

Laws and Regulations

Volume 145

Summary

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Legal deposit – 1st Quarter 1968 Bibliothèque nationale du Québec © Éditeur officiel du Québec, 2013

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semipublic agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers:
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PROVINCE OF QUÉBEC

1ST SESSION

40TH LEGISLATURE

QUÉBEC, 12 JUNE 2013

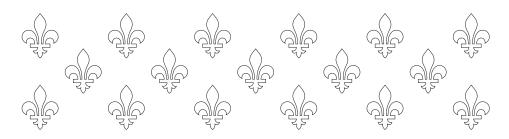
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 12 June 2013

This day, at two minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

17 An Act to amend the Professional Code with respect to disciplinary justice

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor. $\,$



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 17 (2013, chapter 12)

An Act to amend the Professional Code with respect to disciplinary justice

Introduced 13 February 2013 Passed in principle 19 March 2013 Passed 6 June 2013 Assented to 12 June 2013

EXPLANATORY NOTES

This Act amends the disciplinary justice system applicable to members of the professional orders. To that end, the Bureau des présidents des conseils de discipline is constituted within the Office des professions du Québec. The Bureau consists of not more than 20 disciplinary council chairs of professional orders, including a senior chair and a deputy senior chair appointed on a full-time basis by the Government for a term of not more than five years.

A selection procedure for disciplinary council chairs is to be established by the Government. The Government must also adopt a code of ethics applicable to the chairs and other members of the disciplinary councils.

Several complaints may be heard by the same disciplinary council.

The rules governing the replacement of the disciplinary council chair seized of a complaint are made clearer and more complete.

In addition, every year, the senior chair is required to present to the Minister of Justice a plan setting out, among other things, management objectives to ensure the quality and the expeditious nature of complaint processing and the decision-making process.

Moreover, a professional's participation in an act involving collusion, corruption, malfeasance, breach of trust or influence peddling is defined as an act derogatory to the dignity of the profession.

Lastly, related and transitional provisions are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Professional Code (chapter C-26).

Bill 17

AN ACT TO AMEND THE PROFESSIONAL CODE WITH RESPECT TO DISCIPLINARY JUSTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- **1.** Section 16.1 of the Professional Code (chapter C-26) is amended by replacing "report mentioned in section 16.19" in the first paragraph by "reports mentioned in sections 16.19 and 115.9".
- **2.** The Code is amended by inserting the following section after section 59.1:
- **"59.1.1.** The following acts engaged in by a professional also constitute acts derogatory to the dignity of the profession:
- (1) committing an act involving collusion, corruption, malfeasance, breach of trust or influence peddling;
- (2) attempting to commit such an act or counselling another person to do so: and
 - (3) conspiring to commit such an act."
- **3.** The Code is amended by replacing the heading of subdivision 1 of Division VII of Chapter IV by the following:
- "§1.—Bureau des présidents des conseils de discipline
- **"115.1.** A bureau of disciplinary council chairs, known as the Bureau des présidents des conseils de discipline, is constituted within the Office.

The Bureau is to consist of not more than 20 disciplinary council chairs, including a senior chair and a deputy senior chair.

"115.2. The chairs are appointed by the Government for a fixed term of not more than five years from among the persons declared qualified in accordance with the selection procedure the Government determines by regulation. The chairs exercise their functions on a full-time basis.

The selection procedure does not apply to a chair whose term is renewed.

- "115.3. Only an advocate who has at least 10 years of practice and possesses relevant legal experience may be the chair of a disciplinary council.
- **"115.4.** A senior chair and a deputy senior chair are designated by the Government from among the chairs.
 - **"115.5.** The selection procedure for chairs
 - (1) sets out the procedure for running for office;
- (2) provides for the establishment of a selection committee to assess the qualifications of candidates and provide an advisory opinion on them; and
 - (3) identifies the selection criteria that the committee is to take into account.

The members of a selection committee are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

- **"115.6.** The Government shall determine the remuneration, employee benefits and other conditions of employment of the chairs, the senior chair and the deputy senior chair.
- **"115.7.** The senior chair is responsible for the administration and overall management of the Bureau. The functions of the senior chair include
- (1) fostering the participation of the disciplinary council chairs in the formulation of guiding principles with a view to maintaining a high level of quality and coherence in decisions;
- (2) taking measures to promote the expeditious nature of complaint processing and the decision-making process;
 - (3) consulting the professional orders to assess their particular needs;
- (4) coordinating and assigning the work of the chairs, who, in that respect, must comply with the senior chair's orders and directives;
 - (5) seeing that the chairs observe standards of ethical conduct;
- (6) promoting the professional development of the chairs as regards the exercise of their functions, and
- (7) periodically evaluating the knowledge and the skills of the chairs in the exercise of their functions, and their contribution to achieving the objectives set out in this division.

"115.8. Every year the senior chair shall present to the Minister a plan setting out management objectives to ensure the quality and expeditious nature of complaint processing and the decision-making process and stating the results achieved in the preceding year.

In addition to the information requested by the Minister, the plan must include the following information, which the senior chair compiles for each disciplinary council on a monthly basis:

- (1) the number of days on which hearings were held and the average number of hours devoted to them:
 - (2) the number of postponements granted;
- (3) the nature of the complaints for which a management conference was held, and the number of such complaints;
- (4) the nature of the complaints and requests heard, their number and the places and dates of the hearings;
- (5) the nature of the complaints and requests taken under advisement, their number and the time devoted to advisement;
 - (6) the nature and the number of decisions rendered;
 - (7) the nature and the number of decisions appealed; and
- (8) the time devoted to the proceedings, from the date of receipt of the complaint or request until the beginning of the hearing or the rendering of the decision on the conviction and, if applicable, the penalty.
- **"115.9.** The senior chair may make recommendations to the Minister to improve complaint processing and the decision-making process.
- **"115.10.** The deputy senior chair shall exercise the functions of the senior chair if the latter is absent or unable to act.
- "§1.1.—Disciplinary councils".
- **4.** Section 116 of the Code is amended by inserting ", the senior chair, the deputy senior chair" after "syndic" in the fourth paragraph.
- **5.** Section 117 of the Code is replaced by the following sections:
- **"117.** The members of a disciplinary council other than the chair are appointed by the board of directors of the order from among the order's members. The board of directors shall fix the duration of their term, which must be at least three years.

- "117.1. The Government shall set the travel and lodging expenses of the disciplinary council members appointed by the board of directors of the order. The expenses are borne by the order.
- **"117.2.** The Government, after consulting with the Bureau and the Québec Interprofessional Council, shall establish, by regulation, a code of ethics applicable to members of the disciplinary councils.
- **"117.3.** The code of ethics sets out the rules of conduct of disciplinary council members and their duties towards the public, the parties, the parties' witnesses and the persons representing the parties. It defines, in particular, conduct that is derogatory to the honour, dignity or integrity of a member of a disciplinary council. In addition, the code of ethics may determine the activities or situations that are incompatible with the office held by the members of a disciplinary council, the obligations of those members concerning the disclosure of interests, and the functions the members may exercise free of charge.

The code of ethics may include special rules governing disciplinary council members other than the chair."

- **6.** Sections 118 and 118.1 of the Code are repealed.
- **7.** Section 118.2 of the Code is amended by replacing "désignés" in the French text by "nommés".
- **8.** Section 118.3 of the Code is replaced by the following sections:
- "**118.3.** Where, being unable to act, a member is unable to continue with a hearing, whether it be the conviction hearing or the penalty hearing, the two remaining members, provided one is the chair, may validly proceed with the hearing and render a decision on the conviction and the penalty.
- **"118.4.** Where a member is replaced in accordance with section 118.2, the two remaining members, provided one is the chair, may proceed with the hearing and validly render a decision on the conviction and the penalty.

A chair who has been replaced may continue to hear a complaint, no matter what stage of the hearing has been reached, with the authorization of and for the length of time determined by the senior chair.

Where the decision is not rendered within the time determined by the senior chair, the latter may, on the senior chair's initiative or at the request of one of the parties, extend the time limit or withdraw the matter from the chair. The request must be filed with the secretary of the disciplinary council concerned. It must be served in accordance with the Code of Civil Procedure (chapter C-25) on the senior chair and the council members who are seized of the complaint, and on the parties. Before extending the time limit or withdrawing the matter from the chair, the senior chair must take the circumstances and the interest of the parties into account.

