserting “and still are” after “poll” in the first paragraph.

43. Section 76 of the Code is amended by replacing “, replacement or” in the second paragraph by “or replacement, the restriction or suspension of their right to engage in professional activities or their”.

44. Section 78 of the Code is amended by replacing the first three paragraphs by the following paragraphs:

“78. If the board of directors consists of eight or nine directors, two directors, of whom at least one is not a member of a professional order, shall be appointed by the Office.

If the board of directors consists of 10 to 12 directors, three directors, of whom at least two are not members of a professional order, shall be appointed by the Office.

If the board of directors consists of 13 or more directors, four directors, of whom at least two are not members of a professional order, shall be appointed by the Office.

The directors appointed by the Office under this Code or the Act constituting an order shall be appointed from a list drawn up by the Office after consultation with the Interprofessional Council and different socio-economic organizations. The Office may also consult the order concerned before appointing one of its directors.”

45. Section 79 of the Code is amended

(1) by replacing “Bureau” in the first paragraph by “board of directors or according to another mode of election determined by a regulation under paragraph *b* of section 93”;

(2) by adding “unless there is no candidate from that region or those regions to fill the vacancy” at the end of the second paragraph;

(3) by replacing the last paragraph by the following paragraph:

“Any director who, without a reason considered valid by the board of directors, fails to attend three consecutive meetings of the board of directors or to express an opinion through a means of communication and subject to the conditions determined by the board of directors under paragraph 3 of section 62.1, shall be replaced in accordance with the provisions applicable in the case of a vacancy.”

46. Section 80 of the Code is amended by replacing the first paragraph by the following paragraphs:

“**80.** The president exercises a right of general supervision over the affairs of the order. To that end, the president may require information from a member of a committee created by the board of directors, an employee of the order or any person exercising a function within the order as provided for in this Code or the Act constituting the order, including a syndic in regard to the conduct, or the progress, of an inquiry.

The president shall preside at the meetings of the board of directors and over the proceedings of the general meeting of members of the order; the president is responsible for the administration of the affairs of the board and the carrying out of its decisions and the decisions of the general meeting; the president shall co-ordinate the work of the board and of the general meeting and ensure continuity.”

47. Section 81 of the Code is amended

(1) by replacing “resolution of the Bureau” by “the board of directors or in another way determined by regulation under paragraph *b* of section 93”;

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

“If the president is unable to act, the board of directors may designate an elected director to exercise the president’s functions for the duration of the inability to act.”

48. Section 82 of the Code is replaced by the following section:

“**82.** The members of the board of directors shall hold the number of meetings required to carry out the functions and exercise all the rights, powers and prerogatives that section 62 confers on the board of directors. However, they must meet at least three times a year.”

49. Section 83 of the Code is amended by replacing “réunions” in the French text by “séances”.

50. Section 84 of the Code is amended

(1) by replacing “prescribed by regulation under paragraph *b* of section 94” in the first paragraph by “determined by the board of directors under paragraph 3 of section 62.1”;

(2) by replacing “in accordance with a regulation under paragraph *b* of section 94, except where there is an impediment thereto under a regulation” in the second paragraph by “as determined by the board of directors under paragraph 3 of section 62.1, except if there is an impediment determined by the board of directors”.

51. Section 85 of the Code is replaced by the following section:

“**85.** Despite any inconsistent provision, a two-thirds majority vote of the members of the board of directors is required to dismiss the secretary of the order, a syndic or a person to whom a regulation under paragraph *a* of section 94 applies.

The board of directors may dismiss a syndic only if a written notice to attend is sent to him at least 30 days before the date of the meeting of the board of directors at which the resolution proposing the dismissal is to be presented. The notice shall set out the reasons for the proposed dismissal and inform the syndic of his right to be heard by the board of directors.

The board of directors shall notify the Office of the reasons for the dismissal of a syndic within 30 days of its decision.

The order’s power to dismiss a person under this section may not be limited by a contract of employment or a collective agreement.”

52. The Code is amended by inserting the following sections after section 85:

“85.1. The board of directors shall determine the annual assessment and any supplementary or special assessment to be paid by the members of the order or certain classes of members on the basis of the professional activities in which they engage, and the date by which the assessment must be paid.

To come into force, a resolution passed by the board of directors under the first paragraph must be approved by a majority of the members of the order who vote on the matter, except in the case of a resolution proposing a supplementary assessment that has become necessary for the order to satisfy its obligations under a regulation of the Office under subparagraph 6 of the third paragraph of section 12 or a regulation of the Government under section 184, to pay expenses resulting from the payment of compensation or expenses related to the procedure for recognizing the equivalence of diplomas issued outside Québec or the equivalence of training, or related to the carrying out of the provisions of this Code that pertain to professional discipline or inspection.

A resolution determining an annual assessment is applicable for the year for which the assessment has been determined and it remains applicable, so long as it is not amended, for each subsequent year. A resolution determining a supplementary or special assessment is applicable for the specific purposes and the duration it specifies.

“85.2. The board of directors shall compute, in accordance with the regulations made under paragraphs *d* and *g* of section 93, the amount required to defray the operating cost of the group plan or the professional liability insurance fund, apportion that amount among all the members of the order or certain classes of them or, if so provided by the regulation under paragraph *g* of section 93, solely among the members who carry on their professional activities within a partnership or a company in accordance with section 187.11, and determine when and where that amount must be paid, the whole in accordance with the conditions and procedures it determines; for that purpose, the board of directors may determine the amount payable by a member on the basis of the risk represented by the class to which he belongs and in view of the claims filed under the group plan or the professional liability insurance fund for any fault committed by that member in the practice of his profession.

The amount required to defray the operating cost of the group plan or the professional liability insurance fund includes premiums, administration costs, contributions to the group plan or professional liability insurance fund and any other expenses inherent in the operation of such a plan or fund.

“85.3. The board of directors shall strike off the roll a member who

(1) fails to pay the assessments and the contribution referred to in paragraph 2 of section 46 within the period specified;

(2) fails to furnish the security or pay the amount referred to in paragraph 3 of section 46 within the period specified;

(3) fails to comply with the terms of the agreement referred to in paragraphs 4 and 4.1 of section 46; or

(4) fails to pay the fees referred to in paragraph 5 of section 46.”

53. Section 86 of the Code is repealed.

54. Section 86.0.1 of the Code is amended

(1) by striking out “, by resolution” in the first line;

(2) by replacing paragraphs 7 to 9 by the following paragraphs:

“(7) enter into an agreement with any body to facilitate mutual recognition of the qualifications required for the issue of permits, specialist certificates or special authorizations;

“(8) prescribe the formalities and administration costs payable for requests addressed to the order by the members or by applicants for admission to the profession;”.

55. Section 86.1 of the Code is amended

(1) by striking out “, by resolution,” in the first paragraph;

(2) by replacing “The resolution” at the beginning of the second paragraph by “The resolution creating the fund”;

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

“Professional liability claims for any professional fault committed, by persons who have ceased being members of the order for five years or less, while they were still members and were contributing to the fund must be paid out of the equity of the fund and according to the limits and the conditions and procedures determined by the board of directors.”;

(4) by striking out “or negligence” in the fourth paragraph;

(5) by striking out the last paragraph.

56. Section 87 of the Code is amended

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

“(1) provisions to prevent conflict of interest situations;”;

(2) by adding “, and provisions setting out the conditions on which a professional may, in accordance with the third paragraph of section 60.4, communicate the information described in that paragraph and the procedure applicable” at the end of subparagraph 3 of the first paragraph;

(3) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) provisions identifying offences, if any, for the purposes of subparagraphs 5 and 6 of the first paragraph of section 45 or of the first paragraph of section 55.1.”;

(4) by striking out the last paragraph.

57. Section 88 of the Code is amended

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

“**88.** The board of directors of an order whose members charge fees must establish, by regulation, an accounts conciliation and arbitration procedure that may be used by persons to whom fees are charged.”;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) provisions allowing a person to use the procedure if the account has already been paid in whole or in part, provided the application for conciliation is made within 45 days after the day the person received the account or within a longer time prescribed by the regulation. If two or more accounts were issued for the same professional service or if an account is payable in instalments, the time to apply for conciliation runs from the date of receipt of the most recent account or from the most recent instalment due date, and the application may cover all the accounts issued or instalments due in the year preceding the application. If the member has withdrawn or withheld sums from funds held or received for or on behalf of the person, the time runs from the time the person became aware that the sums were withdrawn or withheld;”;

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

“The regulation may specify the fees payable on applying for arbitration. In such a case, the arbitration council must rule on the reimbursement of such fees.”;

(4) by inserting the following paragraphs after the fourth paragraph:

“The arbitration council may, in particular, consider the quality of the services rendered in relation to the fees charged.

Despite any provision of a regulation under subparagraph 1 of the second paragraph, account conciliation may be applied for within 45 days after a decision of the disciplinary council that expressly calls into question the quality or the relevance of a professional act that is charged for in the account, except if the account has already been referred to conciliation or arbitration.”

58. Section 89 of the Code is replaced by the following sections:

“89. The members of an order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation.

If it authorizes the members of the order to hold such funds or property, the board of directors must, subject to the Public Curator Act (chapter C-81), determine by regulation

(1) procedures and standards for holding and disposing of such funds or property; and

(2) procedures and standards for keeping and auditing members’ books and registers and, if applicable, for holding and auditing a trust account.

“89.1. A board of directors that makes a regulation under section 89 authorizing the members of the order to hold funds or property must compensate a claimant if a member uses such funds or property for purposes other than those for which they were entrusted to the member in the practice of his profession. The board of directors may not, however, compensate a claimant who entrusted funds or property to a member for illicit purposes or who knew or ought to have known that the funds or property would be used inappropriately.

The board of directors must determine by regulation

(1) the compensation procedure; and

(2) if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund.

The regulation may prescribe the maximum compensation payable, in particular, the maximum amount that may be paid to a claimant in respect of a member and the maximum amount that may be paid to all claimants who have filed a claim in respect of a member.

If two or more claims are filed in respect of a member and the total amount claimed, after application of the limit prescribed for each claimant, exceeds the limit prescribed for all claimants, the amount of compensation is set by the board of directors and paid in proportion to the amount of each claim.

A person, a committee or a committee member designated by the board of directors for the purposes of this section may conduct an inquiry and report to the board of directors on any claim. Section 114 applies to the inquiry, with the necessary modifications. The board of directors may also delegate the power to decide a claim to such a committee.

The person or the committee members referred to in the fourth paragraph shall take the oath set out in Schedule II; however, the oath shall not be construed as prohibiting the sharing of information or documents within the order for the protection of the public.

If it compensates a claimant, the board of directors is subrogated to the claimant's rights, and prescription only runs from the day the compensation is paid."

59. Section 90 of the Code is amended by replacing the second sentence by the following paragraph:

"The board of directors may, in the regulation, determine a procedure for appointing inspectors or experts to assist the committee, and determine the requirements the committee may recommend in addition to the recommendations regarding refresher courses or periods of refresher training it may make under the first paragraph of section 113. The board of directors may also, in the regulation, provide for the appointment by the board of directors of a person to be responsible for professional inspection, delegate the powers of the committee or the committee members under sections 55, 112 and 113 to that person, and then delegate the powers of the board of directors under those sections to the committee."

60. Section 91 of the Code is amended

(1) by replacing " , and determine standards concerning the keeping by a professional of a consulting room and other offices" in the first paragraph by "or another person";

(2) by inserting "or another person" after "entrusted to him by a client" in the second paragraph;

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

"The board of directors may, in the regulation, determine standards for the operation of a consulting room and other offices by a professional.

In cases described in the second paragraph, the board of directors may take possession of the records and the property held by the professional or require their delivery to an assignee or provisional custodian. In such a case, the board of directors shall determine by resolution the remuneration and the responsibilities and powers of the assignee or the custodian and the procedure for the recovery, from the professional or his successors, of expenses incurred or fees paid by the board of directors, the assignee or the custodian."

