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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 5 DECEMBER 2014

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 5 December 2014

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

3	An Act to foster the financial health and sustainability of municipal defined benefit pension plans
11	An Act respecting the Société du Plan Nord
15	An Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises
21	An Act respecting mainly the implementation of agreements on labour matters between the Gouvernement du Québec and the Mohawk Council of Kahnawake
23	An Act to amend the Charter of Ville de Montréal as concerns the composition of the executive committee
31	An Act to extend the term of the person designated to temporarily act as Chief Electoral Officer
200	An Act respecting Municipalité de Lac-Simon

201 An Act respecting Ville de Westmount

202 An Act respecting the Régie intermunicipale de valorisation des matières organiques de Beauharnois-Salaberry et de Roussillon

203 An Act respecting the sale of an immovable situated on the La Grave heritage site

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 3
(2014, chapter 15)

An Act to foster the financial health and sustainability of municipal defined benefit pension plans

Introduced 12 June 2014
Passed in principle 1 October 2014
Passed 4 December 2014
Assented to 5 December 2014

Québec Official Publisher
2014

EXPLANATORY NOTES

This Act provides that municipal defined benefit pension plans must be restructured with a view to improving their financial health and ensuring their sustainability.

To that end, pension plans must be amended from 1 January 2014 to provide for the equal sharing of costs and the sharing of future deficiencies for service subsequent to 31 December 2013 between the active members and the municipal body, as well as for the establishment of a stabilization fund. In addition, the current service contribution must not exceed 18% of the overall payroll of the active members or 20% of that of police officers and firefighters. It may be increased to take into account the average age of a pension plan's active members, the rate of representation of women and the plan's funding rate.

The plans must also be amended to provide that deficiencies attributable to members who are active on 1 January 2014, for service accumulated prior to that date, are to be assumed in equal parts by those active members and the municipal body, except if they agree to share the deficiencies in a maximum proportion of 55% for the municipal body and a minimum proportion of 45% for the active members.

The municipal body is also authorized to suspend, from 1 January 2017, the automatic indexation of the pension of members who are retired on 31 December 2013 if the pension plan is not fully funded as at 31 December 2015. The value of the indexation suspension represents half of the deficiencies attributable to those members, unless the value of the indexation is insufficient. However, the municipal body may decide to assume a greater portion, up to 55% of the deficiencies. In addition, priority is to be given to resuming indexation of the pension of those members if the financial situation of the pension plan so allows.

An actuarial valuation must be prepared for each plan as at 31 December 2013.

Various conditions are established regarding the amendments to be made to the plans. In particular, the normal pension accumulated by active members as at 1 January 2014 cannot be amended, except

for certain particulars. Automatic indexation of the pensions of active members is prohibited but an ad hoc indexation may be paid under certain conditions, if a plan's financial situation so allows. Certain rules are set out regarding the funding of any additional obligations of plans.

The Act establishes a restructuring process with a one-year negotiation period, which can be extended for a three-month period, renewable only once. The parties may also resort to conciliation, and if negotiations fail, the dispute is submitted to an arbitrator. The Act provides that the arbitrator's decision must be rendered within six months and sets out the various factors the arbitrator must take into consideration in rendering the decision. In addition, if the plan is fully funded or if its funding rate reaches at least 80% and it shows certain characteristics, the negotiation process may begin at a later date and the agreement between the parties becomes effective on the expiry of the collective agreement or the expiry of any other agreement providing for the pension plan.

Lastly, miscellaneous and transitional provisions are included in order to require municipal bodies to publicly present the financial situation of any pension plans they have established.

Bill 3

AN ACT TO FOSTER THE FINANCIAL HEALTH AND SUSTAINABILITY OF MUNICIPAL DEFINED BENEFIT PENSION PLANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND APPLICATION

1. The purpose of this Act is to require the amendment of any defined benefit pension plan governed by the Supplemental Pension Plans Act (chapter R-15.1) and established by a municipal body, as well as of the Régime de retraite des employés municipaux du Québec, with a view to improving the plans' financial health and ensuring their sustainability.

A process and special rules are provided for restructuring the pension plans.

For the purposes of this Act, a defined benefit-defined contribution pension plan is considered a defined benefit plan. However, only the defined benefit component of such a pension plan is subject to restructuring.

2. For the purposes of this Act, "municipal body" means

(1) a municipality;

(2) any body declared by law to be a mandatary or agent of a municipality and any body whose board of directors is composed in the majority of members of the council of a municipality and whose budget is adopted by that council;

(3) a metropolitan community, an intermunicipal board, a public transit authority, an intermunicipal board of transport and any other public body whose board of directors is composed in the majority of elected municipal officers.

3. Despite the first paragraph of section 1, the Régime complémentaire de retraite pour les employés de la Municipalité de la Baie James is not subject to this Act.

CHAPTER II

RESTRUCTURING OF PENSION PLANS ESTABLISHED BY A MUNICIPAL BODY

DIVISION I

GENERAL PROVISIONS

4. All pension plans subject to this Act must be the subject of a complete actuarial valuation established on the basis of the data as at 31 December 2013.

The report on the actuarial valuation must be sent to the Régie des rentes du Québec (Board) not later than 31 December 2014.

The valuation must be established using the Canadian Institute of Actuaries' 2014 Public Sector Mortality Table (CPM2014Publ), a maximum interest rate of 6%, and the other demographic assumptions from the previous actuarial valuation. The table may be adjusted to take a pension plan's special characteristics into account. The actuarial report must set out the grounds for any such adjustment.

The portion of any deficiency attributable to members who are retired on 31 December 2013 and the portion attributable to members who are active on 1 January 2014 must be presented separately. To determine the portion of the deficiency attributable to each of these groups, plan assets are apportioned in proportion to the liabilities determined on a funding basis. If a plan includes a defined contribution component, the assets and liabilities of that component are not taken into account for the purposes of the apportionment.

Any member who is not receiving a retirement pension is an active member for the purposes of this Act.

5. For the purpose of calculating the portions of the deficiencies attributable to active members, retired members and municipal bodies under this Act, the gains accumulated in the reserve for service prior to 1 January 2014, the amounts accumulated in the stabilization fund for service subsequent to 31 December 2013 and any amounts accumulated in a stabilization fund referred to in section 61 must be subtracted from the deficiencies identified in the actuarial valuation established on the basis of the data as at 31 December 2013, in the actuarial valuation established on the basis of the data as at 31 December 2014 or in the actuarial valuation established on the basis of the data as at 31 December 2015. However, the stabilization fund established in accordance with subparagraph 3 of the first paragraph of section 7 must not be taken into account in the actuarial valuation established on the basis of the data as at 31 December 2015.

6. The amendments the parties agree to make at the end of the restructuring process undertaken in accordance with this chapter must contain separate provisions for service subsequent to 31 December 2013 and for service ending on that date.

DIVISION II

SERVICE SUBSEQUENT TO 31 DECEMBER 2013

7. All pension plans must be amended to provide that, from 1 January 2014,

(1) the current service contribution is to be shared equally between the municipal body and the active members;

(2) any related deficiency is to be assumed in equal parts by the municipal body and the active members, except in the case of pension plans that were not accepting new members after 31 December 2013; and

(3) a stabilization fund, funded by a stabilization contribution shared in equal parts between the municipal body and the active members, and aimed at protecting the plan from adverse deviation likely to affect the plan in the future, is to be established.

Despite subparagraph 1 of the first paragraph, if the active members contribute to the current service contribution in a proportion of 35% or less on 31 December 2013, the plan may be amended to provide for an incremental increase of that proportion, which must reach half of the difference between that proportion and 50% of the current service contribution by not later than 1 January 2017, and 50% of the current service contribution by not later than 1 January 2020.

8. On 1 January 2014, the current service contribution must not exceed 18% of the overall payroll of the active members, as it is defined in the pension plan for the purpose of determining the pension. In the case of police officers and firefighters, the contribution cannot exceed 20%.

However, if the average age of a pension plan's active members is over 45 on 31 December 2013, the maximum proportion of the payroll that the current service contribution may reach under the first paragraph can be increased by 0.6% for each full year of deviation. In addition, a maximum increase of 0.5% is allowed if women make up more than 50% of the active members. In the latter case, the report required under the second paragraph of section 4 must show that the increase is necessary to allow the payment of benefits equivalent to those that would have been paid had it not been for that characteristic. For pension plans whose funding level exceeds 100%, an increase of 0.25% is also allowed for each 1% of the assets that exceeds the value of the obligations with respect to the benefits established at the end of the fiscal year covered by the actuarial valuation established as at 31 December 2013.

If the current service contribution established in the actuarial valuation referred to in the second paragraph of section 4 exceeds the maximum proportion of the payroll that the current service contribution may reach under the first paragraph by more than 4%, the percentage by which that current service contribution exceeds that maximum proportion may be reduced by one half on 1 January 2014 and by the remaining half following the subsequent

complete actuarial valuation. The average age of the active members and the proportion of women shown in that actuarial valuation must be taken into account and the maximum proportion of the payroll readjusted accordingly, if applicable.

The amount representing the difference between the current service contribution paid by the municipal body on 31 December 2013 and the current service contribution payable by the municipal body under this section must be paid as an amortization payment in order to accelerate the reimbursement of the deficiencies described in the third paragraph of section 12.

9. The stabilization contribution provided for in subparagraph 3 of the first paragraph of section 7 represents at least 10% of the current service contribution, established without taking into account any margin for adverse deviation provided for by the Canadian Institute of Actuaries. It is paid in equal parts by the municipal body and the active members into the fund described in that subparagraph from the date of any agreement reached or any decision made by the arbitrator under Chapter IV. Actuarial gains generated from 1 January 2014 must also be paid into the fund.

The required value of the stabilization fund must be calculated in the same manner as the provision for adverse deviation established with respect to the plan's obligations prior to 1 January 2014.

10. The municipal body and the active members may cease to pay the stabilization contribution once the stabilization fund reaches the value calculated under the second paragraph of section 9.

11. No pension plan may provide for automatic indexation of pensions at retirement. However, an ad hoc indexation of pension may be provided for in the event that a surplus defined in the second paragraph of section 19 is identified in an actuarial valuation subsequent to that of 31 December 2013.

Any indexation used to calculate the deferred pension or the normal pension is not subject to the first paragraph.

DIVISION III

SERVICE PRIOR TO 1 JANUARY 2014

§1. — *Members who are active on 1 January 2014*

12. All pension plans must be amended on 1 January 2014 to provide that the active members and the municipal body are to assume, in equal parts, the deficiencies attributable to those members for service accumulated prior to 1 January 2014 and identified as at 31 December 2013. The municipal body and the active members may also agree on an amendment that provides for sharing the deficiencies in a maximum proportion of 55% for the municipal body and a minimum proportion of 45% for the active members.

If a pension plan's membership comprises two or more classes of employees, the deficiencies may be distributed among the classes defined in the pension plan in the manner already agreed on by the active members and the municipal body as soon as a majority of the classes requests it. The pension committee informs the Board of the decision, sends it the data concerning the overall deficiencies and indicates which portion is attributable to each class of employees.

The portion of the deficiencies attributable to the municipal body must be reimbursed over a maximum period of 15 years and the deficiencies cannot be consolidated.

13. No pension plan may provide for automatic indexation of pensions. However, an ad hoc indexation may be provided for in the event that surplus assets defined in the second paragraph of section 19 are identified in an actuarial valuation subsequent to that of 31 December 2013.

Any indexation used to calculate the deferred pension or the normal pension is not subject to the first paragraph.

14. The abolition of the automatic indexation provided for in a pension plan reduces the portion of the deficiencies attributable to the active members. If the abolition of the automatic indexation represents more than the portion of the deficiencies attributable to the active members under the first paragraph of section 12, the surplus amount must be recorded as an actuarial gain in the reserve. Such a gain can only be used for the purpose of an ad hoc pension indexation or, in the absence of such an indexation, for the purposes agreed on by the municipal body and the active members.

If the abolition of the automatic indexation represents less than the portion of the deficiencies attributable to the active members under the first paragraph of section 12 or in the absence of such an indexation, the active members assume the remaining portion through a reduction of their benefits from 1 January 2014, through payment of a contribution representing annually not more than 3% of their payroll, for a maximum period of five years, or through a reduction of their benefits and payment of such a contribution, as provided for in the agreement or by the arbitrator under Chapter IV.

15. Any new deficiency in relation to service prior to 1 January 2014, identified in an actuarial valuation subsequent to 31 December 2013, is borne by the municipal body.

§2. — *Members who are retired on 31 December 2013*

16. The automatic indexation of the pension of members who are retired on 31 December 2013 may be suspended in whole or in part by the municipal body from 1 January 2017 if it is shown in an actuarial valuation established on the basis of the data as at 31 December 2015 that the pension plan is not fully funded. In such a case, the retired members and the municipal body assume

the deficiencies attributable to the retired members in equal parts, except if the municipal body decides to assume a greater portion, up to 55%. If the value of the suspension is greater than the portion of the deficiencies that must be assumed by the retired members, the balance continues to be paid to the retired members in the form of a partial automatic indexation.

If the deficiencies identified in the actuarial valuation established on the basis of the data as at 31 December 2015 are greater than those identified in the actuarial valuation established on the basis of the data as at 31 December 2013, the value of the indexation suspension is based on the latter valuation.

If the automatic indexation of retired members' pensions has been suspended and the surplus assets with respect to service prior to 1 January 2014, defined in the second paragraph of section 19, are identified in an actuarial valuation subsequent to that established on the basis of the data as at 31 December 2015, the pension of the retired members is increased in the year following that actuarial valuation, on the indexation date specified in the pension plan. The increased pension is equal to the pension that would have been paid under the plan had there not been an indexation suspension since the preceding actuarial valuation. If the surplus assets are insufficient to cover the whole increase, the adjustment is to be made on the basis of the surplus available to finance the increase.

If any surplus assets remain after the application of the preceding paragraph, the pension is to be indexed annually, in whole or in part, using the formula in the pension plan on 31 December 2013, until the next complete actuarial valuation, taking into account any partial automatic indexation. At no time may the pension be greater than the pension that would have been paid under the plan if the indexation had not been suspended under this Act.

The indexations under the third and fourth paragraphs must be established at each actuarial valuation subsequent to that established on the basis of the data as at 31 December 2015 if surplus assets defined in the second paragraph of section 19 are identified.

The portion of the deficiencies attributable to the municipal body must be reimbursed over a 15-year period and the deficiencies cannot be consolidated.

Any new deficiency attributable to members who are retired on 31 December 2013, identified in an actuarial valuation subsequent to 31 December 2015, is borne by the municipal body.

17. A municipal body that wishes to avail itself of the first paragraph of section 16 must first inform the retired members of its intention and give them the opportunity to be heard.

To that end, the retired members must be convened to an information meeting organized by the pension committee during which the representatives of the

municipal body must report on the pension plan's situation set out in the actuarial valuation as at 31 December 2015 and on the effort the retired members are being asked to make.

The municipal body sends the Board its decision, with reasons, and a summary of the meeting, for information purposes.

DIVISION IV

IMPLEMENTATION CONDITIONS

18. With respect to active members, a pension plan may provide for the amendment, suspension, abolition or restoration of any benefits, other than the normal pension, from 1 January 2014.

Concerning the normal pension, amendments to the definition of the salary or wages on which that pension is based may be made regarding service prior to 1 January 2014 and service subsequent to 31 December 2013. However, the accrual rate for the normal pension can only be amended for service subsequent to 31 December 2013.

Pensions paid to members who are retired on 31 December 2013 or to their surviving spouse or any other beneficiary under the pension plan cannot be reduced. The same applies to pensions to which spouses and other beneficiaries of members who are retired on 31 December 2013 will be entitled.

The additional pension benefit provided for in section 60.1 of the Supplemental Pension Plans Act must be abolished on 1 January 2014 with respect to active members.

19. The plan must provide that any additional obligation resulting from an amendment to the plan must be paid in full on the day following the date of the actuarial valuation establishing the value of the additional obligation. This value is the higher of the value calculated on a solvency basis and that calculated on a funding basis. Any surplus assets of the pension plan may be allocated to the payment of such an obligation.

The surplus assets represent, with respect to service subsequent to 31 December 2013, the difference between the plan's assets and the sum of its liabilities and the amount corresponding to the prescribed value of the stabilization fund or, with respect to service prior to 1 January 2014, the difference between the plan's assets and the sum of its liabilities and the provision for adverse deviation. The present value of amortization payments relating to the deficiencies referred to in the third paragraph of section 12 or the sixth paragraph of section 16 must be included in the value of the assets.

The amount recorded in the reserve under the first paragraph of section 14 is not taken into account in calculating the surplus assets under the second paragraph.

20. The surplus assets cannot be allocated to the payment of contributions, unless a fiscal rule so requires. The surplus assets must be used separately with respect to service subsequent to 31 December 2013 and to service ending on that date.

For service ending on 31 December 2013, the surplus assets must first be allocated to resuming indexation of the pensions of the members who are retired on 31 December 2013 in accordance with the third and fourth paragraphs of section 16. Once such indexation has resumed, the surplus assets must first be used to constitute a provision equal to the value of the suspended indexation in order to pay an indexation of the pension of the same retired members following subsequent actuarial valuations.

Then, unless the municipal body and the active members have agreed on a different participation and a different order, the surplus assets must be used for the following purposes and in the following order:

(1) constituting a provision in order to pay an ad hoc indexation to active members, if such an indexation was agreed on under section 13;

(2) reimbursing the debts contracted by the pension plan toward the municipal body and the members as at 31 December 2013; and

(3) funding improvements to the pension plan other than an indexation of the pension.

Unless the municipal body and the active members have agreed on a different distribution and a different order, the surplus assets must, with respect to service subsequent to 31 December 2013, be used for the following purposes and in the following order:

(1) paying into the stabilization fund the amounts required, if an ad hoc indexation of pensions with respect to the members has been agreed on; and

(2) funding improvements to the pension plan.

21. Sections 20 and 21 of the Supplemental Pension Plans Act do not apply to an amendment made to a plan under this Act.

CHAPTER III

RESTRUCTURING OF THE RÉGIME DE RETRAITE DES EMPLOYÉS MUNICIPAUX DU QUÉBEC

22. The Régime de retraite des employés municipaux du Québec must be the subject of the actuarial valuation required under section 4.

23. The Régime de retraite des employés municipaux du Québec must be amended to provide that, from 1 January 2015,

(1) the current service contribution is to be shared equally between the municipal body and the active members;

(2) a stabilization fund, funded by a stabilization contribution shared equally between the municipal body and the active members and aimed at protecting the plan from adverse deviation likely to affect the plan in the future, is to be established.

The stabilization contribution provided for in subparagraph 2 of the first paragraph represents 10% of the current service contribution, established without taking into account any margin for adverse deviation provided for by the Canadian Institute of Actuaries. However, it may represent a higher percentage of the current service contribution if the bodies that must approve the amendments to the plan so agree. The contribution is paid into the fund from 1 January 2015. Actuarial gains generated from 1 January 2014 must also be paid into the fund.

The required value of the stabilization fund must be calculated in the same manner as the provision for adverse deviation established with respect to the plan's obligations accumulated as at 31 December 2013.

24. Sections 21, 53 and 68 to 74 of this Act apply to the Régime de retraite des employés municipaux du Québec.

CHAPTER IV

RESTRUCTURING PROCESS FOR PENSION PLANS ESTABLISHED BY A MUNICIPAL BODY

DIVISION I

NEGOTIATIONS

25. Negotiations between municipal bodies and active members must be undertaken not later than 1 February 2015 with a view to reaching an agreement for the amendment of the pension plan in accordance with this Act.

