

## Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders\*

Professional Code  
(R.S.Q., c. C-26, s. 184, 1st par.)

**1.** Section 1.12 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by substituting the following for paragraphs *a* and *b*:

“(a) Maîtrise professionnelle en orthophonie (M.P.O.) from Université de Montréal;

(b) Maîtrise professionnelle en audiologie (M.P.A.) from Université de Montréal;

(c) Master of Science (Applied) in Communication Sciences and Disorders; Speech-Language Pathology Specialization from McGill University; and

(d) Maîtrise en orthophonie (M. Sc.) from Université Laval.”.

**2.** The following is substituted for section 1.23:

“**1.23.** The following diplomas awarded by the teaching establishments listed below give access to the permits mentioned hereafter, issued by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec:

(1) a guidance counsellor's permit:

(a) Maîtrise en sciences de l'orientation (M.A.) with internship and paper, from Université Laval;

(b) Maîtrise en orientation (M.Ed.) with internship and paper, from Université de Sherbrooke;

(c) Master of Arts (M.A.), non-thesis, Counselling Psychology Program, from McGill University; and

(d) Maîtrise en éducation (M.Ed), “carrièreologie” concentration (with internship), from Université du Québec à Montréal; and

(2) a psychoeducator's permit:

(a) Maîtrise en psychoéducation (M.Sc.) with internships and Maîtrise en psychoéducation (M.Sc.) with internships and thesis, from Université de Montréal;

(b) Maîtrise en psychoéducation (M.Sc.) and Maîtrise en psychoéducation (M.Sc.) with research, from Université de Sherbrooke; and

(c) Maîtrise en psychoéducation (M.Sc.) with internships, from Université du Québec en Abitibi-Témiscamingue, Université du Québec en Outaouais and Université du Québec à Trois-Rivières.”.

**3.** Section 1 of this Regulation does not affect the rights of a person who holds a diploma giving access to the permit of the Ordre des orthophonistes et audiologistes du Québec on 10 September 2003 or is registered in a program giving access to that diploma.

**4.** Section 2 of this Regulation does not affect the rights of a person who, on 11 September 2003, holds a Maîtrise en psychologie (M.Ps.), option Psychologie du counselling from Université de Montréal, or a Maîtrise en psychoéducation (M.Ed.) with internships from Université de Sherbrooke, or is registered in a program giving access to either diploma.

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

5868

Gouvernement du Québec

**O.C. 816-2003, 11 August 2003**

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

### Midwives — Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of midwives

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des sages-femmes du Québec must establish, by regulation, a con-

\* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1419-2002 dated 4 December 2002 (2002, *G.O.* 2, 6487). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

ciliation and arbitration procedure for the accounts of the members of the Order which may be used by persons having recourse to the services of the members;

WHEREAS the Bureau of the Ordre des sages-femmes du Québec adopted the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives;

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 Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 March 2003 with a notice that it could be submitted for approval to the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation respecting the conciliation and arbitration procedure for the accounts of midwives

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I GENERAL

**1.** The syndic of the Ordre des sages-femmes du Québec shall give a copy of this Regulation to any person who requests it and to the person who makes an application for conciliation.

In this Regulation, “syndic” includes the assistant syndic and the corresponding syndic of the Order, where applicable.

**2.** A person who has a dispute with a midwife concerning the amount of an account for professional services may apply for conciliation by the syndic, even if the account has been paid in whole or in part.

When such conciliation has not settled the dispute, the person may apply for arbitration.

**3.** A midwife may not institute proceedings in respect of an account

(1) before the expiry of the period granted for the application for conciliation in section 4;

(2) if there is an application for conciliation, before the expiry of the 30-day period provided for the application for arbitration in the first paragraph of section 9; and

(3) if there is an application for arbitration, until a decision is rendered by the council of arbitration.

Despite the preceding, a midwife may institute proceedings in respect of an account, with the authorization of the syndic, if the recovery of her fees could be jeopardized failing the institution of such proceedings.

### DIVISION II CONCILIATION

**4.** An application for conciliation must be sent to the syndic within 45 days of receipt of the account by the person referred to in section 2.

When the payment of the account has been withdrawn or withheld by the midwife from the funds she holds or receives for or on behalf of the woman, the period runs from the day on which the latter becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account for which no payment, withdrawal or withholding has been carried out may be sent to the syndic after the expiry of the 45-day period, provided that it is sent before proceedings in respect of an account are served.

**5.** Upon receipt of an application for conciliation, the syndic shall send a copy of the application by registered or certified mail to the midwife.

**6.** The syndic shall proceed with the conciliation in the manner considered most appropriate.

**7.** Any agreement reached during conciliation must be in writing, signed by the person referred to in section 2 and the midwife, and filed with the secretary of the Order.

**8.** When conciliation does not lead to an agreement within 45 days of receipt of the application for conciliation, the syndic shall, within the 20 following days, send a conciliation report by registered or certified mail to the person referred to in section 2 and to the midwife.

The syndic's conciliation report must pertain to, where applicable,

- (1) the amount of the account in dispute;
- (2) the amount that the person referred to in section 2 acknowledges owing;
- (3) the amount that the midwife acknowledges having to refund or is willing to accept in settlement of the dispute; and
- (4) the amount suggested by the syndic during conciliation as payment to the midwife or refund to the person referred to in section 2.

The syndic shall also send the person referred to in section 2 the form in Schedule I and indicate the procedure and deadline for submitting the dispute to arbitration.

### **DIVISION III** **ARBITRATION PROCEDURE**

#### *§1. Application for arbitration*

**9.** When conciliation did not lead to an agreement, the person referred to in section 2 may, within 30 days of receipt of the conciliation report, apply for arbitration of the account by sending by registered or certified mail the duly completed form prescribed in Schedule I to the secretary of the Order.