61. Section 93 of the Code is amended

(1) by adding the following at the end of paragraph *b*: “the regulation may set a limit on the number of consecutive terms for which they may be appointed;”;

(2) by striking out “and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1” in paragraph *c.1*;

(3) by replacing paragraph *d* by the following paragraph:

“(d) impose on the members of the order the obligation to furnish and maintain security, by means of an insurance contract or a surety bond or by any other means determined by the regulation, to cover liability for any fault committed in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1. The coverage must extend to any claim filed against a member during the five years following the year he no longer is required to maintain security to cover his liability or following the year he ceases to be a member of the order or during a longer period determined by the order in the regulation. The regulation must prescribe the minimum amount of coverage and may prescribe special rules or exemptions based, in particular, on the professional activities engaged in by the members and the risk they represent;”;

(4) by striking out “or negligence” in the sixth line of paragraph *g*;

(5) by replacing “security” wherever it appears in paragraph *g* by “coverage” and by adding the following at the end of that paragraph: “the coverage must extend to any claim filed against the partnership or company during the five years following the year the members cease to maintain the coverage, or during a longer period determined by the board of directors in the regulation;”;

(6) by replacing “and, as appropriate, any fees applicable” in paragraph *h* by “applicable”.

62. Section 94 of the Code is amended

(1) by replacing paragraph *a* by the following paragraph:

“(a) establish rules for the remuneration of elected directors, determine the positions within the order whose incumbents may not be dismissed except in accordance with section 85, and the procedure applicable to such a dismissal, and to the dismissal of a syndic or of the secretary of the order, in addition to what is provided in section 85;”;

(2) by striking out paragraph *b*;

(3) by adding the following at the end of paragraph *h*: “the regulation may determine, from among the regulatory standards applicable to members, those that are applicable to persons who are not members of an order; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training to engage in a professional activity, the board of directors must, before adopting a regulation under this paragraph, consult any order whose members engage in a professional activity described in the regulation;”;

(4) in paragraph *i*,

(a) by replacing “, specialist’s certificates or special authorizations” by “or specialist’s certificates”;

(b) by adding the following at the end: “if it requires periods of professional training, the board of directors may in addition determine, from among the regulatory standards applicable to members, those that are applicable to persons who serve those periods of training, provide for special supervisory procedures for those persons, including inquiry and complaint procedures, and determine the penalties that may be imposed by the board of directors in the case of non-compliance;”;

(5) by replacing paragraph *j* by the following paragraph:

“(j) determine cases in which section 55 may apply; the regulation may also determine a number of years for the purposes of section 45.3;”;

(6) by replacing paragraph *o* by the following paragraph:

“(o) determine the continuing education requirements, or the framework for those requirements, with which the members or a class of members of the order must comply, in accordance with the conditions set by resolution of the board of directors; the regulation must include the methods for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply with them and, if applicable, possible exemptions from the requirements;”.

63. Section 95 of the Code is amended by replacing “sections 95.1 and 95.2” by “section 95.2”.

64. Section 95.1 of the Code is repealed.

65. Section 95.2 of the Code is amended by replacing the first paragraph by the following paragraph:

“95.2. A regulation adopted by the board of directors under section 65, 88, 89, 90 or 91, paragraph *a, b, d, e, f, g* or *h* of section 93, or paragraph *a, j, n* or *o* of section 94 shall be transmitted for examination to the Office, which

may approve it with or without amendment. The same applies to any regulation under paragraph *p* of section 94 if it is not the first regulation adopted by the board of directors under that paragraph.”

66. Section 95.4 of the Code is replaced by the following section:

“**95.4.** All regulations made by the board of directors or made by the Government under section 183 and that are in force shall be distributed to the members of the order and the appointed directors by the secretary of the order.”

67. Section 96 of the Code is replaced by the following sections:

“**96.** When a board consists of 12 or more directors, an executive committee shall be formed. In other cases, an executive committee may be formed.

“**96.1.** The executive committee shall see to the day-to-day administration of the order’s affairs and may exercise all the powers delegated to it by the board of directors.

However, the power to make regulations, to establish operating rules for the board of directors or the executive committee, to appoint a syndic or to designate the members of the disciplinary council, or the powers conferred by section 85.2 and the first and third paragraphs of section 86.1 may not be delegated to the executive committee by the board of directors.”

68. Section 97 of the Code is replaced by the following section:

“**97.** The board of directors shall determine the number of members of the executive committee. That number must be at least five when the forming of a committee is compulsory, and at least three when the forming of a committee is optional, but in all cases, less than half the number of directors on the board.

The president of the order shall be a member *ex officio* and the chairman of the committee. One member of the committee when the forming of a committee is optional or three members of the committee when the forming of a committee is compulsory shall be designated by an annual vote of the elected directors from among those directors. One other committee member shall be designated by an annual vote of the directors from among the directors appointed by the Office and shall be a member of the committee as of the designation. Any other committee member shall be designated by an annual vote by and from among the directors determined by the board.

The voting provided for in the second paragraph shall be held each year at the time determined by the board of directors.”

69. Section 99 of the Code is amended by replacing “prescribed by regulation under paragraph *b* of section 94” in the second paragraph by “determined by the board of directors under paragraph 3 of section 62.1”.

70. Section 100 of the Code is amended by replacing the first three paragraphs by the following paragraphs:

“**100.** The board of directors shall establish operating rules for the executive committee, including rules for the holding of meetings and quorum rules, and the procedure for keeping the board of directors informed of the activities of the executive committee.

The operating rules for the executive committee must allow the committee to see to the day-to-day administration of the order’s business and exercise the powers delegated to it by the board of directors.

Decisions of the executive committee shall be made by a majority vote of the members present or of the members who express their opinion through a means of communication and subject to the conditions determined by the board of directors under paragraph 3 of section 62.1.”

71. Section 101 of the Code is repealed.

72. Section 103 of the Code is amended

(1) by replacing “six” by “eight”;

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

“The board of directors shall set the date, time and place of the meeting.”

73. Section 104 of the Code is amended by inserting “is public upon its submission at the general meeting of the members of the order. It” after “report” in the first line of the second paragraph.

74. Section 108.6 of the Code, enacted by section 152 of chapter 22 of the statutes of 2006, is amended by replacing “, assistant secretary, syndic, assistant syndic, corresponding syndics, secretary” in paragraph 1 by “and assistant secretary, a syndic, and the secretary”.

75. Section 108.7 of the Code, enacted by section 152 of chapter 22 of the statutes of 2006, is amended

(1) by striking out “of the Bureau or administrative committee of an order” in subparagraph 1 of the first paragraph;

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

“(2) a resolution made under a power conferred on the order by section 159 or following a recommendation under section 158.1 or 160;”;

(3) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) a resolution designating an assignee or a provisional custodian under section 91, and the description of the mandate.”

76. Section 111 of the Code is amended

(1) by striking out “, investigator”;

(2) by adding the following sentence at the end: “However, the oath shall not be construed as prohibiting the sharing of useful information or documents within the order for the protection of the public.”

77. Section 112 of the Code is replaced by the following section:

“112. The committee shall supervise the professional practice of the members of the order. Its functions include inspecting their records, books, registers, medications, poisons, products, substances, apparatus and equipment relating to their professional practice, and inspecting the property entrusted to them by their clients or other persons.

At the request of the board of directors, the committee or a committee member shall inspect the professional competence of a member of the order; the committee or a committee member may also act on its or his own initiative in this regard.

The committee or a committee member may be assisted by inspectors or experts appointed as determined in a regulation under section 90. The inspectors must be members of the order.

The committee shall send the board of directors

(1) any inspection report the board requests that is the basis for recommendations for a decision of the board;

(2) any report following a specific request by the board to carry out an inspection;

(3) any other inspection report the board requires.

On its own initiative or at the request of the board of directors, the committee shall report to the board on its activities, and make any recommendations it considers appropriate.

In addition, the committee shall inform a syndic if it has reasonable grounds to believe that a professional has committed an offence referred to in the second paragraph of section 116.

On its own initiative or at the request of a syndic, the committee may also, when it considers it relevant, disclose information to that syndic for the protection of the public.”

78. Section 113 of the Code is amended by replacing “and that it restrict or suspend the member’s right to engage in professional activities until that requirement is met” by “, or it may recommend that any other requirement determined in a regulation under section 90 be imposed. The committee may also recommend to the board that it restrict or suspend the right of the member concerned to engage in professional activities until he has met the requirements or fulfilled the conditions imposed.”

79. Section 114 of the Code is amended

- (1) by striking out “, an investigator” in the third line;
- (2) by replacing “inspection or inquiry” by “inspection” in the sixth line;
- (3) by adding the following paragraph at the end:

“Moreover, it is forbidden for a professional to urge a person holding information about the professional not to cooperate with a person mentioned in the first paragraph, or not to authorize that person, when so requested, to disclose information about the professional.”

80. Section 115 of the Code is amended

- (1) by replacing “make a general report of its activities” by “report annually”;
- (2) by replacing “each year” by “on its activities”.

81. Section 117 of the Code is amended

- (1) by adding “, which must be at least three years” at the end of the first sentence of the first paragraph;
- (2) by adding “, which must be at least three years” at the end of the first paragraph.

82. Section 118 of the Code is amended

- (1) by adding the following at the end of the first paragraph: “, which must be at least three years. The chairmen of the disciplinary councils are automatically placed on the list.”;

(2) by adding the following paragraphs at the end:

“Among the persons who can act as substitute chairmen but are not chairmen of a council, the Government shall designate a replacement chairman to exercise the functions of a disciplinary council chairman who is unable to act.

The replacement chairman shall enter into office as soon as the Office notes the inability to act. The replacement chairman shall remain in office until the Office notes the end of the inability to act or the Government designates a new chairman.”

83. Section 118.3 of the Code is amended

(1) by replacing “of which they have been seized” in the first sentence by “they had begun to hear”;

(2) by striking out the second sentence.

84. Section 119 of the Code is amended

(1) by replacing “of which he was seized” in the third paragraph by “he had begun to hear”;

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

“However, if the appointment is made after the council has handed down the conviction and the person appointed does not avail himself of the third paragraph, another division shall be formed without delay to hear the parties in relation to the penalty and to impose it. The new division shall impose the penalty within 90 days after being formed. Interlocutory decisions rendered by another division before continuance of suit remain valid.”

85. Section 121 of the Code is replaced by the following sections:

“121. The board of directors of each order shall appoint, from among the members of the order, the syndic and, if need be, assistant syndics and corresponding syndics. These persons form the office of the syndic of the order.

The assistant syndics and corresponding syndics are under the syndic’s authority as regards the exercise of their functions of syndic. They have the same rights, powers and obligations as the syndic. However, a corresponding syndic may not hold an inquiry except under the direction of the syndic and may not propose conciliation, lodge a complaint with the disciplinary council or appeal a decision to the Professions Tribunal.

“121.1. The board of directors must take steps to preserve the independence of the office of the syndic at all times so that the persons who form the office of the syndic may exercise their functions.

“121.2. A syndic may not exercise any other functions assigned under this Code or the Act constituting the professional order of which he is a member.

A syndic may, however, conciliate accounts in accordance with a regulation under section 88 and conduct inquiries relating to matters covered in Chapter VII.

A syndic may retain the services of an expert or of any other person to assist him in the exercise of his inquiry functions.

“121.3. The board of directors may appoint a syndic ad hoc on the suggestion of the review committee, at the request of the syndic or, in exceptional circumstances that it must set out in the resolution of appointment, on its own initiative.

A syndic ad hoc has the rights, powers and obligations of a syndic except that he does not have authority over an assistant syndic and may not be assisted by a corresponding syndic.

