



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 89

(1995, chapter 50)

An Act to amend the Professional Code

Introduced 11 May 1995
Passage in principle 9 June 1995
Passage 1 December 1995
Assented to 7 December 1995

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EXPLANATORY NOTES

This bill amends the Professional Code to introduce the provisions necessary to ensure that the expenditures incurred by the Office des professions du Québec will be borne by the members of the professional orders.

In addition, provisions are added to require the Office to assume the cost relating to the salaries, fees or indemnities and travel and lodging expenses of the chairman or substitute chairman of the committee on discipline as well as those relating to attendance allowances of, and the reimbursement of expenses incurred by, the persons serving as representatives of the public on the Bureau and on the review committee of the order.

Finally, the bill provides for transitional measures in respect of the determination of the first two contributions of the members of a professional order.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Professional Code (R.S.Q., chapter C-26) is amended by replacing section 16 by the following sections:

“16. The fiscal year of the Office ends on March 31.

“16.1 The Office shall file with the Minister, on or before June 30 each year, its financial statements and a report upon its activities for the preceding fiscal year.

The financial statements and the activities report shall contain any information required by the Minister.

The Minister shall table the financial statements and the report before the National Assembly within 30 days of receiving them if it is in session or, if it is not sitting, within 30 days of resumption.

“16.2 The Office shall send to the Minister, at his request, statistical data, reports or other information on its activities within the time and in the form prescribed by the Minister.

“16.3 The Office shall send its budget estimates to the Minister on the date he determines.

The budget estimates shall be submitted to the Government for approval.

“16.4 The books and accounts of the Office shall be audited each year by the Auditor General and whenever the Government so orders.

The auditor's report shall be sent with the activities report and the financial statements of the Office.

“16.5 The Government may, on the terms and conditions it determines,

(1) authorize the Office to contract loans by notes, bonds or otherwise;

(2) secure payment in capital and interest of any loan contracted by the Office and any of its obligations;

(3) authorize the Minister of Finance to advance to the Office any amount considered necessary for the performance of its obligations or the exercise of its functions and powers.

The sums required for the carrying out of subparagraphs 2 and 3 of the first paragraph shall be taken out of the consolidated revenue fund.

“16.6 The sums received by the Office shall be applied to the payment of its activities and obligations.

“16.7 The Office may not make payments or assume obligations, except those provided for in section 16.5, for an amount that exceeds, in the same fiscal year, the sums at its disposal for the year in which the payments are made or the obligations assumed.

This section shall not operate to prevent the Office from making commitments for more than one fiscal year.

“16.8 The Office may invest, on a short-term basis, the funds placed at its disposal under this Act,

(1) in securities issued or guaranteed by the Government of Canada, Québec or any other Canadian province;

(2) by deposits in a bank or financial institution registered with the Régie de l'assurance-dépôts du Québec or in certificates, notes or other short-term securities or papers issued or guaranteed by a bank or such an institution.”

2. Section 19.1 of the said Code, enacted by section 12 of chapter 40 of the statutes of 1994, is amended by inserting, after subparagraph 3 of the first paragraph, the following subparagraph:

“(4) the amount of the contribution provided for in section 196.4 and determined under Chapter VIII.1.”

3. Section 46 of the said Code, replaced by section 40 of chapter 40 of the statutes of 1994, is amended by replacing the word “contributions” in the first line of paragraph 2 by the word “assessments” and by adding the words “as well as the amount of the contribution owed by him under Chapter VIII.1” at the end of the same paragraph.

4. Section 78 of the said Code, amended by section 68 of chapter 40 of the statutes of 1994, is again amended

(1) by replacing the words “prescribed by regulation of the Government, to an expense” in the fifth and sixth lines of the fourth paragraph by the words “determined by the Government, to an attendance”;

(2) by adding, at the end of the fourth paragraph, the following sentence: “The allowance and the amount of reimbursement shall be payable by the Office.”

5. Section 123.3 of the said Code, enacted by section 110 of chapter 40 of the statutes of 1994, is amended by adding, at the end of the fourth paragraph, the following: “The persons appointed in accordance with this paragraph shall be entitled, to the extent and on the conditions determined by the Government, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the exercise of that function. The allowance and the amount of reimbursement shall be payable by the Office.”

6. Section 125 of the said Code, amended by section 112 of chapter 40 of the statutes of 1994, is again amended by adding, at the end, the words “and shall be payable by the Office”.

