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Laws and Regulations

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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 937-2004, 6 October 2004

Court Bailiffs Act
(R.S.Q., c. H-4.1)

Tariff of fees and transportation expenses of bailiffs — Amendment

Regulation to amend the Tariff of fees and transportation expenses of bailiffs

WHEREAS, under section 13 of the Court Bailiffs Act (R.S.Q., c. H-4.1), a bailiff shall not charge transportation expenses other than those provided for in paragraph *b* of section 20 of Schedule 1 to the Tariff of fees and transportation expenses of bailiffs established by regulation of the Government;

WHEREAS the compensation for the use of a personal automobile under the Règles sur les frais de déplacement des personnes engagées à honoraires (C.T. 170100 dated 14 March 1989) is used to determine the amount payable as compensation for transportation expenses;

WHEREAS it is expedient to amend paragraph *b* of section 20 of Schedule 1 to the Tariff in order to introduce an express reference to those rules;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 21 April 2004 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 without amendment;

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

THAT the Regulation to amend the Tariff of fees and transportation expenses of bailiffs, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Tariff of fees and transportation expenses of bailiffs*

Court Bailiffs Act
(R.S.Q., c. H-4.1, s. 13)

1. Paragraph *b* of section 20 of Schedule 1 to the Tariff of fees and transportation expenses of bailiffs is replaced by the following:

“(b) transportation expenses are equal to double the amount prescribed per kilometre travelled as compensation for the use of a personal automobile under the Règles sur les frais de déplacement des personnes engagées à honoraires (C.T. 170100 dated 14 March 1989).”

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

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* The Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r.3) was last amended by the regulation made by Order in Council 693-2003 dated 25 June 2003 (2003, *G.O.* 2, 2149). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

Draft Regulations

Draft Regulation

Master Pipe-Mechanics Act
(R.S.Q., c. M-4)

Corporation of Master Pipe-Mechanics of Québec — Admission and discipline of members

Notice is hereby given, in accordance with sections 10 and 11 of the Master Pipe-Mechanics Act (R.S.Q., c. M-4) and sections 10, 11 and 26 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

Made at the same time as the regulations respecting the internal management and the provincial council of administration of the Corporation, the Regulation establishes rules relating to the admission to the Corporation, entrance dues, the annual assessment, rights and obligations and discipline of members.

According to the Corporation, the Regulation restates most of the rules pertaining to those matters in the regulation currently in force. It also contains a mechanism for indexing assessments and extends the current obligation to identify vehicles used for business with the Corporation's logo to the documents used for business purposes. The Regulation extends the scope of the rules of ethics and derogatory acts, establishes a new complaints committee and updates complaints investigation and hearing rules. It fixes a variable rate structure for appeals from decisions of the committee on discipline, the amount paid to be refunded to successful applicants.

The Corporation expects the Regulation to have no significant impact on the Corporation's member businesses.

Further information may be obtained by contacting Robert Brown, Director General, Corporation des maîtres mécaniciens en tuyauterie du Québec, 8175, boulevard Saint-Laurent, Montréal (Québec) H2P 2M1; telephone: (514) 382-2668; fax: (514) 382-1566; e-mail: rbrown@cmmtq.org

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1. The comments will be forwarded by the Minister to the Corporation des maîtres mécaniciens en tuyauterie du Québec.

MICHEL DESPRÉS,
Minister of Labour

Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec

Master Pipe-Mechanics Act
(R.S.Q., c. M-4, s. 10.2, 2nd par., par. 3, and s. 11, par. 1, subpars. *c*, *e* and *h*)

DIVISION I INTERPRETATION

1. In this Regulation, “member” means a natural person, legal person, partnership or association admitted to the Corporation of Master Pipe-Mechanics of Québec in accordance with the Master Pipe-Mechanics Act (R.S.Q., c. M-4) and this Regulation.

Depending on the context, “member” may refer to the representative of a legal person, partnership or association delegated in accordance with section 10.

DIVISION II ADMISSION

2. To become a member of the Corporation, a natural person, legal person, partnership or association must

(1) submit an application for admission in accordance with section 3 or 4, as the case may be;

(2) comply with the requirements of the Act and its regulations;

(3) comply with the requirements of the Building Act (R.S.Q., c. B-1.1) and its regulations respecting the professional qualification of building contractors, and in particular hold a building contractor's licence that includes at least one subcategory relating to work referred to in the Master Pipe-Mechanics Act; and

(4) have paid the entrance dues and annual assessment set out in sections 13 and 14.