"118.5. Where the chair is dismissed, where a matter is withdrawn from the chair, where the chair is unable to act, or where the chair's term of office has expired and the chair decides not to proceed with a hearing, the senior chair must designate a new chair as soon as possible to hear the complaint, no matter what stage of the hearing has been reached.

Where a new chair is designated before the decision on the conviction is rendered, the disciplinary council may, with the consent of the parties, continue the proceeding and rely on the evidence already filed.

Where the chair is designated after the decision on the conviction is rendered, the disciplinary council continues the proceeding at the stage of the penalty hearing. The penalty hearing is governed by the same rules for evidence already filed as those set out in the second paragraph.

Where the decision on the conviction or the penalty was handed down at the hearing but not recorded in writing before a new disciplinary council chair was designated in accordance with the first paragraph, the senior chair, together with at least one other disciplinary council member, may sign the minutes of the proceeding. The decision is presumed to be in compliance with section 154 in such a case.

- **"118.6.** Interlocutory decisions rendered before continuance of suit remain valid."
- **9.** Section 119 of the Code is repealed.
- **10.** Section 120 of the Code is amended by replacing the second paragraph by the following paragraph:

"Where the secretary is absent or unable to act, the board of directors appoints a replacement for as long as the secretary is absent or unable to act."

11. The Code is amended by inserting the following heading before section 121:

"§1.2.—Syndics".

- **12.** The Code is amended by inserting the following heading after section 123.2:
- "§1.3.—Review committees".
- **13.** Section 125 of the Code is repealed.
- **14.** Section 126 of the Code is amended by adding ", who must send a copy to the senior chair as soon as possible" at the end of the first paragraph.

- **15.** Section 130 of the Code is amended by inserting "or 59.1.1" after "section 59.1" in paragraph 1.
- **16.** Section 131 of the Code is amended by striking out "or the substitute chair" at the end.
- **17.** The Code is amended by inserting the following section after section 132:
- "**132.1.** Complaints whose subject matter could suitably be combined, whether or not the same parties are involved, may be joined by order of the senior chair or the deputy senior chair, on the conditions they fix. The senior chair or the deputy senior chair may not, however, join complaints for which the disciplinary councils of different professional orders are responsible.

An order made under the first paragraph may be revoked by the chair designated to hear the complaints if the chair believes that the interests of justice will be better served as a result. The chair's decision cannot be appealed."

- **18.** Section 133 of the Code is amended by replacing "The request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities" in the first paragraph by "The secretary of the disciplinary council must send a copy of the request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities to the senior chair as soon as possible. The request".
- **19.** Section 138 of the Code is replaced by the following section:
- **"138.** A disciplinary council shall sit in divisions, each division consisting of three members, including the chair designated by the senior chair. The secretary of the disciplinary council shall, as soon as possible, choose from among the council members appointed by the board of directors the other two members who are to sit with the chair.

In assigning work to the chairs, the senior chair may take into account their specific knowledge and experience, the number of complaints referred to them and the special needs of certain professional orders."

- **20.** Section 139 of the Code is amended by replacing the first paragraph by the following paragraph:
- "**139.** The senior chair, in collaboration with the chair and 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."
- **21.** Sections 143.1 to 143.4 and 154 of the Code are amended by striking out all occurrences of "or substitute chair".

- **22.** Section 149.1 of the Code is replaced by the following section:
- **"149.1.** A syndic may, by way of a complaint, seize the disciplinary council
- (1) of any decision of a Canadian court finding a professional guilty of a criminal offence,
- (2) of any decision made in Québec finding a professional guilty of an offence under section 188 or of an offence under a provision of a Québec or a federal Act, or
- (3) of any decision made outside Québec finding a professional 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.

The decision referred to in the first paragraph must, in the opinion of the syndic, be related to the practice of the profession.

A certified copy of the judicial decision is proof before the disciplinary council that the offence was committed and that any facts reported in the decision are true. The disciplinary council then imposes on the professional, where expedient, one or more of the sanctions prescribed by section 156."

- **23.** Section 151 of the Code is amended
 - (1) by striking out "or substitute chair" in the third paragraph;
- (2) by replacing "referred to in section 138" in the fourth paragraph by "appointed by the board of directors of the order";
- (3) by replacing "revised by the chair of the disciplinary council" in the fifth paragraph by "revised by the senior chair or the deputy senior chair";
- (4) by replacing the last sentence of the fifth paragraph by the following sentence: "The decision concerning the revision of the list is not subject to appeal."
- **24.** Section 159 of the Code is amended by replacing "without delay" in the first paragraph by "as soon as possible".
- **25.** Section 161 of the Code is amended by inserting "The secretary must send a copy of the petition to the senior chair as soon as possible." after "restriction or suspension." in the first paragraph.
- **26.** Section 164 of the Code is amended
 - (1) by striking out subparagraph 2 of the first paragraph;

- (2) by striking out the third paragraph;
- (3) by striking out "or the motion for leave to appeal, as the case may be" in the fourth paragraph;
- (4) by striking out "or the decision of the tribunal granting leave to appeal" in the fifth paragraph.
- **27.** Section 184.3 of the Code is replaced by the following section:
- **"184.3.** The Office may, by regulation and after consultation with the Bureau and the Québec Interprofessional Council, adopt rules of evidence and practice for the conduct of proceedings relating to complaints lodged with the disciplinary councils."
- **28.** Section 188.2.1 of the Code is amended
- (1) by replacing "the code of ethics is contravened" by "during which the contravention continues";
 - (2) by inserting "section 59.1, 59.1.1 or 59.2 or" after "contravene".
- **29.** Section 193 of the Code is amended by inserting "the senior chair, the deputy senior chair," at the beginning of paragraph 4.
- **30.** Section 197 of the Code is amended by inserting "Division VII of Chapter IV and" after "with the application of" in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

31. The term of the disciplinary council chairs of professional orders, the substitute chairs and the replacement chair in office on the date preceding the date of coming into force of this section ends on the date of coming into force of this section.

A chair may, however, continue in office on the same conditions to conclude cases the chair has begun to hear but has not yet decided.

The decision on conviction and, if applicable, on the penalty must be rendered before the date that is six months after the date of coming into force of this section. Failure to observe that time limit causes the matter to be withdrawn from the chair unless the senior chair decides to extend the time limit.

If a matter is withdrawn from a chair or if a chair decides not to continue to exercise the functions of office, the senior chair must designate a new chair as soon as possible to hear the complaint, whatever stage the hearing has reached.

The rules set out in the second, third and fourth paragraphs of section 118.5 of the Professional Code (chapter C-26), as enacted by section 8, apply to the continuance of the hearing in such a case.

32. A person who, on the date preceding the date of coming into force of this section, was continuing to hear a complaint under section 118.3 of the Professional Code or the third paragraph of section 119 of that Code may, on the same conditions, with the authorization of the senior chair and for the period the senior chair determines, continue to hear the complaint and render a decision. Failure to observe the prescribed time limit causes the matter to be withdrawn from the chair unless the senior chair decides to extend the time limit.

The fourth and fifth paragraphs of section 31 apply, with the necessary modifications, in such a case.

33. Where a disciplinary council chair had begun to hear a complaint before 12 June 2013 and, before or after that date and before the coming into force of section 8, the matter is withdrawn from that chair under the third paragraph of section 118.3 of the Professional Code and the new chair is designated before the decision on the conviction has been rendered, the disciplinary council may, without a new division being formed and with the consent of the parties, continue the proceeding and rely on the evidence already filed.

Where the chair is designated after the decision on the conviction is rendered, the disciplinary council continues the proceeding at the stage of the penalty hearing. The penalty hearing is governed by the same rules for evidence already filed as those set out in the first paragraph.

Where the decision on the conviction was handed down at the hearing but not recorded in writing before the matter was withdrawn from the chair, the replacement chair, together with at least one other disciplinary council member, may sign the minutes of the proceeding if it contains the reasons for the decision. The decision is presumed to be in compliance with section 154 of the Professional Code in such a case.