7. Section 138 of the said Code, replaced by section 121 of chapter 40 of the statutes of 1994, is amended by adding, at the end, the following paragraph:

“The travel and lodging expenses of the members of the committee shall be determined by the Government and shall be payable by the order, except those of the chairman or substitute chairman, which shall be payable by the Office.”

8. Section 151 of the said Code, replaced by section 128 of chapter 40 of the statutes of 1994, is amended by striking out the fourth paragraph.

9. The said Code is amended by inserting, after section 196, the following:

“CHAPTER VIII.1

“FINANCIAL CONTRIBUTIONS

“**196.1** For the purposes of this chapter, the words “year of reference” mean the fiscal year of the Office used as the basis for computing the contribution fixed under section 196.4.

“**196.2** The expenditures incurred by the Office in a fiscal year shall be payable by the members of the professional orders.

“**196.3** For every fiscal year of the Office, each member of a professional order is required to pay a contribution equal to the total of the expenditures incurred by the Office for a year of reference, divided by the total number of members entered on the rolls of all orders on the last day of the year of reference.

“**196.4** The Government shall fix, for each fiscal year of the Office, the amount of the contribution of each member of an order.

The Office shall send to each order a written request for remittance of the contribution of each of its members on or before 1 January preceding the fiscal year of the Office in respect of which the contribution is fixed.

For the purposes of this section, the first year of reference used as the basis for computing the contribution determined by the Government for the fiscal year 1997-98 begins on 1 April 1994 and ends on 31 March 1995.

“**196.5** Where, for a particular fiscal year, the total amount of the contributions paid under section 196.3 is less than or is more than the amount of the expenditures incurred by the Office, the contribution of each member, established in accordance with section 196.3, shall be increased or reduced, as the case may be.

The increase or reduction shall be determined by establishing the difference between the expenditures incurred by the Office for that fiscal year and the total amount of contributions paid for the year of reference and dividing that difference by the total number of members entered on the roll of every order on the last day of that fiscal year. The charge payable pursuant to section 196.8 shall be deducted when the increase or reduction is determined.

For the purposes of this section, the fiscal year 1998-99 is the first particular fiscal year for which the contribution of each member established in accordance with section 196.3 is increased or reduced. The year of reference used as the basis for computing the contribution begins on 1 April 1995 and ends on 31 March 1996.

“196.6 Each order is required to collect the contribution of each person entered on the roll from 1 April following the date of the written request for remittance referred to in the second paragraph of section 196.4.

“196.7 The order shall remit the contributions of its members to the Office on or before 1 May following the date of the written request for remittance referred to in the second paragraph of section 196.4. The contributions collected after that date must be remitted to the Office by the order on or before 31 March following the date of the request for remittance.

“196.8 Every person or group and every department or other government body shall pay the charge determined by regulation of the Government after consultation with the Office and the Interprofessional Council in respect of any request they submit to the Office or of any act that must be performed by the Office in the exercise of its functions.”

TRANSITIONAL AND FINAL PROVISIONS

10. Notwithstanding sections 196.4 and 196.6 to 196.8 of the Professional Code, enacted by section 9 of this Act, the amount of the contribution each member of an order is required to pay to finance the activities of the Office is \$15.05 for the fiscal year 1995-96 and \$15.05 for the fiscal year 1996-97. The year of reference used as the basis for computing the contributions begins on 1 April 1993 and ends on 31 March 1994.

The Office shall send a written request for remittance of the contribution of its members to each order on or before the 30th day after the date of coming into force of this Act.

Each person entered on the roll of an order on 1 April 1996 or at any other time in the fiscal year 1996-97 is required to pay the contribution and to remit it to his order. The order is required to remit to the Office the contributions of its members on or before 1 May 1996. The contributions collected after 1 May 1996 must be remitted to the Office by the order on or before 31 March 1997.

11. For the purposes of section 196.3, expenditures incurred by the Office for the years of reference 1993-94, 1994-95 and 1995-96 shall be increased by the amount of expenditures directly related to the remuneration of the employees of the Office and incurred by other bodies for the benefit of the Office.

12. Funds committed out of the appropriations granted to the Ministère de la Justice for the fiscal year 1995-96 for the purposes of the “Organization and Regulation of the Professions” program constitute advances granted to the Office, which shall be repaid to that program on or before 1 March 1996.

The funds so repaid and the uncommitted appropriations constitute a reserve to increase, with the approval of the Conseil du trésor, any of the appropriations granted for the other programs of the Ministère de la Justice.

13. This Act comes into force on 7 December 1995.