3. The application for admission of a natural person must include

(1) the applicant's name and, where applicable, all names under which the applicant does business, the domicile address, the address of the principal establishment, the date of birth, telephone numbers, any information technology-based contact information and, where applicable, the number of the declaration of registration deposited in the register of sole proprietorships, partnerships and legal persons;

(2) the number and title of the subcategories of building contractor's licence for which the applicant wishes to qualify;

(3) where applicable, the number of the applicant's building contractor's licence issued under the Building Act;

(4) where applicable, a copy of any security under the Building Act, when required; and

(5) a declaration by the applicant attesting to the accuracy of the information and documents provided.

4. The application for admission of a legal person, partnership or association must include

(1) the applicant's name and, where applicable, all names under which the applicant does business, the address of the principal establishment, telephone numbers, any information technology-based contact information and, where applicable, the number of the declaration of registration deposited in the register of sole proprietorships, partnerships and legal persons;

(2) the name, domicile address, date of birth and telephone number of all its officers within the meaning of the Building Act, except the officers who do not qualify the legal person, partnership or association or who qualify it only in the technical field for a subcategory of building contractor's licence relating to work not referred to in the Master Pipe-Mechanics Act;

(3) the number and title of the subcategories of building contractor's licence for which the applicant wishes to qualify;

(4) where applicable, the number of the applicant's building contractor's licence issued under the Building Act;

(5) where applicable, a copy of any security under the Building Act, when required;

(6) where the number of the declaration of registration is not provided pursuant to paragraph 1, a copy of the letters patent or the constituting act of the legal person, a copy of the contract of partnership of the partnership or a copy of the contract of association of the association;

(7) the delegation of a representative in accordance with section 10; and

(8) a declaration by a director or of the partners stating that they are applying for admission to the Corporation on behalf of the legal person, partnership or association concerned, and an attestation as to the accuracy of the information and documents provided.

5. A member must notify the Corporation of any change in the information or documents submitted pursuant to section 3 or 4 within 30 days of the change.

6. A natural person who, before filing an application for admission to the Corporation for himself or herself or on behalf of a legal person, partnership or association, submits an application for a competency evaluation pursuant to section 58.1 of the Building Act for a subcategory of building contractor's licence relating to work referred to in the Master Pipe-Mechanics Act must, when submitting the application, pay the entrance dues to the Corporation and provide

(1) the applicant's name, domicile address, date of birth, telephone numbers and any information technology-based contact information;

(2) the number and title of the subcategory of building contractor's licence for which the applicant is submitting an application for a competency evaluation; and

(3) a declaration by the applicant attesting to the accuracy of the information provided.

A candidate must pay the appropriate entrance dues for any supplemental examination in connection with an application for a competency evaluation or for any new application. This also applies to any supplemental examination in connection with an application for admission.

If, within three years following an application for a competency evaluation for which examinations were passed, exemptions were granted or recognitions or attestations were issued for a subcategory of building contractor's licence relating to work referred to in the Act, a natural person submits an application for admission to the

Corporation for himself or herself or on behalf of a legal person, partnership or association in accordance with this Regulation, the person will be exempt from paying the entrance dues referred to in paragraph 4 of section 2 and will be required to pay the annual assessment only.

7. A member shall provide the Corporation with the information and documents relevant to the application and pay the entrance dues when adding a subcategory of building contractor's licence relating to work referred to in the Act or when adding or replacing an officer, except an officer who does not qualify the legal person, partnership or association or who qualifies it only in the technical field for a subcategory of building contractor's licence relating to work not referred to in the Act.

8. A member whose legal status changes without any change in guarantor or officer shall file an application for admission as provided in section 3 or 4, as the case may be, and pay the entrance dues. The annual assessment paid by the member under the former legal status continues to apply to the member under the new legal status until its first renewal date.

In all other cases, a change in legal status requires a new application for admission and the payment of the entrance dues and the annual assessment.

9. Every member receives a certificate and a card issued for one year attesting to membership in the Corporation. A new certificate and card are delivered to the member at each renewal.

The Corporation remains the owner of the certificate and membership card. A member shall not cede the certificate and membership card and must return them to the Corporation when the member is no longer entitled to them.

10. A legal person, partnership or association that is a member of the Corporation shall act through a representative delegated for all the purposes of the Act and its regulations.

The delegation must be made in writing and signed by a director or partner authorized by resolution, as the case may be, of the legal person, partnership or association and by the representative. The delegation must be sent to the director general of the Corporation and remains valid until revoked or replaced by the legal person, partnership or association concerned.

A legal person, partnership or association may not delegate more than one person at a time and it may be represented in the Corporation by only that person.

11. A natural person, legal person, partnership or association that has ceased to be a member of the Corporation for less than a year may be reinstated by paying entrance dues and the annual assessment for the current year if it continues to meet the admission requirements under paragraphs 2 and 3 of section 2.

