

**4.** An athletic therapist may engage in the professional activities provided in paragraphs (2) to (4) of section 3 with any other persons if the following conditions are respected:

(1) the person presents a problem or incapacity of musculoskeletal origin and the condition with which it is associated, if any, is in a chronic phase and a controlled state;

(2) there has been a prior assessment by a physiotherapist or a medical diagnosis.

**5.** A person registered in a program of studies that leads to the degree contemplated in sub-paragraph *a* of paragraph (2) of section 2 and a person who is a candidate for certification by the Canadian Athletic Therapists Association may engage in the professional activities provided in section 3 if the following conditions are respected:

(1) they engage in these activities in accordance with sections 3 and 4 and in the presence of an athletic therapist;

(2) the practice of these activities is required to complete this program or obtain this certification.

**6.** This regulation comes into force on the fifteenth day that follows its publication in the *Gazette officielle du Québec* and shall cease to apply on the date of the fifth anniversary of its coming into force.

2017

Gouvernement du Québec

**O.C. 357-2012, 4 April 2012**

Police Act  
(R.S.Q., c. P-13.1)

**Comité de déontologie policière**  
**—Rules of evidence, procedure and practice**

Regulation respecting the Rules of evidence, procedure and practice of the Comité de déontologie policière

WHEREAS, under the first paragraph of section 237 of the Police Act (R.S.Q., c. P-13.1), the Comité de déontologie policière, by a by-law adopted by a majority vote of its members, may establish rules of evidence, procedure and practice for the conduct of hearings;

WHEREAS, under the second paragraph of section 237 of the Act, every by-law adopted under section 237 of the Police Act must be submitted to the Government for approval;

WHEREAS the members of the Comité de déontologie policière, in a meeting held on November 2, 2011, unanimously adopted the Regulation respecting the Rules of evidence, procedure and practice of the Comité de déontologie policière;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R.-18.1), the draft Regulation respecting the Rules of evidence, procedure and practice of the Comité de déontologie policière was published in Part 2 of the *Gazette officielle du Québec* of December 28, 2011 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the Rules of evidence, procedure and practice of the Comité de déontologie policière, attached to this Order in Council, be approved.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

**Rules of evidence, procedure and practice of the Comité de déontologie policière**

Police Act  
(R.S.Q., c. P-13.1, s. 237)

**DIVISION I**  
**SCOPE AND PURPOSE**

**1.** This Regulation applies to any citation referred to in section 195 of the Police Act (R.S.Q., c. P-13.1).

Its purpose is to ensure the simple, flexible and expeditious processing of citations and related proceedings, in keeping with the principles of natural justice and the equality of parties.

## DIVISION II GENERAL

**2.** In computing any time period, the last day is counted, but the day commencing the period is not counted.

If the last day of the time period is a non-judicial day or a day on which the offices of the ethics committee are closed or if an order has been made to perform an act on such a day, the time period is extended to the next business day.

**3.** Any proceeding and document may be filed with the ethics committee in person, by mail, by fax or by electronic mail.

The date on which a proceeding or document is filed with the ethics committee is the date on which it is received at the ethics committee's office.

Proceedings and documents sent by mail are presumed to be received by the ethics committee on the day of the postmark.

Proceedings and documents sent to the ethics committee by fax are deemed to be received on the date appearing on the transmission slip to the office of the ethics committee and those sent by electronic mail are presumed to be received on the date of receipt as recorded by the server at the office of the ethics committee.

**4.** Service of a writing, including a subpoena, may be made by regular mail, by registered or certified mail, by bailiff or by any other means that proves the date of receipt.

**5.** A party may not, in the course of proceedings, withdraw an exhibit that the party has filed in the record, except with the permission of the ethics committees and on the conditions it determines.

If a file is closed and the time limit for appeal to the Court of Québec are expired, a party may, with the permission of the clerk, withdraw an exhibit that the party has filed.