The board must take steps to preserve the independence of a syndic ad hoc at all times.”

86. Section 122 of the Code is amended by replacing the first two paragraphs by the following paragraph:

“122. A syndic may, following information to the effect that a professional has committed an offence referred to in section 116, inquire into the matter and require any information or document relating to the inquiry. He may not refuse to hold an inquiry on the sole ground that the request for an inquiry was not made using the form proposed under subparagraph 9 of the third paragraph of section 12.”

87. Section 122.1 of the Code is amended

- (1) by replacing “The syndic or assistant syndic” by “A syndic”;
- (2) by replacing “of an inspection or inquiry, as the case may be,” by “of an inspection”;
- (3) by adding the following paragraph at the end:

“On his own initiative or at the request of the professional inspection committee, a syndic may also, if he considers it relevant, disclose any information to the committee for the protection of the public.”

88. Section 122.2 of the Code is amended by striking out “the first and second paragraphs of”.

89. Section 123 of the Code is amended by replacing “The syndic or an assistant syndic” in the first paragraph by “A syndic” and “the syndic or assistant syndic” in the second and third paragraphs by “the syndic”.

90. Section 123.1 of the Code is amended by replacing “the syndic or an assistant syndic” wherever it appears by “a syndic”.

91. Section 123.2 of the Code is replaced by the following section:

“123.2. Where a complaint has been lodged with the disciplinary council, a syndic must notify the person who requested the inquiry of the date, time and place of the hearing. He must also send that person the decision of the disciplinary council dismissing the complaint or imposing one or more of the penalties prescribed in the first paragraph of section 156. If the decision of the disciplinary council includes an order banning the disclosure, publication or release of information, he must, at the same time, inform the person that the person is bound by that order.”

92. Section 123.3 of the Code is amended

(1) by replacing “of the syndic or assistant syndic” in the second paragraph by “of a syndic”;

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

“The board of directors shall appoint three or more persons to the committee and designate the committee chairman from among their number.”

93. Sections 123.4 to 123.6 of the Code are replaced by the following sections:

“123.4. Within 30 days after the date of receipt of a syndic’s decision not to lodge a complaint with the disciplinary council, the person who requested an inquiry may request an opinion from the review committee.

On receiving a request for an opinion, the review committee must inform the person who requested an inquiry of his right to submit observations at any time before the opinion is given.

Within 90 days after the date of receipt of the request for an opinion, the review committee shall give its opinion in writing after examining the record and the documents that a syndic is required to send the review committee, and after hearing the syndic and the person who requested an inquiry, if it decides to hear them.

“123.5. In its opinion, the review committee must either

(1) find that there is no cause to lodge a complaint with the disciplinary council;

(2) suggest that the syndic complete the inquiry and subsequently render a new decision as to whether or not to lodge a complaint; or

(3) find that there is cause to lodge a complaint with the disciplinary council and suggest that a syndic ad hoc be appointed who, after an inquiry, if he decides to hold one, will decide whether or not to lodge a complaint.

The review committee may also suggest that a syndic refer the record to the professional inspection committee.

If the review committee suggests that a syndic complete the inquiry or finds that there is cause to lodge a complaint with the disciplinary council, the order must reimburse any fees the person who requested an inquiry may have been charged under paragraph 2 of section 12.3.

The review committee must send its opinion to the person who requested an inquiry and the syndic without delay.

“123.6. A syndic who considers that a settlement could be reached on the facts alleged in support of the request for an inquiry may propose conciliation to the person who made the request and the professional at any time before the complaint against the professional is lodged with the disciplinary council.

If the person who requested an inquiry and the professional consent to conciliation, the syndic who proposed conciliation shall take all reasonable steps, having regard to all the circumstances, to attempt to conciliate the parties.

Before proposing conciliation, a syndic must consider such factors as the gravity of the prejudice sustained and any previous conviction of the professional under this division for an offence in connection with facts similar to those alleged in support of the request for an inquiry.

However, a syndic may not propose conciliation if he considers that the facts alleged in support of the request for an inquiry

(1) are such that the public could be at risk or public trust in the members of the order could be compromised if the disciplinary council were not seized of the complaint; or

(2) indicate that the professional may have engaged in a derogatory act within the meaning of section 59.1.”

94. Section 123.7 of the Code is amended

(1) by replacing “or assistant syndic” by “who acted as conciliator”;

(2) by striking out “thereupon”;

(3) by adding “once the settlement is completed” at the end.

95. Section 123.8 of the Code is amended by replacing “judicial or quasi-judicial proceedings” by “adjudicative proceedings”.

96. Section 124 of the Code is replaced by the following section:

“**124.** The members and the secretary of the disciplinary council, a syndic, any expert whose services are retained by a syndic, any other person assisting a syndic under section 121.2 and the members of the review committee must take the oath set out in Schedule II. However, the oath shall not be construed as prohibiting the sharing of useful information or documents within the order for the protection of the public.”

97. Section 125.1 of the Code is replaced by the following section:

“**125.1.** The syndic shall submit to the board of directors an annual report on the activities of the office of the syndic and, at the request of the board, any other activities report.”

98. Section 126 of the Code is amended by adding the following paragraph at the end:

“The disciplinary council is seized of a complaint on the date of its receipt by the secretary.”

99. Section 128 of the Code is amended by replacing “The syndic or an assistant syndic” in the first paragraph by “A syndic”.

100. Section 130 of the Code is amended by adding the following paragraph after paragraph 3:

“(4) where the respondent is charged with having contravened section 114 or the second paragraph of section 122.”

101. Section 133 of the Code is amended

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

“**133.** The request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities must be heard and decided by preference after notice is served on the respondent by the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25) at least two clear juridical days before the hearing and not later than 10 days after service of the complaint.”;

(2) by replacing “such hearing” in the second paragraph by “the hearing”;

(3) by replacing the fifth paragraph by the following paragraph:

“The disciplinary council must, on rendering a decision imposing provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. If the council orders the publication of a notice, it must, in addition, decide whether the publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele.”;

(4) by replacing “The notice” at the beginning of the sixth paragraph by “A notice”.

102. Section 134 of the Code is amended

(1) by replacing “The appearance shall be accompanied with a declaration by which” at the beginning of the second paragraph by “The written appearance may state that”;

(2) by replacing “appearance is not accompanied with such a declaration” in the second paragraph by “written appearance contains no such statement”;

(3) by replacing “The appearance may be accompanied or followed within ten days by a written contestation” in the third paragraph by “A written contestation is to be enclosed with the written appearance or filed within 10 days”.

103. Section 135 of the Code is amended by adding the following paragraph at the end:

“Subject to sections 132 and 139, any document that must be sent to a party under Divisions VII and VIII of this chapter is validly sent to the party if sent to the party’s advocate.”

104. Section 138 of the Code is amended

(1) by inserting “two or more” before “divisions” in the first paragraph;

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

“If the disciplinary council consists of more than three members, the secretary of the council shall, without delay, choose from among the council members the other two members who are to sit with the chairman or substitute chairman in each division.”

105. Section 139 of the Code is amended by inserting the following paragraph at the beginning:

“The secretary of the disciplinary council must make sure that the hearing begins within a reasonable time. Barring particular circumstances, the hearing must begin within 120 days after service of the complaint.”

106. Section 142 of the Code is amended

(1) by replacing “access to or the publication” in the second paragraph by “the disclosure, publication”;

(2) by replacing “access” in the third paragraph by “disclosure”.

107. Section 143 of the Code is replaced by the following section:

“**143.** The disciplinary council has the power to decide any question of law or fact necessary for the exercise of its jurisdiction.

It may use all legal means to ascertain the facts alleged in a complaint.”

108. Section 147 of the Code is amended by inserting “, except the power to order imprisonment” after “refusal”.

109. Section 149 of the Code is amended by replacing “judicial or quasi-judicial proceedings” in the first paragraph by “adjudicative proceedings”.

110. Section 149.1 of the Code is amended

(1) by replacing “The syndic or assistant syndic” at the beginning by “A syndic” and “the syndic or assistant syndic” by “that syndic”;

(2) by replacing “commission” in the fifth line in the French text by “perpétration”.

111. Section 150 of the Code is amended

(1) by replacing “by registered or certified mail within ten days” in the second paragraph by “in accordance with the Code of Civil Procedure”;

(2) by replacing “thirty” in the third paragraph by “60”.

112. Section 154 of the Code is amended

(1) by replacing “access to or the” by “the disclosure,”;

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

“Despite the first paragraph, if a member refuses or neglects to give reasons, a decision may be rendered by two members on behalf of the majority, provided one of the two is the chairman or substitute chairman.”

113. Section 156 of the Code, amended by section 1 of chapter 25 of the statutes of 2007, is again amended

(1) by inserting “or should be” before “holding” in subparagraph *d* of the first paragraph;

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

“The disciplinary council shall, on rendering a decision imposing provisional striking off the roll or a provisional restriction or suspension of a professional’s right to engage in professional activities, decide whether a notice of the decision must be published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. If the council orders the publication of a notice, it must, in addition, decide whether publication expenses are to be paid by the professional or by the order, or apportioned between them. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele.”;

(3) by replacing “The notice” at the beginning of the sixth paragraph by “A notice”.

114. Section 157 of the Code is amended by replacing “publication of the notice required” in the first paragraph by “the publication of a notice”.

115. Section 158 of the Code is amended

(1) by inserting “, on the complainant’s request,” before “orders provisional execution” in the first paragraph;

(2) by adding “despite an appeal” at the end of the first paragraph.

116. Section 159 of the Code is amended by replacing the first two paragraphs by the following paragraphs:

“159. When a decision of the disciplinary council requires the professional to remit a sum of money in accordance with subparagraph *d* of the first paragraph of section 156, the secretary of the council shall inform the person entitled to that sum without delay.

Within 10 days after an appeal is dismissed or, if none is lodged, within 10 days after the time limit for appeal expires, the order may pay the sum fixed by the council to the person entitled to it. In such a case, the order is subrogated to the rights of the person entitled to the sum and may then recover the sum from the offending professional by having the council’s decision

homologated by the Superior Court or the Court of Québec, depending on which court has jurisdiction given the amount involved, in the judicial district in which the professional has his professional domicile. Once homologated, the council's decision becomes enforceable as a judgment of the court. Prescription runs against the order from the date the sum is paid."

117. Section 161 of the Code is amended

(1) by replacing "request by way of a petition to the committee on discipline filed with the secretary before the expiry of the penalty," in the first paragraph by " , as long as one of those penalties is in force, request, by way of a petition to the disciplinary council filed with the secretary,";

(2) by adding the following sentence at the end of the first paragraph: "At least 10 days before the petition is filed, it must be served on the syndic in accordance with the Code of Civil Procedure; the syndic may contest the request."

118. Section 164 of the Code, amended by section 20 of chapter 35 of the statutes of 2007, is again amended

(1) by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

"(1.1) a decision of the disciplinary council on the publication of a notice under the fifth paragraph of section 133 or the fifth paragraph of section 156 and, for the professional or, on a resolution of the board of directors of the order, for a syndic, from a decision on the payment of publication expenses in accordance with those paragraphs;"

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

"The record shall include the complaint, the subsequent written proceedings, the minutes of the proceeding, the decision of the council and the petition. The record shall also include the exhibits produced and a transcript of the hearing if it has been recorded, where the complainant in first instance is a person having lodged a complaint under the second paragraph of section 128."

119. Section 166 of the Code is amended

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

"**166.** Subject to the second paragraph, an appeal shall suspend the execution of the decision of the disciplinary council, unless the tribunal or the council itself, under section 158, orders provisional execution of the decision. The tribunal may, however, terminate the provisional execution ordered by the council.";

(2) by striking out “However,” at the beginning of the second paragraph;

(3) by replacing “access to or” in subparagraph 2 of the second paragraph by “the disclosure,”.