- **34.** The first code of ethics established by the Government under section 117.2 of the Professional Code, as enacted by section 5, is adopted without consulting the Bureau des présidents des conseils de discipline.
- **35.** The first rules of evidence and practice adopted by the Office des professions du Québec under section 184.3 of the Professional Code, as amended by section 27, are adopted without consulting the Bureau des présidents des conseils de discipline.
- **36.** The provisions of this Act come into force on the date or dates to be set by the Government, except section 2, section 3 to the extent that it concerns section 115.2 of the Professional Code, insofar as that section refers to the

selection procedure for chairs, and sections 115.3 and 115.5 of the Code, section 5 to the extent that it concerns sections 117.2 and 117.3 of the Code, and sections 22, 26, 27, 28 and 33 to 35, which come into force on 12 June 2013.

Regulations and other Acts

Gouvernement du Québec

O.C. 896-2013, 29 August 2013

Act respecting the distribution of financial products and services (chapter D-9.2)

Fees and contributions payable

—Amendment

Regulation to amend the Regulation respecting fees and contributions payable

WHEREAS, under section 225 of the Act respecting the distribution of financial products and services (chapter D-9.2), the Autorité des marchés financiers shall, by regulation, determine for each sector the fees payable for registration and the annual fees payable to maintain registration. In the case of a firm or an independent partnership, the fees shall be determined on the basis of the number of establishments the firm or partnership maintains or proposes to maintain in Québec, the number of representatives through whom it pursues or proposes to pursue its activities, and any other criteria the Authority considers relevant;

WHEREAS, under section 226 of the Act, the Autorité des marchés financiers shall, by regulation, determine the fees payable for any formality or other measure prescribed by this Act or the regulations, and the charges for the goods and services provided by the Authority;

WHEREAS, under section 278 of the Act, the Autorité des marchés financiers shall determine, by regulation, the amount of the contribution to be paid by each firm, independent representative and independent partnership, on the basis of the risk presented by each sector or class of sectors and any other criteria it considers relevant, and, in the event of insufficient assets, the contribution must be determined so as to make up the insufficiency over a maximum period of five years;

WHEREAS, under the second paragraph of section 217 of the Act, a regulation made by the Autorité des marchés financiers under, in particular, sections 225, 226 and 278 of the Act must be submitted to the Government for approval with or without amendment;

WHEREAS the Autorité des marchés financiers made the Regulation to amend the Regulation respecting fees and contributions payable by decision No. 2013-PDG-0028 dated 12 March 2013; WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting fees and contributions payable was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2013, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting fees and contributions payable, attached to this Order in Council, be approved.

JEAN ST-GELAIS, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fees and contributions payable

An Act respecting the distribution of financial products and services (chapter D-9.2, ss. 225, 226 and 278)

- **1.** Section 3.1. of the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9) is amended by deleting the third paragraph.
- **2.** Sections 4 and 5 of the Regulation are repealed.
- **3.** Section 6 of the Regulation is amended:
 - (1) by deleting the word "other" in the first paragraph;
 - (2) by deleting the second paragraph.
- **4.** The Regulation is amended by inserting the following after section 6:
- **"6.1.** The fees payable for an application for recognition of equivalence of minimum qualifications are \$35.
- **6.2.** The fees payable for an application for recognition of a privately tutored course are \$200.

6.3. The fees payable for an application for recognition of courses referred to in the second paragraph of section 14 of the Regulation respecting the issuance and renewal of representatives' certificates (chapter D-9.2, r. 7) provided by a training body not subsidized by the Ministère de l'Éducation, du Loisir et du Sport are \$200.

In the case of an application for recognition of a training program, the fees payable are \$200 for each course corresponding to the competencies evaluated by the examinations prescribed by the Authority and \$100 per hour for an analysis of additional documents.

- **6.4.** The fees payable for an application to analyze the qualifications of a supervisor are \$35.".
- **5.** Section 7.1. of the Regulation is repealed.
- **6.** Section 10 of the Regulation is replaced by the following:
- **"10.** The fees payable for the examinations prescribed by the Authority are:
 - (1) \$66 to determine eligibility;
 - (2) \$134 to register for the examinations in each sector;
- (3) \$40 for each application to review examination results.".
- **7.** The Regulation is amended by inserting the following after section 10:
- **"10.1.** The fees payable to postpone an examination prescribed by the Authority are \$66 where the application to postpone an examination is received by the Authority at least 5 working days preceding the date chosen for the examination session if the examinations are scheduled over a period of 90 days and the postponement date falls within this period;
- **"10.2.** The fees payable to disclose information in writing to a third party with the authorization of a candidate are \$24.

The situations contemplated for such a disclosure are set out in the forms prescribed by the Authority.".

8. Section 11 of the Regulation is amended by inserting after the words "are \$29" the words "and those for the issuance of a probationary certificate are \$29.".

- **9.** Section 12 of the Regulation is replaced by the following:
- **"12.** The cost of a training manual sold by the Authority is \$79.

However, the cost of a manual reproducing the legislation applicable to the activities of a representative is \$25.".

- **10.** Sections 13 and 14 of the Regulation are repealed.
- **11.** Sections 16 to 19 of the Regulation are repealed.
- **12.** Section 20 of the Regulation is replaced by the following:
- **"20.** The fees payable for the printing or reproduction by the Authority of prescribed forms are \$1 per form.".
- **13.** Sections 21 and 22 of the Regulation are repealed.
- **14.** The Regulation is amended by inserting the following after section 28:
- **"28.1.** The fees and contributions provided for in this Regulation are non-refundable.".
- **15.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 899-2013, 29 August 2013

Professional Code (chapter C-26)

Specialist's certificates of professional orders—Diplomas issued by designated educational institutions which give access to permits or specialist's certificates

_Amendment

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

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in

accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Professional Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Higher Education, Research, Science and Technology;

WHEREAS the Office carried out the required consultation:

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of 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 was published in Part 2 of the *Gazette officielle du Québec* of 20 March 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government obtained the advice of the Office and that of the Ordre professionnel de la physiothérapie du Québec;

WHEREAS it is expedient to make the Regulation without amendment;

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

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, attached to this Order in Council, be made.

JEAN ST-GELAIS, Clerk of the Conseil exécutif

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 (chapter C-26, s. 184)

- **1.** The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended by replacing "and Matane" by ", Matane, Beauce-Appalaches and Thetford".
- **2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2944

Gouvernement du Québec

O.C. 900-2013, 29 August 2013

Professional Code (chapter C-26)

Physicians

— Certain professional activities that may be engaged in orthopedics by persons other than physicians

Regulation respecting certain professional activities that may be engaged in orthopedics by persons other than physicians

WHEREAS, under paragraph h of section 94 of the Professional Code (chapter C-26), the board of directors 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 of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the board of directors of the Collège des médecins du Québec made, on 7 December 2012, the Regulation respecting certain professional activities that may be engaged in orthopedics by persons other than physicians; WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors 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 (chapter R-18.1), a draft of the Regulation respecting certain professional activities that may be engaged in orthopedics by persons other than physicians was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2013 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 submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting certain professional activities that may be engaged in orthopedics by persons other than physicians, attached to this Order in Council, be approved.

JEAN ST-GELAIS, Clerk of the Conseil exécutif

Regulation respecting certain professional activities that may be engaged in orthopedics by persons other than physicians

Professional Code (chapter C-26, s. 94, par. *h*)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that may be engaged in by an orthopedic technician, a nursing assistant or other persons, and the terms and conditions on which such persons may engage in such activities.

2. In this Regulation, "orthopedic technician" means a person who has completed college-level training in the "Orthopedic Orthotic and Prosthetic Technology" program or has obtained equivalence of such training pursuant to the Regulation respecting equivalence standards for the issuing of permits by the Ordre professionnel des technologues professionnels (chapter C-26, r. 262) and is a member of the Ordre des technologues professionnels du Québec.

