



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 48

(2001, chapter 64)

An Act to amend the Act respecting the Barreau du Québec and the Stenographers' Act

**Introduced 6 November 2001
Passage in principle 22 November 2001
Passage 19 December 2001
Assented to 20 December 2001**

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EXPLANATORY NOTES

This bill amends the Act respecting the Barreau du Québec to entrust to a committee established within the Barreau du Québec the responsibility of overseeing training, accreditation and disciplinary matters in respect of the stenographers working in the administration of justice.

The bill also provides for the organization and operation of the committee.

In addition, the bill replaces the designation Barreau du Bas-Saint-Laurent-Gaspésie in the Act respecting the Barreau du Québec by Barreau du Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Stenographers' Act (R.S.Q., chapter S-33).

Bill 48

AN ACT TO AMEND THE ACT RESPECTING THE BARREAU DU QUÉBEC AND THE STENOGRAPHERS' ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 5 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing “Bas-Saint-Laurent-Gaspésie” in the fourth line of paragraph 3 by “Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine”.
2. Section 38 of the said Act is amended by striking out paragraph *a* of subsection 1.
3. The said Act is amended by adding the following division after Division XIV :

“DIVISION XIV.1

“STENOGRAPHER TRAINING AND ACCREDITATION AND DISCIPLINARY MATTERS

“140.1. A stenography committee, called the Comité sur la sténographie, is hereby established at the Barreau du Québec, whose mission is to provide the training of the stenographers working in the administration of justice, evaluate their skills and knowledge and grant accreditation to them. The mission of the stenography committee shall include overseeing disciplinary matters.

“140.2. The committee is composed of the seven following members :

- (1) three advocates designated by the Executive Committee ;
- (2) three stenographers designated by the association which is considered by the Minister of Justice to be the most representative of the stenographers working in the administration of justice or, failing such an association, designated by the Minister of Justice ;
- (3) one person designated by the Minister of Justice.

The chair of the committee is designated by the committee from among its members. The chair remains in office until the chair's term as a member of the committee expires.

The members are designated for a term of office of not more than three years. On the expiry of their terms, the members remain in office until they are replaced or reappointed.

“140.3. The members of the committee are not remunerated, except in such cases, on such conditions and to such extent as may be determined by a resolution of the General Council. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by a resolution of the General Council.

“140.4. The committee shall, by regulation,

(1) establish the rules and the terms and conditions related to the training, skill and knowledge evaluation, accreditation and discipline of stenographers ;

(2) fix the amount of the fee payable by candidates for the examinations they must take and the amount of the annual assessment that practising stenographers must pay to the Barreau du Québec, determine the portion of the assessment that is to be allocated to training, establish the terms and conditions of payment of the fee and assessment, fix the time within which the fee and assessment must be paid and the consequences of non-payment ;

(3) determine the committee’s rules of operation.

The adoption of a regulation by the committee requires a quorum of at least three members. Each regulation requires a majority vote of the members present. However, that majority must include the vote of at least one of the advocates designated pursuant to subparagraph 1 of the first paragraph of section 140.2 and the vote of at least one of the stenographers designated pursuant to subparagraph 2 of the same paragraph.

The regulations shall be transmitted by the committee to the Office des professions, which shall submit its opinion to the Minister of Justice ; the regulations shall be submitted to the Government, which, on the recommendation of the Minister, may approve them with or without amendments.

If the committee fails to make the regulations referred to in the first paragraph within the time fixed by the Minister of Justice, the Government shall make the regulations in the committee’s place and stead.”

4. Schedule 1 to the said Act is amended by replacing “Bas-Saint-Laurent-Gaspésie” in the sections column by “Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine”.

5. Section 3 of the Stenographers’ Act (R.S.Q., chapter S-33) is replaced by the following section :

“3. The skills and knowledge of such stenographers shall be established by examinations prescribed by the Comité sur la sténographie established at the Barreau du Québec pursuant to Division XIV.1 of the Act respecting the Barreau du Québec (chapter B-1).

The holder of an accreditation granted by the stenography committee may exercise his or her functions in the whole territory of Québec.”

6. The stenography committee shall grant, as soon as possible and free of charge, an accreditation to every stenographer holding a certificate of competence that was issued by the council of a section pursuant to paragraph *a* of subsection 1 of section 38 of the Act respecting the Barreau du Québec before (*insert here the date of coming into force of section 2 of this Act*) and that is in force on that date. Certificates issued before that date remain valid until they are replaced by an accreditation.

7. Stenographers having paid an annual assessment to the council of a section in the year during which this section comes into force are not required to pay, for that same year, the annual assessment established by the Comité sur la sténographie pursuant to section 140.4 of the Act respecting the Barreau du Québec.

8. The examination of complaints received before (*insert here the date of coming into force of this section*) is continued by the authority examining the complaint before that date, in accordance with the provisions applicable at that time.

9. This Act comes into force on 20 December 2001, except the provisions of sections 2 and 5 to 8, which come into force on the date or dates to be fixed by the Government.