120. Section 167 of the Code is amended by inserting the following paragraph after the first paragraph:

“Unless the record includes exhibits produced and a transcript of the hearing, each party’s factum must include only the exhibits and extracts from the evidence that are necessary to determine the questions at issue, in accordance with the rules of practice of the Professions Tribunal.”

121. Section 171 of the Code is amended

(1) by replacing “date d’audition de l’appel” in the first paragraph in the French text by “date de l’audience d’appel”;

(2) by inserting “in accordance with the Code of Civil Procedure” after “other parties” in the second paragraph.

122. Section 172 of the Code is amended by inserting “in accordance with the Code of Civil Procedure” after “other parties” in the first line of the second paragraph.

123. Section 173 of the Code is amended

(1) by replacing “the publication” in the second paragraph by “the disclosure, publication”;

(2) by inserting “disclosure,” after “banning” in the third paragraph.

124. Section 176 of the Code is amended by replacing “publication” by “disclosure, publication”.

125. Section 177.0.1 of the Code is amended

(1) by inserting “, in accordance with the Code of Civil Procedure,” after “served” in the first paragraph;

(2) by inserting “in accordance with the Code of Civil Procedure” after “party” in the second paragraph.

126. Section 180 of the Code is amended

(1) by adding the following sentences at the end of the second paragraph: “The secretary of the council may also have a notice published in a newspaper having general circulation in any other place where the professional has

practised or could practise. The secretary of the council shall choose the newspaper most likely to be read by the professional's clientele.”;

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

“The order may recover the expenses incurred for publication of the notices provided for in this section from the professional concerned.”

127. Section 180.2 of the Code is amended by replacing the second sentence by the following sentence: “If published, a notice must be presented within a delimited space, under a heading clearly stating that the notice concerns the restriction or suspension of a member's right to practise, a member's being struck off the roll or the revocation of a member's permit.”

128. Section 182 of the Code is amended by inserting “disclosure,” before “publication” in the first paragraph.

129. Section 182.1 of the Code, amended by section 1 of chapter 42 of the statutes of 2007, is again amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) a decision of the board of directors under section 45 or 45.1, the third paragraph of section 45.3, section 51, the second paragraph of section 52, section 52.1, the third paragraph of section 55, sections 55.1 to 55.3, the second paragraph of section 187, the second paragraph of section 187.4, the second or third paragraph of section 187.9 or section 187.10.4 of this Code;”.

130. Section 182.2 of the Code, amended by section 2 of chapter 42 of the statutes of 2007, is again amended

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

“The record relating to an appeal from a decision made under section 45, 45.1, 55.1 or 55.2 of this Code shall include the decision made under that section, the judicial or disciplinary decision referred to in that section, the opinion, with reasons, of the board of directors that the offence committed is related to the practice of the profession, and the motion for appeal.”;

(2) by inserting “the third paragraph of section 45.3, the third paragraph of section 55, section 55.3” after “made under” in the sixth paragraph.

131. Section 182.3 of the Code is amended by replacing “or subparagraph 1 or 2 of the first paragraph of section 55.1” in the second paragraph by “the first paragraph of section 55.1 or section 55.2 or 55.3,”.

132. Section 182.5 of the Code is amended by inserting “in accordance with the Code of Civil Procedure” after “parties” in the second paragraph.

133. Section 182.9 of the Code is amended

(1) by inserting “, whose permit or specialist’s certificate is revoked” after “roll” in the second line of the first paragraph;

(2) by replacing “striking off the roll or” in the fourth line of the first paragraph by “the striking off the roll, revocation,”;

(3) by replacing “The notice” in the first paragraph by “The secretary of the order may also have a notice published in a newspaper having general circulation in the place where the professional has his professional domicile and in any other place where the professional has practised or could practise. The secretary of the council shall choose the newspaper most likely to be read by the professional’s clientele. The notice”;

(4) by replacing “laid out in a box not less than two columns wide, under the title “NOTICE OF STRIKING OFF THE ROLL OR RESTRICTION AND SUSPENSION OF THE RIGHT TO PRACTISE”” in the third paragraph by “presented within a delimited space, under a heading clearly stating that the notice concerns the restriction or suspension of a member’s right to practise, a member’s being struck off the roll or the revocation of a member’s permit or specialist’s certificate”;

(5) by adding the following paragraph at the end:

“The order may recover the expenses incurred for publication of the notices provided for in this section from the professional concerned.”

134. The Code is amended by inserting the following section after section 184.2:

“184.3. The Office may, by regulation and after consultation with the chairmen and substitute chairmen of the disciplinary councils and the Interprofessional Council,

(1) adopt rules of practice for the conduct of proceedings relating to complaints lodged with the disciplinary councils;

(2) adopt a code of ethics for the chairmen, substitute chairmen and other members of the disciplinary councils, prescribe the applicable procedure, determine the authorities responsible for the enforcement of the code and prescribe the penalties to be imposed for breaches.”

135. Section 187.9 of the Code is amended by replacing “in a resolution of the Bureau” at the end of the first paragraph by “by the Bureau”.

136. Sections 187.14 and 187.17 of the Code are amended by striking out “or negligence”.

137. Section 190.1 of the Code is replaced by the following section:

“190.1. No search may be carried out on behalf of a professional order unless authorized by a warrant. Only the secretary of the order, a syndic, an inspector of the professional inspection committee or an investigator charged with investigating cases of unlawful practice or unauthorized use of a title may, if specifically designated by name in each case by the board of directors or the executive committee, apply for a search warrant on behalf of the order.”

138. Section 191 of the Code, amended by section 6 of chapter 25 of the statutes of 2007, is again amended by replacing “the commission of the offences charged” in the second to last line of the first paragraph by “committing the alleged offences”.

139. Section 192 of the Code is amended

(1) by replacing “and make a copy of such record or document” in the portion before subparagraph 1 of the first paragraph by “, make a copy of such a record or document, and require any information”;

(2) by striking out “, investigator” in subparagraph 1 of the first paragraph;

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

“(2) a syndic, an expert whose services are retained by a syndic and any other person assisting a syndic in the exercise of inquiry functions;”;

(4) by replacing “or a member of such committee” in subparagraph 6 of the first paragraph by “, a member of such a committee or an investigator of the order”;

(5) by replacing “for the purposes of section 89” in subparagraph 8 of the first paragraph by “for the purposes of any of sections 45 to 45.2, 46.0.1, 48 to 52.1, 55 to 55.2 and 89.1”;

(6) by striking out subparagraph 9 of the first paragraph;

(7) by inserting “and provide such information,” after “document” in the second paragraph.

140. Section 193 of the Code is amended

(1) by striking out “investigator,” in paragraph 1;

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

“(2) a syndic, an expert whose services are retained by a syndic and any other person assisting a syndic in the exercise of inquiry functions;”;

(3) by replacing “or a member of such committee” in paragraph 7 by “, a member of such a committee or an investigator of the order”;

(4) by replacing “for the purposes of section 89” in paragraph 10 by “for the purposes of any of sections 45 to 45.2, 46.0.1, 48 to 52.1, 55 to 55.2 and 89.1”;

(5) by striking out paragraph 11.

141. Section 194 of the Code is amended by replacing “in articles 834 to 850 of the Code” by “in the Code”.

142. Section 196.1 of the Code is repealed.

143. Section 196.2 of the Code is amended by adding the following paragraphs at the end:

“To that effect, for each fiscal year of the Office, the members of the orders shall be required to pay a contribution determined by the Government as follows.

Each fiscal year, the surplus of the Office for the preceding fiscal year shall be added to, or its deficit for the preceding fiscal year shall be deducted from, the expenditures determined by the Office in its budget estimates for the following fiscal year. The resulting amount shall then be divided by the number of members in all the orders on 31 March of the calendar year in progress. The quotient is the amount of the annual contribution of each member.”

144. Section 196.3 of the Code is repealed.

145. Section 196.4 of the Code is amended by striking out the first and third paragraphs.

146. Section 196.5 of the Code is repealed.

147. Sections 196.6 and 196.7 of the Code are amended by replacing “in the second paragraph of section” by “in section”.

148. Section 196.8 of the Code is amended by adding the following paragraph at the end:

“The charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2.”

149. Section 198.1 of the Code is repealed.

150. Schedule II to the Code is amended by inserting “, 62.1, 89.1” after “14.1” in the reference to the sections of the Code between parentheses.

151. The Code is amended

(1) by replacing “contemplated” wherever it appears in sections 49, 50 and 51 by “concerned”;

(2) by replacing “plaintiff” in the first paragraph of section 127 by “complainant”;

(3) by replacing “executory” wherever it appears in sections 133, 151, 156, 158, 166, 177, 177.0.1, 182.3 and 182.7 by “enforceable”.

AGROLOGISTS ACT

152. Section 7 of the Agrolologists Act (R.S.Q., chapter A-12) is amended by replacing “réunion” in the second paragraph in the French text by “séance”.

153. Section 10 of the Act is amended by striking out “by resolution:” in the first line.

154. Sections 10.1 and 11 of the Act are amended by replacing “95.1” in the last paragraph by “95.2”.

155. Section 15 of the Act is amended by striking out “by resolution” in the second paragraph.

LAND SURVEYORS ACT

156. Section 9 of the Land Surveyors Act (R.S.Q., chapter A-23) is amended by replacing “réunion” in the French text by “séance”.

157. Section 15 of the Act is amended by replacing “101” by “100”.

158. Sections 38, 60, 62, 67 and 68 of the Act are amended by striking out “resolution of”.

ACT RESPECTING INSURANCE

159. Section 174.12 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing “subparagraph *p* of the first paragraph of section 86” by “section 85.2”.

ACT RESPECTING THE BARREAU DU QUÉBEC

160. Section 12 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 2 of chapter 35 of the statutes of 2007, is again amended by replacing “95.1” in the second paragraph of subsection 1 by “95.2”.

161. Section 13 of the Act is amended by striking out “by resolution” in subsection 2.

162. Section 15 of the Act is amended

(1) by striking out “, by resolution,” in the first line of subsection 1;

(2) by striking out “, by such resolution,” in paragraph *l* of subsection 1;

(3) by replacing paragraph *o* of subsection 1 by the following paragraph:

“(o) delegate to the Committee on applications the powers conferred on the board of directors by sections 55.1 to 55.3 of the Professional Code.”

163. Section 16 of the Act is amended by replacing “95.1” by “95.2”.

164. Section 22.1 of the Act is amended by striking out “, by resolution,” in the second paragraph.

165. Sections 23 and 30 of the Act are amended by striking out “resolution of”.

166. Section 32 of the Act is amended by striking out “, by resolution,” in subsection 2.

167. Section 44 of the Act is amended by striking out “by resolution”.

168. Section 64.1 of the Act is amended by replacing subsection 3 by the following subsection:

“(3) Subsections 1 and 2 also apply in the case of a disbarment imposed by the board of directors under section 55.1 or 55.2 of the Professional Code.”

169. Sections 65 and 66 of the Act are amended by striking out “by resolution passed”.

170. Section 68 of the Act, amended by section 7 of chapter 35 of the statutes of 2007, is again amended

(1) by striking out “by resolution and” in subsection 1;

(2) by replacing “as determined in the resolution” at the end of subsection 1 by “as they may determine”;

(3) by striking out “resolution of” in subsection 2;

(4) by striking out “, by by-law,” in subsection 2 and “, by resolution,” in subsection 3;

(5) by striking out “by resolution passed” in subsection 8.

171. Section 70 of the Act, amended by section 9 of chapter 35 of the statutes of 2007, is again amended by striking out “by resolution passed” in subsection 1.

172. Section 71 of the Act, amended by section 10 of chapter 35 of the statutes of 2007, is again amended by striking out “by resolution passed”.