A natural person, legal person, partnership or association that has ceased to be a member for one year or more must, to be reinstated, meet the requirements of a new admission under section 2.

12. To remain a member of the Corporation, a member must at all times meet the admission requirements under paragraphs 2 and 3 of section 2 and have paid the annual assessment.

DIVISION III ENTRANCE DUES AND ANNUAL ASSESSMENT

13. The entrance dues to the Corporation are set out below

Application for admission of a natural person, legal person, partnership or association (ss. 2, 3 and 4)	\$75 plus \$25 for each subcategory of building contractor's licence relating to work referred to in the Act
Application for a competency evaluation or Supplemental examination in connection with an application for a competency evaluation or Supplemental examination in connection with an application for admission (s. 6)	\$75 plus \$25 for each subcategory of building contractor's licence relating to work referred to in the Act
Addition of a subcategory or Addition or replacement of an officer (s. 7)	\$75
Change in legal status without change in guarantor or officer (s. 8)	\$75
Reinstatement of a natural person, legal person, partnership or association that has ceased to be a member for less than a year (s. 11)	\$75

The dues must be included with the application to which they relate.

Each fiscal year, the provincial council of administration of the Corporation may by resolution index the entrance dues according to the percentage increase in the Consumer Price Index for Canada published by Statistics Canada pursuant to the Statistics Act (R.S.C. 1985, c. S-19) for the 12 months of the preceding year in relation to the 12 months of the year preceding that year.

The amounts thus increased are reduced to the nearest cent if they contain a fraction of a cent less than half a cent; they are increased to the nearest cent if they contain a fraction of a cent equal to or greater than half a cent.

The Corporation shall inform the public of the results of the indexing under this section in Part I of the *Gazette officielle du Québec* and by any other means the Corporation considers appropriate.

14. The Corporation may impose an annual assessment on members that may not exceed \$800.

If the amount of the assessment reaches \$800, the council may, each subsequent fiscal year, index the assessment by resolution according to the percentage increase in the Consumer Price Index for Canada published by Statistics Canada pursuant to the Statistics Act (R.S.C. 1985, c. S-19) for the 12 months of the preceding year in relation to the 12 months of the year preceding that year.

The amount thus increased is reduced to the nearest dollar if it contains a fraction of a dollar less than \$0.50; it is increased to the nearest dollar if it contains a fraction of a dollar equal to or greater than \$0.50.

The Corporation shall inform the public of the results of the indexing under this section in Part I of the *Gazette officielle du Québec* and by any other means the Corporation considers appropriate.

15. The annual assessment is due each year on the anniversary date of the member's admission to the Corporation. A member that has not paid the assessment on that date is no longer a member of the Corporation.

16. The Corporation shall reimburse the annual assessment where a natural person, legal person, partnership or association that has submitted an application for admission in accordance with section 2 is not admitted as a member.

A member of the Corporation that ceases to be a member, however, may not claim any part of the assessment paid.

DIVISION IV **RIGHTS AND OBLIGATIONS OF MEMBERS**

17. Only members of the Corporation may exercise the rights of membership.

Members of the Corporation have the right

(1) to vote at meetings of the Corporation;

(2) to hold the office of director or officer;

(3) to receive all the services provided by the Corporation to its members; and

(4) to have access, during normal business hours, to the Corporation's books, the minutes of general meetings and meetings of the council and to the list of members; documents of the Corporation's committees and working groups and minutes of their meetings, however, are private and may be consulted only by the committees' and working groups' respective members.

18. A member of the Corporation must

(1) post the membership certificate in public view in the member's principal establishment;

(2) be identified by and use only the name or names under which the member has been admitted and registered as a member of the Corporation;

(3) provide an address and telephone number that remain valid at all times; listings in telephone books and directories must show the same address and telephone number as those provided to the Corporation;

(4) show the Corporation's logo in any form of publicity made by the member, and on estimates, tender bids, contracts, invoices, statements of account and any other document used for business purposes;

(5) display on every vehicle used for business, in a visible location,

(a) the member's name and nature of the member's trade in letters at least 5 centimetres high; and

(b) the Corporation's graphic symbol measuring at least 10.5 centimetres by 14.3 centimetres; and

(6) comply with all other requirements of this Regulation.

A new member must meet the requirements of paragraphs 4 and 5 of the first paragraph within 60 days after being admitted to the Corporation.