**6.** The ethics committee may combine 2 or more citations, whether or not between the same parties, provided that the questions at issue are substantially the same or the matters involved could suitably be combined.

## DIVISION III ASSISTANCE OR REPRESENTATION

**7.** Every person who assists or represents a person who appears before the ethics committee indicates his or her name, quality, address and telephone number, as well as the name of the assisted or represented person.

That information may be given orally at the hearing.

**8.** Any person or attorney who wishes to no longer assist or represent a person must so notify the ethics committee in writing.

Where a party terminates the mandate of the person representing it, it must immediately notify the ethics committee of that fact in writing.

Such notices may be given orally at the hearing.

## DIVISION IV MOTION

**9.** An application to the ethics committee is made by means of a motion in writing served on the opposing party, to the other police officers who are the subject of a citation, where applicable, and filed with the ethics committee's office.

**10.** A motion must contain

(1) the name and address of the parties and their representatives, where applicable;

(2) the ethics committee's file number;

(3) a statement of the grounds for the motion; and

(4) the conclusions sought.

It must be accompanied by supporting documents.

**11.** A motion may be made orally during the hearing, with leave from the ethics committee.

**12.** Before the date set for the hearing, the ethics committee may hear a motion by way of a conference call, videoconference or any other appropriate means of communication.

## DIVISION V POSTPONEMENT

**13.** The ethics committee may postpone the hearing on serious grounds.

An application for postponement must be made as soon as the reasons therefor become known.

No postponement is granted solely by the parties' consent.

## DIVISION VI PRE-HEARING CONFERENCE

**14.** The pre-hearing conference, held in the presence of the parties or by way of a conference call, is intended to, in particular,

- (1) identify the questions to be argued at the hearing;
- (2) examine the possibility of admitting certain facts;
- (3) examine the possibility of an agreement; and
- (4) plan the course of the hearing.

**15.** The agreements and decisions made at the pre-hearing conference are recorded in minutes signed by an ethics committee member.

The hearing is governed by those agreements and decisions, unless an ethics committee member authorizes a derogation thereto to prevent an injustice.

## DIVISION VII SUMMONING OF WITNESSES

**16.** A summons must be served by the party requiring it, at its own expense.

**17.** An incarcerated person may be summoned only by order of a member enjoining the director or guard to bring the person before the ethics committee.

**18.** A summons must be served at least 3 clear days before the date of the hearing.

Despite the foregoing, if it is impossible to comply with the 3-day period, a member may permit a shorter period and such permission must appear on the summons. Sections 9 and 10 do not apply to such a request.

## DIVISION VIII HEARING

**19.** The hearings of the ethics committee are held in Québec, Montréal or any other place determined by the ethics committee.

The ethics committee may hold hearings by way of a conference call, videoconference or any other appropriate means of communication.

**20.** Persons attending a hearing must act with dignity, respect and not disrupt the course of the hearing.

**21.** A police officer, special constable, highway controller or wildlife protection officer who is the subject of a citation must appear before the ethics committee unarmed, in plain clothes or in uniform.

**22.** The ethics committee records the depositions and representations made at the hearing by any appropriate means.

**23.** Any person may obtain, upon application in writing and at the person's own expense, a copy of the recording made by the ethics committee.

**24.** The ethics committee or any person designated by the ethics committee keeps minutes of the hearing, including

- (1) the name of the presiding member;
- (2) the date and location of the hearing and the time at which it begins and ends;
- (3) the names and addresses of all parties, their representatives and the witnesses heard;
- (4) the name of the person in charge of the recording;
- (5) the name and address of the interpreter and an indication that the interpreter took an oath;
- (6) whether a conference call, videoconference or any other appropriate means of communication is used;
- (7) the various stages of the hearing;
- (8) identification of and the number assigned to the exhibits produced;
- (9) incidental proceedings and objections;

(10) any decision rendered at the hearing;

(11) any admission and agreement; and

(12) the date on which the matter is taken under advisement.