173. Section 72 of the Act is amended by striking out “by resolution passed”.

174. Section 131 of the Act is amended by inserting “or expressly authorized” after “so ordered” in subsection 2.

175. Section 140 of the Act is amended by striking out “, upon a resolution of the Executive Committee.”.

176. Section 140.3 of the Act is amended by striking out “a resolution of” wherever it appears.

PROFESSIONAL CHEMISTS ACT

177. Section 15 of the Professional Chemists Act (R.S.Q., chapter C-15) is amended by replacing “96” by “96.1”.

CHARTERED ACCOUNTANTS ACT

178. Section 6 of the Chartered Accountants Act (R.S.Q., chapter C-48) is amended by replacing “réunion” in the French text by “séance”.

DENTAL ACT

179. Sections 9 and 13 of the Dental Act (R.S.Q., chapter D-3) are amended by replacing “réunion” wherever it appears in the French text by “séance”.

180. Section 15 of the Act is amended by striking out “section 86 of” in the first line.

181. Section 18.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

GEOLOGISTS ACT

182. Section 4 of the Geologists Act (R.S.Q., chapter G-1.01) is amended by replacing “95.1” in the second paragraph by “95.2”.

183. Section 24 of the Act is amended by striking out “section 33 of” in the second paragraph.

COURT BAILIFFS ACT

184. Section 7 of the Court Bailiffs Act (R.S.Q., chapter H-4.1) is amended by replacing “95.1” by “95.2”.

TAXATION ACT

185. Sections 134.1, 134.2 and 752.0.18.3 of the Taxation Act (R.S.Q., chapter I-3) are amended by replacing “196.3” by “196.2”.

186. Section 1159.3 of the Act is amended by replacing “subparagraph *p* of the first paragraph of section 86” in subparagraph *d.1* of the first paragraph by “section 85.2”.

NURSES ACT

187. Section 9 of the Nurses Act (R.S.Q., chapter I-8) is amended by replacing “réunion” in the first paragraph in the French text by “séance”.

188. Section 11 of the Act is amended

(1) by striking out “sections 86 and 86.0.1 of” in the first line of the first paragraph;

(2) by striking out “subparagraph *k* of the first paragraph of” in the third paragraph;

(3) by replacing “86” wherever it appears in the third paragraph by “85.1”.

189. Sections 15 and 21 of the Act are amended by replacing “95.1” by “95.2”.

190. Section 25 of the Act is amended by striking out “resolution of” in the first paragraph.

191. Section 31.2 of the Act is amended by replacing “réunion” in the second paragraph in the French text by “séance”.

192. Section 38 of the Act is amended by replacing the second paragraph by the following paragraph:

“Subparagraph *a* of the first paragraph does not apply to an applicant holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized under that regulation, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

VETERINARY SURGEONS ACT

193. Section 29 of the Veterinary Surgeons Act (R.S.Q., chapter M-8) is amended by striking out “resolution of” in the second paragraph.

MEDICAL ACT

194. Sections 9 and 13 of the Medical Act (R.S.Q., chapter M-9) are amended by replacing “réunion” wherever it appears in the French text by “séance”.

195. Section 15 of the Act is amended by striking out “section 86 of” in the first line.

196. Section 18.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

197. Section 33 of the Act is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence;

“(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

198. Section 37 of the Act is amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs:

“(1) holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation

made under paragraph *c* of section 93 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence;

“(2) having obtained recognition of an equivalence from the board of directors under a regulation made under paragraph *i* of section 94 of the Professional Code, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

NOTARIES ACT

199. Section 5 of the Notaries Act (R.S.Q., chapter N-3) is amended by replacing “95.1” in the second paragraph by “95.2”.

200. Section 6 of the Act is amended

(1) by striking out “by resolution” in subparagraph 4 of the first paragraph;

(2) by replacing “95.1” in the second paragraph by “95.2”.

201. Section 12 of the Act is amended by replacing “, 45.1, 48 to 52, 55, 55.1,” in the fourth paragraph by “to 45.3, 46.0.1, 48 to”.

202. Section 14.1 of the Act is amended by inserting “or expressly provided” after “so ordered” in the second paragraph.

203. Sections 50 and 62 of the Act are amended by striking out “a resolution of” and “resolution of”, respectively.

204. Section 77 of the Act is amended by replacing “the syndic of the Order or the subject of a complaint filed with the committee on discipline” in subparagraph 2 of the first paragraph by “a syndic of the Order or the subject of a complaint filed with the disciplinary council,”.

205. Section 96 of the Act is amended by striking out “resolution of” in the third paragraph.

206. Sections 97 and 105 of the Act are amended by replacing “95.1” by “95.2”.

OPTOMETRY ACT

207. Section 7 of the Optometry Act (R.S.Q., chapter O-7) is amended by striking out “section 86 of” in the first line.

PHARMACY ACT

208. Section 8 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by striking out “section 86 of” in the first line.

209. Section 8.1 of the Act is amended by replacing “, the syndic or the assistant syndics,” by “or a syndic”.

210. Section 19 of the Act is amended by replacing the third paragraph by the following paragraph:

“Subparagraph *a* of the first paragraph does not apply to an applicant holding a diploma awarded by an educational institution situated outside Québec whose equivalence has been recognized under a regulation made under paragraph *c* of section 93 of the Professional Code, or to an applicant having completed training whose equivalence has been recognized under that regulation, unless the applicant was required, under that regulation, to successfully complete a course or training period in order to obtain recognition of the equivalence.”

MIDWIVES ACT

211. Section 76 of the Midwives Act (R.S.Q., chapter S-0.1) is amended by striking out “resolution of” in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

212. In any Act other than the Professional Code and in any regulation, unless the context indicates otherwise, the following replacements must be made, with the necessary modifications:

(1) the word “Bureau”, where it designates the Bureau of a professional order, is to be replaced by “board of directors”;

(2) the words “administrative committee”, “Administrative Committee” and “Executive Committee”, where they designate a body of a professional order, are to be replaced by “executive committee”; and

(3) the words “committee on discipline”, “Committee on Discipline” and “committee”, where they designate the committee on discipline of a professional order, are to be replaced by “disciplinary council” or “council”.

In any order, resolution, contract or other document, unless the context indicates otherwise,

(1) a reference to the Bureau of a professional order is a reference to its board of directors;

(2) a reference to the administrative committee, Administrative Committee or Executive Committee of a professional order is a reference to its executive committee; and

(3) a reference to the committee on discipline or Committee on Discipline of a professional order is a reference to its disciplinary council.

213. In the Professional Code, in all Acts establishing a professional order and in all regulations made under the Code and those Acts,

(1) “chairman” is replaced by “chair”, with the necessary modifications;

(2) “vice-chairman” is replaced by “vice-chair”, with the necessary modifications.

214. Special authorizations issued under sections 33, 39 and 39.1 of the Professional Code and still valid on the date of coming into force of section 42.4 of that Code are deemed to have been issued under that section.

215. The new provisions of sections 45, 45.1, 45.2 and 48 of the Professional Code apply to applications submitted before the date of coming into force of the new provisions for which a decision has not yet been made.

An applicant who has been convicted of an offence referred to in the new provisions has 60 days after that date to inform the board of directors.

216. The new provisions of sections 49 to 51 of the Professional Code apply to medical examinations ordered before the date of coming into force of the new provisions for which a decision under former section 51 has not yet been made.

217. Sections 55.1 to 55.4 of the Professional Code, enacted by this Act, apply to judicial or disciplinary decisions made before the date of coming into force of those sections.

A member of an order who has been the subject of a decision referred to in the new provisions of section 55.1 or 55.2 has 60 days after the date of coming into force of that section to inform the executive committee.

218. Any professional who is not practising on the date of coming into force of the new provisions of section 60 of the Professional Code must, within 60 days after that date, inform the secretary of the order of his or her place of residence or principal place of employment.

219. Until the first election of directors to the board of directors after the date of coming into force of the first regulation made under the new provisions of section 61 of the Professional Code, the board of directors and the executive committee of an order are to be formed in accordance with the former

provisions of that section and of sections 78 and 79 or 96 and 97 of the Professional Code.

220. The new provisions of section 66.1 of the Professional Code apply to elections in progress on the date of coming into force of those provisions.

221. A professional who, in the practice of his or her profession, holds funds or property, including advances on fees, on behalf of a client or another person must comply with the new provisions of section 89 of the Professional Code within 90 days of the date of their coming into force.

222. A regulation under the former provisions of paragraph *a* or *b* of section 94 of the Professional Code remains in force until the date of coming into force of a resolution on the same subject adopted under the new provisions or to the extent provided for in the regulation.

223. A regulation in force on the date of coming into force of the new provisions of sections 95 and 95.2 of the Professional Code is deemed to have been approved in accordance with those provisions.

The new provisions also apply to regulations made before that date that have not yet been approved by the Government or the Office des professions du Québec.

224. The new provisions of section 113 of the Professional Code apply to inspections in progress on the date of coming into force of those provisions.

225. The new provisions of sections 117 and 118 of the Professional Code do not apply to terms of office in progress on the date of coming into force of those provisions.

226. The new provisions of section 143 of the Professional Code apply to complaints already received, in accordance with section 126 of that Code, on the date of coming into force of those provisions.

227. The provisions of this Act come into force on the date or dates to be set by the Government.

Coming into force of Acts

Gouvernement du Québec

O.C. 606-2008, 11 June 2008

An Act respecting reserved designations and added-value claims (2006, c. 4)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting reserved designations and added-value claims

WHEREAS the Act respecting reserved designations and added-value claims (2006, c. 4) was assented to on 19 April 2006;

WHEREAS section 80 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS Order in Council 856-2006 dated 20 September 2006 set 6 November 2006 as the date of coming into force of the Act, except sections 1 to 6, 9 to 11, 15, 30 to 70 and 72 to 78;

WHEREAS Order in Council 1124-2007 dated 12 December 2007 set 31 December 2007 as the date of coming into force of paragraphs 1 and 2 of section 9, paragraph 5 of section 9 to the extent that it concerns reserved designations, section 58 and section 74 of the Act respecting reserved designations and added-value claims;

WHEREAS it is expedient to set the date of coming into force of the other provisions of the Act to allow the recognition of reserved designations and the authorization of added-value claims;

WHEREAS it is expedient to set 15 June 2008 as the date of coming into force of sections 1 to 6, paragraphs 3 and 4 and, to the extent that it concerns added-value claims, paragraph 5 of section 9, sections 10, 11, 15, 30 to 57, 59 to 70, 72, 73 and 75 to 78 of the Act respecting reserved designations and added-value claims;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT sections 1 to 6, paragraphs 3 and 4 and, to the extent that it concerns added-value claims, paragraph 5 of section 9, sections 10, 11, 15, 30 to 57, 59 to 70, 72, 73 and 75 to 78 of the Act respecting reserved designations and added-value claims (2006, c. 4) come into force on 15 June 2008.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8808

Regulations and other acts

Gouvernement du Québec

O.C. 588-2008, 11 June 2008

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

Collège des médecins

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

— Amendment

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

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS, under paragraph *h* of section 94 of the Professional Code, the Bureau may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Professional Code, the Bureau may, by regulation, determine the other terms and conditions for issuing permits, in

particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS the Bureau of the Collège des médecins du Québec made the 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;

WHEREAS section 95 of the Professional Code provides that, subject to sections 95.1 and 95.2, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 9 January 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the 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, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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 34, of the following:

“§3.1 Standards of equivalence of postdoctoral training and examinations

34.1 The Bureau recognizes the equivalence of postdoctoral training in medicine and the final examination and issues a permit as provided in section 33 of the Medical Act and, where appropriate, an attestation in family medicine or a specialist's certificate to whom an equivalence contemplated by section 29 has been granted and who fulfills the following conditions:

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

(2) he has held a restrictive permit pursuant to section 35 of the Medical Act for more than five years and the activities authorized pursuant to this permit correspond all the activities practiced in family medicine or in one of the specialties listed in Schedule 1.”