DIVISION V DISCIPLINE

19. In addition to the provisions of section 19 of the Act, a member commits an act derogatory to the honour of the trade of master pipe-mechanic and is liable to the disciplinary measures referred to in section 72 where the member

(1) denigrates a fellow member, abuses the good faith of a fellow member, makes false representations or maliciously files an unfounded complaint against a fellow member;

(2) engages in dubious, disloyal, dishonest or unlawful practices in the practice of the trade, in particular when seeking contracts;

(3) engages in fraudulent practices against a client, employee or other person or authority in the practice of the trade, in particular in the performance of work or a contract;

(4) has been found guilty in a final judgment or has pleaded guilty to an offence under the Acts or regulations relating to the practice of the trade, and thereby adversely affects the protection of the public;

(5) has been found guilty in a final judgment or has pleaded guilty to a criminal offence resulting in a loss of public trust in the member's practice of the trade;

(6) speaks on behalf of the Corporation without authorization, acts in a disloyal, dishonest or unlawful manner to the detriment of the Corporation or adversely affects the reputation or activities of the Corporation;

(7) allows the use of the member's title and what it entails or acts as a *prête-nom* for another person;

(8) participates in or contributes to the illegal practice of the trade, such as allowing a person who is not a member of the Corporation to perform or caused to be performed work referred to in the Act;

(9) refuses to provide relevant information or documents to the Corporation or the Bureau des soumissions déposées du Québec required for an investigation carried out for the purpose of examining a complaint;

(10) seeks to deceive or deceives the Corporation regarding the member's eligibility or the eligibility of another person to membership in the Corporation;

(11) does not indemnify a client in the case of fraud, embezzlement or misuse of funds or in a case where a client has sustained a loss as a result of a failure to carry out or a carrying out of construction work or of the member's legal or contractual obligations;

(12) does not comply with a final judgment of a court involving professional conduct or liability;

(13) practises or leads people to believe the member is able to practise a specialty of the trade without holding a building contractor's licence issued pursuant to the Building Act that includes the subcategory relating to that specialty;

(14) does not reimburse the Corporation acting as surety for compensation paid by the Corporation to a beneficiary on the member's account;

(15) fails to fulfil the obligations or perform the duties set out in section 21; or

(16) contravenes a provision of this Regulation.

20. In addition to the provisions of section 23 of the Act, a member commits an act derogatory to the honour of the trade of master pipe-mechanic and is liable to the disciplinary measures referred to in section 72 where the member contravenes a tender rule under an agreement to establish a bid depository for tenders submitted in accordance with section 23 of the Act.

21. The Corporation must increase the proficiency and ability of its members to ensure greater public security and protection with respect to hygiene and health. Since that objective can only be attained if a constant concern for integrity in performing the work is an integral part of a member's professional competence, every member must

(1) TOWARDS THE PUBLIC

(a) take into account the possible consequences of the work performed by the member on the life, health, safety or property of every person and at all times comply with the standards and good practices that apply to the member's trade;

(b) inform the persons responsible for the work, where the member considers that the work may harm the life, health, safety or property of any person;

(c) express an opinion on issues pertaining to the trade only if that opinion is based on sufficient knowledge and honest convictions; and

(d) keep informed about all developments in the trade, an essential condition to practise the trade competently and serve the public well;

(2) TOWARDS THE CLIENT

(a) take into account, before entering into a contract, the extent of the member's knowledge and skills and the means available to carry out the contract;

(b) refrain from practising the trade under conditions or circumstances likely to affect the quality of the services;

(c) fulfil professional obligations with integrity and good faith;

(d) display reasonable availability and diligence in the practice of the trade;

(e) before a contract is entered into or work is started, fulfill the duty to inform by providing the client, as far as circumstances permit, with any useful information concerning the nature of the task which the member undertakes to perform and the material and time required; in particular, the member must promptly inform the client of the extent, terms and conditions, and eventual and foreseeable cost of the work entrusted by the client and obtain the client's agreement in this respect;

(f) take reasonable care of a client's property;

(g) give a report on the work performed when required by the client;

(h) provide clients with all the necessary explanations to understand invoices; and

(i) set out, in the practice of the trade, to make a reasonable profit on prices that are justified in the circumstances;

(3) TOWARDS THE PROFESSION AND THE CORPORATION

(a) contribute to the development of the trade, in particular by sharing knowledge and experience with fellow members;

(b) show integrity towards employees, fellow members and various stakeholders in the industry;

(c) if the member believes that a fellow member has committed a derogatory act, bring the matter to the attention of the Corporation; and

(d) take part, as far as the member is able, in the activities of the Corporation.

DIVISION VI COMMITTEES

§1. General provisions

22. Sections 23 to 30 apply to every committee referred to in this Regulation.

23. At its first meeting following the annual general meeting, the council shall appoint the members of all committees.

The provincial council of administration of the Corporation may at any time replace a member of a committee and appoint a replacement.