**25.** The ethics committee may accept any evidence it considers useful for the purposes of deciding the matters within its jurisdiction.

**26.** Hearsay evidence is admissible provided that it offers reasonable guarantees of credibility and subject to the rules of natural justice.

**27.** The ethics committee may, of its own authority or upon application by a party, order a witness to testify in the absence of the other witnesses.

**28.** A witness must take an oath before testifying.

**29.** The ethics committee may visit the scene.

The ethics committee informs the parties in advance, allows them to make representations and be present during the visit on the conditions it determines.

**30.** A party that is permitted to produce exhibits during a hearing must file copies in sufficient number for the ethics committee, the clerk, the other party and, where applicable, the other cited police officers.

**31.** A party may produce an expert's report if, at least 15 days before the date fixed for the hearing, it files the report at the office and remits a copy to the opposing party and, where applicable, to the other cited police officers.

Despite the foregoing, the ethics committee may reduce the 15-day period on the conditions it determines.

**32.** Photography and filming or recording are prohibited in the hearing room.

**33.** A party that provides evidence in a language other than French or English must use the services of an interpreter at its own expense.

#### **DIVISION IX DECISION**

**34.** The ethics committee must base its decision on the evidence gathered with the knowledge of the parties and on which they have been given the opportunity to be heard.

**35.** If the ethics committee deems that it must consider, for the purposes of its decision, a scientific or technical document that has not been filed, the ethics committee so informs the parties and gives them the opportunity to be heard.

**36.** Where the ethics committee has taken a matter under advisement, it may, of its own authority or upon request by a party and until such time as it gives its decision, order the hearing reopened for such purposes and on such conditions as it may determine, in particular to hear any evidence that it considers to be reliable and relevant or to ensure compliance with the rules of natural justice.

**37.** The ethics committee's decision must be recorded in the registers kept for that purpose at the office.

#### **DIVISION X RECUSATION**

**38.** A member must recuse himself or herself particularly in cases of

(1) a conflict of interest;

(2) personal, family or social relations with one of the parties or a party's representative;

(3) a reasonable fear that the member could be partial.

**39.** Any concern regarding a reasonable apprehension of bias on the part of a member must be raised at the beginning of the hearing or as soon as a party becomes aware of the circumstances giving rise to the apprehension.

**40.** Where a member recuses himself or herself, the hearing must be postponed, unless it is held in the presence of another member.

#### **DIVISION XI RECTIFICATION**

**41.** The ethics committee may rectify a decision that it has rendered in order to correct an error in writing, in computation or any other clerical error.

It may do so of its own authority or upon request, so long as the decision is not under appeal.

## DIVISION XII FINAL PROVISIONS

**42.** This Regulation replaces the Rules of evidence, procedure and practice of the Comité de déontologie policière, approved by Order in Council 908-92 dated 17 June 1992.

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

2018

Gouvernement du Québec

### O.C. 363-2012, 4 April 2012

Building Act  
(R.S.Q., c. B-1.1)

#### Safety Code — Amendment

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec must by regulation adopt a safety code containing, in particular, safety standards for buildings, facilities intended for use by the public, and installations independent of a building and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards, and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of persons, contractors, owner-builders, manufacturers of pressure installations, or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, and categories of buildings, pressure installations, facilities, installations or construction work;

WHEREAS, under paragraph 0.2 of section 185 of the Act, the Board may, by regulation, for the purposes of section 10, designate any facility as a facility intended for use by the public and establish criteria for determining whether or not a facility is intended for use by the public;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary, in particular, according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Regulation to amend the Safety Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2011 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 60 days following that publication;

WHEREAS the Board wants the Regulation to come into force on 3 May 2012;

WHEREAS the comments received were examined;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by 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 Labour :

THAT the Regulation to amend the Safety Code, attached to this Order in Council, be approved.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

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