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

8807

* The Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec approved by Order-in-Council No. 339-2006 of April 26, 2006 (2006, *G.O.* 2, 1435), has been amended by Order-in-Council No. 423-2008 of April 30, 2008 (2008, *G.O.* 2, 2091).

Gouvernement du Québec

O.C. 594-2008, 11 June 2008

An Act respecting the Ministère du Revenu
(R.S.Q., c. M-31)

Remission of the refundable tax credit for home support for elderly persons for the taxation year 2007

Remission regulation respecting the refundable tax credit for home support for elderly persons for the taxation year 2007

WHEREAS, since 1 January 2000, persons aged 70 or over have been granted, under the Taxation Act (R.S.Q., c. I-3), a refundable tax credit in respect of the qualified expenditures they incur to obtain certain home support services;

WHEREAS, in the Budget Speech delivered on 23 March 2006, the Minister of Finance announced that, as of 1 January 2007, the tax credit for home support for elderly persons could be claimed on the income tax return;

WHEREAS, for the taxation year 2007, elderly persons were able to benefit from the tax credit during the year through advance payments, or may claim all or a portion of the credit in the income tax returns they are required to file for that year;

WHEREAS, in processing applications for advance payments, Revenu Québec conducted in 2007 validation activities that led it to make adjustments decreasing the amount of advance payments that certain elderly persons received;

WHEREAS, in the Budget Speech delivered on 13 March 2008, the Minister of Finance announced the improvement and simplification of the tax credit as of 1 January 2008;

WHEREAS, in addition to introducing new rules, the Budget Speech of 13 March 2008 announced a transitional financial compensation program applicable to elderly persons living in a residence or an apartment building who, in 2008, will see a decrease in the amount of advance payments to which they are entitled as compared to the amount of advance payments for which they applied for the taxation year 2007 or the taxation year 2008, where an application was made before 14 March 2008;

WHEREAS the financial compensation program announced in the Budget Speech of 13 March 2008 does not apply in respect of the taxation year 2007;

WHEREAS, for the taxation year 2007, elderly persons could be required to repay advance payments received or could receive a lower amount than that claimed as a tax credit in filing their income tax returns;

WHEREAS the recovery of the amounts payable to Revenu Québec could create hardship or injustice to the elderly persons concerned by placing them in a difficult financial situation;

WHEREAS section 94 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) allows the Government, whenever it considers it in the public interest, and to save the public from serious inconvenience or individuals from hardship or injustice, to remit any amount payable or refund any amount paid to the State relating to any matter within the powers of the Parliament;

WHEREAS it is expedient to make a regulation for this purpose;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by this Regulation warrants the absence of prior publication and such coming into force;

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

THAT the Remission regulation respecting the refundable tax credit for home support for elderly persons for the taxation year 2007, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Remission regulation respecting the refundable tax credit for home support for elderly persons for the taxation year 2007

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 94)

1. This Regulation applies to individuals claiming amounts under the tax credit for home support for elderly persons on the fiscal returns they filed with the Minister of Revenue for the taxation year 2007.

2. Remission is granted to an individual who is deemed to have paid to the Minister, under section 1029.8.61.5 of the Taxation Act (R.S.Q., c. I-3), an amount on account of the individual's tax payable under Part I of that Act for the taxation year 2007. The remission is calculated using the formula

$A - B.$

In the formula in the first paragraph,

(1) A is the amount that would be deemed to have been paid by the individual under section 1029.8.61.5 of the Taxation Act for the taxation year 2007, if it had been determined by taking into account, having regard to the circumstances,

(a) the amount of advance payments for which the individual initially applied for that year in accordance with section 1029.8.61.6 of the Taxation Act in respect of expenses made on a continuous or regular basis;

(b) the amount of advance payments for which the individual applied for that year in accordance with section 1029.8.61.6 of the Taxation Act in respect of expenses made on a sporadic or irregular basis; and

(c) the amount obtained by multiplying by the applicable rate for the tax credit for home support for elderly persons for that year, that is, 25 per cent, the aggregate of the amounts indicated in Schedule J of the individual's fiscal return for that year as amounts for home support services and in respect of which no application for advance payment was made; and

(2) B is the amount deemed to have been paid by the individual for the taxation year 2007 under Division II.11.1 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act.

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

Gouvernement du Québec

O.C. 607-2008, 11 June 2008

An Act respecting commercial aquaculture
(R.S.Q., c. A-20.2)

Commercial Aquaculture

Commercial Aquaculture Regulation

WHEREAS, under section 42 of the Act respecting commercial aquaculture (R.S.Q., c. A-20.2), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Commercial Aquaculture Regulation attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments on the draft Regulation were received during the period allowed to submit comments;

WHEREAS it is expedient to make the Commercial Aquaculture Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Commercial Aquaculture Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Commercial Aquaculture Regulation

An Act respecting commercial aquaculture
(R.S.Q., c. A-20.2, s. 42, pars. 1 to 10)

CHAPTER I LICENCES

DIVISION 1 LICENCE SUBCLASSES

1. The subclasses of aquaculture licences issued by the Minister of Agriculture, Fisheries and Food are

- (1) land-based; and
- (2) aquatic.

A land-based aquaculture licence authorizes the carrying on of aquaculture in an artificial cultivation or raising unit, such as a basin or an artificial lake.

An aquatic aquaculture licence authorizes the carrying on of aquaculture in a natural lake or watercourse, or offshore.

2. The subclasses of fishing pond licences issued by the Minister are

- (1) permanent;
- (2) temporary; and
- (3) mobile.

A permanent fishing pond licence authorizes the regular operation of a fishing pond having a basin that cannot be moved.

A temporary fishing pond licence authorizes the operation, for less than 21 consecutive days, of a fishing pond having a basin that cannot be moved. That licence may be issued only to the holder of a land-based aquaculture licence.

A mobile fishing pond licence authorizes the operation, for not more than 12 months, of a fishing pond having a basin capable of being moved from one location to another.

DIVISION 2 LICENCE ISSUANCE

3. A person applying to the Minister for the issue of a licence must apply in writing and submit

- (1) the person's name and address and, in the case of a legal person, a partnership, an association or a body, the name of the representative;
- (2) the name under which the undertaking is operated, if different from the name in paragraph 1;
- (3) the business number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);
- (4) except in the case of an application for a mobile fishing pond licence, the address of the proposed site of operations;
- (5) the person's telephone number and fax number, if any; and

(6) the class and subclass of the licence applied for.

The application must be signed by the person concerned or the person's representative.

4. In addition to the conditions required by the Act respecting commercial aquaculture (R.S.Q., c. A-20.2), a person applying for a licence must submit with the application

(1) a summary of the project for which the licence is applied for, containing the information in section 5;

(2) a layout plan meeting the construction, layout and equipment standards set out in this Regulation and containing the information in section 6;

(3) in the case of an application for a land-based aquaculture licence or a permanent or temporary fishing pond licence, a copy of the person's title of ownership, lease or any other document granting or promising a right of occupancy, conditional on the issue of the licence;

(4) a certificate from the municipality attesting that the project complies with municipal by-laws; and

(5) the fees and charges payable under Chapter II.

5. The project summary required under paragraph 1 of section 4 must specify

(1) the species that will be cultivated, raised or kept in captivity and, where applicable, the part of the life cycle involved;

(2) the cultivation or raising method;

(3) for an aquaculture licence application, the duration of a production cycle;

(4) for an aquaculture licence application for an aquaculture site in the domain of the State, the proposed maximum production volume of aquatic organisms and an estimate of the time required to reach that volume; and

(5) for a fishing pond licence application, the proposed volume of fish to be kept in captivity.

6. The layout plan required under paragraph 2 of section 4 must include a sketch of the facilities and indicate,

(1) for land-based aquaculture licence and permanent or temporary fishing pond licence applications,

(a) the location and dimensions of the proposed aquaculture site or fishing pond and, in the case of an aquaculture site, of each of its cultivation or raising units;

(b) the water supply sources and their flow in the summer low water period;

(c) the water processing equipment and other facilities that will be necessary for the proposed maximum production volume or the proposed volume of fish to be kept in captivity; and

(d) a sketch showing the flow of water in the facilities from the supply sources to the receiving environment;

(2) for an aquatic aquaculture licence application,

(a) the geographic coordinates, the area and depth of the proposed aquaculture site and its location on a nautical chart;

(b) the equipment and facilities that will be immersed until the proposed maximum production volume is reached, their number, dimensions, location and the immersion schedule; and

(c) the annual schedule of the seasonal adjustments of the equipment and facilities, including when they are placed into and removed from the water; and

(3) for a mobile fishing pond licence application,

(a) the dimensions of the basin forming the fishing pond;

(b) the places where and dates on which the basin will be installed and removed that are known at the time of the application;

(c) where applicable, the water processing equipment; and

(d) where applicable, the place where the fish are kept in captivity while the mobile fishing pond is not in operation.

DIVISION 3 LICENCE RENEWAL

7. A licence holder applying to the Minister for renewal of the licence must apply in writing and submit

(1) the information required by section 3;

(2) the project summary referred to in section 5;

- (3) the layout plan described in section 6; and
- (4) the fees payable under Chapter II.

An application for renewal and the fees must be received by the Minister before the licence expires.

DIVISION 4 LICENCE AMENDMENT

8. A licence holder applying to the Minister for a licence amendment must apply in writing and submit

- (1) a description of the modification for which the licence amendment is applied for;
- (2) the consequences of the modification on authorized activities and the proposed maximum production volume or proposed volume of fish to be kept in captivity; and
- (3) if applicable, the modified layout plan.

In the case of a material modification, the licence holder must also submit the fees payable under Chapter II.

“Material modification” means

- (1) a modification to the layout plan;
- (2) a modification of the proposed maximum production volume or the proposed volume of fish to be kept in captivity;
- (3) an addition of or change in species; or
- (4) a change in the cultivation or raising method.

9. A holder of a mobile fishing pond licence proposing to install the basin of the fishing pond in a place and on a date not known at the time of the licence application must inform the Minister in writing of the place where and dates on which the basin will be installed and removed at least 2 weeks before the basin is installed.

Despite subparagraph 1 of the third paragraph of section 8, the modification is not a material modification.

DIVISION 5 LICENCE TRANSFER

10. A licence holder applying to the Minister for authorization to transfer the licence must apply in writing and submit

- (1) a declaration from the transferee containing

- (a) the information required by section 3;

(b) the project summary referred to in section 5 that demonstrates the absence of any material modification of the activities, equipment and facilities proposed at the time the licence was issued; and

- (c) the fees payable under Chapter II;

(2) a copy of any document attesting to or promising transfer of the ownership of the undertaking, conditional on the transfer of the licence; and

(3) a report on the licence holder’s activities since the end of the period covered by the last annual report, containing the information in section 26.

CHAPTER II ADMINISTRATIVE CHARGES AND FEES

11. The administrative charges payable to open a file at the time of the application for the issue of an aquaculture licence, a permanent fishing pond licence or an authorization to carry out research and experimentation are \$100.

The charges are deductible from the fees for the issue of the licence or authorization.

12. The fees for the issue, renewal or transfer of a licence are

- (1) \$250 for an aquaculture licence or a permanent fishing pond licence;
- (2) \$50 for a temporary fishing pond licence; and

(3) \$150 for a mobile fishing pond licence, or \$100 if the person also holds an aquaculture licence or a permanent fishing pond licence.