Not later than 15 January 2015, the municipal body sends every association representing active members concerned by the plan a written notice of not less than 8 nor more than 15 days stating the date, time and place its representatives will be ready to meet the association's representatives.

A copy of the notice is sent to the Minister. Failing such a notice, negotiations are deemed to have begun on 1 February 2015.

26. Despite section 25, negotiations between municipal bodies and active members must be undertaken not later than 1 January 2016 with respect to any pension plan provided for by an agreement that was in force on 31 December 2013, is still in force on 5 December 2014 and was entered into between the municipal body and all or some of the plan members, if

(1) the pension plan is fully funded, as shown in the actuarial valuation required under section 4; or

(2) the pension plan's funding rate reaches 80%, as shown in the actuarial valuation required under section 4. Furthermore, the actuarial valuation shows that the current service contribution does not exceed 18% of the active members' payroll or 20% of the payroll of firefighters and police officers as increased under the second paragraph of section 8, or the agreement provides either that past deficiencies are to be shared equally, that current service contributions or future current service deficiencies are to be shared equally or that a stabilization fund funded by a contribution is to be established.

The agreement reached between the parties under Chapter IV becomes effective on the expiry of the collective agreement or of any other agreement providing for the pension plan, unless the parties agree that it will become effective on an earlier date.

However, any provision requiring the automatic indexation of pensions with respect to active members is repealed from 1 January 2014 with respect to service subsequent to 31 December 2013 and service prior to 1 January 2014, in accordance with sections 11 and 13. Indexation of the pensions of members who are retired on 31 December 2013 may be suspended in accordance with Division III of Chapter II.

27. If the active members of a plan are represented by more than one association, negotiations are conducted separately or jointly by those associations in accordance with the usual rules.

28. Negotiations must begin and continue diligently and in good faith in order to reach an agreement within 12 months after they began.

29. At the joint request of the parties, the Minister may extend negotiations by three months. This extension may be renewed only once.

30. If the parties reach an agreement, they send the Minister a notice of agreement.

Likewise, the parties inform the Minister if they are unable to reach an agreement, unless a conciliator has been appointed, in which case the notice is sent to the conciliator.

DIVISION II

CONCILIATION

31. The parties may, at any time during the negotiation period, retain the services of a conciliator, to be chosen jointly from a list drawn up by the Minister of Labour.

If the parties disagree, the Minister appoints the conciliator.

32. The conciliation process does not alter the negotiation period.

33. The parties are required to attend all meetings to which they are convened by the conciliator.

34. The conciliator's costs and fees are borne in equal parts by the parties.

The Minister determines the costs and fees of conciliators.

35. If an agreement is reached on all the matters submitted to the conciliator, the conciliator reports on the agreement to the minister responsible for the administration of this Act and sends a copy of the agreement to the Minister of Labour and to the parties.

36. At the expiry of the negotiation period or as soon as it is clear to the conciliator that conciliation will not enable the parties to reach an agreement, the conciliator submits to the parties a report stating the matters on which they agree, those still in dispute and any recommendation the parties failed to implement.

At the same time, the conciliator forwards a copy of the report to the minister responsible for the administration of this Act and to the Minister of Labour.

DIVISION III

ARBITRATION

37. At the expiry of the negotiation period, an arbitrator is appointed to settle the dispute if no agreement has been sent to the Minister.

An arbitrator may also be appointed before the end of such a period at the joint request of the parties or as soon as they receive the conciliator's report provided for in section 36.

38. The Minister draws up a list of arbitrators on the basis of the criteria and the expertise and experience profiles determined by the Minister. This list is published in the *Gazette officielle du Québec*.

The Minister determines the arbitrators' costs and fees, which are borne by the parties.

An arbitrator cannot have any pecuniary interest in the dispute submitted to him or her or have acted as an attorney, adviser or representative of any of the parties.

39. The arbitrator is chosen jointly by the parties from the same list as that provided for in section 38. If the parties cannot agree, the Minister appoints the arbitrator.

40. The arbitrator is assisted by assessors unless the parties reach an agreement to the contrary within 15 days of the arbitrator's appointment.

Within 15 days of the arbitrator's appointment, each party designates an assessor to assist it. If a party does not designate an assessor within the prescribed time, the arbitrator may proceed in the absence of that party's assessor.

The arbitrator may proceed in the absence of an assessor who does not attend after having been convened.

41. Each party pays its assessor's costs and fees.

42. Each party pays the costs and fees of its expert witnesses.

The costs and fees of expert witnesses summoned on the initiative of the arbitrator are borne by the parties.

43. The arbitrator must render a decision within six months after the dispute is referred to him or her.

44. No legal proceedings may be brought against an arbitrator for an act performed in good faith while carrying out the functions of office.

45. The parties may come to an agreement at any time on any of the matters in dispute.

46. The arbitrator renders a decision in accordance with the rules of law.

The arbitrator must take into account, among other considerations, taxpayers' ability to pay, intergenerational equity, the sustainability of the pension plan, compliance with cost-sharing principles and the objectives set out in this Act, contribution holidays and any improvements made to the plan.

In addition, the arbitrator must take into account the past concessions granted by the members with respect to other elements of the overall remuneration.

The arbitrator's decision is binding on the parties from the time it is rendered. No appeal lies from the arbitrator's decision.

47. The arbitrator sends a copy of the decision to the Minister.

48. Chapters V and VI of Title I of Book VII, except articles 945.6 to 945.8, of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to arbitration provided for in this Act.

49. Except on a question of jurisdiction, no recourse under articles 33 and 834 to 846 of the Code of Civil Procedure may be exercised, nor any injunction granted, against an arbitrator acting in his or her official capacity.

DIVISION IV

REGISTRATION OF AMENDMENTS

50. As soon as an agreement has been sent to the Minister under section 30 or 35 or after an arbitration decision has been sent to the Minister under section 47, the resulting amendments to the pension plan are communicated to the Board for registration.

51. A new actuarial valuation established on the basis of the data as at 31 December 2013 must be made taking into account the amendments made to the plan. This actuarial valuation must be sent to the Board at the same time as the amendments to the pension plan under section 50.

52. If the Board is unable to register an amendment to the plan resulting from an agreement or from an arbitrator's decision because of its non-compliance with this Act or the Supplemental Pension Plans Act, the Board must inform the pension committee.

The pension committee notifies the parties to the agreement of the Board's decision and asks them to amend the agreement within 30 days. If the parties fail to come to an agreement, the Minister appoints an arbitrator from the list drawn up under the first paragraph of section 38. The arbitrator must render a decision within three months after being seized of the matter. The second and third paragraphs of section 38 and sections 42, 44 to 47 and 49 apply.

If the amendments result from an arbitrator's decision, the pension committee notifies the arbitrator that rendered the decision of the Board's decision and asks the arbitrator to amend his or her decision within 30 days.

DIVISION V

MISCELLANEOUS PROVISIONS

53. The existence of a collective agreement or any other valid agreement does not preclude the application of this Act.

54. The signing of an agreement may take place only after being authorized by secret ballot by a majority vote of the members of the association representing the active members who exercise their right to vote.

If the negotiations are conducted jointly by two or more associations, the ballot is held in accordance with the usual rules. In the absence of such rules, the signing must be authorized, by secret ballot, by a vote in which the majority

is calculated taking into account all the active members, regardless of which group they belong to.

55. A municipal body must take measures to allow active members who are covered by a pension plan established by a collective agreement, but who are not represented by an association, as well as active members who are covered by a plan established otherwise than by a collective agreement, to submit observations on the proposed amendments to the plan.

If 30% or more of those active members object to the amendments, the amendments cannot be applied, unless a decision of the arbitrator so authorizes.

56. If a collective agreement is in force, any agreement reached or any decision made by the arbitrator under this chapter that amends the terms of the collective agreement has the effect of amending the collective agreement. If negotiations are in progress to renew the collective agreement, the agreement or the decision is, from the date it becomes effective, deemed to be part of the most recent collective agreement.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

57. Not later than 19 January 2015, the council of the municipal body must hold a sitting during which it presents a report, based on the conclusions of the actuarial valuation described in section 4, on the financial situation of each of the pension plans it has established. The report must contain

(1) a summary of the main provisions of the plan;

(2) the value of the plan's assets;

(3) the value of the plan's liabilities;

(4) the deficiency or surplus attributable to the members who are retired;

(5) the deficiency or surplus attributable to the active members;

(6) the current service contribution payable by the municipal body and that payable by the active members, both expressed as a percentage of the overall payroll;

(7) the amortization payment;

(8) the overall payroll of the active members; and

(9) the value of the indexation of the pension of retired members and active members, if applicable.

The municipal body gives public notice of the sitting 14 days before the date on which it is to be held.

58. Any new pension plan established by a municipal body after 31 December 2013 must comply with Division II of Chapter II.

Any pension plan that is the object of a division or merger under Chapter XII of the Supplemental Pension Plans Act (chapter R-15.1) is subject to this Act.

59. Despite section 7 and until an agreement is reached between the municipal body and the active members or until the decision of the arbitrator under Chapter IV, the municipal body assumes any increase in the portion of the current service contribution attributable to active members from 1 January 2014.

The amount by which the value of the current service contribution paid by the municipal body from 1 January 2014 until the date of the agreement or of the arbitrator's decision under Chapter IV exceeds the contribution that should have been paid under section 7, from which the value of the increase in the contribution referred to in the first paragraph must be subtracted, is allocated to the payment of the current service contribution of the municipal body for the following year and, if applicable, for subsequent years.

The amount by which the value of the contributions paid by active members from 1 January 2014 until the date of the agreement or of the arbitrator's decision exceeds the contribution that should have been paid under section 7 is allocated to the payment of the active members' current service contribution for the following year and, if applicable, for subsequent years.

This section applies, with the necessary modifications, to the situations described in section 26, if applicable.

60. For the purposes of the negotiations required under section 26, the reference actuarial valuation is the valuation prepared on the basis of the data as at 31 December 2014, and the deadlines prescribed in Chapter IV apply, with the necessary modifications.

The maximum interest rate applicable to the actuarial valuations referred to in sections 16 and 26 is set by the Minister.

For the purposes of the second paragraph of section 7, the increase of the current service contribution to be made by not later than 1 January 2017 is deferred until the expiry of the collective agreement or of any other agreement providing for the pension plan if its expiry is subsequent to 1 January 2017, in the cases described in section 26.

In addition, the maximum proportion of the payroll that the current service contribution may reach under the first, second and third paragraphs of

section 8 must be increased in the same manner as the rate in the fiscal rule that sets the maximum percentage of the salary or wages that can be contributed to a defined contribution pension plan.

61. If a stabilization fund is established within a pension plan, the fund described in subparagraph 3 of the first paragraph of section 7 is deemed to have been established. The rules set out in this Act apply to such a fund from the effective date of the agreement between the parties or of the arbitrator's decision under Chapter IV.

Service prior to the establishment of the fund is deemed to be the prior service under that plan for the purposes of this Act.

62. For the purposes of this Act, members who have begun receiving a retirement pension or those who filed an application with the plan administrator for that purpose between 1 January 2014 and 12 June 2014 are considered members who are retired on 31 December 2013.

63. Any indexation paid between 31 December 2013 and the date of a suspension under section 16 is deemed to have been validly paid.

64. Any pension plan subject to this Act must be amended to provide that the group composed of active members and the group composed of retired members and of beneficiaries can each designate a member in addition to the one provided for in the first paragraph of section 147.1 of the Supplemental Pension Plans Act. These members may be replaced at an annual meeting held under section 166 of that Act.

65. Any redemption of service entirely paid by the member and made on or after 1 January 2014 must be revised by the pension committee following the coming into force of the agreement between the municipal body and the active members or of the arbitrator's decision in order to ensure that the member benefits from the conditions set at the time of the transaction. The same applies to any agreement for a transfer of service entered into during the same period.

66. The initial deficiencies of the pension plans of Ville de Montréal and Ville de Québec, for which averaging measures over a period of more than 20 years were granted, are not taken into account in calculating the plan's deficiencies for the purposes of this Act.

However, the present value of amortization payments relating to the deficiencies must, from the actuarial valuation subsequent to 1 January 2017, be included in calculating the value of the assets under the second paragraph of section 19 for the sole purpose of determining whether an ad hoc indexation of retired members' pensions can be paid.

67. The amounts paid by a municipal body in excess of the amortization payments required by law, without taking into account funding relief measures, during the three fiscal years preceding the tabling of this bill, must be subtracted

from the pension plan's assets for the purpose of determining its deficiency as at 31 December 2013. These amounts are deemed to have been paid to cover the portion of the deficit borne by the municipal body. They do not constitute a debt contracted by the pension plan towards the municipal body within the meaning of subparagraph 2 of the third paragraph of section 20.

68. The Board may issue technical directives relating to the administration of this Act.

69. For the exercise of the functions assigned to it under this Act, the Board may, in addition to the other powers conferred on it by this Act, the Act respecting the Québec Pension Plan (chapter R-9) and the Supplemental Pension Plans Act, require any document or information it considers necessary for the purposes of this Act from any pension committee or municipal body.

In addition, sections 183 to 193, 246, 247 and 248 of the Supplemental Pension Plans Act apply to this Act, with the necessary modifications.

70. The report on the actuarial valuation required under section 4 is deemed to be the report mentioned in section 119 that is applicable under section 8 of the Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2), when such a report on a complete actuarial valuation established on the basis of the data as at 31 December 2013 is required. If the latter report was sent to the Board, a version of that report amended under the third, fourth and fifth paragraphs of section 4 is deemed to be the report required under section 4.

If a report must be produced under section 16 or 26, the report mentioned in section 119 that is applicable under section 8 of the Regulation respecting the funding of pension plans of the municipal and university sectors is not required.

In a case of failure to produce the report required under the second paragraph of section 4 or section 16 or 26, fees equal to 20% of the fees calculated in the manner prescribed by section 13.0.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), taking into account the number of members and beneficiaries indicated in the annual information statement for the last fiscal year of the plan ended on the date of the actuarial valuation, must be paid to the Board for each full month of delay, up to the amount of those fees.

71. This Act applies despite any provision to the contrary.

72. The Minister of Employment and Social Solidarity is responsible for the administration of this Act.

73. The Minister must, not later than 1 December 2019, report to the Government on the implementation of this Act.

The report is tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

74. This Act comes into force on 5 December 2014.

Regulations and other Acts

Gouvernement du Québec

O.C. 107-2015, 25 February 2015

An Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

Distribution of information and the protection of personal information —Amendment

Regulation to amend the Regulation respecting the distribution of information and the protection of personal information

WHEREAS, under sections 16.1 and 155 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Government may, by regulation, prescribe information distribution rules and rules for the protection of personal information;

WHEREAS, in accordance with section 156 of the Act, an opinion of the Commission d'accès à l'information on the text of a draft of the Regulation to amend the Regulation respecting the distribution of information and the protection of personal information was obtained on 10 October 2014;

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 distribution of information and the protection of personal information was published in Part 2 of the *Gazette officielle du Québec* of 26 November 2014 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Access to Information and the Reform of Democratic Institutions:

THAT the Regulation to amend the Regulation respecting the distribution of information and the protection of personal information, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the distribution of information and the protection of personal information

An Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, ss. 16.1 and 155)

1. The Regulation respecting the distribution of information and the protection of personal information (chapter A-2.1, r. 2) is amended in section 4

(1) by replacing subparagraph 8 of the first paragraph by the following:

"(8) the documents sent under a request for access, together with the anonymized decision of the person in charge of access to documents, except for documents containing

(a) personal information, unless the information is considered public information within the meaning of section 55 of the Act;

(b) information supplied by a third person within the meaning of section 23 or 24 of the Act; and

(c) information whose communication must be refused under section 28, 28.1, 29 or 29.1 of the Act;";

(2) by replacing "(T.B. 198195, 2002-04-30)" in subparagraph 2 of the first paragraph by "(630) adopted by C.T. 198195 dated 30 April 2002 and amended by C.T. 200154 dated 9 September 2003, C.T. 203042 dated 29 November 2005, C.T. 203658 dated 1 May 2006, C.T. 210771 dated 8 November 2011, C.T. 211151 dated 13 March 2012, C.T. 211453 dated 15 May 2012 and C.T. 213307 dated 29 October 2013 (Recueil des politiques de gestion 2-2-2-1)";

(3) by replacing subparagraph 14 of the first paragraph by the following:

"(14) a list of its financial commitments sent to the secretary of the Conseil du trésor and forwarded by the secretary to the National Assembly, in accordance with paragraph 7 of section 5 of the Directive concernant certains engagements de 25 000 $ et plus et les règles relatives aux paiements faits sur le fonds consolidé du revenu adopted by C.T. 128500 dated 26 August 1980

and amended by C.T. 150150 dated 17 April 1984, C.T. 167860 dated 14 June 1988, C.T. 186210 dated 1 November 1994, C.T. 189886 dated 11 February 1997, C.T. 210425 dated 7 July 2011, C.T. 211305 dated 3 April 2012 and C.T. 212782 dated 18 June 2013 (Recueil des politiques de gestion 9-2-4-2);";

(4) by inserting the following after subparagraph 15 of the first paragraph:

"(16) the total travel expenses:

(a) for the personnel of the public body;

(b) for the office staff of a minister;

(17) the information pertaining to travel expenses in Québec for each of the activities of a minister or the holder of a full-time senior position within the public body, invoiced directly to the public body or paid by that person and reimbursed by the public body, namely:

(a) for a minister:

i. the name and position of the minister who travelled;

ii. the date of travel;

iii. the city or municipality of travel;

iv. the purpose of travel;

v. the travel expenses incurred for the use of a public or a chartered means of transport;

vi. where applicable, the amount of the lump sum allowance or the lodging and meal expenses; and

vii. the amount and a description of other related expenses;

(b) for the holder of a full-time senior position:

i. the name and position of the holder of a full-time senior position who travelled;

ii. the date of travel;

iii. the city or municipality of travel;

iv. the purpose of travel;

v. the travel expenses incurred for the use of a public or a chartered means of transport and, as the case may be, a personal vehicle;

vi. where applicable, the amount of the lump sum allowance or the lodging and meal expenses; and

vii. the amount and a description of other related expenses;

(18) the information pertaining to travel expenses outside Québec for each of the activities of a minister or the holder of a full-time senior position within the public body, invoiced directly to the public body or paid by that person and reimbursed by the public body, namely:

(a) the name and position of the person who travelled;

(b) the date of travel;

(c) the city or municipality of travel;

(d) the purpose of travel;

(e) the travel expenses incurred for the use of a public or a chartered means of transport and, as the case may be, a personal vehicle;

(f) the name and position of the persons accompanying them, namely, the members of the personnel of the public body and the office staff, and the total travel, lodging, meal and other related expenses for these persons;

(g) as the case may be, the amount of the lump sum allowance or the lodging and meal expenses of the Minister or the holder of a full-time senior position;

(h) the amount and a description of other related expenses; and

(i) when travelling outside Canada, the fees related to meeting halls and the services of a photographer or an interpreter, and the mission reports;

also indicating, where applicable, the expenses that are borne by another public body and which public body;

(19) for each executive vehicle of a minister or the holder of a full-time senior position within the public body:

(a) the leasing costs;

(b) the amount of the gasoline expenses;

(c) the amount of the maintenance expenses;

(20) the information pertaining to each official expense of an executive secretary or the holder of a full-time senior position within the public body and, namely, the name and position of the person concerned, a description of each expense, the date and the cost;

(21) the information pertaining to the expenses for each hospitality activity held in accordance with the Règles sur les réceptions et les frais d'accueil (R.R.Q., 1981, c. A-26, r. 24), amended by C.T. 142182 dated 14 December 1982, C.T. 153400 dated 30 October 1984, C.T. 161313 dated 10 June 1986 and C.T. 186210 dated 1 November 1994 (Recueil des politiques de gestion 6-1-3-2), namely, a description of the activity, the date, the cost and the number of expected participants;

(22) the information pertaining to the expenses for each attendance, by a member of the personnel of a public body, at a training activity, a conference or a convention, namely, the name of the administrative unit to which the member of the personnel belongs, the date, place and a description of the training conference or convention, and the registration cost;

(23) the information pertaining to training contracts, namely, the name of the supplier and the amount of the contract, and, for each training activity, a description, the date and place, and the number of expected participants;

(24) the following information pertaining to publicity and promotion contracts, namely, contracts for the distribution of printed material such as advertising signs or posters, or the distribution of publicity in magazines, in newspapers, on radio, on television or on the Internet:

(a) the date of the contract;

(b) the name of the supplier;

(c) a description of the contract;

(d) the amount of the contract;

(25) the information pertaining to mobile telecommunication contracts, namely, the name of the supplier and the types of devices, and, for each type of device, the number of active cell plans in circulation, the number of cell plans in reserve, the acquisition costs and the monthly service costs;

(26) the information pertaining to each subsidy granted under the discretionary budgets of a minister, namely, the name of the beneficiary, the project concerned, the amount granted and the electoral division in which the principal residence or establishment of the beneficiary is located;

(27) the information pertaining to each lease of space occupied by the public body, namely, the address, the name of the lessor, the leased area and the annual amount of rent;

(28) a list of the annual salaries, indemnities and allowances of ministers, executive secretaries and holders of full-time senior positions within the public body.";

(5) by inserting the following after the first paragraph:

"As regards travel in Québec and outside Québec referred to in subparagraphs 17 and 18 of the first paragraph, a Government agency with a commercial purpose whose mission is to manage funds and investments, including the Caisse de dépôt et placement du Québec and Investissement Québec, is required to distribute only the following information, within 45 days following the end of each quarter, in connection with the expenses incurred during the quarter:

(a) the name and position of the holder of a full-time senior position who travelled;

(b) the total amount of transportation expenses of the holder of a full-time senior position;

(c) the total amount of meal and lodging expenses of the holder of a full-time senior position;

(d) the total amount of other expenses related to travel by the holder of a full-time senior position;

(e) the number of trips in Québec and outside Québec by the holder of a full-time senior position;

(f) where applicable, the number of companions who travelled outside Québec, and the total travel, lodging, meal and other related expenses for those persons.