A member of the Corporation or a person other than the representative of the member within the meaning of section 10 with a proxy to that effect from the member may serve on a committee. A member may never be represented by more than one person on the same committee.

24. The term of office of a committee member is three years. A committee member remains in office until replaced or reappointed or ceases to be a member of the committee as provided in section 27.

25. A committee member is required to take the oath in Schedule I.

A committee member who contravenes this section or breaks the oath shall be dismissed by resolution of the council.

26. A committee member who has a conflict of interest or a potential conflict of interest in a complaint must inform the committee and refrain from taking part in any deliberations, action or decision of the committee relating to that complaint.

27. A committee member shall cease to serve on the committee where the member

(1) submits his or her resignation in writing to the committee; the resignation takes effect on the date it is submitted or, as the case may be, a later date specified in the resignation;

(2) has ceased for 60 days to represent a member within the meaning of section 10 or to hold a valid proxy under section 23 to serve on the committee;

(3) ceases to be a member of the Corporation;

(4) fails to attend three consecutive meetings of the committee without a reason based on a temporary inability to act;

(5) is dismissed in accordance with section 25 or subparagraph 5 of the first paragraph of section 72; or

(6) becomes unable to serve on the committee.

In all those situations, the position held by the member becomes vacant.

28. The council shall see to the filling of a vacancy that may occur at any time on one of the committees.

29. Each committee shall perform the duties entrusted to it by this Regulation and execute the mandates given to it by the council.

A committee may appoint to the committee, with the right to speak but not to vote, any person it considers necessary to perform its duties.

30. Each committee shall meet as often as necessary.

The absolute majority of the members of a committee may at any time require the holding of a meeting of the committee by written request to the director general signed by them.

The general provisions contained in subdivision 1 of division II of the Regulation respecting the internal management of the Corporation of Master Pipe-Mechanics of Québec made by Resolution No. (*insert the number and date of the resolution making the regulation*), except section 14, apply, with the necessary modifications, to committee meetings.

§2. *Complaints committee*

31. The complaints committee is composed of three members.

Members of the committee shall not hold the office of director or be a member of the committee on discipline, the appeals committee, or the qualification committee, the latter committee being provided for in the Regulation respecting the internal management of the Corporation of Master Pipe-Mechanics of Québec.

32. The complaints committee shall

(1) examine the complaints and investigation reports submitted to the committee;

(2) dismiss unfounded complaints and, where applicable, so notify the plaintiff and the member that is the subject of the complaint;

(3) where a complaint appears founded, request the director general to draft an official complaint against the member concerned, forward a copy of the complaint to the member and convene the committee on discipline so that it may dispose of it;

(4) where a complaint appears founded but it does not appear necessary to bring the member before the committee on discipline, warn the member concerned to comply with the Act and its regulations;

(5) keep informed about legal proceedings or decisions concerning the Act and its regulations; and

(6) make recommendations to the council on the performance of its duties.

33. Quorum at meetings of the complaints committee is two members.

§3. *Committee on discipline*

34. The committee on discipline is composed of seven members.

Members of the committee shall not hold the office of director or be a member of the complaints committee, the appeals committee or the qualification committee.

35. The committee on discipline shall

(1) hear and dispose of any official complaint referred to it by the director general on instructions from the complaints committee;

(2) keep informed about legal proceedings or decisions concerning the Act or its regulations; and

(3) make recommendations to the council on the performance of its duties.

36. Quorum at meetings of the committee on discipline is three members.

§4. *Appeals committee*

37. The appeals committee is composed of five members.

Members of the committee shall not hold the office of director or be a member of the complaints committee, the committee on discipline or the qualification committee.

38. The appeals committee has exclusive jurisdiction to hear and dispose of any appeal of a decision made by the committee on discipline.

It must keep informed about legal proceedings or decisions concerning the Act or its regulations and make recommendations to the council on the performance of its duties.

39. Quorum at appeals committee meetings is three members.

DIVISION VII INVESTIGATION AND HEARING

40. The director general or a person designated by the director general shall investigate and establish a file for every complaint made against a member of the Corporation. The director general has the power to undertake whatever steps, research or information requests considered necessary with respect to the acts reported in the complaint. An investigation report shall be submitted to the complaints committee.

Every member is required to cooperate with the investigation.

41. If, after examining the complaint and the investigation report, the complaints committee considers the complaint to be unfounded, it shall close the file and, where applicable, so notify in writing the plaintiff and the member that is the subject of the complaint.