The person referred to in section 2 shall enclose a copy of the conciliation report with the application and, where applicable, the deposit of the amount the person acknowledged owing in conciliation, as indicated in the syndic's report.

**10.** Upon receipt of the application for arbitration, the secretary of the Order shall notify the midwife concerned by certified or registered mail and, where applicable, enclose the amount deposited in accordance with the second paragraph of section 9.

In such a case, the arbitration shall pertain only to the amount still in dispute.

**11.** An application may only be withdrawn in writing and with the consent of the midwife.

**12.** A midwife who acknowledges owing a refund shall deposit the amount with the secretary of the Order, who shall then remit it to the person referred to in section 2.

In such a case, the arbitration shall pertain only to the amount still in dispute.

**13.** Any agreement reached between the person referred to in section 2 and the midwife after the application for arbitration has been filed must be in writing, signed by the parties, and filed with the secretary of the Order or, if the agreement is reached after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

#### *§2. Establishment of the council of arbitration*

**14.** The council of arbitration shall be composed of three arbitrators when the amount in dispute is \$2,500 or more and of a single arbitrator when the amount is less than \$2,500.

**15.** The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council consists of three arbitrators, the Bureau shall appoint the chair.

**16.** The secretary of the Order shall inform in writing the arbitrators and the parties that a council has been formed.

**17.** Before acting, the member or members of the council of arbitration shall take the oath prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**18.** An application for the recusation of an arbitrator may be made only on one of the grounds provided for in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25). It must be sent to the secretary of the Order, to the council of arbitration, and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or 10 days after the cause for recusation becomes known.

The Bureau shall rule on such applications and, where required, shall see to the replacement of the recused arbitrator.

### §3. Hearing

**19.** The council of arbitration shall set the date, time and place of the hearing and shall give the parties at least 10 days' notice by registered or certified mail.

**20.** The parties are entitled to be represented by an advocate or to be assisted.

**21.** The council of arbitration shall, with diligence, hear the parties, receive their evidence, or record their failure to appear; to that end, the council shall follow the rules of procedure and rules of evidence it considers appropriate.

**22.** The council of arbitration may order the parties to submit to it, within a specified time, a statement of their claims together with supporting documents.

**23.** The party requesting that the testimony be recorded shall assume the organization and cost thereof.

**24.** In the event of an arbitrator's death or inability to act, the remaining arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the Bureau shall designate one of the remaining two arbitrators to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator and the dispute shall be reheard.

### §4. Arbitration award

**25.** The council of arbitration shall issue its award within 45 days after completion of the hearing.

**26.** The award shall be rendered by a majority of the members of the council of arbitration. Failing a majority, the award shall be rendered by the chair.

In its award, the council of arbitration may confirm, reduce or cancel the account in dispute and may also determine, where applicable, the refund or payment to which a party may be entitled.

The award must be reasoned and signed by all the members; if a member refuses or is unable to sign, the others shall indicate that fact and the award shall have the same effect as though signed by all the members.

**27.** Each party shall bear the expenses it incurs for the arbitration.

**28.** In its award, the council of arbitration has full discretion to rule on the arbitration expenses, which are

the expenses incurred by the Order for the arbitration. The total amount of the expenses to be borne by a party may not exceed 15% of the amount to which the arbitration pertains.

However, in any case where expenses are awarded, those expenses shall equal a minimum of \$50.

**29.** When an agreement is reached between the parties before the council of arbitration renders its decision or when the application for arbitration is withdrawn in writing, the council shall nonetheless award the arbitration expenses in accordance with section 28.

**30.** When the account in dispute is confirmed in whole or in part or when a refund is awarded, the council of arbitration may add interest and an indemnity as provided in articles 1618 and 1619 of the Civil Code of Québec, calculated from the date of the application for conciliation.

**31.** The arbitration award is final and binding on the parties. It is also subject to compulsory execution after having been homologated pursuant to the procedure provided for in articles 946.1 to 946.6 of the Code of Civil Procedure.

**32.** Within five days of its issue, the arbitration award shall be filed with the secretary of the Order who, within 10 days after it is filed, shall send a certified copy of the award to the parties or their advocates, to the syndic and to the Bureau.

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

### SCHEDULE I

(ss. 8 and 9)

#### APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned \_\_\_\_\_

\_\_\_\_\_ (name of woman)

\_\_\_\_\_ (domicile)

declare that

1. \_\_\_\_\_ (name of member of the Order)

is claiming from me (or refuses to refund to me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report and, where applicable, a certified cheque to the member of the Ordre des sages-femmes du Québec representing the amount that I acknowledge owing and indicated in the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of midwives.

4. I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

5. I agree to abide by the procedure provided for in the Regulation and, where required, to pay to \_\_\_\_\_ the amount of the arbitration award.  
(name of member)

5869

Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities  
(R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “PERFAS-TAB” BALLOT BOXES

#### AGREEMENT ENTERED INTO

#### BETWEEN

The VILLE DE SAINT-PASCAL, a legal person established in the public interest, having its head office at 405, rue Taché, Saint-Pascal, G0L 3Y0, Province of Québec, represented by the mayor, Cécile Joseph and the clerk Mre Louise St-Pierre under a resolution bearing number 2003-07-289, hereinafter called

#### THE MUNICIPALITY

#### AND

Mre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, in Sainte-Foy, Province of Québec, hereinafter called

#### THE CHIEF ELECTORAL OFFICER

#### AND

the Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION having his main office at 10, rue Pierre-Olivier-Chauveau, in Québec, Province of Québec, hereinafter called

#### THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2003-05-216, passed at its meeting of may 26, 2003, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of november 2, 2003 in the MUNICIPALITY;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide the following :

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

“**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the general election held on november 2, 2003 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;