A public body is not required to distribute the information referred to in subparagraphs 23 to 25 of the first paragraph in the case of a contract involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act respecting contracting by public bodies or a contract for which no waiver of professional secrecy has been obtained.";

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

"The documents or information referred to in subparagraphs 1 to 9 and 16 to 27 must be accessible directly on the website of the public body. Those referred to in the other subparagraphs may be accessible through a hyperlink to another website."; and

(7) by adding the following at the end of section 4:

"For the purposes of this section,

"minister" means a person who is part of the Conseil exécutif within the meaning of section 4 of the Executive Power Act (chapter E-18);

"holder of a full-time senior position" means one of the following persons carrying on his or her duties on a full time basis and for whom the Government determines remuneration and other conditions of employment:

(a) the Secretary-General of the Conseil exécutif, an associate secretary-general or a deputy secretary of the Conseil exécutif, the secretary of the Conseil du trésor, an assistant or associate secretary of the Conseil du trésor, a deputy minister or an assistant or associate deputy minister, or a person hired under contract to hold one of those positions;

(b) a delegate-general, delegate or head of delegation;

(c) the chief executive officer or a vice-president of a public body.".

2. Section 5 is replaced by the following:

"**5.** A public body must promptly distribute a document or information referred to in section 4 through a section reserved for that purpose and accessible from the home page of its website and leave it there for as long as it is up-to-date or until it acquires the status of a semi-active document according to its retention schedule.

The documents referred to in subparagraph 8 must be distributed within 5 business days following the date on which they are sent to the applicant.

The documents or information referred to in subparagraphs 16 to 26 must be distributed within 45 days following the end of each quarter, in connexion with the expenses incurred during the quarter.

The information referred to in subparagraph 27 must be distributed within 45 days following the end of each fiscal year of the public body, in connexion with the expenses incurred during the fiscal year.

The document referred to in subparagraph 28 must be distributed within 45 days following the end of each fiscal year of the Government, in connexion with the salaries, indemnities and allowances relating to the fiscal year.".

3. For the purposes of the fourth paragraph of section 5 replaced by section 2 of this Regulation, a public body whose fiscal year ended on 31 December 2014 must distribute the information referred to in subparagraph 27 of the first paragraph of section 4 amended by section 1 of this Regulation, not later than 15 May 2015.

4. This Regulation comes into force on 1 April 2015.

102036

Gouvernement du Québec

O.C. 129-2015, 25 February 2015

An Act respecting the Barreau du Québec
(chapter B-1)

Professional Code
(chapter C-26)

Advocates
— Code of Professional Conduct of advocates

Code of Professional Conduct of advocates

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his or her clients and his or her profession, particularly the duty to discharge his or her professional obligations with integrity;

WHEREAS the General Council of the Barreau du Québec made, on 19 and 20 December 2013, the Code of ethics of advocates;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the order at least 30 days before its adoption by the General Council;

WHEREAS, under section 95 and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order is transmitted to the Office des professions du Québec for examination and 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 Code of ethics of advocates was published in Part 2 of the *Gazette officielle du Québec* of 12 February 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office 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 Code of ethics of advocates, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Code of Professional Conduct of Lawyers

An Act respecting the Barreau du Québec
(chapter B-1, s. 4)

Professional Code
(chapter C-26, ss. 87 and 89)

PREAMBLE

WHEREAS a lawyer is a servant of justice;

WHEREAS the practice of the profession of lawyer is based on the following values and principles which a lawyer must take into consideration in all circumstances:

(1) compliance with legal provisions and preservation of the rule of law;

(2) access to justice;

(3) respect for individuals and protection of their fundamental rights, including the right to be free from discrimination and harassment;

(4) integrity, independence and competence;

(5) loyalty to clients as well as protection of their legitimate interests and the confidentiality of information concerning them;

(6) collaboration in the sound administration of justice and support for the authority of the courts;

(7) respect for the honour and dignity of the profession;

(8) respect for members of the profession as well as all other persons with whom the lawyer collaborates when engaging in his professional activities; and

(9) consideration for the social context within which the law evolves.

TITLE I
PRELIMINARY PROVISIONS

1. This code sets out general and specific duties a lawyer owes to the public, to clients, to the administration of justice and to the profession.

2. This code applies to every lawyer, regardless of the manner in which he engages in his professional activities. This code also applies, with the necessary modifications, to every lawyer acting in respect of a recourse or dispute that concerns him personally.

It applies in addition to any other rule of professional conduct related to the exercise, by the lawyer, of any other activity, in particular, a job, a function, an office or the operation of an enterprise.

This code does not apply to acts performed by a lawyer who is a member of an administrative tribunal while exercising an adjudicative function conferred by statute.

3. In this code:

(1) "client" includes any person or organization, as the case may be, to whom the lawyer renders or undertakes to render professional services; this term also means a person who consults a lawyer and has reasonable grounds to believe that a lawyer-client relationship exists;

(2) "firm" includes any person who engages in his professional activities or any group of persons comprised of several lawyers or of at least one lawyer and one other professional referred to in Schedule A of the Regulation respecting the practice of the profession of advocate within a limited liability partnership or joint-stock company and in multidisciplinarity (chapter B-1, r. 9) who engage in their professional activities together or represent themselves as doing so;

(3) "mandate" includes any contract pursuant to which a lawyer acts on behalf of a client;

(4) "tribunal" includes a court of justice as well as any person or other body that exercises an adjudicative function.

TITLE II
RULES OF PROFESSIONAL CONDUCT

CHAPTER I
GENERAL DUTIES

DIVISION I
GENERAL RULES

4. A lawyer must act with honour, dignity, integrity, respect, moderation and courtesy.

5. A lawyer must take reasonable measures to ensure that every person who collaborates with him when he engages in his professional activities and, where applicable, every firm within which he engages in such activities, complies with the Act respecting the Barreau du Québec (chapter B-1), the Professional Code (chapter C-26) and the regulations adopted thereunder.

6. A lawyer who exercises authority over another lawyer must ensure that the framework within which such other lawyer engages in his professional activities allows him to comply with his professional obligations.

7. A lawyer must avoid all methods and attitudes likely to give a profit-seeking character to his profession, namely, greedily seeking a profit or abusing his status as a lawyer in order to enrich himself.

8. A lawyer who offers his professional services cannot, by any means whatsoever, make or allow to be made a representation that is false or misleading, that amounts to coercion, duress, or harassment or that seeks to take advantage of a person who is vulnerable due, in particular, to his age or his physical or psychological condition.

9. A lawyer must not, directly or indirectly, insistently or repeatedly urge anyone to retain his professional services.

10. A lawyer must not claim specific qualities or skills relating, in particular, to his competence or to the extent or efficiency of his professional services, unless he can substantiate those claims.

Moreover, he must not claim specific qualities or skills relating to the competence or to the extent or efficiency of the services provided by other members of the Barreau or by persons with whom he engages in his professional activities within a firm, unless he can substantiate those claims.

11. When a lawyer engages in activities which do not relate to the profession of lawyer, in particular in connection with a job, a function, an office or the operation of an enterprise:

(1) he must ensure that those activities do not compromise his compliance with this code; and

(2) he must avoid creating or allowing any ambiguity to persist as to the capacity in which he is acting.

12. A lawyer must support respect for the rule of law. However, he may, for good reason and by legitimate means, criticize a legal provision, contest the interpretation or application thereof, or seek to have it repealed, amended or replaced.

DIVISION II
INTEGRITY AND PROFESSIONAL INDEPENDENCE

13. A lawyer must protect his integrity and safeguard his professional independence regardless of the manner in which he engages in his professional activities or the circumstances in which he does so. He must not let his professional judgment be subject to any pressure whatsoever.

14. A lawyer must not help or, through encouragement or advice, facilitate conduct by a client that the lawyer knows or should know is unlawful or fraudulent.

15. A lawyer must not conceal or knowingly omit to disclose what the law obliges him to disclose or help anyone conceal or omit to disclose what the law obliges that person to disclose.

16. A lawyer must not provoke a dispute in order to obtain a mandate or reap a benefit therefrom for himself or for any other person.

DIVISION III
PUBLIC COMMUNICATIONS

17. Provided he complies with this code, a lawyer may communicate information to the media, make public appearances or make public communications, including on a website, blog or online social network, by means of statements, photographs, images or videos.

18. A lawyer must not make public statements or communicate information to the media about a matter pending before a tribunal if the lawyer knows or should know that the information or statements could adversely affect a tribunal's authority or prejudice a party's right to a fair trial or hearing.

19. A lawyer must not, directly or indirectly, publish, broadcast, communicate or send writings or comments which are false or which he should know are false or assist anyone in doing so.

CHAPTER II
DUTIES TO THE CLIENT

DIVISION I
GENERAL RULES

20. A lawyer owes his client duties of integrity, competence, loyalty, confidentiality, independence, impartiality, diligence and prudence.

21. A lawyer must engage in his professional activities with competence. To this end, he must develop his knowledge and skills and keep them up to date.

22. A lawyer must provide quality services.

He must not engage in his professional activities in a state or under conditions likely to compromise the quality of his services.

23. A lawyer must act at all times in the best interests of the client, in compliance with the rules of law and in such a manner as to establish and maintain a relationship of mutual trust.

24. A lawyer must respect the right of a client or prospective client to choose his lawyer.

25. A lawyer must at all times acknowledge a client's right to consult another lawyer, a member of another professional order or any other competent person. He must cooperate with the person the client has consulted.

26. A lawyer must communicate with his client in such a manner as to be understood by the client.

DIVISION II
DUTIES PERTAINING TO MANDATES

§1. Acceptance of mandate

27. A lawyer must act pursuant to a mandate given to him by a client or when he has been designated to act for a client by a competent authority.

He may also act within the scope of a mandate given to him by another lawyer on behalf of a client, in which case the other lawyer's client is also considered to be his client for purposes of this code.

28. A lawyer must determine together with the client the terms, conditions and scope of the mandate given to him. In particular, he must set out in an objective manner the nature and scope of the problems as he sees them on the basis of the facts brought to his attention and the risks inherent in the measures recommended.

A lawyer must obtain the client's consent to the mandate, paying particular attention and care when the client is vulnerable due, in particular, to his age or his physical or psychological condition.

29. Before accepting or pursuing a mandate, a lawyer must bear in mind any limits to his skills in light of the area of law involved or the nature of the professional activities required, the time available for carrying out the mandate and the possibility of collaborating with another person.

If he believes such limits will jeopardize the quality of his services or the proper protection of the client's interests, he must so notify the client and advise him about the conditions for the performance of the mandate so the client can make an informed decision.

A lawyer who, with the consent of the client, undertakes or pursues a mandate notwithstanding the limits identified, must take reasonable means to obtain the necessary assistance for its performance.

30. When a lawyer foresees that certain services relating to the performance of a mandate will be carried out in their essential aspects by another person, he must so inform the client.

31. A lawyer who accepts a limited scope mandate must inform the client of the professional services that will be rendered to him and the fact that they will be rendered on the basis of these limits.

The acceptance of a limited scope mandate does not exempt a lawyer from his other duties.

32. A lawyer may agree to act for a client no matter what his opinion may be on the client's guilt or liability.

33. A lawyer may refuse to act for a client, subject to his obligations of professional conduct.

34. A lawyer must inform his client without delay when he believes the client qualifies for legal aid.

§2. Performance of mandate

35. A lawyer must provide professional services that are appropriate to the nature of his mandate and avoid performing or multiplying professional acts without sufficient reason.

He is responsible for the mandate and must adequately supervise work performed by others who are collaborating with him in the performance of the mandate.

36. Although a lawyer may receive instructions from a representative of the client with respect to the performance of the mandate, the lawyer must act for the client and serve and protect the client's interests.

37. A lawyer must be honest and candid when advising clients.

38. A lawyer must provide his client with any explanation necessary for the understanding and evaluation of his professional services.

39. A lawyer must be reasonably available and diligent with respect to the performance of the various professional tasks related to a mandate.

40. A lawyer must report to the client, periodically or at the client's request, about the progress of his file.

41. A lawyer must try to dissuade a client from exercising a recourse or filing proceedings that the lawyer considers abusive and must inform him of the possible consequences.

If the client persists, the lawyer must refuse to act for him in such recourse or proceedings.

42. Throughout the course of a mandate, the lawyer must inform and advise the client about all available means for settling his dispute, including dispute prevention and resolution methods.

43. A lawyer must submit to the client every settlement offer he receives with respect to the mandate and advise him in his assessment of the offer.

44. A lawyer must fulfil all undertakings given by him in the course of performing a mandate, unless it is not reasonably possible to do so.

45. A lawyer must notify the client of any fact learned by him in the performance of his professional services which, in the lawyer's opinion, may be a breach of the law by the client.

If the client is not a natural person, the lawyer must give such notification to the representative of the client with whom the lawyer deals when providing his professional services. If the lawyer later becomes aware that the client has not remedied the unlawful situation, he must notify the appropriate hierarchical authority.

46. A lawyer must not elude or attempt to elude his civil liability with respect to the performance of a mandate nor the civil liability of any person who is collaborating with him for such purpose or, where applicable, the civil liability of the firm within which he practises his profession.

47. A lawyer must notify his client of any fact, circumstance or omission that could result in prejudice to the client's rights or recourses, unless the lawyer can remedy such fact, circumstance or omission easily and in a timely manner.

§3. Termination of mandate

48. Unless it is at an inopportune time, a lawyer may, for serious reasons, cease acting for a client.

The following, in particular, constitute serious reasons:

(1) when there is a loss of confidence between the lawyer and the client;

(2) when the client has deceived the lawyer, failed to cooperate with the lawyer or acted without taking the lawyer's advice into account;

(3) when the client, after reasonable notice, refuses to pay disbursements and fees to the lawyer or a provision therefor; or

(4) when the lawyer is in a situation of conflict of interest or in a context in which his professional independence could be called into question.

49. A lawyer must cease to act for a client, except where a tribunal orders otherwise:

(1) if the client revokes his mandate;

(2) if, notwithstanding the lawyer's advice, the client or a representative of the client persists in contravening a legal provision or in inciting the lawyer to do so;

(3) if the lawyer determines that he does not have the competence required to continue to perform the mandate; or

(4) if the client persists in exercising a recourse or filing proceedings that the lawyer considers abusive.

50. A lawyer must not threaten to cease acting for a client by imposing unreasonable conditions upon him.

51. Before ceasing to act for a client, the lawyer must notify the client as soon as possible and, where applicable, the other party and the tribunal in a timely manner. The lawyer must inform the client of the reasons he intends to cease acting for him and give him a reasonable period of time within which to retain a new lawyer.

52. A lawyer who ceases to act for a client must take the necessary conservatory measures to spare the client serious and foreseeable prejudice. In particular, the lawyer must:

(1) promptly deliver to him all documents and property to which he is entitled;

(2) give him all the information he has with respect to the mandate;

(3) account to him for all funds he held or holds in trust, including the refund of any advance;

(4) promptly inform him about his unpaid fees and disbursements; and

(5) make all reasonable efforts to facilitate the transfer of his file to the lawyer succeeding him and cooperate with the successor lawyer for that purpose.

§4. Access to file and rectification

53. A lawyer must diligently respond to all requests from a client to examine or obtain copies of documents concerning the client in any record established by the lawyer with respect to the client.

54. A lawyer who consents to a request referred to in section 53 must give the client access to the documents at no cost, in the presence of the lawyer or a person authorized by the lawyer.

A lawyer may charge the client reasonable costs that do not exceed the costs for transmitting, transcribing or reproducing the documents in question.

A lawyer who charges such costs must, before incurring them, notify the client of the approximate amount to be paid.

55. A lawyer must respond, not later than 30 days after the date of receipt, to any request from a client:

(1) to cause to be corrected, in a record concerning the client, any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record; or

(3) to file the client's written comments in the record.

56. For purposes of applying section 60.6 of the Professional Code, a lawyer who responds to a request under section 55 must, in addition to complying with the obligations set forth in the second paragraph of article 40 of the Civil Code, provide to the applicant, at no cost, a copy of the corrected information or, if applicable, an attestation that the information has been deleted or the comments have been filed in the record.

57. A lawyer must respond with diligence to any written request from a client to take back a document or exhibit the client entrusted to him.

The lawyer may charge the client reasonable costs that do not exceed the costs for transmitting the document or exhibit in question.

58. A lawyer who refuses a request referred to in section 60.5 or 60.6 of the Professional Code must provide reasons for the refusal, within 30 days following the request, notify the client thereof in writing and inform him of the recourses available at law.

59. A lawyer who has a document or information that is the subject of a request referred to in section 60.5 or 60.6 of the Professional Code must, if he refuses the request, retain the document or information for as long as is necessary to allow the client to exhaust his recourses.

DIVISION III
DUTY OF CONFIDENTIALITY

60. A lawyer must ensure the confidentiality of all information concerning the affairs and activities of a client of which the lawyer becomes aware in the course of the professional relationship.

61. A lawyer must take reasonable measures to ensure that every person who collaborates with him when he engages in his professional activities and, where applicable, the firm within which he engages in such activities, protects confidential information.