DIVISION IIORTHOPEDIC TECHNICIAN

- **3.** An orthopedic technician may, based on a prescription, engage in the following professional activities:
- (1) apply, adjust, remove and repair a plaster or fibre-glass cast;
 - (2) make, apply, adjust and remove splints;
 - (3) install a brace for legs, shoulders, back or neck;
- (4) adjust orthopedic appliances and ambulatory devices:
- (5) provide care and treatment for wounds and skin disfigurements as part of a medical or nursing treatment plan;
- (6) provide technical assistance to a physician during minor orthopedic surgical intervention, with or without anesthesia:
 - (7) remove sutures and staples;
- (8) contribute to the evaluation of an immobilized patient as part of management of the patient's condition.
- **4.** In order to engage in the activities referred to in section 3, an orthopedic technician must successfully complete complementary training of 25 hours involving
- (1) the technician's contribution to the medical or nursing treatment plan;
 - (2) skin anatomy and physiology;
 - (3) the scarring process;
 - (4) factors detrimental to scarring;
 - (5) the principles of asepsis;
 - (6) the principles of wound cleaning;

- (7) types of wounds associated with immobilizations;
- (8) products and bandages used in the context of immobilizations; and
 - (9) techniques for removing sutures and staples.

Such training may have been completed in the training program referred to in section 2.

- **5.** A person registered in a program leading to an orthopedic technician diploma, a candidate who must complete a program of study, courses, training periods or examinations for the purposes of equivalence recognition or a person who is completing complementary training in accordance with section 4 may engage in the activities provided for in section 3 if
- (1) the person engages in the activities in the presence of an orthopedic technician, a nurse or a physician; and
- (2) the activities engaged in are required for the purpose of completing the program or training or obtaining equivalence.

DIVISION III

NURSING ASSISTANT

- **6.** A nursing assistant may, based on a prescription, engage in the following professional activities:
- (1) apply, adjust, remove and repair a plaster or fibreglass cast;
 - (2) apply, adjust and remove splints;
- (3) adjust orthopedic appliances and ambulatory devices.
- **7.** In order to engage in the activities referred to in section 6, a nursing assistant must successfully complete the supplementary training program "Immobilisations plâtrées pour infirmières et infirmiers auxiliaires" given by a hospital centre approved by the Minister of Health and Social Services, including
- (1) 21 days of plaster cast immobilization training consisting of 9 modules, totalling 90 hours and covering theoretical concepts, learning exercises, the development of clinical laboratory skills and clinical supervision involving
 - (a) the legal framework;
- (b) the anatomy and physiology of musculoskeletal, neurovascular and tegumentary systems;

- (c) the types of fracture;
- (d) scarring;
- (e) the main plaster immobilizations and splints;
- (f) the installation and removal of plaster cast immobilizations and splints;
 - (g) orthopedic devices and ambulatory devices;
- (h) the signs and symptoms associated to various complications and risks of plaster casts and splints;
 - (i) major recommendations to the patient;
 - (j) the role of the interdisciplinary team; and
 - (k) the documentation in the clinical record;
- (2) pass a written examination on the training elements described in subparagraph 1;
- (3) successfully apply 3 types of immobilizations selected by the hospital centre that provides the training.

A nursing assistant who successfully completes the training program referred to in the first paragraph obtains an attestation from the nursing branch of the hospital centre that provided the training.

DIVISION IV OTHER PERSONS

- **8.** A person who, on 11 June 1980, was qualified to act as employee or orthopedic technician under the collective agreements then in force in Québec, may install, adjust, remove and repair plaster casts with an individual prescription.
- **9.** A person to whom sections 6 and 8 do not apply and who, on 26 September 2013, engaged in one or more of the activities referred to in section 6 based on a prescription is authorized to continue to engage in the activities.
- **10.** This Regulation replaces the Regulation respecting a professional activity which may be performed by an employee or an orthopedic technician (chapter M-9, r. 9).
- **11.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2945

Gouvernement du Québec

O.C. 902-2013, 29 August 2013

Automobile Insurance Act (chapter A-25)

Reimbursement of certain expenses —Amendment

Regulation to amend the Regulation respecting the reimbursement of certain expenses

WHEREAS, under paragraph 15 of section 195 of the Automobile Insurance Act (chapter A-25), the Société de l'assurance automobile du Québec may make regulations to determine the cases and conditions entitling a person to the reimbursement of the expenses referred to in section 83.2 of the Act and to fix the maximum amount thereof:

WHEREAS, under the second paragraph of section 83.2 of the Act, the victim is entitled, in the cases and on the conditions prescribed by regulation, to the reimbursement of expenses determined by regulation of the Société;

WHEREAS the Société made the Regulation to amend the Regulation respecting the reimbursement of certain expenses at the sitting of the board of directors on 14 June 2012;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the reimbursement of certain expenses was published in Part 2 of the *Gazette officielle du Québec* of 27 February 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 197 of the Automobile Insurance Act, regulations of the Société must be approved by the Government, except those made under sections 151 to 151.3 and 195.1 of that Act;

WHEREAS it is expedient to approve the Regulation without amendment:

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

THAT the Regulation to amend the Regulation respecting the reimbursement of certain expenses, attached to this Order in Council, be approved.

JEAN ST-GELAIS, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the reimbursement of certain expenses

Automobile Insurance Act (chapter A-25, s. 195, par. 15)

- **1.** The Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14) is amended in section 8 by replacing "\$65" in the second paragraph by "\$86.60".
- **2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2946

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife (chapter C-61.1)

Hunting activities —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting hunting activities, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends certain standards concerning the conditions on which a person may use another person's hunting licence. It also makes an amendment to safety standards with respect to shooting from a road in a hunting area. Lastly, it amends certain regulatory references that are no longer correct.

Study of the matter has shown no negative impact on hunters and hunting businesses.

Further information on the draft Regulation may be obtained by contacting Gaétan Roy, Direction de la réglementation, de la tarification et des permis, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2e étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7394; fax: 418 646-5179; email: gaetan.roy@mrn.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Nathalie Camden, Assistant Deputy Minister for Wildlife, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 675, boulevard René-Lévesque Est, 30° étage, Québec (Québec) G1R 5V7; telephone: 418 521-3860; fax: 418 643-9990; email: nathalie.camden@mddefp.gouv.qc.ca

YVES-FRANÇOIS BLANCHET, Minister of Sustainable Development, Environment, Wildlife and Parks

Regulation to amend the Regulation respecting hunting activities

An Act respecting the conservation and development of wildlife (chapter C-61.1, ss. 55 and 162, pars. 16 and 18)

- **1.** The Regulation respecting hunting activities (chapter C-61.1, r. 1) is amended in section 7.2.0.1 by replacing "section 10" in the first paragraph by "section 13.1 of the Regulation respecting hunting".
- **2.** The following is inserted after section 7.2.0.1:
- "7.2.0.2. Subject to sections 7.2.1 to 7.3, a person aged between 12 and 24 years of age, referred to in section 7.1 or 7.2, may not use the hunting licence of a holder 18 years of age or older if that person holds a hunting licence for the same species."
- **3.** Section 7.2.1 is amended by inserting ", in controlled zones listed in Schedule I" in the part preceding paragraph 1 after "in outfitting operations with exclusive rights".
- **4.** Section 7.2.4 is amended by replacing "referred to in paragraph *a* of section 2 of Schedule I to that Regulation who has killed a white-tailed deer" in the part preceding paragraph 1 by "referred to in paragraph *a*, *b* or *d* of section 2 of Schedule I to that Regulation, who has reached the bag limit attached to that licence".
- **5.** Section 15 is amended by replacing "in the municipalities of the regional county municipalities of Avignon and Bonaventure" at the end of the fourth paragraph by "in the parts of territory of the municipalities of the regional county municipality of Avignon that are included in Area 1 and in the municipalities of the regional county municipality of Bonaventure".
- **6.** Section 19 is amended by replacing "section 10" in the second paragraph by "section 13.1 of the Regulation respecting hunting".
- **7.** The Regulation is amended by inserting the appended Schedule I.
- **8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I

(s. 7.2.1)

Bras-Coupé-Désert controlled zone;

Maganasipi controlled zone;

Pontiac controlled zone;

Rapides-des-Joachims controlled zone;

Restigo controlled zone;

Saint-Patrice controlled zone;

Jaro controlled zone, including the territory referred to in Schedule CCI of the Regulation respecting hunting.

2940

Draft Regulation

Professional Code (chapter C-26)

Disciplinary council — Recruitment procedure for disciplinary council chairs

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation defines the terms and conditions governing the procedure for the selection and recruitment of disciplinary council chairs of professional orders.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10° étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to interested persons, departments and bodies.