42. In addition to the case described in section 43, where a complaint appears to be founded, the complaints committee shall instruct the director general to

(1) draft an official complaint against the member concerned;

(2) convene a meeting of the committee on discipline to hear the complaint; and

(3) send to the member concerned, by registered or certified mail or other mode of service provided for in the Code of Civil Procedure (R.S.Q., c. C-25), at least 15 days before the scheduled date of hearing of the complaint, a copy of the official complaint and a hearing notice setting out the date, time and place of the hearing and convening the member.

43. Where a complaint appears to be founded but it does not appear necessary in the circumstances to call the member before the committee on discipline, the complaints committee may send a warning letter to the member that is the subject of the complaint.

If the member considers the warning letter to be groundless, the member is entitled to ask to be heard by the committee on discipline in order to present observations. The member must be convened to a hearing before the committee, which will maintain or rescind the warning letter.

The request for a hearing must be made in writing, sent to the director general and be received at the head office of the Corporation within 30 days from the date the warning letter was sent.

44. The chair of the committee on discipline or a member of the committee acting as chair shall determine the procedure for hearing complaints and ensure that the hearing is conducted with dignity and that good order is maintained. He or she may, *inter alia*, prohibit persons other than the witnesses and the parties concerned from attending the hearing. The hearing shall be recorded.

The committee on discipline may adopt rules of practice and procedure.

45. The complaint may be amended at any time on conditions necessary to safeguard the rights of the parties. However, except with the consent of all the parties, the committee on discipline shall not allow any amendment which would result in an entirely new complaint unrelated to the original complaint.

46. A member of the committee on discipline may recuse himself or herself or be recused in the cases provided for in article 234 of the Code of Civil Procedure, except paragraph 7, with the necessary modifications.

A ground for recusation must be brought up at the first opportunity and be dealt with immediately. Where there is a recusation, the committee member must refrain from attending the hearing.

47. The committee on discipline shall receive the oath of the member that is the subject of the complaint and the oath of witnesses.

48. The committee on discipline must allow the member that is the subject of the complaint to present a full and complete defence. The member is entitled to be represented by an attorney.

49. Each party may submit to the director general a statement of allegations at least five days before the date of the hearing. The director general shall send the statement to the committee on discipline.

50. At the hearing of the complaint, witnesses may be heard at the request of the parties or the committee on discipline.

A party or the committee on discipline may request the director general to summon its witnesses. The member that is the subject of the complaint must, at the time of the request, pay to the Corporation the foreseeable travel expenses and subpoena costs payable under the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (R.S.Q., c. C-25, r.2) and reimburse the Corporation after the fact for any costs exceeding the advance. Any unused amount of the costs advanced shall be reimbursed to the member.

51. All subpoenas shall be issued by the director general on behalf of the chair of the committee on discipline. They must be sent by registered or certified mail or by any other mode of service provided for in the Code of Civil Procedure.

52. Where the committee on discipline considers that the presence of a witness is not required, it may delegate two members of the committee to go to the witness and take the deposition.

The member that is the subject of the complaint is entitled to attend the deposition.

53. The member that is the subject of the complaint and the witness testifying before the committee on discipline are required to answer all questions.

54. The committee on discipline may hear a complaint in the absence of the member that is the subject of the complaint if the member does not appear on the date and at the time and place fixed for the hearing.

55. The committee on discipline may have recourse to all legal means to ascertain the facts alleged in the complaint. With the consent of all the parties, the committee may also, at its discretion, admit evidence gathered outside the hearing.

56. The committee on discipline may require the production of any exhibit or document relevant to the complaint.

In any matter brought before the committee, the exhibits and documents produced shall not be removed except with the consent of the chair of the committee. Until a decision is rendered and the matter is definitely closed, all exhibits and documents produced are part of the record and shall not be returned to the party who produced them without the written authorization of the chair of the committee.

57. After hearing the witnesses and the submissions of the parties concerned, the committee on discipline shall deliberate in private.

58. When the committee on discipline takes a matter under advisement it may, on its own initiative or at the request of one of the parties, order the reopening of the hearing for the purposes and conditions it determines. The committee shall so inform the parties.

59. After deliberating, the committee on discipline shall issue a reasoned decision in writing. If the member concerned is found guilty, the decision must set out disciplinary measures consistent with the measures referred to in section 72.

The decision of the committee on discipline is made by the majority of the members of the committee present at the meeting who heard the complaint. It shall be signed by the chair or the member of the committee acting as chair for all the members of the committee present at the hearing and who took part in the decision.

The chair or the member of the committee acting as chair may authorize his or her signature to be affixed by an automatic device or a facsimile of the signature to be engraved, lithographed or printed on the decision and other documents as authorized.

60. The decision must immediately be sent to the member concerned by registered or certified mail or any other mode of service provided for in the Code of Civil Procedure.