Similarly, when the lawyer engages in his professional activities within an organization, he must take reasonable measures to ensure that the organization provides him with the necessary means to protect confidential information.

62. A lawyer who retains the services of a person who worked with another professional must take reasonable measures so that such person does not disclose to him confidential information of the clients of the other professional.

63. A lawyer must not use confidential information with a view to obtaining a benefit for himself or for another person.

64. A lawyer must not accept a mandate if he has reason to believe that doing so entails or is likely to entail the communication or use of confidential information concerning another client.

65. A lawyer may communicate confidential information in the following situations:

(1) with the express or implied authorization of the client;

(2) if an express legal provision orders or authorizes him to do so;

(3) in order to collect his unpaid fees before a tribunal;

(4) in order to defend himself in the event of proceedings, complaints or allegations calling his professional competence or conduct into question; or

(5) to identify and resolve conflicts of interest arising from a change of firm by a lawyer or from changes to the composition or ownership of a firm, but only if the information necessary for this purpose, namely, the names of current and former clients and the summary nature of the mandates entrusted by such clients, will not jeopardize professional secrecy or if doing so will not result in prejudice to such clients;

(6) in order to prevent an act of violence, including a suicide, where the lawyer has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

66. A lawyer who communicates confidential information with a view to preventing an act of violence may only communicate the information to the person or group of persons exposed to the danger, to their representative or to the persons who can come to their aid.

67. When a lawyer communicates confidential information with a view to preventing an act of violence, pursuant to the third paragraph of section 60.4 of the Professional Code, subsection 3 of section 131 of the Act respecting the Barreau du Québec or subsection 6 of section 65 of this code, he must, at the time of such communication, mention the following:

(1) his name and the fact that he is a member of the Barreau du Québec;

(2) that the information he will communicate is protected by his obligation of confidentiality;

(3) that he is communicating the information in order to prevent an act of violence, because he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons;

(4) the act of violence he is trying to prevent; and

(5) the identity and, if possible, the contact information of the person or group of persons exposed to the danger, when he communicates the confidential information to their representative or to the persons who can come to their aid.

He may also, if it is necessary to achieve the purposes of the communication, disclose the identity and contact information of the person who provided him with the information concerning the apprehended act of violence.

68. In all cases in which a lawyer communicates confidential information with a view to preventing an act of violence, he must prepare a written note as soon as possible containing the following:

(1) the date and time of the communication;

(2) the grounds in support of his decision to communicate the information, including the act of violence he is trying to prevent, the identity of the person who provided him with the information that prompted him to make the communication as well as the identity of the person or group of persons exposed to the danger;

(3) the content of the communication, the method of communication used and the identity of the person to whom the communication was made; and

(4) where applicable, the name of the person consulted at the office of the syndic of the Barreau, the opinion provided by this person as well as the date and time of said communication.

69. In all cases in which a lawyer communicates confidential information, he may only communicate such information as is necessary to achieve the purposes of the communication.

70. Where circumstances permit, a lawyer may consult the office of the syndic of the Barreau in order to obtain assistance to assess the appropriate course of action before communicating confidential information.

DIVISION IV
CONFLICTS OF INTEREST

§1. *General rules*

71. A lawyer must avoid any situation of conflict of interest.

72. There is a conflict of interest when there is a substantial risk that the lawyer's own interests or his duties to another client, a former client, or another person would adversely interfere with his duties to the client and, in particular:

(1) when he acts for clients with conflicting interests; or

(2) when he acts for clients whose interests are such that he might tend to favour certain among them or that his judgment and loyalty may be unfavourably affected.

When the lawyer engages in his professional activities within a firm, conflict of interest situations must be assessed with regard to all the firm's clients.

73. A lawyer who notices or anticipates that the interests of a representative of the client and those of the client may differ must inform the representative of his duty of loyalty towards the client.

74. To decide any question concerning a conflict of interest, consideration must be given to the higher interests of justice, the explicit or implicit consent of the parties, the extent of prejudice for each of the parties, the time elapsed since the situation arose that could give rise to the conflict, as well as the good faith of the parties.

75. Where a lawyer who engages in his professional activities within a firm is in a conflict of interest, every other lawyer in the firm must take reasonable measures to ensure that confidential information in the file involving the conflict of interest is not disclosed to him. Moreover, the lawyer who is in a conflict of interest and every other lawyer in the firm must see to it that such measures apply to the other persons with whom they collaborate when engaging in their professional activities.

In assessing the effectiveness of these measures, the following, in particular, must be taken into consideration:

(1) the size of the firm;

(2) the precautions taken to prevent access to the confidential information by the lawyer who is in a conflict of interest;

(3) the instructions given as to the protection of confidential information involved in the conflict of interest; and

(4) the isolation of the lawyer in a conflict of interest with respect to every person in the firm who has access to the file.

§2. Lawyer as witness

76. A lawyer must not personally act in a dispute if he knows or should know that he will be called upon as a witness.

However, he may act:

(1) if the fact of not acting is of a nature to cause serious prejudice to the client; or

(2) if his testimony only refers to:

(a) an uncontested matter;

(b) a question of form and there is no reason to believe that serious proof will be offered to contradict such testimony; or

(c) the nature or value of the professional services rendered by him to the client or, as the case may be, by another professional who engages in his activities within the same firm.

§3. Potentially litigious property

77. A lawyer must not directly or indirectly acquire a right in property that is or may be the subject of a dispute related to a mandate given to him, nor may he allow a person practising within the same firm to do so.

§4. Lawyer occupying a public office

78. A lawyer who occupies a public office must avoid placing himself in a situation of conflict between his personal interests and the obligations of his office. Thus, he must not, in particular:

(1) take advantage of his office in order to obtain or attempt to obtain an advantage for himself or for any other person;

(2) use his office to influence or attempt to influence a judge or a member of a tribunal in order that they may act in his favour or in favour of the firm within which he engages in his professional activities, another person in the firm or a client; or

(3) accept an advantage from any person when he knows or should know that the advantage has been granted to him for the purpose of influencing his decision as the holder of a public office.

§5. Relationship with tribunal or public organization

79. A lawyer must not engage in his professional activities with respect to a matter in which:

(1) he or another person within the same firm or who has an interest therein is carrying out or has carried out functions as a judge or member of a tribunal; or

(2) he has been engaged as a member or representative of a public organization, such as a government, a municipality or a school board, unless he represents such organization.

80. Unless all the parties consent and it is in the interests of justice that the lawyer do so, a lawyer must not appear or plead before a judge or a person who exercises an adjudicative function if:

(1) the judge or person has an interest in the firm within which the lawyer engages in his professional activities;

(2) the part-time judge or the person engages in his professional activities within the same firm; or

(3) the judge or person is related to, or allied with the lawyer within the meaning of the rules concerning recusation in the Code of Civil Procedure (chapter C-25).

§6. Lawyer for trustee in bankruptcy or liquidator

81. A lawyer must not act as lawyer for a trustee in bankruptcy or a liquidator in the following cases:

(1) he represents the debtor, legal person, partnership or association without legal personality that is under liquidation, a secured creditor or a creditor whose claim is contested; or

(2) he rendered professional services to one of the persons, to the partnership or to the association referred to in subsection (1) in the two preceding years, unless he discloses the fact in writing to the creditors or the inspectors.

§7. Audit or review engagement

82. A lawyer must not act for a client respecting a matter or issue which could have a significant effect on the financial statements of the client for a given fiscal year when, for the same period, he or a person from the same firm is responsible for an audit or review engagement within the meaning of the CPA Canada Handbook.

However, in the case of a review engagement, the lawyer may act for a client in the following cases:

(1) the client is a partnership or legal person that has not made a public distribution of its securities; or

(2) the client knowingly waived the benefit of the rule set forth in the first paragraph or, where the client is a legal person or partnership, its shareholders or members unanimously waived such rule.

§8. Joint mandate

83. Except as otherwise provided in this subdivision, a lawyer must not act for clients in a joint mandate if they have conflicting interests.

84. Before acting for more than one client in a joint mandate, the lawyer must obtain their consent after having informed them that:

(1) he will act for more than one client in the same matter;

(2) no information received from one client regarding the matter will be confidential with respect to the other client; and

(3) if a dispute arises between them, he may have to cease acting for them in the matter.

85. If a dispute arises between clients in a joint mandate, the lawyer must inform them that, if they consent, he can advise them with respect to the dispute or refer them to another lawyer.

The lawyer must stop acting for his clients in the joint mandate if the dispute is not settled within a reasonable time.

The lawyer may continue to act for one of them only if the rules set forth in sections 87 and 88 allow it.

86. A lawyer who acts regularly for a client must, before agreeing to act in a joint mandate for that client and another client, inform the other client of this fact and recommend that the other client obtain independent legal advice before giving him the joint mandate.

§9. Acting against former clients

87. A lawyer must not act against a former client in the same matter, in a related matter or in any other matter if, when acting for the former client, the lawyer obtained confidential information that may result in prejudice to that client or if knowledge of personal facts regarding the former client or the conduct of his affairs would provide the new client with an undue advantage, unless the lawyer obtains the consent of his former client.

88. A lawyer must not act in a matter against a former client of another lawyer in the same firm if, when the other lawyer acted for the former client, he obtained confidential information relevant to this matter and the disclosure thereof could prejudice the former client in this matter.

However, a lawyer from the same firm may act in this matter if the former client consents or if doing so is in the interests of justice, having regard to the following factors, in particular:

(1) the measures taken to ensure that no confidential information obtained by the former lawyer will be disclosed to him;

(2) the extent of the prejudice caused to one of the parties;

(3) the good faith of the parties;

(4) the availability of another lawyer with the requisite competence; and

(5) any other issue of public interest.

For the purpose of applying the second paragraph, the lawyers from the same firm must not, except where the former client consents, discuss the matter between themselves, and the lawyer of the former client must not participate in any manner in the performance of the other lawyer's mandate, discuss it with another person in the firm or disclose information concerning the former client.

§10. Change of firm

89. Sections 87 and 88 apply, with the necessary modifications, to a lawyer who changes firms as regards clients he represented when he was at his former firm and as regards clients and former clients of his former firm about whom he obtained confidential information.

§11. Carrying on business with a client

90. A lawyer may not carry on business with his client, or with a person related to the client within the meaning of the Taxation Act (chapter I-3), except on terms and conditions that are fair and reasonable.

91. A lawyer may not borrow money from a client, or from a person related to the client within the meaning of the Taxation Act, except in the following cases:

(1) the client is a financial institution or a similar enterprise whose business includes lending money to the public; or

(2) the client is a person with whom the lawyer does not deal at arm's length within the meaning of the Taxation Act, the client's interests are properly protected and independent legal advice regarding the matter was obtained.

§12. Suretyships and other security

92. A lawyer must not act as surety or otherwise provide security for a debt in respect of which a client is a borrower or lender.

However, a lawyer may act as surety or otherwise provide security in the following cases:

(1) the lender is a financial institution or a similar enterprise whose business includes lending money to the public, and the lender is providing funds to the lawyer or the lawyer's spouse, parent, or child;

(2) he is doing so for the benefit of a non-profit organization of which he is a supporter or member, provided the following conditions have been met:

(a) the lawyer complies with sections 90 and 91; and

(b) the non-profit organization is represented by an independent lawyer;

(3) the lawyer holds an interest in a commercial enterprise with a client and the lender requires personal guarantees from all the partners or shareholders of the enterprise as a matter of course, provided the following conditions have been met:

(a) the lawyer complies with sections 90 and 91; and

(b) the lender and the partners or shareholders of the enterprise who are or were clients of the lawyer have independent legal representation.

93. A lawyer must not act as surety or otherwise deposit personal funds or give other valuable personal security for a person being prosecuted in a criminal or penal matter, nor act in a supervisory capacity to such person, except for family reasons.

DIVISION V
PRESERVATION OF MONIES AND OTHER PROPERTY

94. A lawyer must hold in trust the monies as well as the other property that a client or other person has entrusted to him. In particular, he must not lend or use the monies or property for purposes other than those for which it was entrusted to him.

95. A lawyer may not endorse a cheque made to the order of a client except if he has received the latter's written authorization to that effect and provided the endorsement is made solely for deposit in a trust account in connection with a mandate for professional services.

96. A lawyer must not retain monies or other property entrusted by a client, except where permitted by law.

97. A lawyer must account promptly for monies and other property entrusted to him and deliver them to the client on request or, if applicable, at the end of the mandate.

98. A lawyer who engages in his professional activities within a firm must take reasonable measures to ensure compliance with the requirements of this division when monies or other property are entrusted to the firm.

DIVISION VI
FEES AND DISBURSEMENTS

99. A lawyer must, before agreeing with the client to provide professional services, ensure that the client has all useful information regarding his financial terms and obtain his consent thereto, except if he has reason to believe that the client is already informed thereof.

During the course of the mandate, the lawyer must keep the client informed of circumstances that could entail significant changes to the anticipated cost of his professional services.

100. A lawyer must provide to his client, in a timely manner, all the explanations necessary for the client to understand the amount of the fees or the statement of fees and the terms and conditions of payment.

101. A lawyer must charge and accept fair and reasonable fees and disbursements.

The same applies to advances he asks the client to provide.

102. The fees are fair and reasonable if they are warranted by the circumstances and proportionate to the professional services rendered. In determining his fees, the lawyer must in particular take the following factors into account:

(1) experience;

(2) the time and effort required and devoted to the matter;

(3) the difficulty of the matter;

(4) the importance of the matter to the client;

(5) the responsibility assumed;

(6) the performance of unusual professional services or professional services requiring special skills or exceptional speed;

(7) the result obtained;

(8) the fees prescribed by statute or regulation; and

(9) the disbursements, fees, commissions, rebates, extrajudicial costs or other benefits that are or will be paid by a third party with respect to the mandate the client gave him.

103. Other than legal interest, the only interest a lawyer may collect on outstanding accounts is interest agreed upon with the client in writing. The interest thus agreed upon must be at a reasonable rate.

104. A lawyer who practises in a firm must ensure that the firm uses separate accounting and billing for the fees and costs of professional services rendered by each lawyer. The invoice or statement of fees must describe the professional services rendered by each lawyer, except where a lump-sum payment has been agreed upon in writing with the client.

105. A lawyer cannot receive from a client, as payment for the lawyer's professional services, a participation or other interest in property or in an enterprise, other than a non-material interest in an enterprise listed on a recognized stock exchange, except where the lawyer recommends that the client first obtain legal or accounting advice regarding the matter.

106. A lawyer must not pay, offer to pay or agree to pay to a person other than a lawyer any rebate, commission or other benefit relating to a mandate given to him by a client or in order to obtain a mandate.

107. A lawyer may share his fees only with a person who is a member of the Barreau, of another law society outside Québec, the firm within which he engages in his professional activities or another person with whom he is authorized to engage in his professional activities.

108. A lawyer must promptly inform his client if disbursements, fees, commissions, rebates, extrajudicial costs or other benefits are or will be paid to him by a third party with respect to the mandate the client gave him.

109. In any matter in which a lawyer collects extrajudicial fees, he must inform the client that judicial fees may be granted by a tribunal.

He must also enter into an agreement with the client specifying the manner in which these judicial fees will be taken into consideration when establishing the cost of the professional services.

110. If the syndic or other representative of the Barreau requests explanations or information from a lawyer regarding a mandate, the lawyer must not claim fees from the client in connection with this request.

CHAPTER III
DUTIES TO THE ADMINISTRATION OF JUSTICE

DIVISION I
GENERAL RULES

111. A lawyer is a servant of justice and must support the authority of the courts. He must not act in a manner which is detrimental to the administration of justice.

He must foster a relationship of trust between the public and the administration of justice.

112. A lawyer must act for a client resolutely and honourably, in compliance with the law, while treating the tribunal and all other participants in the justice system with candour, courtesy and respect.

When acting as prosecutor in a criminal or penal matter, the lawyer must act in the public interest and in the interest of the administration of justice and the fairness of the judicial process.

113. A lawyer must cooperate with all participants in the justice system so as to ensure the sound administration of justice.

He must act in accordance with the requirements of good faith and avoid all purely dilatory procedures, including resorting to a procedure with the sole purpose of harming another person.

DIVISION II
DUTIES TO THE TRIBUNAL

114. When a lawyer's presence is required, he must attend or be represented before the tribunal, unless he is prevented from doing so for reasons beyond his control. He must give the earliest possible notice thereof to his client, the tribunal and the parties concerned.

115. A lawyer must not encourage a client, witness or other person to do or say anything which he could not do or say himself in respect of a judge, tribunal, member of a tribunal or any other participant in the justice system.

116. A lawyer must not mislead or attempt to mislead the tribunal.

117. A lawyer must not suppress evidence which he or the client is obliged to preserve, disclose or produce, or participate in the fabrication of evidence he should know is false.

Moreover, he must not directly or indirectly unduly retain, steal, conceal, falsify, mutilate or destroy an exhibit from the record of a tribunal or an item of evidence.

118. A lawyer must not, directly or indirectly, act in such a manner that allows a person to avoid a tribunal's order.

DIVISION III
DUTIES TO A PARTY OR THE PARTY'S LAWYER

119. A lawyer must not act in such a manner as to mislead a party or the party's lawyer, or in such a manner as to abuse their good faith.

120. A lawyer must not communicate in a matter with a person whom he knows to be represented by a lawyer, except in the presence or with the consent of that lawyer or unless he is authorized to do so by law. In the event of an unsolicited or accidental communication, the lawyer must promptly inform the person's lawyer of the circumstances and content of the communication.

Subject to the first paragraph, a lawyer may seek information from any potential witness, but he must disclose the interests of the person for whom he is acting.

121. When a lawyer acts in a case pending before a tribunal, he must not communicate directly as regards the case, outside the tribunal, with the judge or a member of the tribunal, except:

(1) in writing, if he promptly gives a copy to the opposite party who has appeared or to his lawyer; or

(2) orally, after having given reasonable notice to the opposite party who has appeared or to his lawyer.

DIVISION IV
DUTIES REGARDING WITNESSES

122. A lawyer must not knowingly permit a witness or party to present himself in a false or misleading manner or to impersonate another person.

123. A lawyer must not, directly or indirectly, pay or offer to pay compensation to a witness or offer the witness any other benefit which is conditional upon the content of his testimony or the outcome of the matter.

However, a lawyer may agree to pay:

(1) reasonable expenses incurred by a witness to appear or testify;

(2) reasonable compensation to a witness for loss of time in appearing or testifying; or

(3) reasonable fees for the professional services of an expert witness.

DIVISION V
DUTIES REGARDING MEMBERS OF A JURY PANEL OR JURORS

124. A lawyer who acts in a criminal matter must not, before the trial, communicate with or cause another person to communicate with anyone that the lawyer knows to be on the jury panel for that trial.

125. The lawyer must promptly disclose to the judge or the lawyer of the other party any information to the effect that a juror or a person on a jury panel:

(1) has or may have an interest in the outcome of the case;

(2) knows or is connected in any manner with the presiding judge, any of the lawyers or any of the parties; or

(3) knows or is connected in any manner with any person who has appeared or is expected to appear as a witness.

126. A lawyer must promptly disclose to the tribunal any information that the lawyer believes reveals misconduct by a member of a jury panel or by a juror.

127. Except as permitted by law, a lawyer who acts in a matter must not communicate with or cause another person to communicate with any member of the jury during the trial.

128. A lawyer must not have any discussion after trial with a member of the jury about its deliberations.

CHAPTER IV
DUTIES TO THE PROFESSION

DIVISION I
GENERAL RULES

129. A lawyer must contribute to preserving the honour, dignity and reputation of his profession and to maintaining the public's confidence in the profession.