BERTRAND ST-ARNAUD, Minister of Justice

Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders

Professional Code (chapter C-26, s. 115.2)

DIVISION I

SCOPE

1. This Regulation determines the terms and conditions governing the procedure for the recruitment and selection of disciplinary council chairs of professional orders.

DIVISION II

NOTICE OF RECRUITMENT

2. The Minister of Justice, taking into account the needs of the Bureau des présidents des conseils de discipline, requests the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to launch a competition and to publish in various daily newspapers circulated in Québec and in the Journal du Barreau, on the website of the Ministère de la Justice and on the website of the Office des professions du Québec a notice of recruitment inviting any person to submit his or her candidacy for the position of disciplinary council chair of professional orders.

3. The notice of recruitment

- (1) gives a summary description of the position of disciplinary council chair;
- (2) indicates the main place where the person will hold the position;
- (3) specifies the eligibility requirements and selection criteria as well as the particular professional, training or experience requirements sought given the needs of the Bureau;
- (4) provides for the obligation for interested persons to submit their candidacy to the selection committee using the registration form provided in Schedule A, and to provide the documents needed in support of a candidacy; and
- (5) indicates the closing date for submitting candidacies and the address to which they are to be sent.

DIVISION IIICANDIDACY

4. A person wishing to submit his or her candidacy for the position of disciplinary council chair must, not later than the date indicated in the notice, send the selection committee the registration form provided in Schedule A duly completed, as well as proof that the person is entered on the roll of the Order of Advocates.

In addition, the person must

- (1) consent to verifications to be made concerning the candidate with any disciplinary body, any professional order, employers or partners during the last 10 years, police authorities and credit agencies;
- (2) undertake to preserve the confidentiality of the filing of the candidate's candidacy and that of any decision made in respect of the candidacy; and
- (3) undertake not to exert directly or indirectly any influence on his or her appointment to the position.

Paper documents sent by mail are presumed received by the selection committee on the date of mailing. Technology-based documents are presumed received by the selection committee when they become accessible at the address of the committee, as provided for in section 31 of the Act to establish a legal framework for information technology (chapter C-1.1).

- **5.** A candidate's file received after the closing date indicated in the notice is returned to the candidate by the selection committee and the candidate is then deemed not to have applied.
- **6.** Members of the selection committee may not submit their candidacy for the position of disciplinary council chair during their term and for 1 year following the filing of the report of the selection committee.

DIVISION IVSELECTION COMMITTEE

- **7.** Following publication of the notice of recruitment, the Minister requests the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to set up a selection committee. The committee is composed of
- (1) a person who has already sat on a disciplinary council of a professional order or of a person who has already exercised adjudicative functions, designated by the Minister of Justice;
 - (2) an advocate designated by the Barreau du Québec;

(3) a person designated by the Office des professions du Québec, who is neither disciplinary council chair nor a member of the Barreau du Québec or the Chambre des notaires du Québec.

The person designated by the Minister of Justice in accordance with subparagraph 1 of the first paragraph acts as chair of the selection committee.

8. The committee's mandate is to

- (1) examine the files of the candidates who have responded to the notice of recruitment in order to identify those who meet the eligibility requirements in the notice and to convoke them; and
- (2) select the persons qualified to hold the position of disciplinary council chair.

The committee must, inasmuch as possible, consider, in the performance of the mandate, the Government's desire to reach gender parity and ensure the representation of cultural communities among the disciplinary council chairs.

9. Members of the selection committee must take an oath of discretion solemnly declaring that they will neither disclose nor make known to anyone, without due authorization, any information that comes to their knowledge in the carrying out of their mandate. The writing evidencing the oath is sent to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif.

In addition, they must take the measures required to ensure the confidentiality of the information referred to in section 19.

- **10.** A committee member whose impartiality could be questioned must withdraw with respect to a candidate, in particular if
 - (1) the member is or was the candidate's spouse;
- (2) the member is related to the candidate by blood or marriage to the degree of first cousin inclusively; or
- (3) the member is a partner, employer, immediate superior or employee of the candidate or was such a partner, employer, immediate superior or employee in the last 5 years.

A member must immediately bring to the attention of the chair of the committee any fact to justify reasonable apprehension of bias. A candidate may bring a ground for disqualification of one of its members to the attention of the committee that assesses his or her candidacy.

- **11.** If a committee member has withdrawn or is absent or unable to act, the decision is made by the other members.
- **12.** Travel and lodging expenses of the committee members are reimbursed in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, made by Order in Council 2500-1983 dated 30 November and its subsequent amendments.

In addition to the reimbursement of their expenses, the chair and the committee members who are not employees of a government department or body are entitled respectively to fees of \$250 or \$200 per half-day of sitting of the committee or per half-day of training activities. However, a committee member who is retired from the public sector as defined in the Schedule to the Regulation respecting the ethics and professional conduct of public office holders (chapter M-30, r. 1), receives the fees less an amount corresponding to half the retirement pension received by the committee member from the public sector.

DIVISION V OPERATION OF THE SELECTION COMMITTEE

13. The chair of the selection committee decides every question relating to the operation, work and report of the committee, including those relating to the application of section 10.

The chair informs the eligible candidates of the date and place of their meeting with the committee and informs the other candidates that they were turned down and will not be called to a meeting.

The chair may exceptionally authorize, instead of a meeting, the holding of an interview by videoconference or by any other means that allow participants to see and hear each other outside each other's presence.

DIVISION VI SELECTION CRITERIA

- **14.** The committee assesses a candidacy for the position of disciplinary council chair by considering the following criteria:
 - (1) the candidate's competencies, including
- (a) personal and intellectual qualities, integrity, knowledge and general experience;

- (b) knowledge of the law and experience in the areas of law in which the candidate will hold the position; and
- (c) judgment, insight, level-headedness, ability to set priorities and to render a decision within a reasonable time, and quality of expression;
- (2) the candidate's conception of the position and motivation for the position;
 - (3) the candidate's professional experience.

DIVISION VIIREPORT OF THE SELECTION COMMITTEE

15. In order for the Minister to make a recommendation to the Government, the selection committee prepares a report in which the names of the persons declared qualified to hold the position of disciplinary council chair are indicated. Inasmuch as possible, the number of persons declared qualified must be greater than the number of positions to be filled.

In its report, the committee indicates any comment the committee considers appropriate, especially with respect to the personal qualities or particular competencies of the proposed candidates.

No political affiliation may be considered by the committee when assessing the candidacies and making a report of persons declared qualified to the Minister or by the Minister when choosing a candidate to be recommended to the Government.

- **16.** The chair of the committee gives the report to the Minister and to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif. The chair also gives the Associate Secretary General all the documents held by the committee.
- **17.** The Associate Secretary General informs in writing the persons who have been declared qualified to hold the position of disciplinary council chair as well as the persons who have not.

DIVISION VIIIMISCELLANEOUS

18. As soon as the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif is notified of a vacant position, the Associate Secretary General forwards a copy of the updated list of persons declared qualified to the Minister.

Where the Minister is of the opinion that, in the interest of justice, he or she cannot recommend to the Government the appointment of any of the persons on the list, the Minister must then ask the Associate Secretary General to have a notice of recruitment published, in accordance with Division II.

The committee in charge of evaluating the aptitude of the persons whose candidacy is submitted following another notice of recruitment and in charge of reporting to the Associate Secretary General and to the Minister may be composed of persons previously designated to sit on a preceding committee.

- **19.** The names of the candidates for the position of disciplinary council chair, the report of the selection committee, the list of persons declared qualified and any information and document relating to a candidacy are confidential.
- **20.** The Associate Secretary General keeps the register of declarations of aptitude up-to-date and enters therein the list of the persons declared qualified to hold the position of disciplinary council chair.

The declaration of aptitude is valid for a period of 3 years from the date it is entered in the register.

The Associate Secretary General strikes out an entry on the expiry of the validity period of the declaration of aptitude or when the person is appointed disciplinary council chair, dies or asks to be withdrawn from the register.

- **21.** The Minister files on the website of the Ministère de la Justice, for each year during which the Government appoints disciplinary council chairs, a report containing an analysis of the appointments made considering the representation of men and women, and cultural communities.
- **22.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette* officielle du Québec.