13. The fees for the issue of an authorization to carry out research and experimentation are \$250.

14. The fees for a licence amendment because of a material modification are \$150.

15. The annual fees for an aquaculture licence and a permanent fishing pond licence are \$100.

16. As of 10 July 2008, the charges and fees under sections 11 to 15 are adjusted on 1 January of each year based on the percentage change in the general Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year. That change is the ratio between the index for the above-mentioned

period and the index for the period that precedes it. The index for a period is the average of the monthly indexes published by Statistics Canada. The charges and fees are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister is to publish the results of the adjustment under this section in the *Gazette officielle du Québec* and, if the Minister considers it appropriate, inform the public by any other means.

17. The administrative charges and fees under this Chapter are payable to the Minister of Finance.

CHAPTER III BOOKS, REGISTERS AND OTHER DOCUMENTS

18. A licence holder must enter in the books or registers the information concerning

(1) the aquatic organisms cultivated, raised or kept in captivity, as provided in section 19;

(2) the feeding of the aquatic organisms, as provided in section 20;

(3) the health of the aquatic organisms, as provided in section 21;

(4) the non-prescription products used to treat the aquatic organisms, as provided in section 22; and

(5) the water processing products and the cleaning products for the equipment and facilities in contact with the aquatic organisms, as provided in section 23.

19. The information to be provided under paragraph 1 of section 18 concerning the aquatic organisms cultivated, raised or kept in captivity must be entered for each species according to number or weight and size or age category, and pertains to

(1) all the supplies, stating for each of them

(a) the genetic line or strain;

(b) the name and address of the supplier;

(c) the date of receipt; and

(d) the name and address of the carrier;

(2) the production of seeds, eggs, spats, cuttings, rhizomes, stolons or tubers and the eggs or spats harvested or the number of collectors used for that purpose and the date on which they were put into or removed from the water;

(3) the inventories of the aquatic organisms, including each inventory date;

(4) in the case of an aquaculture licence, the sales, including their date and, for wholesale sales, the name and address of each purchaser, the shipping date and the intended purposes for which the aquatic organisms are to be used;

(5) in the case of a fishing pond licence, the fish caught by fishers on each day of operation; and

(6) any massive loss of the aquatic organisms, including the date and cause of the event and the disposal method and site.

20. The information to be provided under paragraph 2 of section 18 concerning the feeding of the aquatic organisms must be entered by food type, whether as dry or semi-moist food, live products or fertilizers, and pertains to

(1) supplies, including the product name and quantity, the supplier's name and address and the date of receipt; and

(2) in the case of food prepared by the licence holder, the information in paragraph 1 for each ingredient used in the preparation.

21. The information to be provided under paragraph 3 of section 18 concerning the health of the aquatic organisms pertains to

(1) consultations with veterinarians or specialists, including their name and professional address, the date and purpose of the consultation, the diagnostic and, where applicable, the proposed treatment and its duration;

(2) the date of the various analyses and their results and the name and professional address of the persons who made them;

(3) the purchase of prescription products such as drugs, vaccines or medicinal foods, including the product name and quantity, the supplier's name and address and the date of receipt; and

(4) if a treatment is administered, the dates on which it begins and ends, the method of administration and, if a waiting period is required, the daily water temperature of each cultivation or raising unit, or fishing pond basin, containing the treated aquatic organisms.

22. The information to be provided under paragraph 4 of section 18 concerning non-prescription products used to treat aquatic organisms pertains to

(1) supplies, including the product name and quantity, the supplier's name and address and the date of receipt; and

(2) the use of the products, including the date and method of administration and the quantity or concentration used.

23. The information to be provided under paragraph 5 of section 18 concerning the water processing products and the cleaning products for the equipment and facilities in contact with the aquatic organisms is to specify the name of the product used, the date and method of use, and the quantity or concentration used.

24. Despite section 18, a licence holder's invoices, veterinary prescriptions, analysis reports and other supporting documents may stand in lieu of the books or registers if they contain the information required by sections 18 to 23.

25. A licence holder must keep in chronological order the invoices, veterinary prescriptions, analysis reports and other supporting documents throughout the duration of a production cycle, plus 3 years. The licence holder must also keep, for the same duration as of the last entry, the books, registers and other documents used in the aquaculture activities.

CHAPTER IV ANNUAL REPORT AND OTHER DOCUMENTS

26. Not later than 15 February of each year, holders of an aquaculture licence and a permanent fishing pond licence must provide the Minister with a report on their activities for the preceding calendar year which must include

(1) any change in the information required by section 3;

(2) the production of the aquatic organisms cultivated, raised or kept in captivity for each species according to number or weight and size or age category, including

(a) total supplies;

(b) annual production of seeds, eggs, spats, cuttings, rhizomes, stolons or tubers and the total number of eggs or spats harvested;

(c) cumulative losses;

(d) in the case of an aquaculture licence, total sales broken down according to the purposes for which the aquatic organisms are to be used;

(e) the estimated biomass of remaining fish at the end of the calendar year; and

(f) in the case of a fishing pond licence,

i. the total number of fish caught by fishers; and

ii. the quantity of fish disposed of pursuant to the second paragraph of section 40;

(3) the food used by food type, whether as dry or semi-moist food, live products or fertilizers, including product names and total quantities used; and

(4) in the case of a land-based aquaculture licence, measurement of the operation's average water flow rate.

The licence holder must submit the annual fees payable under Chapter II with the annual report.

27. Not later than 2 months after the end of activities, the holder of a temporary or mobile fishing pond licence must provide the Minister with a report containing the information required by the first paragraph of section 26.

CHAPTER V OPERATION STANDARDS

DIVISION 1 CONSTRUCTION, LAYOUT AND EQUIPMENT STANDARDS

28. The equipment and facilities used in the operation of an aquaculture site or fishing pond must be designed so that the premises may be maintained in the clean and safe state required to ensure the aquatic organisms remain healthy and innocuous and to prevent any hazard to the health or safety of the public, the environment and wildlife, and must conform to the following requirements:

(1) the equipment and facilities in contact with the aquatic organisms must be made from materials that do not let toxic products be diffused through the water and be installed so as to function according to intended use;

(2) the equipment and facilities must be installed so as to allow cleaning and disinfection of the surfaces in contact with the aquatic organisms;

(3) separate rooms, compartments or containers, closed and protected against any deterioration or contamination, must be used to store

(a) food;

(b) non-prescription products used to treat the aquatic organisms, water processing products and cleaning products;

(c) medications and other prescription products; and

(d) fuels;

(4) in the case of a land-based aquaculture site or fishing pond,

(a) the equipment and facilities must allow solid residual matter from the operation to be retained and removed;

(b) the equipment and facilities must allow the cultivation or raising units or the fishing pond to be fully drained; and

(c) the water supply must be of sufficient quantity and of a quality necessary to provide adequate conditions for the aquatic organisms to be raised or kept in captivity;

(5) in the case of a land-based aquaculture site whose cultivation or raising units are outdoors and in the case of a fishing pond, the perimeter of the units or basin must be laid out so as to prevent any risk of contamination caused by surface water runoff;

(6) in the case of a land-based aquaculture site, foot baths containing an efficient disinfectant and material necessary for washing and disinfecting hands must be installed in a place reserved for that purpose at the entrance of each closed building intended for fish production;

(7) in the case of an aquatic aquaculture site, the equipment and facilities must be laid out so as to allow direct and safe access to the site;

(8) in the case of a fishing pond, the basin must be built or located away from any lake or watercourse; and

(9) where fish or amphibians are raised or kept in captivity, the equipment and facilities must be designed to ensure they remain confined and to prevent their release into the natural environment.

29. The tanks of vehicles used to transport live aquatic organisms must have been designed so that the surfaces in contact with the aquatic organisms may be cleaned and disinfected.

30. A holder of an aquatic aquaculture licence who is not required to install lights, buoys or other marks under the Navigable Waters Works Regulations (C.R.C. c. 1232) is exempt from the application of the second paragraph of section 17 of the Act.

DIVISION 2

STANDARDS FOR CULTIVATION, RAISING AND CAPTIVITY

31. Aquaculture sites and fishing ponds must be operated in such manner that the premises may be maintained in the clean and safe state required to ensure the aquatic organisms remain healthy and innocuous and to prevent any hazard to the health or safety of the public, the environment and wildlife, and must conform to the following requirements:

(1) the equipment and facilities of an aquaculture site and a fishing pond in contact with the aquatic organisms must be emptied of fish and cleaned before the arrival of a new batch of fish and be disinfected if there is a risk of contamination;

(2) the equipment and facilities must be kept in good working order;

(3) separate rooms, compartments or containers, closed and protected against any contamination, must be used to store

(a) food not currently being used;

(b) non-prescription products used to treat the aquatic organisms, water processing products and cleaning products;

(c) medications and other prescription products; and

(d) fuels;

(4) the aquatic organisms must be handled in such a way as to prevent any contamination;

(5) the aquaculture site or the fishing pond must be operated in such a way as to ensure the fish and amphibians remain confined and to prevent their release into the natural environment;

(6) the solid residual materials from the operation of a land-based aquaculture site and a fishing pond must be removed from the cultivation or raising units or the fishing pond,

(a) before the production of a new batch in the case of a land-based aquaculture site; and

(b) at least once a year in the case of a fishing pond;

(7) in the case of a land-based aquaculture site, the foot baths installed must be maintained and the disinfectant they contain must be kept efficient;

(8) in the case of a land-based aquaculture site whose cultivation or raising units are outdoors and in the case of a fishing pond, the perimeter of the units or basin must be kept clean and free of any debris or rubbish; and

(9) in the case of a land-based aquaculture site whose cultivation or raising units are indoors, the inside of the building must be kept clean and free from any debris or rubbish.

32. In the course of aquaculture activities, a licence holder may only use cleaners, disinfectants or pesticides that meet the standards prescribed by the Food and Drugs Act (R.S.C. 1985, c. F-27) or the Pest Control Products Act (S.C. 2002, c. 28), or that are entered on the Reference Listing of Accepted Construction Materials, Packaging Materials and Non-Food Chemical Products published by the Canadian Food Inspection Agency, accessible on its site at the address <http://www.inspection.gc.ca>

33. A licence holder who raises fish or amphibians or keeps them in captivity must immediately inform the Minister of any accidental release and take all necessary measures to recover the fish or amphibians.

34. A licence holder who becomes aware that there has been a massive loss of the aquatic organisms must immediately inform the Minister and give the cause of the loss.

35. Subject to an order issued under Chapter II of the Plant Protection Act (R.S.Q., c. P-39.01) or Division I of the Animal Health Protection Act (R.S.Q., c. P-42), a licence holder who becomes aware that the aquatic organisms are unfit for consumption or that their safety is not assured must dispose of the aquatic organisms by

(1) landfilling or incineration in a facility that complies with the Environment Quality Act (R.S.Q., c. Q-2);

(2) recovery of the aquatic organisms by the holder of a permit to operate a dismembering or salvage plant issued under subparagraph *c* or *d* of the first paragraph of section 9 of the Food Products Act (R.S.Q., c. P-29) or by a waste removal undertaking;

(3) composting in accordance with the Environment Quality Act; or

(4) processing into a product referred to in paragraph 5 of sections 9.3.1.14 and 10.3.1.18 of the Regulation respecting food (R.R.Q., 1981, c. P-29, r.1) by the holder of a permit to operate a marine or fresh water product processing factory or packing-house issued under subparagraph *e* or *f* of the first paragraph of section 9 of the Food Products Act.

Despite the first paragraph, the licence holder may store the aquatic organisms prior to their disposal if they are stored in accordance with the Environment Quality Act.

36. An aquaculture licence holder must carry on the activities only within the limits of the aquaculture site indicated on the licence.

37. An aquatic aquaculture licence holder who performs operations in the aquaculture site to control pests and invasive or predatory species must do so in a way that does not interfere with surrounding activities.

38. The holder of an aquaculture licence for an aquaculture site in the waters in the domain of the State who is the sub-lessee of a lease for aquaculture purposes issued under the Watercourses Act (R.S.Q., c. R-13) is exempt from the application of section 19 of the Act.