130. A lawyer must, to the extent it is possible for him, contribute to the development of education and information for the public relating to the field in which he practises.

131. A lawyer must, to the extent it is possible for him, assist in the development of his profession through the exchange of his knowledge and experience with other lawyers, students and articling students and through his participation in courses and professional training periods.

132. A lawyer must collaborate with other lawyers in the interests of clients and the sound administration of justice.

He must therefore avoid any unfair practice or any conduct towards another lawyer which could abuse the other lawyer's good faith or trust. He must also avoid criticizing, in an unrestrained or unfounded manner, his competence or conduct, the quality of his services or his fees.

133. A lawyer must immediately inform the executive director of the Barreau when he knows of any impediment to the admission of a candidate to the practice of the profession of lawyer.

134. Subject to the lawyer's duty of confidentiality to a client, the lawyer must inform the syndic of the Barreau about the occurrence of any of the following situations involving another lawyer:

(1) the unlawful custody or use of monies or other property held in trust;

(2) the termination of the practice of the profession;

(3) the inability to practise the profession;

(4) participation in an unlawful act when practising the profession;

(5) a health condition that could materially prejudice a client;

(6) conduct that raises a doubt as to his honesty, loyalty or competence; or

(7) the performance of any act whose nature or seriousness is such that it could adversely affect the honour, dignity or reputation of the profession or the public's confidence in the profession.

135. A lawyer must personally and diligently answer all communications from a member of the office of the syndic of the Barreau as well as from any of the persons referred to in section 192 of the Professional Code. The lawyer must respond using the means of communication chosen by that person or go to the person's office if the person so requests.

He must also fulfil all undertakings given by him to these persons.

136. A lawyer who has been informed of an inquiry or a complaint regarding him must not communicate, directly or indirectly, with the person who is the source of the inquiry or who filed the complaint, unless he has the prior written permission of a syndic of the Barreau.

Moreover, he must not intimidate a person or retaliate or threaten to retaliate against the person because the person participated or cooperated or intends to participate or cooperate in such an inquiry or complaint, reported or intends to report conduct contrary to this code, or availed himself of a right or recourse set forth in a regulation adopted under the Professional Code or the Act respecting the Barreau du Québec.

137. A lawyer who engages in his professional activities within a partnership or joint-stock company within the meaning of the Regulation respecting the practice of the profession of advocate within a limited liability partnership or joint-stock company and in multidisciplinarity must cease to engage in his professional activities within the partnership or joint-stock company:

(1) if the representative of the partnership or joint-stock company or a director, an officer or an employee thereof is still performing his duties therein more than ten days after an executory decision ordering him to be struck off a roll for more than three months or revoking his permit; or

(2) if a shareholder or partner of the partnership or joint-stock company who has been struck off a roll for more than three months or had his permit revoked is still directly or indirectly exercising a voting right within such partnership or joint-stock company more than ten days after the effective date of the striking off or revocation, or has not entered into an agreement to place his shares or partnership units in escrow within 30 days following the aforementioned effective date.

138. A lawyer who is asked by the Barreau to sit on the professional inspection committee, the disciplinary council, the review committee constituted under section 123.3 of the Professional Code or a council of arbitration of accounts established pursuant to the Regulation respecting the conciliation and arbitration procedure for the accounts of advocates (chapter B-1, r. 17) cannot refuse the position unless he has reasonable grounds to do so.

DIVISION II
INCOMPATIBLE FUNCTIONS

139. The following are incompatible with the practice of the profession of lawyer:

(1) the office of judge under the Courts of Justice Act (chapter T-16) and the office of municipal judge on a permanent or full-time basis;

(2) the office of legal stenographer; and

(3) the office of collection agent.

140. A lawyer may not engage in professional activities with respect to a matter in which he or a person who engages in his professional activities within the same firm acts as bailiff.

141. A lawyer who is a police officer may act as a lawyer only for the police force to which he is attached or as a representative of police officers in a disciplinary matter or labour relations matter. He may not act as a defence lawyer or as a prosecutor in criminal or penal matters.

142. A lawyer who has ceased to hold the office of judge or exercise an adjudicative function must not plead before the tribunal or adjudicative body of which he was a member if the situation is likely to bring the administration of justice into disrepute.

DIVISION III
NAME OF FIRM, ADVERTISING AND USE OF THE GRAPHIC SYMBOL OF THE BARREAU

§1. Name of firm

143. A lawyer must not practise his profession under a name or designation that is not distinctive or nominative, that is misleading, deceptive or contrary to the honour, dignity or reputation of his profession or that is a numerical designation.

144. A lawyer who engages in his professional activities within a firm must take reasonable measures to ensure that every document produced within the practice of the profession of lawyer and originating from the firm is identified with the name of a lawyer.

§2. Advertising

145. In his advertising, a lawyer may not use or allow to be used an endorsement or statement of gratitude concerning him.

146. A lawyer may advertise fees charged for his services provided the following conditions are met:

(1) the advertising is sufficiently precise as to the nature and extent of the services offered for each fee quoted; and

(2) the advertising states whether other amounts, such as disbursements and taxes, will be charged in addition to the fee quoted.

147. A lawyer advertising lump-sum fees must:

(1) establish fixed prices;

(2) specify the nature and extent of the professional services included in the fees and, where applicable, any other services included therein;

(3) indicate whether disbursements and taxes are included in the fees; and

(4) indicate whether other professional services might be required which are not included in the fees.

The details and indications must be of such a nature as to adequately inform persons who have no particular knowledge of the field of law.

148. A lawyer must abide by the fees announced for a minimum period of 90 days after they are last advertised or published. However, during this time, he may agree with a client on a lower price than that announced.

149. A lawyer must retain a complete copy of any advertisement in its original form, for a period of 12 months after the date on which it is advertised or published for the last time.

150. A lawyer who knows or should know that the advertising of the firm within which he engages in his professional activities violates the rules set out in this division must take the necessary measures to put an end to such a violation.

§3. Graphic symbol of the Barreau

151. A lawyer who reproduces the graphic symbol of the Barreau for advertising purposes must ensure that the symbol conforms to the original held by the executive director of the Barreau.

152. Where applicable, a lawyer must ensure that the firm within which he engages in his professional activities uses the symbol of the Barreau only if all the services offered by the firm are professional services rendered by lawyers or, if the firm also offers other professional services, provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

However, the graphic symbol of the Barreau may always be used in connection with the name of a lawyer.

153. Where a lawyer uses the graphic symbol of the Barreau, he must not suggest that such advertising emanates from the Barreau.

TITLE III
FINAL PROVISIONS

154. This code replaces the Code of ethics of advocates (chapter B-1, r. 3).

155. This code shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

102037

Gouvernement du Québec

O.C. 130-2015, 25 February 2015

Professional Code
(chapter C-26)

Psychotherapist
— Psychotherapist's permit
— Amendment

Regulation to amend the Regulation respecting the psychotherapist's permit

WHEREAS, under the first paragraph of section 187.3.2 of the Professional Code (chapter C-26), the Office des professions du Québec is authorized, in exercising the regulatory power conferred by section 187.3.1 of the Code, to take transitional measures during the first six years following 21 June 2012 which may have effect, in whole or in part, from any date not prior to that date;

WHEREAS the Office made, on 12 September 2014, the Regulation to amend the Regulation respecting the psychotherapist's permit;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 September 2014 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 13 of the Professional Code, every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

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 to amend the Regulation respecting the psychotherapist's permit, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the psychotherapist's permit

Professional Code
(chapter C-26, s. 187.3.2)

1. The Regulation respecting the psychotherapist's permit (chapter C26, r. 222.1) is amended by inserting the following sections after section 8:

"**8.1.** The board of directors of the Ordre professionnel des psychologues du Québec issues a psychotherapist's permit to a person who applies therefor before 26 September 2015 and who, before the date of coming into force of section 187.1 of the Professional Code, holds a marriage and family therapist's permit issued by the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec.

A person who, on the date of coming into force of section 187.1 of the Code, is registered in a training program in marital and family therapy giving access to the marriage and family therapist's permit issued by the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec and who obtains a permit after that date is deemed to meet the condition set out in paragraph 1 of section 1.

8.2. The board of directors of the Ordre professionnel des psychologues du Québec issues a psychotherapist's permit to a holder of a permit issued by the Ordre professionnel des sexologues du Québec who applies therefor before 26 September 2015 and who, before the date of constitution of the Ordre professionnel des sexologues du Québec, has completed his or her master's studies in sexology at the Université du Québec à Montréal with a profile including theoretical and practical training in counseling or clinical sexology.".

2. This Regulation comes into force on 26 March 2015.

102038

Gouvernement du Québec

O.C. 131-2015, 25 February 2015

Professional Code
(chapter C-26)

Physiotherapy
— Practice of physiotherapy within a partnership or a joint-stock company

Regulation respecting the practice of physiotherapy within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraphs *g* and *h* of section 93 of the Code, the board of directors of a professional order must, by regulation, impose on its members who carry on their professional activities within a partnership or a joint-stock company the obligation to furnish and maintain coverage, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault in the practice of their profession, and fix the conditions and procedure applicable to a declaration to the order;

WHEREAS the board of directors of the Ordre professionnel de la physiothérapie du Québec made, on 27 September 2013, the Regulation respecting the practice of physiotherapy within a partnership or a joint-stock company;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 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, pursuant to the first paragraph of section 95.2 of the Code, a regulation made by the board of directors of a professional order under paragraph *g* or *h* of section 93 must be transmitted for examination to the Office, which may approve it with or without amendment;

WHEREAS the first regulation made by the board of directors of a professional order under paragraph *p* of section 94 of the Code is subject to the approval of the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the practice of physiotherapy within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 9 April 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has approved, on 10 November 2014, the Regulation, except sections 1, 2 and 5 and Divisions IV and V;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve sections 1, 2 and 5 and Divisions IV and V of the Regulation with amendments;

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

THAT sections 1, 2 and 5 and Divisions IV and V of the Regulation respecting the practice of physiotherapy within a partnership or a joint-stock company, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting the practice of physiotherapy within a partnership or a joint-stock company

Professional Code
(chapter C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

DIVISION I
TERMS AND CONDITIONS OF PRACTICE

1. A member of the Ordre professionnel de la physiothérapie du Québec may carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (chapter C-26), if

(1) more than 50% of the voting rights attached to the shares of the partnership or joint-stock company are held by

(a) a member of the Order, a professional governed by the Professional Code or a professional governed by a regulatory body part of the Canadian Alliance of Physiotherapy Regulators or the Association of Canadian Occupational Therapy Regulatory Organizations;

(b) a joint-stock company where 100% of the voting rights attached to the shares are held by at least one person referred to in subparagraph *a*; or

(c) a trust whose trustees are persons referred to in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners of the limited liability partnership are persons referred to in subparagraph *a* of paragraph 1;

(3) to constitute a quorum at a meeting of the directors of a partnership or joint-stock company, a majority of the persons present must be persons referred to in subparagraph *a* of paragraph 1;

(4) the conditions set out in this section appear in the articles of constitution of the joint-stock company or are stipulated in the contract constituting the limited liability partnership and that is also provided that the partnership or joint-stock company is constituted for the purposes of the carrying on professional activities; and

(5) the articles of constitution of the joint-stock company or the contract constituting the limited liability partnership must provide for the manner in which the shares are to be sent, in the event of the death, invalidity, striking off or bankruptcy of one of the persons referred to in subparagraph *a* of paragraph 1.

2. A member who wishes to practise within a partnership or joint-stock company must provide the secretary of the Order with:

(1) the declaration referred to in section 3 with the fees prescribed by the board of directors of the Order;

(2) a written document from a competent authority certifying that the partnership or joint-stock company complies with the professional liability coverage requirements of Division III;

(3) if the member practises within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;

(4) where applicable, a certified true copy of the declaration from the competent authority indicating that the general partnership has been continued as a limited liability partnership;

(5) a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(6) a written document certifying that the partnership or joint-stock company maintains an establishment in Québec; and

(7) an irrevocable written authorization from the partnership or joint-stock company within which the member practises entitling a person, a committee, a disciplinary body or a tribunal referred to in section 192 of the Professional Code to require any person to produce a document mentioned in section 9, or a copy of such a document.

3. The member must also send to the secretary of the Order a sworn declaration duly made on the form provided by the Order and containing

(1) the name of the partnership or joint-stock company and any other names used in Québec by the partnership or joint-stock company within which the member practises and the business number assigned to it by the competent authority;

(2) the legal form of the partnership or joint-stock company;

(3) in the case of a joint-stock company, the address of the head office of the company and establishments in Québec, the name and home address of the directors and the name and home address of the officers, and the order or professional association of which they are members, if applicable;

(4) in the case of a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, the names and home addresses of the partners, the names and home addresses of the directors, and the order or professional association of which they are members, if applicable;

(5) the member's name, member number, status within the partnership or joint-stock company and professional activities carried on within the partnership or joint-stock company;

(6) an attestation certifying that the shares held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

4. Members must

(1) update the declaration referred to in section 3 and provide the declaration to the Order, accompanied by the fees prescribed by the board of directors of the Order, before 31 March of each year;

(2) inform the Order without delay of any change in the coverage under Division III or in the information provided in the declaration provided pursuant to section 3 that may affect compliance with the conditions set out in this Regulation.

5. A member immediately ceases to be authorized to practise within a partnership or joint-stock company if the member no longer complies with the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code.

The member who is struck off the roll for more than 3 months or whose permit has been revoked may not, during the period of the striking off or revocation, directly or indirectly hold any share in the partnership or joint-stock company.

The member may also not be a director, officer or representative of the partnership or joint-stock company during that period.

DIVISION II
REPRESENTATIVE

6. If two or more members practise within the same partnership or joint-stock company, a representative must be designated to act on behalf of all the members practising in the partnership or joint-stock company in order to comply with the terms and conditions provided in sections 3 and 4.

The representative must ensure the accuracy of the information provided to the Order.

The representative is also designated by the members practising within a partnership or joint-stock company to reply to requests made by the syndic, an inspector or any other representative of the Order and to provide, where applicable, the documents that the members are required to submit.

The representative must be a member of the Order who practises in Québec within the partnership or joint-stock company and be a partner or a director and shareholder with voting rights of the partnership or joint-stock company.

DIVISION III
PROFESSIONAL LIABILITY COVERAGE

7. To be authorized to practise within a partnership or joint-stock company, members must furnish and maintain for that partnership or joint-stock company, by an insurance contract or by participation in group insurance contracted by the Order, security against the liability that the partnership or joint-stock company may incur as the result of a fault on the part of the members committed while carrying on his or her professional activities.

8. The security must include the following minimum conditions:

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault on the part of a member committed while carrying on his or her professional activities;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all costs and expenses of proceedings against the partnership or joint-stock company, including the costs of the inquiry and defence and the interest on the amount of the security;

(3) an undertaking by the insurer that the security extends to all claims submitted in the 5 years following the coverage period during which a member of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault on the part of the member in the practice of his or her profession;

(4) an amount of security of at least $1,000,000 per claim, subject to a limit of $3,000,000 for all claims filed against the partnership or joint-stock company during a coverage period not exceeding 12 months, regardless of the number of members in the partnership or joint-stock company;

(5) an undertaking by the insurer to provide the secretary of the Order with a 30-day notice prior to any cancellation or amendment to the insurance contract if the amendment affects a condition set out in this Regulation or to any non-renewal of the contract.

DIVISION IV
ADDITIONAL INFORMATION

9. The documents that may be required pursuant to paragraph 7 of section 2 are the following:

(1) if the member practises within a joint-stock company:

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) an up-to-date register of the shares of the joint-stock company;

(c) an up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration and certificate of registration of the joint-stock company and any update; and

(f) a list of the company's principal officers and their home addresses;

(2) if the member practises within a limited liability partnership:

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement and amendments;

(c) an up-to-date register of the partners;

(d) where applicable, an up-to-date register of the directors of the partnership; and

(e) a complete and up-to-date list of the partnership's principal officers and their home addresses.

DIVISION V
TRANSITIONAL AND FINAL

10. A member of the Order who practises within a joint-stock company constituted before 26 March 2015 must comply with this Regulation at the latest within 1 year following that date.

11. This Regulation comes into force on 26 March 2015.

102039

Gouvernement du Québec

O.C. 132-2015, 25 February 2015

Professional Code
(chapter C-26)

Physical therapists and physical rehabilitation therapists
— Code of ethics of physical therapists and physical rehabilitation therapists
— Amendment

Regulation to amend the Code of ethics of physical therapists and physical rehabilitation therapists

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre professionnel de la physiothérapie du Québec made, on 15 November 2013, the Regulation to amend the Code of ethics of physical therapists and physical rehabilitation therapists;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 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 Regulation to amend the Code of ethics of physical therapists and physical rehabilitation therapists was published in Part 2 of the *Gazette officielle du Québec* of 9 April 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS 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 to amend the Code of ethics of physical therapists and physical rehabilitation therapists, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of physical therapists and physical rehabilitation therapists

Professional Code
(chapter C-26, s. 87)

1. The Code of ethics of physical therapists and physical rehabilitation therapists (chapter C-26, r. 197) is amended by replacing section 2 by the following:

"**2.** Members must take reasonable measures to ensure that persons who collaborate with the members in the practice of the profession and any partnership within which the members carry on that profession comply with the Professional Code and its regulations, including this Code.".

2. The following is added after section 2:

"**2.1.** The duties and obligations under the Professional Code and its regulations are not modified or diminished in any manner owing to the fact that a member carries on professional activities within a partnership.".

3. The following paragraph is added at the end of section 17:

"Where the physical therapist intends to proceed with cervical manipulation, the physical therapist must, in addition to meet the obligations referred to in the preceding paragraph, obtain the written consent of the client.".

4. The following sentence is added at the end of section 22:

"They may not, in particular, invoke the liability of the partnership within which they carry on professional activities or that of another person also practicing as a ground for excluding their professional liability.".

5. Section 24 is replaced by the following:

"**24.** Members must subordinate their personal interests, those of the partnership within which they carry on their professional activities or in which they have an interest and those of any other person carrying on activities within the partnership, to those of their clients.".

6. The following paragraph is added at the end of section 26:

"Where members carry on their professional activities within a partnership, situations of conflict of interest are assessed with regard to all clients.".

7. The following is added after section 29:

"**29.1.** Members must take reasonable measures to ensure that any person who cooperates with them or carries on his or her professional activities within the same partnership maintains professional secrecy.".

8. Section 32 is amended by replacing "or for third parties" by ", for third persons or for any partnership within which members carry on their professional activities".

9. This Regulation comes into force on 26 March 2015.

102040

Gouvernement du Québec

O.C. 133-2015, 25 February 2015

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 of professional orders — 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 Bureau de cooperation interuniversitaire in the case of a university-level diploma and the Minister of Higher Education, Research and Science;

WHEREAS the Office carried out the 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 24 September 2014 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 des psychologues du Québec;

WHEREAS it is expedient to make the Regulation with amendments;

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.

JUAN ROBERTO IGLESIAS,
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, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in section 1.24:

(1) by replacing paragraph 1 by the following:

"(1) Doctorat en psychologie, recherche et intervention (Ph.D.) or Doctorat en psychologie (D.Psy.) from the Université de Montréal;";

(2) by inserting "or Doctorat en recherche et intervention en psychologie (Ph.D.)" in paragraph 6 after "(D.Ps.)".