SCHEDULE A

(ss. 3 and 4)

RECRUITMENT OF PERSONS QUALIFIED TO BE APPOINTED DISCIPLINARY COUNCIL CHAIRS OF PROFESSIONAL ORDERS

Registration form under the Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders

CANDIDATE'S FILE

NOTICE: The documents and information relating to your candidacy are treated in a confidential manner

1	Identity Circums					
Surn	Surname Given name					
2	Contact informati	on and various	information (please complete Schee	dule I)		
3	Nature of activities Schedule II)	es engaged in tl	nat enabled you to acquire th	e required relevant e	xperience (please complete	
4	Consultations pro	vided for in sec	tion 4 of the Regulation			
	se designate any pe archical superior	erson who, durin	g the last ten (10) years, was y	our employer, partner	, immediate superior or	
	Name	Title or position held	Organization	Address	Telephone	
Please identify any legal person, partnership or professional association of which you are or were a member during the last ten (10) years						
	Name Address Telephone					
5 Declaration under section 4 of the Regulation (please complete Schedule III)						
6	Summary of the reasons for your interest in holding the position of disciplinary council chair of professional orders (please complete Schedule IV)					

7	Certification and consent			
	tify that the information provided is complete and in keeping with the truth. I understand that a false statement may entail tion of my candidacy.			
I authorize the selection committee or the persons mandated for that purpose to carry out the verifications deemed necessary.				
	(Signature) (Date)			

Send the form duly signed, Schedules I to IV and the other required documents to:

SECRÉTARIAT DU COMITÉ DE SÉLECTION (OPQ)
Direction des services administratifs
Office des professions du Québec

800, place D'Youville, 10e étage Québec (Québec) G1R 5Z3

For information: (418) 643-6912, extension 311

SCHEDULE I Contact information and various information

SURNAME	GIVEN NAME	Reserved for secretariat
A Contact information		
♣ Home telephone: () ♣ Fax at home: () ♣ Email: ♠ ♣ Home address:	 ■ Work telephone: () ■ Fax at work: () ● Email: ■ Address at work: 	
) · · · · · · · · · · · · · · · · · · ·	y in the file and used, if need be, for statistical purposes in conn	ection with equal
Date of birth: Country of birth:		Other(s)
Sex: Female Male Do you consider yourself a member of a visible minority? Yes No	Spoken language(s): French English (specify below)	Other(s)
Do you consider yourself a Native person (Amerindi or Inuit)? Yes No No Do you have permanent limitations that affect the performance of daily life activities? No Yes (specify) \(\sqrt{Yes} \)	written language(s): French English (specify below) In what language are you able to hear and pr	Other(s)
Tes (specify)	hearing and conciliation session: French English Other(s) (specif	

Years of practice as an advocate (eligibility requirement set out in section 115.3 of the Professional Code (chapter C-26))					
Number of years	Number of years of practice as advocate: Year and month of admission to the Barreau du Québec:				
	hip with the Barreau du Québec: (attach	proof to th	is document)		
Membership car	rd of the BQ 🗌				
Attestation from Not entered on	the BQ	(If so, give	e reasons)		
Membership wit	th other professional orders	Yes	le, indicate orders)		
D Academic training (please begin with the last diploma obtained; <u>attach attestations of studies</u>)					
Year	Institution		Diploma obtained/field		

SCHEDULE II

Description of activities through which you acquired the required relevant experience

SURNAME			GIVEN NAME
A	Work experience		·
the ti			test and giving the period of time covered by each experience, the activities, as well as the legal field(s) practised during the
Date begir	of nning:	Date of end:	Title of position:
Emp	loyer:		
Lega	l field related to that emplo	yment:	
Desc	ription of activities:		
Date begir	of nning:	Date of end:	Title of position:
Emp	loyer:		
Lega	I field related to that emplo	yment:	
Desc	ription of activities:		

Date of beginning:	Date of end:	Title of position:	
Employer:			
Legal field related to that	employment:		
Description of activities:			
Date of beginning:	Date of end:	Title of position:	
	Date of end:	Title of position:	
beginning:		Title of position:	
beginning: Employer:		Title of position:	
beginning: Employer: Legal field related to that		Title of position:	
beginning: Employer: Legal field related to that		Title of position:	
beginning: Employer: Legal field related to that		Title of position:	
beginning: Employer: Legal field related to that		Title of position:	

SCHEDULE II (cont'd)

Description of activities through which you acquired the required relevant experience

SURNAME			GIVEN NAME
A	Work experience (c	ont'd)	
the t			est and giving the period of time covered by each experience, activities, as well as the legal field or field(s) practised during
Date begi	of nning:	Date of end:	Title of position:
Emp	loyer:		
Lega	l field related to that e	mployment:	
Desc	ription of activities:		
Date begii	of nning:	Date of end:	Title of position:
Emp	loyer:		
Lega	l field related to that e	mployment:	
Desc	ription of activities:		

B Other relevant experience
If you have not practised law for at least ten years since obtaining the certificate of competence to practise the profession of advocate, indicate the nature of the professional activities that allowed you to acquire relevant law experience and the number of years during which the activities were practised.
Professional experience, publications, honorary or academic awards you wish to mention to the committee (please provide a brief description)

SCHEDULE III

Background statement under section 4 of the Regulation respecting the recruitment and selection procedure for disciplinary council chairs of professional orders

A Indictable offence or criminal offence ¹		
Have you been found guilty of an indictable offence or a criminal offence?		
If you have been found guilty of an indictable or criminal offence, please specify the offence in question and the sentence imposed, including any offence for which you have been granted a pardon or rehabilitation ² within the meaning of the <i>Criminal Records Act</i> (Revised Statutes of Canada 1985, chapter C-47):		
Yes No No		
B Penal offence ³		
Have you been found guilty of a penal offence likely to question the integrity or impartiality of the Bureau des présidents des conseils de discipline, of yourself or of disciplinary councils, to interfere with your ability to perform your duties or to ruin the trust of the public in you?		
If you have been found guilty of a penal offence and it is reasonable to believe that it could have the above-mentioned effects, please specify the offence in question and the sentence imposed.		
Yes No No		

Indictable offence or criminal offence means any offence under the Criminal Code or qualified as an offence in any other federal law.

Rehabilitation within the meaning of the *Criminal Records Act* (Revised Statutes of Canada 1985, chapter C-47), formerly called pardon, is a clemency measure that may be granted to a person who has been convicted under a federal law. Therefore, rehabilitation is only possible in respect of an offence under the *Criminal Code* or another federal penal law.

Penal offence means any offence, other than a criminal offence, created and penalized under a provincial or federal law or regulation (for example the *Highway Safety Act*).

С	Disciplinary decision		
	Have you been the subject of a complaint before a competent body of the Barreau du Québec or before the Professions Tribunal? (If yes, describe the object of any complaint/attach any relevant document.)		
	Yes No No		
	Have you been the subject of a disciplinary decision rendered by a competent body of the Barreau du Québec or by the Professions Tribunal? (If yes, describe the object of any complaint/attach any relevant document.)		
	Yes No No		

SCHEDULE III (cont'd)

Background statement under section 4 of the *Regulation respecting the recruitment and* selection procedure for disciplinary council chairs of professional orders

C Disciplinary decision (cont'd)			
Have you been the subject of a complaint outside Québec that, if it had been made in Québec, would have been made before a competent body of the Barreau du Québec or by the Professions Tribunal? (If yes, describe the object of any complaint/attach any relevant document.)			
Yes No No			
Have you been the subject of a disciplinary decision rendered outside Québec that, if it had been rendered in Québec, would have had the effect of a decision rendered by a competent body of the Barreau du Québec or by the Professions Tribunal? (If yes, describe the object of any complaint/attach any relevant document.)			
Yes No No			
D Other situations			
Are you or have you been in the last five years in a precarious financial situation? (If yes, explain briefly.)			
Yes No No			

	t may have negative consequences for yourself, for the Bureau for disciplinary councils and that should be disclosed? (If yes,
Y	es No
	with any disciplinary body, any professional order, including the Barreau du police authorities and credit agencies. For that purpose, my date of birth and Social insurance number
Date	Signature
, ,	of my candidacy and that of any decision made in respect of my candidacy. Some or influence on my appointment to the position of disciplinary council my knowledge.
Date	Signature

SCHEDULE IV

Statement of your interest in holding the position of disciplinary council chair of professional orders within the Office des professions du Québec

SURNAME	GIVEN NAME
Please indicate the reasons for your interest in holding the position	n of disciplinary council chair of professional orders.