39. All persons must use the foot baths, if any, and wash and disinfect their hands.

40. A holder of a fishing pond licence may not keep fish in captivity for purposes other than recreational fishing.

Despite the first paragraph, if there is an exceptional surplus of fish at the time the pond is closed for winter or within 15 days preceding the expiry of the licence, the holder of a permanent fishing pond licence may, after informing the Minister in writing, sell the remaining fish either live or dead. The holder of a temporary or mobile fishing pond licence may, on ceasing activities, sell or give the live remaining fish to the holder of an aquaculture licence or a permanent fishing pond licence.

CHAPTER VI DEVELOPMENT AND YIELD STANDARDS

41. Subject to a licence amendment or unforeseeable or uncontrollable circumstances, the holder of an aquaculture licence for an aquaculture site in the domain of the State must occupy and operate the aquaculture site in a continuous and increased manner until the proposed maximum production volume is attained, as provided in the licence holder's project summary referred to in section 5, and thereafter maintain that occupancy and operation level for the entire duration of the licence.

CHAPTER VII AMENDING PROVISIONS

42. The Commercial Aquaculture Regulation, made by Order in Council 1311-87 dated 26 August 1987, is revoked, except to the extent provided for by section 48 of the Act to amend the Animal Health Protection Act and other legislative provisions and to repeal the Bees Act (2000, c. 40) in respect of section 14 of that Regulation.

43. The Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations¹ is amended by replacing "aquiculture" in the French text of paragraph 6 of the definition of "produit agricole" in section 1 by "aquaculture".

44. The Regulation respecting the signing of certain permits of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation² is amended by replacing "aquiculture" in paragraph 2 of section 4 by "aquaculture".

45. The Règlement sur la définition d'un produit agricole (R.R.Q., 1981, c. P-28, r.3) is revoked.

46. The Regulation respecting the alienation and leasing of agricultural lands in the domain of the State³ is amended

(1) by replacing "aquiculture" in the French text of the heading of Division V and sections 14, 17 and 21 by "aquaculture";

(2) by replacing, in section 13,

(a) "aquicole" by "aquacole" in the French text;

(b) "12 of the Act respecting commercial fisheries and aquaculture (R.S.Q., c. P-9.01)" by "5 of the Act respecting commercial aquaculture (R.S.Q., c. A-20.2)";

(3) by replacing "aquicoles" and "aquicole" in the French text of the first paragraph of section 14, section 15 and the first paragraph of section 18 by "aquacoles" and "aquacole".

CHAPTER VIII TRANSITIONAL AND MISCELLANEOUS

47. Land-based aquaculture sites and fishing ponds operated by holders of an aquaculture or fishing pond licence on 9 July 2008 are exempt from the application of paragraphs 4, 5 and 8 of section 28 and paragraph 6 of section 31 as regards the infrastructures, equipment and facilities built and used on that date.

Despite the foregoing, that exemption no longer applies to land-based aquaculture sites and fishing ponds if they cease to be operated permanently or for more than 12 consecutive months.

48. A member of the personnel of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation or a position holder in that department is exempt from the application of sections 22 and 23 of the Act for the carrying out, in the performance of their duties, of research and experimentation activities in aquaculture in the waters in the domain of the State.

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

¹ The Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations, made by Order in Council 340-97 dated 19 March 1997 (1997, *G.O.* 2, 1275), was last amended by the regulation made by Order in Council 817-2007 dated 18 September 2007 (2007, *G.O.* 2, 2628). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

² The Regulation respecting the signing of certain permits of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, made by Order in Council 1541-95 dated 29 November 1995 (1995, *G.O.* 2, 3425), was amended by the regulation made by Order in Council 621-96 dated 29 May 1996 (1996, *G.O.* 2, 2637).

³ The Regulation respecting the alienation and leasing of agricultural lands in the domain of the State, made by Order in Council 4-90 dated 10 January 1990 (1990, *G.O.* 2, 53), was amended by the regulation made by Order in Council 1180-94 dated 3 August 1994 (1994, *G.O.* 2, 3765) and by section 85 of chapter 26 of the Statutes of 1996.

(1) section 29, which will take effect on the first anniversary of that publication;

(2) subparagraph 4 of the first paragraph of section 35 with regard to the holder of a permit to operate a fresh water product processing factory or packing-house, which will take effect upon the coming into force of subparagraph *f* of the first paragraph of section 9 of the Food Products Act.

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Gouvernement du Québec

O.C. 633-2008, 18 June 2008

Environment Quality Act
(R.S.Q., c. Q-2)

Quality of drinking water — Amendment

Regulation to amend the Regulation respecting the quality of drinking water

WHEREAS subparagraphs *e*, *h.1*, *h.2*, *j* and *l* of the first paragraph of section 31, section 45, paragraph *a* of section 45.2, paragraphs *a*, *b*, *d*, *o*, *o.1*, *o.2*, *p* and *t* of section 46, section 86, paragraph *a* of section 87 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting the quality of drinking water by Order in Council 647-2001 dated 30 May 2001;

WHEREAS section 53 of the Regulation provides that, on 28 June 2008, all distribution systems supplying drinking water that consists in whole or in part of surface water will have to meet the regulatory requirements respecting the filtration of surface water;

WHEREAS, under sections 12 and 18 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as required by section 8 of that Act and come into force on the date of its publication in the *Gazette officielle du Québec* if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reasons justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— it is necessary to grant more time to the persons in charge of certain drinking water distribution systems to bring them into compliance with the regulatory requirements respecting the filtration of surface water, since they cannot meet those requirements by 28 June 2008 because the design and installation of the required equipment take more time than planned;

— it is necessary to require from the persons in charge of those systems that they apply interim control measures and additional analyses to better assess the health hazard and to impose, if need be, the measures necessary to protect the health of users;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the quality of drinking water;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation to amend the Regulation respecting the quality of drinking water, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the quality of drinking water*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *e*, *h.1*, *h.2*, *j* and *l*, s. 45, s. 45.2, par. *a*, s. 46, pars. *a*, *b*, *d*, *o*, *o.1*, *o.2*, *p* and *t*, s. 86, s. 87, par. *a* and s. 109.1)

1. The Regulation respecting the quality of drinking water is amended by replacing section 53 by the following:

“**53.** The distribution systems supplying water that consists in whole or in part of surface water that undergoes no treatment by flocculation, slow filtration or

* The Regulation respecting the quality of drinking water, made by Order in Council 647-2001 dated 30 May 2001 (2001, *G.O.* 2, 2641), was last amended by Order in Council 467-2005 dated 18 May 2005 (2005, *G.O.* 2, 1431). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

membrane filtration on 28 June 2001, and not meeting the requirements of section 5 on 25 June 2008, are exempt from the application of that section until the date on which the attestation referred to in the third paragraph is received by the Minister.

However, the persons in charge of the systems referred to in the first paragraph must, not later than 28 June 2010 for the facilities of municipalities and intermunicipal boards and not later than 28 June 2012 for other facilities, be authorized under section 32 of the Environment Quality Act to carry out the work required to make the systems meet the requirements of section 5.

In addition, the persons in charge of the systems referred to in the first paragraph must send to the Minister of Sustainable Development, Environment and Parks, not later than 60 days after the end of the work, an attestation from an engineer who is a member of the Ordre des ingénieurs du Québec to the effect that the work carried out enables the systems to meet the requirements of section 5.

53.0.1. The persons in charge of the distribution systems referred to in section 53 must, as of 28 June 2008 and until the date on which the attestation referred to in the third paragraph of that section is received by the Minister, collect or cause to be collected, on a weekly basis for the facilities of municipalities and intermunicipal boards and monthly for other facilities, at least one sample of raw water at each surface water catchment site and send those samples for testing for the presence of *Escherichia coli* bacteria to a laboratory accredited under section 118.6 of the Environment Quality Act or a laboratory referred to in the second paragraph of section 31.

In addition, the persons in charge must, not later than on 28 January, 28 April, 28 July and 28 October of each year, send to the Minister a report containing, for every preceding quarter, the results of the testing referred to in the first paragraph, the elimination percentages of the viruses and parasites referred to in section 5 calculated by an engineer who is a member of the Ordre des ingénieurs du Québec using the data entered in the record required under section 22, as well as the events and microbiological sources of pollution likely to have reduced the quality of raw water.

The first quarterly report referred to in the second paragraph must be sent not later than 28 January 2009.”.

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

M.O., 2008

Order number AM 2008-031 of the Minister of Natural Resources and Wildlife dated 10 June 2008

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provides that the Minister may make regulations on the matters mentioned therein;

CONSIDERING section 164 of the Act which provides that a regulation made under section 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting trapping and the fur trade by Minister's Order 99026 dated 31 August 1999 which prescribes, in particular, the conditions for the trapping of any animal or class of animals;

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached hereto, is hereby made.

Québec, 10 June 2008

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

Regulation to amend the Regulation respecting trapping and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56)

1. The Regulation respecting trapping and the fur trade is amended in section 17

(1) by replacing “11 to 17” in subparagraph 1 of the first paragraph by “11 to 15, 17” and “and 73 to 86” by “, 73 to 79 and 82 to 86”;

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

“(1.1) 3 black bears in all FAMUs 16, 80 and 81;”;

(3) by striking out “1 to 5,” in subparagraph 4 of the first paragraph and by inserting the following after subparagraph 6 of that paragraph:

“(7) 5 Canada lynx in all FAMUs 1 to 5.”;

(4) by replacing “14” in subparagraph 6 of the first paragraph by “74”.

2. Schedule II is amended by inserting “3,” in Column II after implement type 2, regarding the Canadian lynx.

3. Schedule III is amended

(1) by replacing the trapping period of the Canada lynx by “18-10/15-12” regarding FAMUs 1 to 5;

(2) by replacing the trapping period of the Canada lynx by “15-11/15-12” regarding FAMUs 30 to 37.

4. This Regulation comes into force on 15 August 2008.

8796

* The Regulation respecting trapping and the fur trade, made by Minister's Order 99026 dated 31 August 1999 (1999, *G.O.* 2, 2992), was last amended by the regulations made by Minister's Order 2007-014 dated 28 May 2007 (2007, *G.O.* 2, 1480 and 1573) and by Minister's Order 2008-019 dated 17 April 2008 (2008, *G.O.* 2, 1599). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

Draft Regulations

Draft Regulation

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

Podiatrists

— Diplomas giving access to permits or specialist's certificates issued by the Ordre des podiatres du Québec

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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to provide for a new diploma issued by the Ordre des podiatres du Québec giving access to a permit and to remove other diplomas from the Regulation that were included in it for the same purpose.

The amendments will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre des podiatres du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister responsible for the administration of legislation respecting the professions after consultation with the educational institution and other bodies concerned.

Further information may be obtained by contacting Jean Tanguay, Director General and Secretary, Ordre des podiatres du Québec, 300, rue du Saint-Sacrement, bureau G-22, Montréal (Québec) H2Y 1X4; telephone: 514 288-0019 or 1 800 514-7433; fax: 514 288-5463.

Any person wishing to comment on the draft Regulation is requested to submit written comments to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3, within the 45-day period. The com-

ments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order concerned and to interested persons, departments and bodies.

JACQUES P. DUPUIS,
*Minister responsible for the administration
of legislation respecting the professions*

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended

(1) by adding the following after section 1.32:

“**1.33.** The undergraduate doctorate awarded by the Université du Québec à Trois-Rivières gives access to the permit issued by the Ordre des podiatres du Québec following studies completed in the prescribed discipline.”;

(2) by striking out section 4.02.

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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* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 670-2007 dated 14 August 2007 (2007, *G.O.* 2, 2452), 438-2008 dated 7 May 2008 (2008, *G.O.* 2, 1382) and 496-2008 dated 21 May 2008 (2008, *G.O.* 2, 2045). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

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

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