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

102041

Gouvernement du Québec

O.C. 136-2015, 25 February 2015

An Act respecting the determination of the causes and circumstances of death
(chapter R-0.2)

Tariff of costs for the transportation, keeping and preservation of dead bodies

WHEREAS, under subparagraphs 3 and 4 of the first paragraph of section 168 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), the Government may, by regulation, after consultation with the Chief Coroner, adopt a tariff respecting the costs of transporting, keeping and preserving dead bodies and the cost of any other service required for the administration of the Act;

WHEREAS, under the second paragraph of that section, the Government may also, by regulation, determine in which cases, on what conditions and to which categories of persons the tariff applies;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Tariff of costs for the transportation, keeping and preservation of dead bodies was published in Part 2 of the *Gazette officielle du Québec* of 24 September 2014 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS section 169 of the Act respecting the determination of the causes and circumstances of death provides that such a regulation may come into force on the tenth day following its publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS the Chief Coroner has been consulted;

WHEREAS it is expedient to make the Tariff without amendment;

WHEREAS it is expedient to set 1 April 2015 as the date of coming into force of the Tariff;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Tariff of costs for the transportation, keeping and preservation of dead bodies be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Tariff of costs for the transportation, keeping and preservation of dead bodies

An Act respecting the determination of the causes and circumstances of death
(chapter R-0.2, s. 168, 1st par., subpars. 3 and 4, and 2nd par., and s. 169)

1. A carrier that has entered into an agreement with the Chief Coroner for the transportation of dead bodies under section 33 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2) receives the amounts below for the transportation of one or more bodies at the request of a coroner or another person authorized under section 65, 66 or 68 of the Act:

(1) for a round trip within the limits of the agglomeration of Québec or the agglomeration of Montréal, only the following flat tariff is payable:

Basic amount	**Day or evening**	**Night**
Monday to Friday	$126	$135
Saturday or Sunday	$137	$146
holiday	$167	$176

(2) for a round trip anywhere else:

Basic amount	**Day or evening**	**Night**
Monday to Friday	$94	$103
Saturday or Sunday	$105	$114
holiday	$135	$144
Plus the kilometres travelled		
on public roads	$1.10/km	
off public roads	$2.00/km	

For the purposes of paragraphs 1 and 2 of this section, day transportation means transportation departing between 8:00 a.m. and 4:00 p.m.; evening transportation means transportation departing between 4:00 p.m. and midnight, and night transportation means transportation

departing between midnight and 8:00 a.m.; despite the foregoing, where transportation begins in the evening and ends at night, the night tariff is applicable provided that half or more of the transportation takes place after midnight.

(3) $76 for each additional dead body transported during the same trip;

(4) $28 where a dead body's condition requires further cleaning of the vehicle and equipment;

(5) for the time waited and the work performed by the carrier's employees when taking possession of a body or during an external examination or autopsy, up to a maximum of 9 hours per employee:

	Day or evening	Night
weekday	$20/h	$22/h
Saturday or Sunday	$22/h	$24/h
holiday	$28/h	$30/h

For the purposes of this paragraph, "day" means the hours comprised between 8:00 a.m. and 4:00 p.m., "evening" the hours comprised between 4:00 p.m. and midnight and "night" the hours comprised between midnight and 8:00 a.m.;

(6) the living expenses of the employees are reimbursed to the carrier in accordance with the following directive of the Conseil du trésor: *Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics* made by C.T. 212379 dated 26 March 2013 and amended by C.T. 214163 dated 30 September 2014 (*Recueil des politiques de gestion* 10-2-2-9).

2. A morgue designated under section 32 of the Act receives $41 for the keeping or preservation of a dead body for less than 24 hours. If the body is kept or preserved for 24 hours or more, the morgue receives $41 per period of 24 hours, including any incomplete 24-hour period.

The morgue receives $41 for each visit by the coroner or a person authorized under section 65, 66 or 68 of the Act during the time the dead body is kept or preserved.

3. On 1 January of each year, the amounts prescribed in paragraphs 1 to 5 of section 1 and in section 2 are adjusted by a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 30 September of the year preceding the year for which the tariff is to be adjusted.

The Chief Coroner publishes the rate on the website of the Coroner's Office and in the *Gazette officielle du Québec.*

4. This Tariff replaces the Tariff of costs for the transportation, custody and preservation of dead bodies (chapter R-0.2, r. 6).

5. This Tariff comes into force on 1 April 2015.

102042

Gouvernement du Québec

O.C. 138-2015, 25 February 2015

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Construction Industry
— Training Fund for Employees

Regulation respecting the Training Fund for Employees in the Construction Industry

WHEREAS, under subparagraph 13.2 of the first paragraph of section 123.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the Commission de la construction du Québec may, by regulation, establish the conditions and method of operation of the Training Fund for Employees in the Construction Industry, including the contributions to be paid by employers according to their category and the rules for the administration and investment of the money making up the Fund;

WHEREAS the Commission, after consulting the Committee on vocational training in the construction industry, in accordance with section 123.3 of the Act, adopted the Regulation respecting the Training Fund for Employees in the Construction Industry on 4 December 2013;

WHEREAS, under section 123.2 of the Act, such regulation of the Commission is submitted to the Government for approval, with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the Training Fund for Employees in the Construction Industry was published in Part 2 of the *Gazette officielle du Québec* of 19 November 2014 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, following that publication, no comments were received and it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the Training Fund for Employees in the Construction Industry, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting the Training Fund for Employees in the Construction Industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, ss. 93.7 and 123.1, 1st par., subpar. 13.2)

1. This Regulation establishes the conditions and method of operation of the Training Fund for Employees in the Construction Industry, established by the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

2. The Fund is to be used exclusively to promote and finance development activities for employees in the construction industry and comprises two components:

(1) a component covering the institutional and commercial sector, the industrial sector, and the civil engineering and roads sector, dedicated to promoting and financing the development activities of the employees in those sectors;

(2) the residential sector component, dedicated to promoting and financing the development activities of the employees in that sector.

"Development activities" means any project eligible under the general rules for the use of the Training Fund for Employees in the Construction Industry determined pursuant to section 18.2 of the Act.

3. The Fund is made up of

(1) the amounts from the training fund for the construction industry and the training plan for the residential sector transferred pursuant to sections 81 and 82 of the Act to eliminate union placement and improve the operation of the construction industry (2011, chapter 30);

(2) the contributions paid by an employer for each hour worked by each of its employees during the month preceding the monthly report to be provided by the employer pursuant to the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11);

(3) the interest earned on the money accumulated in the Fund;

(4) amounts from any increase in the assets of the Fund; and

(5) amounts from a loan contracted by the Commission de la construction du Québec to offset any insufficiency in the Fund.

4. The administrative and operating costs of the Fund are paid out of the money making up the Fund. The allocation method of the Commission applies to determine the amount of the payments from the Fund into the general administration fund.

5. The employer's contributions provided for in section 3 are $0.20 per hour worked, except for a 5-year period during which they will be $0.15 per hour worked, which begin on Sunday following the last day of the first full monthly period of work following the date of coming into force of this Regulation.

The Commission credits those contributions to the Fund component corresponding to their sector.

6. The fiscal year of the Fund is the calendar year.

7. The Commission adopts the annual budget of the Fund.

8. The expenses of the Fund comprise the administrative and operating costs of the Fund, including the promotion and financing of development activities, administrative expenses relating to the management of property used and the development projects for development activities.

9. The Commission administers the money making up the Fund as follows:

(1) it deposits the part of the money that it plans to use in the short term with an institution governed by the Act respecting financial services cooperatives (chapter C-67.3), the Bank Act (Statutes of Canada, 1991, chapter 46) or the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45);

(2) it invests the rest of the money in accordance with the investment policy for funds under the management of the Commission.

10. The Commission finances development activities in accordance with the general rules for the use of the Training Fund for Employees in the Construction Industry determined pursuant to section 18.2 of the Act.

11. Representative associations referred to in subparagraph *b* of the first paragraph of section 1 and contractors' associations referred to in subparagraph *c*.1 of the first paragraph of section 1 of the Act may receive subsidies to promote the development activities offered by the Commission.

12. The amount available each year to promote development activities corresponds to 8% of the budget adopted by the Commission for the annual financing of development activities.

From the percentage specified in the first paragraph, 3% is allocated to the promotion done by the Commission and 5% to the projects of the associations referred to in section 11.

13. The amount available for the projects submitted by the associations is divided equally between representative associations and contractors' associations.

14. The amount available for the projects submitted by representative associations is apportioned in proportion to the hours declared during the last calendar year by employers, pursuant to the Regulation respecting the register, monthly report, notices from employers and the designation of a representative, according to the union allegiance of each employee.

The preceding calendar year is the reference period to calculate the apportionment provided for in the first paragraph.

15. Between contractors' associations, the amount available is determined as follows:

(1) Where the amount available in accordance with section 13 for contractors' associations is equal to or greater than $800,000, a first lump sum of $100,000 is available for each sector-based employers' association referred to in subparagraph *c*.2 of the first paragraph of section 1 of the Act, per sector represented by the association, and to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec;

(2) The amount in excess of $600,000 is available between each of the sector-based employers' associations per sector represented by each association, in proportion to the hours declared during the last 5 calendar years for the sector, out of all the hours so declared for all sectors;

(3) Where the amount available for contractors' associations is less than $800,000, a first amount corresponding to 12.5% of that amount is available for each sector-based employers' association, per sector represented by each association, and to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec, and the balance is available for sector-based employers' associations in accordance with the proportion determined under paragraph 2, for the sector represented by the association.

16. An application for a subsidy must be received by the Commission not later than 31 October prior to the year covered by the application, in the manner prescribed by the Commission. The application must describe the eligible promotion projects that the association intends to carry out and contain a budget proposal whose amount is less than or equal to the amount available to the association for that purpose.

17. The Commission and the association must agree on conditions for the use of the subsidy. The agreement must pertain, in particular, to the following:

(1) the eligible promotion projects in the application for a subsidy that the association may carry out;

(2) the amount granted for those promotion projects;

(3) the payment conditions, that is, a first payment representing 70% of the subsidy given within 30 days of the signing of the agreement by the association, and a second payment payable within 30 days of the final rendering of accounts, corresponding to the difference between the actual costs of the promotion projects agreed upon and the first payment, up to the amount of the subsidy granted;

(4) repayment conditions in case of failure to comply with the agreement;

(5) accountability conditions.

18. The Commission may extend the time limit indicated in section 16 if the association proves that it could not comply with it for reasonable cause.

19. This Regulation comes into force on 26 March 2015.

102043

M.O., 2015

Order number 2015-01 of the Minister of Transport dated 24 February 2015

Highway Safety Code
(chapter C-24.2)

Amendment to the Approval of the cameras used to photograph the registration plates of road vehicles crossing bridge P-15020 on Autoroute 25

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 595.1 of the Highway Safety Code (chapter C-24.2) which provides that the cameras used to photograph the registration plates of road vehicles driven on a public road subject to a toll pass under the Act respecting transport infrastructure partnerships (chapter P-9.001) are approved by the Minister of Transport and they must also allow the place, date and time the photograph was taken to be determined;

CONSIDERING Order in Council 2011-05 of the Minister of Transport dated 29 April 2011 concerning the Approval of the cameras used to photograph the registration plates of road vehicles crossing bridge P-15020 on Autoroute 25 (chapter C-24.2, r. 3.1);

CONSIDERING that it is expedient to amend the Approval;

ORDERS AS FOLLOWS:

1. The Approval of the cameras used to photograph the registration plates of road vehicles crossing bridge P-15020 on Autoroute 25 (chapter C-24.2, r. 3.1) is amended in section 1

(1) by inserting "or LMS 511-10100" after "LMS 211" in paragraph *a*; and

(2) by inserting "or P1353" after "P1343" in paragraph *c*.

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

ROBERT POËTI,
Minister of Transport

102044

M.O., 2015-02

Order number V-1.1-2015-02 of the Minister of Finance, February 12, 2015

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure

WHEREAS subparagraphs 1, 3, 4,1, 8, 11, 14 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS Regulation 81-101 respecting mutual fund prospectus disclosure was made by the decision no. 2001-C-0283 on June 12, 2001 (Supplément au Bulletin de la Commission des valeurs mobilières du Québec, volume 32, no. 26 of June 29, 2001);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 11, no. 12 of March 27, 2014;

WHEREAS the *Autorité des marchés financiers* made, on January 20, 2015, by the decision no. 2015-PDG-0008, Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 81-101 respecting mutual fund prospectus disclosure appended hereto.

February 12, 2015

CARLOS LEITÃO,
Minister of Finance

REGULATION TO AMEND REGULATION 81-101 RESPECTING MUTUAL FUND PROSPECTUS DISCLOSURE

Securities Act
(chapter V-1.1, s. 331.1, par. (1), (3), (4.1), (8), (11), (14) and (34))

1. Section 1.1 of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure (chapter V-1.1, r. 38) is amended:

(1) by inserting, after the definition of the expression "independent review committee", the following:

""managed account" has the meaning ascribed to that term in Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10);";

(2) by inserting, after the definition of the expression "Part B section", the following:

""permitted client" has the meaning ascribed to that term in Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations;";

(3) by inserting, after the definition of the expression "personal information form", the following:

""pre-authorized purchase plan" means a contract or other arrangement for the purchase of securities of a mutual fund, by payments of a specified amount, on a regularly scheduled basis, and which can be terminated at any time;".

2. Section 3.2 of the Regulation is amended by deleting paragraphs (2) to (2.3).

3. The Regulation is amended by inserting, after section 3.2, the following:

"**3.2.01. Pre-Sale Delivery of Fund Facts Document**

(1) If securities legislation requires a dealer to deliver or send a prospectus in connection with a purchase of a security of a mutual fund, the dealer must, unless the dealer has previously done so, deliver to the purchaser the fund facts document most recently filed under this Regulation for the applicable class or series of securities of the mutual fund before the dealer accepts an instruction from the purchaser for the purchase of the security.

(2) In Nova Scotia, a fund facts document is a disclosure document prescribed under subsection 76(1A) of the *Securities Act* (R.S.N.S. 1989, c. 418).

(3) In Ontario, a fund facts document is a disclosure document prescribed under subsection 71(1.1) of the *Securities Act* (R.S.O. 1990, c. S. 5).

(4) The requirement under securities legislation to deliver or send a prospectus in connection with a purchase of a security of a mutual fund does not apply if

(a) a fund facts document for the applicable class or series of securities of the mutual fund is

(i) delivered to the purchaser before the dealer accepts an instruction from the purchaser for the purchase of the security, or

(ii) delivered or sent to the purchaser in accordance with section 3.2.02 or 3.2.04 and the conditions set out in the applicable section are satisfied, or

(b) section 3.2.03 applies and the conditions set out in that section are satisfied.

"**3.2.02. Exception to Pre-Sale Delivery of Fund Facts Document**

(1) Despite subsection 3.2.01(1), a dealer may deliver or send to the purchaser the most recently filed fund facts document for the applicable class or series of securities of the mutual fund not later than midnight on the second business day after entering into the purchase of a security of the mutual fund, if all of the following apply:

(a) the purchaser instructs the dealer that the purchase must be completed immediately or by a specified time;

(b) it is not reasonably practicable for the dealer to deliver the fund facts document before the time specified by the purchaser under paragraph (a);

(c) before the instruction from the purchaser for the purchase of a security of the mutual fund is accepted,

(i) the dealer informs the purchaser of the existence and purpose of the fund facts document and explains the dealer's obligation to deliver the fund facts document,

(ii) the purchaser consents to the dealer delivering or sending the fund facts document after entering into the purchase, and

(iii) the dealer verbally discloses to the purchaser a summary of all of the following:

(A) the fundamental features of the mutual fund, and what it primarily invests in, as set out under the heading "What does the fund invest in?" in Item 3 of Part I of the fund facts document;

(B) the investment risk level of the mutual fund as set out under the heading "How risky is it?" in Item 4 of Part I of the fund facts document;

(C) the suitability of the mutual fund for particular investors as set out under the heading "Who is this fund for?" in Item 7 of Part I of the fund facts document;

(D) any costs associated with buying, owning and selling a security of the mutual fund as set out under the heading "How much does it cost?" in Item I of Part II of the fund facts document;

(E) any applicable withdrawal rights or rescission rights that the purchaser is entitled to under securities legislation, as set out under the heading "What if I change my mind?" in Item 2 of Part II of the fund facts document.

(2) For the purposes of subparagraph (1)(c)(ii), the consent must be given in respect of a specific instruction to purchase a security of a mutual fund and, for greater certainty, cannot be in the form of blanket consent from the purchaser.

"**3.2.03. Delivery of Fund Facts for Subsequent Purchases Under a Pre-authorized Purchase Plan**

Despite subsection 3.2.01(1), a dealer is not required to deliver the fund facts document to a purchaser in connection with a purchase of a security of a mutual fund made pursuant to a pre-authorized purchase plan if all of the following apply:

(a) the purchase is not the first purchase under the plan;

(b) the dealer has provided a notice to the purchaser that states,

(i) subject to paragraph (c), the purchaser will not receive a fund facts document after the date of the notice, unless the purchaser specifically requests it,

(ii) the purchaser is entitled to receive upon request, at no cost to the purchaser, the most recently filed fund facts document by calling a specified toll-free number, or by sending a request by mail or e-mail to a specified address or e-mail address,

(iii) how to access the fund facts document electronically,

(iv) the purchaser will not have a right of withdrawal under securities legislation for subsequent purchases of a security of a mutual fund under the plan, but will continue to have a right of action if there is a misrepresentation in the prospectus or any document incorporated by reference into the prospectus, and

(v) the purchaser may terminate the plan at any time;

(c) at least annually during the term of the plan, the dealer notifies the purchaser in writing of how the purchaser can request the most recently filed fund facts document; and

(d) the dealer delivers or sends the most recently filed fund facts document to the purchaser if the purchaser requests it.

"**3.2.04. Delivery of Fund Facts for Managed Accounts and Permitted Clients**

Despite subsection 3.2.01(1), a dealer may deliver or send to the purchaser of a security of a mutual fund the most recently filed fund facts document for the applicable class or series of securities of the mutual fund not later than midnight on the second business day after entering into the purchase of a security of the mutual fund if

(a) the purchase is made in a managed account, or

(b) the purchaser is a permitted client that is not an individual.

"**3.2.05. Electronic Delivery of the Fund Facts Document**

(1) If the purchaser of a security of a mutual fund consents, a fund facts document that may be or is required to be delivered or sent under this Part may be delivered or sent electronically.

(2) For the purposes of subsection (1), a fund facts document may be delivered or sent to the purchaser by means of an e-mail that contains

(a) the fund facts document as an attachment, or

(b) a hyperlink that leads directly to the fund facts document.".

4. Section 3.2.1 of the Regulation is amended by replacing, in paragraph (1), the words "subsection 3.2(2)" with the words "sections 3.2.01, 3.2.02 or 3.2.04".

5. Section 3.2.2 of the Regulation is amended by replacing, in paragraph (1), the words "subsection 3.2(2)" with the words "sections 3.2.01, 3.2.02 or 3.2.04".

6. Section 5.2 of the Regulation is replaced with the following:

"**5.2. Combinations of Fund Facts Documents for Delivery Purposes**

(1) If a fund facts document for a particular class or series of securities of a mutual fund is delivered under subsection 3.2.01(1), the fund facts document must not be combined with any other materials or documents.

(2) Despite subsection (1), a fund facts document may be combined with one or more other fund facts documents if the combination of documents is not so extensive as to cause a reasonable person to conclude that the combination of documents prevents the information from being presented in a simple, accessible and comparable format.

(3) Despite subsection (2), if multiple fund facts documents are being delivered electronically at the same time, those fund facts documents cannot be combined into a single e-mail attachment or a single document accessible through a hyperlink.