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Draft Regulation

Supplemental Pension Plans Act (chapter R-15.1)

Funding of certain Gesca Ltée and La Presse, ltée pension plans

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting the funding of certain Gesca Ltée and La Presse, Itée pension plans, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to exempt certain Gesca Ltée and La Presse, Itée pension plans from the application of provisions of the Supplemental Pension Plans Act and prescribe special rules allowing for relief measures for the funding of actuarial deficiencies related to the indexation of benefits. The special funding rules apply to employer contributions to be paid in relation with such deficits for 2012 through 2021; other measures in the Regulation could be applied until the end of 2026.

Further information may be obtained from Mr. Patrick Provost, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Québec (Québec) GIV 4T3 (telephone: 418 657-8703, extension 4484; fax: 418 659-8983; email: patrick.provost@rrq.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is asked to send their comments in writing before the expiry of the 45-day period mentioned above to Mr. Denys Jean, President and Chief Executive Officer of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, Québec (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act.

AGNÈS MALTAIS, Minister of Employment and Social Solidarity

Regulation respecting the funding of certain Gesca Ltée and La Presse, ltée pension plans

Supplemental Pension Plans Act (chapter R-15.1, s. 2, 2nd and 3rd pars.)

DIVISION I

COMPONENTS OF A PENSION PLAN

1. A pension plan referred to in the appendix is composed of two components.

One of the components, called a "past component", is composed of the portion of the liabilities of the plan related to obligations arising from service completed prior to 1 January 2012, and the portion of the assets of the plan corresponding to those liabilities.

The other component, called a "current component", is composed of the remaining liabilities and the assets of the plan.

The pension fund of the plan is therefore distributed between two separate accounts.

2. For the purposes of Chapters X (Solvency and funding), X.1 (Appropriation of surplus assets), XII (Division and merger) and XIII (Rights of members and beneficiaries on winding-up) of the Supplemental Pension Plans Act (chapter R-15.1), the liabilities of the past component and the corresponding account of the pension fund are considered to be separate from the liabilities and the account of the current component.

DIVISION II

EMPLOYER CONTRIBUTIONS TO THE PAST COMPONENt

3. Notwithstanding section 39 of the Act, the employer contribution that the employer must pay into the account of the past component of a pension plan for a fiscal year

ending after 30 December 2012 but no later than the date determined under section 32, corresponds to the sum of the following amounts:

- (1) the amortization payment related to the indexation deficiency, determined in accordance with subdivision 1;
- (2) the basic amortization payment, determined in accordance with subdivision 2;
- (3) the special amortization payments, determined in accordance with subdivision 3, required during the fiscal year;
- (4) the amount considered yield, determined in accordance with subdivision 4, required during the fiscal year.

However, the employer contribution that the employer must pay into the past component of a pension plan registered with the Régie des rentes du Québec under number 7023 cannot be less than the employer contribution determined for the component in accordance with the first paragraph for the fiscal year ending on 31 December 2012 or the amount of the employer contribution determined without applying the special funding rules provided for under this Regulation, whichever is less.

- §1. Amortization payment for the indexation deficiency
- **4.** The amortization payment for the indexation deficiency is determined in respect of the discounted projected indexation deficiency of the past component.
- **5.** As at the date of an actuarial valuation of a pension plan, the discounted projected indexation deficiency of the past component corresponds to the value of the projected indexation deficiency as at 31 December 2026, discounted at a rate which must not exceed 5,5% on the date of the actuarial valuation.

A projected indexation deficiency is determined where, as at the date of the actuarial valuation, the liabilities of the past component adjusted to 31 December 2026 exceed the assets of that same component adjusted to that same date, the latter being calculated, as provided for under sections 6 and 7, such that the projected deficiency that is determined is limited to indexation. The arising from indexation as at 31 December 2026 corresponds to the amount by which the liabilities exceed the assets.

6. As at the date of an actuarial valuation of a pension plan, the projected liabilities of the past component of the pension plan as at 31 December 2026 are obtained by assuming that, between the date of the valuation and 31 December 2026, with regard to solvency liabilities for the past component as at the date of the valuation,

contingencies based on actuarial assumptions as to survival, morbidity, mortality, employee turnover, eligibility for benefits or other factors will occur and by assuming that termination of the plan will occur on 31 December 2026. The actuarial assumptions and methods used shall be consistent with generally accepted actuarial principles and must be suited, in particular, to the type of plan concerned and its obligations.

Moreover, the projected liabilities of the past component as at 31 December 2026, for the part related to the benefits of the members and beneficiaries whose pension would be in payment on that date, are determined using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date of the actuarial valuation. For the part related to the benefits of the other members and beneficiaries, the projected liabilities are determined in accordance with the assumptions and rules referred to in section 67.4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), as they apply on the date of the actuarial valuation.

7. As at the date of the actuarial valuation, the assets of the past component adjusted to 31 December 2026 include the basic amortization payments and the special amortization payments to be paid into the past component until 31 December 2026.

Moreover, the assets of the past component adjusted to 31 December 2026 are determined on the basis of the market value of the assets of that component as at the date of the valuation and by assuming a rate of return that may not exceed 5,5%. That value is adjusted to take into consideration the benefits and other amounts to be paid until 31 December 2026 with respect to the past component, assuming the contingencies in the first paragraph of section 6 will occur.

For the purposes of the second paragraph, a letter of credit provided by the employer under the provisions of section 42.1 of the Act with regard to the past component is included in the market value of the assets of the component as at the date of the valuation. However, the amount of the letter, or the total amount of such letters, is taken into account for that purpose only up to 15% of the value of the liabilities of the component.

- **8.** The monthly amortization payments relating to the discounted projected indexation deficiency of the past component are determined assuming a 5,5% interest rate.
- **9.** Notwithstanding section 142 of the Act, the amortization period for the discounted projected indexation deficiency of the past component begins on the date of the actuarial valuation on which it is determined and ends on 31 December 2026.

§2. Basic amortization payment

- **10.** Notwithstanding the first paragraph of section 1 of this regulation and subject to the provisions of the second paragraph of section 11, the provisions of the Regulation providing temporary relief measures for the funding of solvency deficiencies (chapter R-15.1, r. 3.1) apply with regard to technical actuarial deficiencies of the past component of the pension plan.
- **11.** The basic amortization payment is the total of the amortization payments determined in respect of the technical actuarial deficiencies of the past component of the pension plan.

Notwithstanding section 123 of the Act, for the purpose of determining a technical actuarial deficiency of the past component of a pension plan as at the date of an actuarial valuation:

- (1) the accumulated value, as at that date, of the amortization payments relating to the indexation deficiency for which payment was required up to that date is excluded from the assets of the component; that value is determined using the rate of return of the pension fund;
- (2) the portion of the liabilities relating to the indexation of pensions is excluded from the liabilities of the component.
- *§3. Special amortization payment*
- **12.** Notwithstanding section 132 of the Act, where, further to an amendment made after 30 December 2011 but no later than the date determined in accordance with section 32, an actuarial valuation determines the value of additional obligations of the past component, a special amortization payment is determined.

The payment corresponds to the value of the additional obligations determined on a solvency basis or their value determined on a funding basis, whichever is greater.

The special amortization payment shall be made as soon as the report on the first actuarial valuation to take the amendment into consideration is sent to the Régie. To such payment shall be added accrued interest, if any, from the date of the valuation, calculated at the rate referred to in section 48 of the Act.

For the purposes of the Act, the special amortization payment is considered the special amortization payment provided for under section 132 of the Act.

§4. Amount representing yield

13. An amount representing yield is payable in full to the account of the past component of a pension plan on the day following the date of any actuarial valuation of a pension plan after 30 December 2012. That amount is determined according to the following formula:

A x B, where

"A" represents the total, as at the date of the valuation, of the letters of credit used after 31 December 2011 to relieve the employer from paying an employer contribution to the past component;

"B" represents a weighted average determined by applying both the rate used for the purpose of applying the second paragraph of section 7 to the portion of such an employer contribution allocated to an amortization payment relating to the indexation deficiency, and the interest rates referred to in the second paragraph of section 6 to the other portion of such a contribution.