61. The decision becomes executory on the expiry of the time limit to appeal.

62. A member against whom a default decision was issued based on the member's failure to appear may request that the committee on discipline revoke its decision, if the member was prevented from appearing for a serious reason or because of an event beyond the member's control which made it physically impossible for the member to be present at the hearing.

The request must be made in writing, sent to the director general and be received at the head office of the Corporation within 20 days from the date the decision was sent.

When the member appears before the committee on discipline, the member must provide proof of the reasons which prevented the member from attending the hearing. If the committee grants the request to have the decision revoked, it shall hear the complaint immediately unless it schedules another hearing date.

63. A party may appeal a decision made by the committee on discipline to the appeals committee.

The application for appeal must be made in writing, sent to the director general, and be received at the head office of the Corporation within 30 days from the date the appealed decision was sent.

64. The application for appeal must contain the name and address of the applicant, identify the appealed decision, briefly set out the grounds for the appeal, and indicate if the challenge pertains to the finding of guilt or to the disciplinary measures only.

65. The application for appeal of the member concerned must include the deposit referred to below, which will be refunded if the decision of the committee on discipline is varied in favour of the member.

An application for appeal of a decision in which the disciplinary measures do not involve fines must be filed with a \$100 deposit.

An application for appeal of a decision in which the disciplinary measures include the payment of a fine must include, for each offence, the following deposit that applies :

Amount of the fine	Deposit to be paid
From \$0 to \$1,999	\$100
From \$2,000 to \$3,999	\$200
From \$4,000 to \$6,000	\$300

Each fiscal year, the provincial council of administration of the Corporation may by resolution index the deposit amounts according to the percentage increase in the Consumer Price Index for Canada published by Statistics Canada pursuant to the Statistics Act (R.S.C. 1985, c. S-19) for the 12 months of the preceding year in relation to the 12 months of the year preceding that year.

The amounts thus increased are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Corporation shall inform the public of the results of the indexing under this section in Part I of the *Gazette officielle du Québec* and by any other means the Corporation considers appropriate.

66. Upon receipt of an application for appeal in good order, the director general shall

(1) convene a meeting of the appeals committee to hear the appeal ; and

(2) send to the member concerned, by registered or certified mail or any other mode of service provided for in the Code of Civil Procedure, not less than 15 days before the date of the hearing, a copy of the official complaint and a notice of hearing setting out the date, time and place of the hearing and convening the member.

67. The initial record, including a transcript of the hearing before the committee on discipline, the application for appeal and the parties' statements of allegations are the only documents produced in appeal. The appeals committee may authorize the filing of additional exhibits or documents if it deems it appropriate.

68. The appeals committee shall render its decision on the record submitted after allowing the parties to present observations. No witness shall be heard, unless authorized by the committee, in which case sections 50 to 53 apply, with the necessary modifications.

69. The appeals committee may confirm, set aside or vary a decision of the committee on discipline of which it is seized in appeal and make the decision that, in its opinion, should have been made by the Committee on discipline. Any disciplinary measures it may order must be consistent with the measures referred to in section 72.

Decisions of the appeals committee are final.

70. An application for appeal may be withdrawn at any time by a written notice signed by the applicant and sent to the director general.

71. Sections 44 to 49, 53 to 60 and 62 apply to the appeals committee, with the necessary modifications.

DIVISION VIII DISCIPLINARY MEASURES

72. The committee on discipline or the appeals committee may order the following disciplinary measures against a member found guilty of an offence under the Act or this Regulation:

(1) a reprimand in the form of a letter signed by the chair of the committee or a member of the committee acting as chair;

(2) a fine of no less than \$200 and no more than \$6,000 for each offence;

(3) publication of the text of the disciplinary measure in one of the Corporation's official bulletins;

(4) a report to any body authorized to issue building contractor's licences, including the Corporation, recommending the suspension, cancellation or non-renewal of the member's contractor's licence;

(5) the temporary loss of the member's right under subparagraph 2 of the second paragraph of section 17 and the dismissal of the member from the office or duties held in the Corporation.

The committee on discipline or the appeals committee may order more than one disciplinary measure for each offence.

DIVISION IX TRANSITIONAL AND FINAL

73. A natural person, legal person, partnership or association that was a member of the Corporation before the date of coming into force of this Regulation has one year from that date to meet the requirements of subparagraphs 4 and 5 of the first paragraph of section 18.

74. Members of the committee on discipline or the appeals committee appointed before the date of coming into force of this Regulation remain members of those committees until the council exercises the powers provided for in section 23.

75. The investigation and hearing rules in Division VII apply to pending disciplinary matters on the date of the coming into force of this Regulation.

76. This Regulation replaces the Regulations of the Corporation of Master Pipe-Mechanics of Québec approved by Order in Council 1012-83 dated 18 May 1983.