(4) A fund facts document delivered or sent under section 3.2.02, 3.2.03, or 3.2.04 must not be combined with any other materials or documents including, for greater certainty, another fund facts document, except one or more of the following:

(a) a general front cover pertaining to the package of attached or bound materials and documents;

(b) a trade confirmation which discloses the purchase of securities of the mutual fund;

(c) a fund facts document of another mutual fund if that fund facts document is also being delivered or sent under section 3.2.02, 3.2.03, or 3.2.04;

(d) the simplified prospectus or the multiple SP of the mutual fund;

(e) any material or document incorporated by reference into the simplified prospectus or the multiple SP of the mutual fund;

(f) an account application document;

(g) a registered tax plan application or related document.

(5) If a trade confirmation referred to in paragraph (4)(b) is combined with a fund facts document, any other disclosure documents required to be delivered or sent to satisfy a regulatory requirement for purchases listed in the trade confirmation may be combined with the fund facts document.

(6) If a fund facts document is combined with any of the materials or documents referred to in subsection (4), a table of contents specifying all documents must be combined with the fund facts document, unless the only other documents combined with the fund facts document are the general front cover permitted under paragraph (4)(a) or the trade confirmation permitted under paragraph (4)(b).

(7) If one or more fund facts documents are combined with any of the materials or documents referred to in subsection (4), only the general front cover permitted under paragraph (4)(a), the table of contents required under subsection (6) and the trade confirmation permitted under paragraph (4)(b) may be placed in front of the fund facts documents.".

7. Section 5.5 of the Regulation is replaced with the following:

"**5.5 Combinations of Fund Facts Documents for Filing Purposes**

For the purposes of section 2.1, a fund facts document may be combined with another fund facts document of a mutual fund in a simplified prospectus or, if a multiple SP, another fund facts document of a mutual fund combined in the multiple SP.".

8. Any exemption from or waiver of a provision of the Regulation in relation to the prospectus or fund facts document delivery requirements for mutual funds expires on May 30, 2016.

9. For the purposes of section 3.2.03 of the Regulation , as enacted by section 3 of this Regulation, the first purchase of a security of a mutual fund made pursuant to a pre-authorized purchase plan on or after May 30, 2016, is considered to be the first purchase transaction under the plan.

10. Section 9 does not apply to a pre-authorized purchase plan established prior to May 30, 2016, if a notice in a form substantially similar to the notice contemplated under paragraph (c) of section 3.2.03 was delivered or sent to the purchaser between May 30, 2015 and May 30, 2016.

11. This Regulation comes into force on March 11, 2015, except for sections 2, 3, 4, 5, 6, 7, 9 and 10, which come into force on May 30, 2016.

102023

Draft Regulations

Draft Regulation

Professional Code
(chapter C-26)

Podiatrists
— Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics of podiatrists, adopted by the board of directors of the Ordre des podiatres du Québec, may be submitted to the Government which may approve it, with or without amendments, on the expiry of 45 days following this publication.

The draft Regulation replaces the current Code of ethics of podiatrists to take into account the new realities in which the profession is practised and to better regulate the profession, considering that the ethical rules must be adjusted to the provisions of the new Regulation respecting the practice of podiatry within a partnership or a joint-stock company.

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

Further information may be obtained by contacting Martine Gosselin, Director General and Secretary of the Ordre des podiatres du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 288-0019 or 1 888 514-7433; fax: 514 844-7556; email: mgosselin@ordredespodiatres.qc.ca

Any person wishing to comment on the matter is requested to submit written comments, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments may also be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
Chair of the Office des professionsdu Québec

Code of ethics of podiatrists

Professional Code
(chapter C-26, s. 87)

DIVISION I
GENERAL DUTIES OF PODIATRISTS

1. A podiatrist must take reasonable measures to ensure that persons who collaborate with the podiatrist in the carrying on of professional activities comply with the Podiatry Act (chapter P-12), the Professional Code (chapter C-26) and their regulations.

A podiatrist who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the Podiatry Act, the Professional Code and their regulations.

2. The duties and obligations under the Podiatry Act, the Professional Code and their regulations are not changed or reduced by the fact that a podiatrist carries on professional activities within a partnership or joint-stock company.

3. A podiatrist must ensure that the obligations towards the partnership or joint-stock company of which the podiatrist is a director or officer are not incompatible with the obligations towards patients.

DIVISION II
DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

4. A podiatrist must promote improvement in the quality and availability of professional services in the field in which the podiatrist practises.

5. In the practice of the profession, a podiatrist must

(1) bear in mind all the foreseeable effects which the podiatrist's opinions, advice, research and work may have on the public;

(2) promote measures of education and information in the field in which the podiatrist practises and do what is required to ensure such education and information;

(3) contribute to the development of the profession through the exchange of the podiatrist's knowledge and experience with colleagues and students and by the podiatrist's participation in courses and continuing training periods;

(4) keep his or her theoretical and clinical knowledge up-to-date in accordance with the evolution of podiatry;

(5) collaborate in the safe recovery of outdated or unused medications for purposes of destruction.

6. A podiatrist must behave with moderation, dignity and a concern for protecting the health and well-being of the people the podiatrist serves, individually as well as collectively.

DIVISION III
DUTIES AND OBLIGATIONS TOWARDS THE PATIENT

§1. General

7. Before rendering any professional service, a podiatrist must bear in mind the extent of the podiatrist's proficiency, knowledge and the means at the podiatrist's disposal.

A podiatrist must, in particular, offer professional services only if the service is deemed to be justified and opportune. Also, the podiatrist must not offer services for which the podiatrist is not sufficiently prepared.

8. A podiatrist must practice the profession in accordance with the recognized standards of practice and the present state of knowledge in podiatry. For that purpose, the podiatrist must

(1) make a podiatry diagnosis with great care;

(2) use the appropriate scientific methods and, where necessary, consult knowledgeable sources;

(3) refrain from resorting to insufficiently tested examinations, investigations or treatments, unless they are part of a recognized research project and carried out in a recognized scientific milieu; and

(4) observe the generally recognized rules of hygiene and asepsis.

9. A podiatrist must provide a service or give prescriptions only when they are necessary from a podiatry point of view.

10. A podiatrist must avoid performing unwarranted or unnecessarily increase the number of professional acts and refrain from performing any act that is inappropriate or disproportionate to the needs of the patient.

11. A podiatrist must at all times acknowledge the patient's right to consult another podiatrist or any other competent person. The podiatrist offers his or her cooperation to the person consulted.

12. A podiatrist must not practise under conditions or in situations likely to impair the quality of the services.

13. A podiatrist must seek to establish a relationship of mutual trust between himself or herself and the patient. The podiatrist must refrain from practising the profession in an impersonal manner.

14. A podiatrist must not interfere in the personal affairs of the patient in matters that do not fall within podiatry.

15. A podiatrist's physical, mental and emotional behaviour toward all persons with whom the podiatrist comes into contact in the practice of the profession, particularly toward all patients, must be beyond reproach.

§2. Integrity

16. Podiatrists must discharge their professional duties with integrity.

17. A podiatrist must avoid any misrepresentation with respect to the podiatrist's level of competence or the efficiency of the podiatrist's own services and of those generally provided by the members of the profession. If the good of the patient so requires, the podiatrist must, with the latter's authorization, consult another podiatrist or another competent person, or refer the patient to one of these persons.

Similarly, a podiatrist must avoid any misrepresentation with respect to the competency or efficiency of the services generally provided by the persons with whom the podiatrist carries on professional activities within the same partnership or joint-stock company.

18. Before giving advice or expressing an opinion, a podiatrist must endeavour to have full knowledge of the facts. The podiatrist must refrain from expressing an opinion or giving advice that is contradictory or incomplete.

19. A podiatrist must set out in a simple, complete and objective manner to the patient the nature and scope of the problem which, in the podiatrist's opinion, arises from the patient's condition.

The podiatrist must inform the patient of the extent, the therapeutic procedures and the costs of the indicated treatment plan and obtain an explicit consent thereto.

20. A podiatrist must inform the patient as soon as possible of any complication, incident or accident occurring while offering professional services.

21. A podiatrist must take reasonable care of goods entrusted to the podiatrist by a patient.

§3. Availability and diligence

22. A podiatrist must display reasonable availability and diligence towards the patient.

23. A podiatrist may not cease to offer professional services to a patient unless the podiatrist has sound and reasonable grounds to the contrary. The following constitute sound and reasonable grounds:

(1) absence or lost of the patient's trust;

(2) lack of cooperation on the part of the patient and, in particular, refusal by the latter to submit to the treatment prescribed by the podiatrist;

(3) the fact that a podiatrist is placed in a situation of conflict of interest or a situation such that the podiatrist's professional independence could be called in to question;

(4) inducement by the patient to illegal, unfair or fraudulent acts;

(5) refusing the treatment indicated by the podiatrist or refrain from following the podiatrist's opinions or advice.

24. Before terminating the professional services to a patient, a podiatrist must advise the patient of his or her intention and ensure that such termination of services is not detrimental to the health of the patient.

§4. Responsibility

25. A podiatrist must commit his or her personal civil liability for acts the podiatrist has performed, whatever the conditions under which the podiatrist provides the services. The podiatrist may not elude or attempt to elude liability, nor request that a patient or another person renounce any recourse in a case of professional negligence on the podiatrist's part. Furthermore, the podiatrist may not invoke the liability of the partnership or joint-stock company within which the podiatrist carries on professional activities, or that of another person also carrying on activities in said partnership or joint-stock company, as a ground for excluding or limiting the podiatrist's personal civil liability.

§5. Independence and impartiality

26. A podiatrist must subordinate his or her personal interest and the interest of the partnership or joint-stock company in which the podiatrist carries on professional activities or has an interest to that of the patient.

27. A podiatrist must act with objectivity whenever persons other than patients request information from the podiatrist.

28. No podiatrist may conclude any agreement that could jeopardize the independence, impartiality, objectivity or integrity required to carry on the podiatrist's professional activities. In particular, no agreement may

(1) exclude categories or brands of podiatric ortheses from those the podiatrist offers to the public;

(2) limit the freedom to buy and sell;

(3) determine or restrict the professional services the podiatrist may offer to the public.

29. Where a podiatrist holds direct or indirect interests in a business engaged in the manufacture of podiatric ortheses, the podiatrist must

(1) inform the patient before giving a prescription;

(2) insert an indication to that effect in any advertisement promoting podiatric ortheses, including the podiatrist's business cards, website and invoicing, and in any advertisement.

30. Podiatrists must safeguard their professional independence and ignore any intervention by a third person which could influence the performance of their professional duties to the detriment of their patient.

31. Podiatrists may not practice podiatry if they are in a situation of conflict of interests. Podiatrists are in a situation of conflict of interests if, in particular, they

(1) share their professional income, in any form whatsoever, with a person, trust or undertaking, except for:

(a) a person who is a member of the Ordre des podiatres du Québec;

(b) a person, trust or undertaking referred to in the Regulation respecting the practice of podiatry within a partnership or a joint-stock company *(enter the date of coming into force of the Regulation)*;

(c) a partnership or a joint-stock company within which the podiatrist carries on professional activities;

(2) grant any commission, rebate, advantage or other consideration of a similar nature relating to the practice of podiatry;

(3) accept, in their capacity as a podiatrist or by using their title of podiatrist, any commission, rebate or material benefit with the exception of customary presents and gifts of modest value;

(4) rent or use the premises, equipment or other resources of any person, including a plantar orthoses laboratory or a manufacturer of medications or other products associated with the practice of podiatry, unless the podiatrist has a written agreement containing a statement that the obligations under the agreement are in compliance with the provisions of this Code, and a clause authorizing disclosure of the agreement, on request, to the Order;

(5) practice podiatry jointly, in a partnership or joint-stock company or for a person or within a partnership or joint-stock company, unless the partnership, joint-stock company or person is:

(a) a podiatrist;

(b) a government, a governmental or municipal organization, a university or an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(c) a business retaining their services for the sole purpose of providing podiatric advice or services to its employees;

(d) a partnership or joint-stock company referred to in the Regulation respecting the practice of podiatry within a partnership or a joint-stock company.

32. A podiatrist must take the necessary measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the podiatrist carries on professional activities or in which the podiatrist has an interest, as soon as the podiatrist becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be considered in assessing the effectiveness of such measures:

(1) size of the partnership or joint-stock company;

(2) precautions taken to prevent access to the podiatrist's file by the person having a conflict of interest;

(3) instructions given to protect confidential information or documents related to the conflict of interest;

(4) isolation, from the podiatrist, of the person having a conflict of interest.

33. Despite paragraph 3 of section 31, a podiatrist is not in a situation of conflict of interest if the podiatrist accepts a discount from a supplier for one of the following reasons:

(1) for prompt regular payment, when the discount is indicated on the invoice and complies with marketplace rules in similar matters;

(2) due to the volume of products purchased other than medication, where the discount is indicated on the invoice or the account statement and complies with marketplace rules in similar matters.

§6. *Professional secrecy*

34. A podiatrist must respect the secrecy of all confidential information acquired in the practice of the profession.

35. A podiatrist may be released from professional secrecy with the authorization of the patient or whenever so ordered by law.

36. No podiatrist may reveal that a person retained the podiatrist's services except for the purposes of the internal administration of the partnership or joint-stock company within which the podiatrist carries on professional activities.

37. A podiatrist must avoid indiscreet conversations concerning a patient and the services rendered to the patient.

38. A podiatrist must not make use of confidential information which could be prejudicial to a patient or with a view to obtaining a direct or indirect benefit for the podiatrist or for another.

39. A podiatrist must ensure that any person with whom the podiatrist carries on professional activities does not disclose to a third party the confidential information of which the person may have taken cognizance.

40. The communication by a podiatrist of confidential information to ensure the protection of persons, pursuant to the third paragraph of section 60.4 of the Professional Code, must

(1) be made within a reasonable time to achieve the purpose intended by the communication; and

(2) be noted in the patient's record, along with the name and contact information of any person to whom the information was communicated, the information in question, the reasons for the decision to communicate the information and the method of communication used.

§7. Accessibility and rectification of records and release of documents

41. A podiatrist must respond promptly, at the latest within 10 days of its receipt, to any request made by a patient to consult or obtain a copy of documents that concern the patient in any record made in the patient's respect.

The same applies to any written request made by a patient, for the purpose of taking back a document entrusted to a podiatrist by a patient.

42. A podiatrist may charge the patient reasonable fees that do not exceed the cost of reproduction or transcription of the documents and the cost of transmitting a copy of them.

A podiatrist who intends to charge such fees must inform the patient of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

43. A podiatrist must provide a patient or anyone designated by the patient, upon request, with all information that would allow the patient to obtain a benefit to which the patient may be entitled.

44. A podiatrist must respect the patient's right to have his or her prescriptions filled at the place and by the professional of the patient's choice.

45. A podiatrist must, at the written request of the patient and at the latest within 10 days of the date of such request, provide anyone designated by the patient with the relevant information in the podiatric record that the podiatrist holds or maintains in the patient's respect.

46. A podiatrist must respond promptly, at the latest within 10 days of its receipt, to any request made by a patient to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the patient. The podiatrist must also respect the patient's right to make written comments in the record.

A podiatrist must give the patient, free of charge, a duly dated copy of the document or part of the document filed in the record so that the patient may verify that the information has been corrected or deleted or, as the case may be, give the patient an attestation stating that the patient's written comments have been filed in the record.

47. On written request from the patient, a podiatrist must forward a copy, free of charge, of the corrected information or an attestation stating that information has been deleted or, as the case may be, that written comments have been filed in the record, to every person from whom the podiatrist received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

48. A podiatrist who denies a patient access to information contained in a record established in the patient's respect or who refuses to grant a request to correct or delete information must provide the patient with written justification explaining the refusal, enter the written justification in the record and inform the patient of his or her recourses.

§8. Fixing and payment of fees

49. A podiatrist must charge only fair and reasonable fees.

50. Fees are fair and reasonable if they are justified by the circumstances and proportionate to the services rendered. In fixing the fees, the podiatrist must give consideration to the following factors, among others:

(1) the time spent in performing the professional service;

(2) the difficulty and importance of the service;

(3) the providing of unusual services or of services requiring exceptional promptness or skill;

(4) where applicable, the cost, for the podiatrist, of the products or material used in the performance of the professional services.

51. No podiatrist may demand the payment of an account for professional services of which a third party assumes the cost unless the podiatrist legally has concluded an explicit agreement to the contrary with the patient.

52. No podiatrist may charge fees for a professional service provided but not required.

53. No podiatrist may charge fees for professional services not provided or fees which do not correspond to the services actually rendered.

54. A podiatrist must provide the patient with all the explanations necessary to understand the statement of fees and the terms of payment and, on request, a detailed statement of the fees and the cost of the products or material used in the performance of the professional services.

55. No podiatrist may require advance payment of professional fees. The podiatrist may, however, require an advance to defray the expenses necessary for the performance of the professional services needed.

56. A podiatrist may charge interest on the accounts only after duly advising the patient thereof. The rate of the interest charged must be reasonable.

57. Before taking legal action, a podiatrist must exhaust all the other lawful means available to the podiatrist for obtaining payment of the fees.

58. A podiatrist must refrain from selling his or her accounts, except to a colleague upon the transfer of the business office.

59. When a podiatrist entrusts another person with the collection of the accounts, the podiatrist must ensure that the latter usually acts tactfully and with restraint.

60. Where a podiatrist carries on professional activities within a joint-stock company, the revenue generated by the podiatrist while rendering professional services within and on behalf of the joint-stock company belongs to the joint-stock company, unless agreed to otherwise.

In such a case, the setting, billing and payment of fees are subject to the conditions set out in sections 49 and 50 of this subdivision and the podiatrist remains personally responsible for their application.

DIVISION IV
DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

§1. Incompatible duties and responsibilities

61. The following are incompatible with the practice of podiatry:

(1) the practice of another profession in human health governed by the Professional Code;

(2) the practice of an activity or a trade related to bodily care and, in particular, the practice of the trade of reflexologist, aesthetician, kinesitherapist, masseur or massotherapist, naturopath or osteopath.