DIVISION III

SPECIAL MEASURES FOR THE CURRENT COMPONENT

- **14.** The provisions of the Regulation providing temporary relief measures for the funding of solvency deficiencies apply to the current component of a pension plan, notwithstanding the provisions of the first paragraph of section 1 of that Regulation.
- **15.** For the purposes of section 42.1 of the Act with regard to the current component of a pension plan, only the amortization payments determined in respect of the actuarial deficiencies of that component and the special amortization payments for that component are taken into consideration.

DIVISION IV

ACTUARIAL VALUATION REPORT

- *§1.* Contents of the report on the actuarial valuation while section 3 applies
- **16.** For period during which section 3 applies, the actuarial valuation report for a pension plan shall present separately the information related to the past component, provided for under section 17, and the information related to the current component.

Moreover, the report must indicate the surplus amount of any letters of credit allocated, in accordance with section 26, to the employer contribution payable into the current component.

- **17.** With respect to the past component of a pension plan, the actuarial valuation report shall contain
- (1) the information and statements of the actuary provided for in the section of the Canadian Institute of Actuaries' Standards of Practice to which section 4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) refers and the information provided for in paragraphs 1 to 5 of that section;
- (2) the information provided for under section 4.1 of that regulation, the value of the component's assets and liabilities and the value of the portion of the liabilities related to the indexation of pensions, determined without reference to section 6;
- (3) the information required under section 4.3 of that regulation;
- (4) the information required under paragraphs 1, 2, 4 and 5 of section 4.4 of that regulation;
- (5) the information required under paragraphs 1 and 3 of section 4.5 of that regulation;
- (6) the information required under paragraphs 4, 5 and 6 of section 4.6 of that regulation;
- (7) the amount of the discounted projected indexation deficiency, the calculations pertaining to its determination and the monthly payments related to amortization payments to be made until 31 December 2026;
- (8) the amount representing yield and the calculations pertaining to its determination;
- (9) as concerns the pension plans registered with the Régie des rentes du Québec under number 7023, the amount of the employer contribution determined without applying the special funding rules provided for in this Regulation.

Should the actuarial valuation report be transmitted to the Régie without taking into account the information required under the first paragraph, the report shall be amended or replaced.

- *§2.* Contents of the report on the actuarial valuation after the application period for section 3
- **18.** After the application period for section 3, the actuarial valuation report for a pension plan shall present separately the information related to the past component and the information related to the current component.

- **19.** The actuarial valuation report for a pension plan whose date corresponds to the one determined in accordance with section 32 shall mention that the special funding rules for the past component provided for in this Regulation cease to apply to the pension plan as of that date.
- **20.** The actuarial valuation report for a pension plan whose date corresponds to the one determined in accordance with section 33 shall mention that the provisions of this Regulation that provide for two separate components within the plan cease to apply to the pension plan as of that date.

DIVISION VCOMMUNICATIONS

- **21.** The second part of the statement provided for in section 108 of the Act shall mention that, for as long as the plan is composed of two components, the liabilities of the past component and the corresponding account of the pension fund are considered to be separate from the liabilities and the account of the current component for the purposes of the share payable to the spouse.
- **22.** The information that the statements provided for under sections 112 and 113 of the Act must contain is determined for the past component and the current component of the pension plan as though they were separate plans. The information relating to each component shall be presented separately on the statements.

The section of the statements relating to the past component of the pension plan shall also mention that the application period for the special funding rules for the component ends no later than 31 December 2021 and that the funding rules provided for under the Act apply thereafter, so that the solvency actuarial deficiency established at that time can be amortized over the maximum period allowable under the Act.

The statements shall also mention that for the purposes of the payment of the benefits of the members and beneficiaries of the plan – including a payment following plan termination – for as long as the plan is composed of two components, the liabilities of the past component and the corresponding account of the pension fund are considered to be separate from the liabilities and the account of the other component.

23. The Régie may require from a pension committee, from an employer party to a pension plan, from Gesca Ltée or from La Presse, Itée, on the conditions and within the time limits established by the Régie, any document, information or report that it deems necessary for ascertaining

that the requirements imposed by this Regulation are met, particularly concerning the contents of an actuarial valuation report provided for under Division IV.

DIVISION VI

MISCELLANEOUS PROVISIONS

- **24.** The fiscal year of a pension plan corresponds to the calendar year.
- **25.** Notwithstanding the second paragraph of section 118 of the Act, any actuarial valuation provided for under the first paragraph of that section shall be complete.
- **26.** Notwithstanding section 42.1 of the Act, the employer is relieved of paying, in whole or in part, the employer contribution payable to the current component of a pension plan for the fiscal years ending 31 December 2013 and 31 December 2014 by allocating for that purpose the surplus amount of the letters of credit, up to the portion of the employer contribution required after the effective date of this Regulation.

The surplus amount of the letters of credit corresponds to the amount by which the total of any letters of credit provided by the employer in accordance with section 42.1 of the Act prior to the effective date of this Regulation for the purpose of being relieved of paying the portion of the employer contributions required for the fiscal years of the pension plan ending 31 December 2012 and 31 December 2013 exceeds the employer contribution to the past component, determined in accordance with Division II and payable with respect to those fiscal years of the pension plan.

Notwithstanding the third paragraph of section 123 of the Act, the surplus amount of the letters of credit allocated, for the purposes of the first paragraph, to the payment of the employer contribution is considered in its entirety for the purpose of determining the solvency of the current component of the pension plan or, after the date determined in accordance with section 33, the solvency of the pension plan.

- **27.** For the purposes of section 42.1 of the Act with regard to the past component of a pension plan, the employer contribution provided for under section 3 is deemed to be an amortization payment determined in respect of a solvency actuarial deficiency.
- **28.** Notwithstanding section 130 of the Act, no improvement unfunded actuarial liability is determined for an amendment to the past component of a pension plan made before the date determined in accordance with section 32 with regard to the plan.

- **29.** Notwithstanding section 196 of the Act, only the merger of all or part of the assets and liabilities of a pension plan referred to in the appendix may be authorized by the Régie.
- **30.** The provisions of this Regulation apply to a pension plan resulting from the division of a pension plan referred to in the appendix, and whose liabilities include obligations arising from such a pension plan in respect of service completed prior to 1 January 2012.
- **31.** The third paragraph of section 230.0.0.9 of the Act does not apply to the past component of a pension plan, in respect of the contribution to that component for the fiscal years included in the period during which section 3 applies.

DIVISION VII

END OF THE APPLICATION OF THE MEASURES

- **32.** The provisions of Division II and sections 27 and 28 cease to apply to a pension plan on the earlier of the following dates:
- (1) the date of the first actuarial valuation showing that the past component of the plan is solvent;
- (2) the date that corresponds to the end date of a fiscal year of a plan that is fixed in a writing giving instructions to that effect and sent to the pension committee before that date and to the Régie des rentes du Québec by the employer party to the plan;
- (3) the date fixed by the Régie as a condition for authorizing an amendment to the plan to substitute a new employer for the former employer as of that date, where the new employer is neither Gesca Ltée nor La Presse, Itée;
 - (4) 31 December 2021.
- **33.** Sections 1 and 2, the provisions of Division III and sections 21, 22, 24, 25 and 29 cease to apply in respect of a pension plan on the earlier of the following dates:
- (1) the date of the first actuarial valuation showing that the past component of the pension plan is solvent;
- (2) five years from the first of the dates determined with regard to the pension plan pursuant to paragraph 2, 3 or 4 of section 32.
- **34.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Ouébec*. However, it has effect from 31 December 2011.

APPENDIX (s. 1)

Pension plans subject to this Regulation

Number under which the plan is registered with the Régie des rentes du Québec	Plan name on 31 December 2011
7023	Régime complémentaire de retraite des employés de La Presse, Itée assujettis à une convention collective de travail
24460	Régime complémentaire de retraite des gestionnaires et professionnels de La Presse, Itée
26414	Régime complémentaire de retraite des employés de la direction principale de Gesca Ltée
31687	Régime complémentaire de retraite des employés de la haute direction de Gesca Ltée

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 $\label{eq:local_local_local} Index $$Abreviations: A:$ Abrogated, $N:$ New, $M:$ Modified$

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