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

SCHEDULE I (s. 25)

OATH OF OFFICE AND DISCRETION

I, _____, declare under oath that I will perform all my functions and duties as member of _____ of the Corporation of Master Pipe-Mechanics of Québec faithfully, impartially and honestly, to the best of my ability and knowledge.

I, _____, also declare under oath that I will not disclose or make known, unless authorized by law, anything of a confidential or privileged nature that may come to my knowledge in the performance of my functions.

Signed on _____

Signature

6547

Draft Regulation

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

Physical rehabilitation therapists — Diplomas which give access to permits — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to add section 2.12 to the Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders in order to determine the diploma which gives access to the permit of physical rehabilitation therapist issued by the Ordre professionnel de la physiothérapie du Québec.

To date, study of the matter has shown no impact on businesses, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions and to the Ordre professionnel de la physiothérapie du Québec for advice. To that end, the Office will seek the advice of the Order and forward it to the Minister responsible for the administration of legislation respecting the professions with its own advice, following the results of its consultation with the interested departments, educational institutions and bodies.

Further information may be obtained by contacting Louise Bleau, secretary general of the Ordre professionnel de la physiothérapie du Québec, 7101, rue Jean-Talon Est, bureau 1120, Anjou (Québec) H1M 3N7; telephone: (514) 351-2770 or 1 800 361-2001; fax: (514) 351-2658.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order concerned and to interested persons, departments, educational institutions and bodies.

JACQUES P. DUPUIS,
*Minister responsible for the administration
of legislation respecting the professions*

Regulation to amend the Regulation respecting 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. The Regulation respecting diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by inserting the following after section 2.11:

* The Regulation respecting 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 211-2004 dated 17 March 2004 (2004, *G.O.* 2, 1148). For previous amendments, refer to the *Tableau des modification et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

“**2.12.** The diploma of college studies awarded by the Minister of Education following studies completed in physical rehabilitation technology at the Chicoutimi, François-Xavier-Garneau, Marie-Victorin, Montmorency and Sherbrooke general and vocational colleges gives access to the permit of physical rehabilitation therapist issued by the Ordre de la physiothérapie du Québec.”.

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

6548

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Supplemental pension plans — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting supplemental pension plans, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to allow a pension plan to determine, among the forms it authorizes, the form to be taken by the additional pension benefit payable to a member whose active membership has ended. It is also intended to adapt to the new standard of practice of the Canadian Institute of Actuaries for determining commuted pension values the regulatory requirements with respect to the actuarial assumptions used to determine the value of certain pension benefits accrued under a pension plan. The application of the new actuarial standard will have an impact on the determination of the transfer value of the benefits of members whose active membership ceases and on the calculation of the degree of solvency of pension plans.

Further information may be obtained from Mr. Georges Langis, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3 (tel.: (418) 657-8732; fax: 659-8935; e-mail: georges.langis@rrq.gouv.qc.ca).

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the period mentioned above, to Mr. Pierre Prémont, President and General Manager of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5^e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment, Social Solidarity and Family Welfare, who is responsible for the application of the Supplemental Pension Plans Act.

CLAUDE BÉCHARD,
*Minister of Employment,
Social Solidarity and Family Welfare*

Regulation to amend the Regulation respecting supplemental pension plans*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st para., subpara. 3.0.1 and 11)

1. Section 15.0.2 of the Regulation respecting supplemental pension plans is replaced with the following:

“**15.0.2.** The additional pension benefit is, at the date on which the member ceased to be an active member, determined in one or the other of, or a combination of, the following forms, in accordance with the provisions of the pension plan:

1° a life annuity;

2° a lump-sum payment at the date on which the member ceased to be an active member.”

2. Section 67.4 of the Regulation is replaced by the following:

“**67.4.** The assumptions referred to in the first paragraph of section 61 of the Act are those described in section 4 of the standard of practice entitled “Standard of Practice for Determining Commuted Pension Values”, approved by the Practice Standards Council of the Canadian Institute of Actuaries on 3 February 2004, it being understood that a sex-specific mortality table must be used.

These assumptions apply taking into account the rules set out in Part D of Section 3 of that standard of practice.”

3. Section 67.4 of the Regulation, as it stood before it was replaced by section 2, shall continue to apply with respect to the valuation of the benefits of members and beneficiaries at a date prior to the coming into force of this Regulation.

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

6549

* The last amendments to the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90, dated 8 August 1990 (*G.O.* 1990, 2, 2318), were made by the regulation approved by Order in Council 173-2002, dated 20 February 2002 (*G.O.* 2002, 2, 1495). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 March 2004.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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