§2. Derogatory acts

62. In addition to the acts mentioned in sections 57, 58, 59.1 and 59.1.1 of the Professional Code, the following acts are derogatory to the dignity of the profession:

(1) unduly urging someone to use the podiatrist's professional services;

(2) delivering, issuing or giving to anyone a false report, certificate or prescription;

(3) issuing to anyone, for any reason, a false certificate or attestation or any other document containing false or unchecked information;

(4) resorting to insufficiently tested examinations, investigations or treatments, unless they are part of a recognized research project and carried out in a recognized scientific milieu;

(5) guaranteeing the effectiveness of services;

(6) using or administering medication whose period of usage as indicated by the manufacturer has expired;

(7) lending the podiatrist's name to a person for the purpose of permitting the person to recommend or to promote the sale, distribution or utilization of medications or instruments used in the practice of podiatry, or with a view to permitting that person to recommend or promote a treatment;

(8) altering or removing notes in a patient's record which are already entered, or replacing any part thereof without justification;

(9) giving permission or allowing a person other than a professional authorized by law to perform acts in foot care or surgical assistance or knowingly profiting from the fact that such a person performs these acts;

(10) participating in or contributing to the commission of a violation of the Professional Code or the Podiatry Act (chapter P-12), or knowingly profiting from such a violation, particularly the illegal practice of the profession or the misuse of the title;

(11) failing to inform the Order as rapidly as possible of any person performing acts which may only be performed by a podiatrist;

(12) resorting to legal proceedings against a patient during the 45 days following receipt of a copy of an application for the conciliation of accounts;

(13) communicating with the person who has requested the holding of an inquiry without the written and prior permission of the syndic or of the syndic's assistant when informed of an inquiry into the podiatrist's professional conduct or competence or when a complaint is served against the podiatrist;

(14) taking legal action against a colleague in connection with a matter related to the practice of the profession before having previously requested conciliation by the syndic;

(15) charging, offering, accepting or agreeing to accept a sum of money or advantage for the purpose of having a proceeding or decision of the Order adopted or rejected;

(16) furnishing false information to the Order;

(17) failing to inform the Order when a podiatrist has reason to believe that a podiatrist is incompetent or does not comply with the professional ethics;

(18) refusing to provide professional services to a patient for the sole reason that the patient has had or intends to have the prescription filled by a third party;

(19) practising podiatry without identifying himself or herself by name and profession;

(20) carrying on professional activities within, or having an interest in, a partnership or joint-stock company whose name compromises the dignity of the profession of podiatrist or with a person who, to the podiatrist's knowledge, acts in a manner that compromises the dignity of the profession of podiatrist;

(21) carrying on professional activities within, or having an interest in, a partnership or joint-stock company, where a partner, shareholder, director, manager or employee of the partnership or joint-stock company has been suspended for more than 3 months or whose professional permit has been revoked, unless the partner, shareholder, director, manager or employee

i. ceases to occupy the position of director or manager within the partnership or joint-stock company within 15 days of the date on which the suspension or the revocation of the podiatrist's permit takes effect;

ii. ceases to attend shareholder meetings and to exercise the voting right within 15 days of the date on which the suspension or the revocation of the podiatrist's permit takes effect;

iii. disposes of the voting shares or transfers them to a trustee within 15 days of the date on which the suspension or the revocation of the podiatrist's permit takes effect;

(22) intimidating, hindering or denigrating in any way whatsoever a representative of the Order acting in the performance of the duties conferred upon the person by the Professional Code, the Podiatry Act or their regulations, or any person who has requested the holding of an inquiry, or any other person identified as a witness who could be summoned before a disciplinary body.

§3. Relations with the Order and the members

63. A podiatrist who is asked by the Order to be on one of its statutory committees must accept unless the podiatrist has reasonable grounds for refusing.

64. A podiatrist must promptly reply to all requests from the secretary of the Order, the office of the syndic, an investigator or a member of the professional inspection committee and make himself or herself available for any meeting deemed relevant.

65. A podiatrist must not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards the podiatrist. In particular, the podiatrist must not take credit for work done by a colleague.

66. Where a podiatrist is asked for advice by a colleague, the podiatrist must provide his or her opinion and recommendations promptly.

DIVISION V
ADVERTISING

67. A podiatrist's advertising must contain only information that will help the public to make an enlightened choice and that will facilitate the public's access to useful or necessary podiatric services.

The information must be such that it informs persons having no particular knowledge of podiatry.

68. A podiatrist may not, by any means whatsoever, advertise or make a representation to the public or to a person having recourse to the podiatrist's services or allow such advertising or representation to be made in the podiatrist's name, about the podiatrist or for his or her benefit, that is false, misleading or incomplete, particularly as to the podiatrist's level or competence or the scope or effectiveness of the podiatrist's services, or favouring a medication, product, or method of investigation or treatment.

69. A podiatrist may not engage, by any means whatsoever, in advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health or their personal condition.

70. A podiatrist must refrain from using comparative advertising.

71. A podiatrist must clearly indicate in the advertising and on all other items of identification used to offer professional services, the podiatrist's name as well as the podiatrist's status as podiatrist. The podiatrist may also mention the services offered and the pathologies treated.

72. No podiatrist may use or allow the use of an endorsement or a statement of gratitude concerning the podiatrist when advertising, using social media or speaking or appearing in public.

73. All podiatrists who are partners or work together in the practice of their profession are jointly responsible for complying with the rules respecting advertising, unless one of them demonstrates that the advertising was done without the podiatrist's knowledge and consent and despite measures taken to ensure compliance with those rules.

74. A podiatrist must avoid, in advertising, all methods and attitudes likely to give a profit-seeking or commercialistic character to the profession.

75. No podiatrist may, by any means whatsoever, engage in or allow advertising that mentions a price, reduction, discount or gratuity on the treatment of local disorders of the foot, including the sale of podiatric ortheses.

76. A podiatrist must keep an integral copy of every advertisement for a period of 5 years following the date on which it was last published or broadcast. On request, the copy must be given to the syndic.

DIVISION VI
GRAPHIC SYMBOL OF THE ORDER

77. The Order is represented by a graphic symbol that conforms to the original held by the secretary of the Order.

78. A podiatrist who reproduces the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the secretary of the Order.

79. Where the podiatrist uses the graphic symbol of the Order for advertising purposes, the podiatrist must ensure that such advertising is not interpreted as emanating from the Order, and that it does not bind the Order in any way.

80. This Regulation replaces the Code of ethics of podiatrists (chapter P-12, r. 5) and the Regulation respecting advertising by podiatrists (chapter P-12, r. 12).

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

102047

Draft Regulation

Professional Code
(chapter C-26)

Podiatrists
—Practice within a partnership or a joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of podiatry within a partnership or a joint-stock company, adopted by the board of directors of the Ordre des podiatres du Québec, may be submitted to the Government which may approve it, with or without amendments, on the expiry of 45 days following this publication.

The draft Regulation authorizes a member of the Order to carry on professional activities within a joint-stock company or a limited liability partnership.

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

Further information may be obtained by contacting Martine Gosselin, Director General and Secretary of the Ordre des podiatres du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 288-0019 or 1 888 514-7433; fax: 514 844-7556; email: mgosselin@ordredespodiatres.qc.ca

Any person wishing to comment on the matter is requested to submit written comments, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments may also be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

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

Regulation respecting the practice of podiatry within a partnership or a joint-stock company

Professional Code
(chapter C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

DIVISION I
GENERAL

1. A podiatrist may, subject to the terms, conditions and restrictions established in this Regulation, carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (chapter C-26).

Podiatrists must at all times ensure that the partnership or joint-stock company allows them to comply with the Professional Code, the Podiatry Act (chapter P-12) and the regulations made under the Code or the Act.

2. If a podiatrist is struck off the roll for more than 3 months or has had his or her permit revoked, the podiatrist may not, during the period of the striking off or revocation, directly or indirectly hold any share in the partnership or joint-stock company.

During that period, the podiatrist may not be a director, officer or representative of the partnership or joint-stock company.

DIVISION II
TERMS AND CONDITIONS OF PRACTICE

3. A podiatrist may carry on professional activities within a joint-stock company or a limited liability partnership, if

(1) more than 50% of the voting rights attached to the shares of the partnership or joint-stock company are held by the following persons or a combination thereof:

(a) a podiatrist;

(b) a partnership or joint-stock company where 100% of the voting rights attached to the shares are held by a person referred to in subparagraph *a*;

(c) a trust whose trustees are persons referred to in subparagraph *a*;

(2) the other voting rights attached to the shares of the partnership or joint-stock company, as the case may be, are held by the following persons or a combination thereof:

(a) a member of a professional order governed by the Professional Code;

(b) a partnership or joint-stock company where 100% of the voting rights attached to the shares are held by a person referred to in subparagraph *a*;

(c) a trust whose trustees are persons referred to in subparagraph *a*;

(3) in the case of a joint-stock company, all of the non-voting shares are held by the following persons or a combination thereof:

(a) a podiatrist;

(b) a member of a professional order governed by the Professional Code;

(c) a relative, either by direct or indirect line of descent, of a member who holds shares referred to in subparagraph *a*;

(d) the spouse of a podiatrist who holds shares referred to in paragraph 1;

(e) a partnership or joint-stock company or a trust whose voting rights attached to the shares, equity securities or other rights are held entirely by a person referred to in subparagraphs *a*, *b*, *c* or *d*;

(4) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners of the limited liability partnership are persons referred to in subparagraph *a* of paragraph 1;

(5) to constitute a quorum at a meeting of the directors of a partnership or joint-stock company, a majority of the persons present must be persons referred to in subparagraph a of paragraph 1;

(6) the conditions set out in this section appear in the articles of constitution of the joint-stock company or are stipulated in the contract constituting the limited liability partnership and that is also provided that the partnership or joint-stock company is constituted for the purposes of carrying on professional activities; and

(7) the articles of constitution of the joint-stock company or the contract constituting the limited liability partnership must provide for the manner in which the shares are to be transferred, in the event of the death, invalidity, striking off or bankruptcy of one of the persons referred to in subparagraph *a* of paragraph 1.

4. A podiatrist who wishes to practise within a partnership or joint-stock company must provide the secretary of the Order with:

(1) the declaration referred to in section 5 with the fees prescribed by the board of directors of the Order;

(2) a written document from a competent authority certifying that the partnership or joint-stock company complies with the professional liability coverage requirements of Division IV;

(3) if the podiatrist practises within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;

(4) where applicable, a certified true copy of the declaration from the competent authority indicating that the general partnership has been continued as a limited liability partnership;

(5) a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(6) a written document certifying that the partnership or joint-stock company maintains an establishment in Québec;

(7) an irrevocable written authorization from the partnership or joint-stock company within which the podiatrist practises entitling a person, a committee, a disciplinary body or a tribunal referred to in section 192 of the Professional Code to require any person to produce a document mentioned in section 11, or a copy of such a document;

(8) a written undertaking from the partnership or joint-stock company that its shareholders having voting rights, its partners, directors and officers, as well as the members of its staff who are not podiatrists are aware of and comply with the regulations of the Order.

5. A podiatrist who wishes to practise within a partnership or joint-stock company must also send to the secretary of the Order a sworn declaration duly made on the form provided by the Order and containing

(1) the name of the partnership or joint-stock company and any other names used in Québec by the partnership or joint-stock company within which the podiatrist practises and the business number assigned to it by the competent authority;

(2) the legal form of the partnership or joint-stock company;

(3) in the case of a joint-stock company, the address of the head office of the company and establishments in Québec, the names and home addresses of the directors and officers, and the professional order of which they are members, if applicable;

(4) in the case of a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, the names and home addresses of the partners and directors, and the professional order of which they are members, if applicable;

(5) the podiatrist's name, member number, status within the partnership or joint-stock company and professional activities carried on within the partnership or joint-stock company;

(6) an attestation certifying that the shares held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

6. To retain the right to carry on professional activities within a partnership or joint-stock company, a podiatrist must

(1) update the declaration referred to in section 5 and provide the declaration to the Order, accompanied by the fees prescribed by the board of directors of the Order, before 31 March of each year;

(2) inform the Order without delay of any change in the coverage under Division IV or in the information provided in the declaration provided pursuant to section 5 that may affect compliance with the conditions set out in this Regulation, accompanied by the fees prescribed by the board of directors of the Order.

7. The name of the partnership or joint-stock company must not be a number name or include the name of a podiatric ortheses manufacturer.

DIVISION III
REPRESENTATIVE

8. If two or more podiatrists practise within the same partnership or joint-stock company, a representative must be designated to act on behalf of all the podiatrists practising in the partnership or joint-stock company in order to comply with the terms and conditions provided in sections 4 and 5.

The representative must ensure the accuracy of the information provided to the Order.

The representative is also designated by the podiatrists practising within a partnership or joint-stock company to reply to requests made by the syndic, an inspector or any other representative of the Order and to provide, where applicable, the documents that the podiatrists are required to submit.

The representative must be a podiatrist who practises in Québec within the partnership or joint-stock company and be a partner or a director and shareholder with voting rights of the partnership or joint-stock company.

DIVISION IV
PROFESSIONAL LIABILITY COVERAGE

9. To be authorized to practise within a partnership or joint-stock company, podiatrists must furnish and maintain for that partnership or joint-stock company, by an insurance contract or by participation in group insurance contracted by the Order, security against the liability that the partnership or joint-stock company may incur as the result of a fault on the part of the podiatrists committed while practising within the partnership or joint-stock company.

10. The security must include the following minimum conditions:

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault on the part of the podiatrist committed while practising within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all costs and expenses of proceedings against the partnership or joint-stock company, including the costs of the inquiry and defence and the interest on the amount of the security;

(3) an undertaking by the insurer that the security extends to all claims submitted in the 5 years following the coverage period during which a member of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a podiatrist, in order to maintain coverage for the partnership or joint-stock company for fault on the part of the podiatrist while practising within the partnership or joint-stock company;

(4) an amount of security of at least $1,000,000 per claim filed against the partnership or joint-stock company, subject to a limit of $3,000,000 for all claims filed against the partnership or joint-stock company during a coverage period not exceeding 12 months, regardless of the number of members in the partnership or joint-stock company;

(5) an undertaking by the insurer to provide the secretary of the Order with a 30-day notice prior to any cancellation or amendment to the insurance contract if the amendment affects a condition set out in this Regulation or to any non-renewal of the contract;

(6) an undertaking by the insurer to provide the secretary of the Order with a notice when the insurer has paid a sum of money by reason of a fault or negligence committed by a podiatrist setting out the name of the partnership or joint-stock company and of the podiatrist involved, the nature of the damage and of the fault, and the sum paid.

DIVISION V
ADDITIONAL INFORMATION

11. The documents that may be required pursuant to paragraph 7 of section 4 are the following:

(1) if the podiatrist practises within a joint-stock company:

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) an up-to-date register of the shares of the joint-stock company;

(c) an up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration and certificate of registration of the joint-stock company and any update; and

(f) a complete and up-to-date list of the company's principal officers and their home addresses;

(2) if the podiatrist practises within a limited liability partnership:

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement and amendments;

(c) an up-to-date register of the partners;

(d) where applicable, an up-to-date register of the directors of the partnership; and

(e) a complete and up-to-date list of the partnership's principal officers and their home addresses.

DIVISION VI
TRANSITIONAL AND FINAL

12. A podiatrist who practises within a joint-stock company constituted before the date of coming into force of this Regulation must comply with the requirements set out in this Regulation at the latest within 1 year following that date.

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

102049

Draft Regulation

Professional Code
(chapter C-26)

Sexologists
— Professional activities that may be engaged in by persons other than sexologists

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain professional activities that may be engaged in by persons other than sexologists, made by the board of directors of the Ordre professionnel des sexologues du Québec and appearing below, may be submitted to the Government which may approve it with or without amendment on the expiry of 45 days following this publication.

Among the professional activities reserved for sexologists and on the terms and conditions set out in the Regulation, the draft Regulation enables persons other than sexologists to engage in the activities required to complete a program of studies leading to a diploma giving access to the permit issued by the Order or a diploma in sexology issued by a university outside Québec.

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

Further information may be obtained by contacting Isabelle Beaulieu, Director General and Secretary, Ordre professionnel des sexologues du Québec, 4126, rue Saint-Denis, bureau 300, Montréal (Québec) H2W 2M5; telephone: 438 386-6777 or 1-855-386-6777, extension 222; email: isabelle.beaulieu@opsq.org

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

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

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

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

1. Among the professional activities that may be engaged in by sexologists, the activities required for the completion of a program of studies in sexology may be engaged in by a student registered in a program, on the condition that the student engages in the activities under the supervision of the supervisor provided for in section 2 of the Regulation and in keeping with the regulatory standards that apply to sexologists relating to ethics and the keeping of records and consulting rooms. In addition, the student must meet one of the following conditions:

(1) the program of studies in sexology in which the student is registered leads to a diploma giving access to the permit issued by the Ordre professionnel des sexologues du Québec; or

(2) the program of studies in sexology in which the student is registered leads to a diploma in sexology issued by an educational institution situated outside Québec of a level equivalent to that of the program referred to in paragraph 1.

2. The supervisor referred to in section 1 must be a member of the Order and, where applicable, be qualified to engage in the professional activities he or she is supervising and have a minimum of 5 years of practical experience in the field covered by the training program.

He or she must not have been the subject, in the 3 years preceding the supervision, of a decision under section 55 of the Professional Code (chapter C-26) requiring the person to complete a period of refresher training or a refresher course or of any decision by a professional order, a disciplinary council or the Professions Tribunal imposing the striking off the rolI, or restriction or suspension of the right to engage in professional activities.

On request, the supervisor sends to the Order the contact information of the student and the terms and conditions that apply to the supervisor.

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

102050

Draft Regulation

Veterinary Surgeons Act
(chapter M-8)

Pharmacy Act
(chapter P-10)

Terms and conditions for the sale of medications — 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 the terms and conditions for the sale of medications, made by the Office des professions du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The Regulation specifies the terms and conditions for the sale of the following substances: dextromethorphan and its salts, glycosaminoglycan, and pseudoephedrine and its salts.

The Office expects that the new measures will have no impact on enterprises, including small and medium-sized businesses.

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

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

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

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

Veterinary Surgeons Act
(chapter M-8, s. 9, 1st par.)

Pharmacy Act
(chapter P-10, s. 37.1)

1. The Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) is amended in Schedule II

(1) by inserting the following substance and specification after "Desoxyribonuclease (Pancreatic)":

"Dextromethorphan and its salts" and "Dosage forms in packaging units containing more than 850 mg"; and

(2) by inserting the following substance and specification after "Protamine and its salts":

"Pseudoephedrine and its salts", "Dosage forms containing no other medicinal ingredient" and "Dosage forms in packaging units containing more than 1,200 mg and containing another medicinal ingredient".

2. Schedule III is amended

(1) by adding the following specification to the substance "Dextromethorphan and its salts":

"Dosage forms in packaging units containing 850 mg or less and sold in single packages containing only one packaging unit"; and

(2) by replacing the specifications of the substance "Pseudoephedrine and its salts" by the following:

"Dosage forms in packaging units containing 1,200 mg or less, sold in single packages containing only one packaging unit and containing another medicinal ingredient".

3. Schedule IV is amended by adding the following specification to the substance "Glycosaminoglycan":

"Except dosage forms for oral use".

4. Schedule V is amended by inserting the following substance and specification after "Fipronil":

"Glycosaminoglycan" and "Dosage forms for oral use".

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

102048

Notices

Notice

Natural Heritage Conservation Act
(chapter C-61.01)

**Île-Jeannotte Nature Reserve
(Conservation de la nature – Québec)
— Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (Chapter C-61.01), that the Minister of Sustainable Development, Environment and the Fight Against Climate Change has recognized as a nature reserve a private property consisted the sector Domaine de l'île aux Pins inc., situated on the territory of the Municipality of Saint-Charles-sur-Richelieu, Regional County Municipality of La Vallée-du-Richelieu, known and designated as the lot number 3 405 502 of the Quebec cadastre, Saint-Hyacinthe registry division. This property covering an area of 11,73 hectares.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec.*

JEAN-PIERRE LANIEL,
Interim General Director of Ecology and Conservation

102052

Notice

Natural Heritage Conservation Act
(chapter C-61.01)

**Parc-Scientifique-Bromont Nature Reserve
— Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (chapter C-61.01), that the Minister of Sustainable Development, Environment and the Fight Against Climate Change has recognized as a nature reserve a private property consisted the sectors Salaberry-Est, Salaberry-Ouest, Chemin-d'Adamsville and Hyundai, situated on the town of Bromont, Regional County Municipality of Brome-Missisquoi, known and designated as the lots numbers 2 928 975, 2 928 976, 2 929 008 and 2 929 009, as a part of the lots numbers 2 928 580, 2 928 585, 2 928 586, 2 928 587, 2 928 592, 2 928 593, 2 928 867, 4 420 937 and 5 583 737, of the Quebec cadastre, Brôme registry division, and as a part of the lot number 2 591 615 of the Quebec cadastre, Shefford registry division. This property covering an area of 204,34 hectares.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec.*

JEAN-PIERRE LANIEL,
Interim General Director of Ecology and Conservation

102051

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