



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 98

(2017, chapter 11)

An Act to amend various legislation mainly with respect to admission to professions and the governance of the professional system

Introduced 11 May 2016
Passed in principle 27 September 2016
Passed 6 June 2017
Assented to 8 June 2017

EXPLANATORY NOTES

This Act makes various amendments to the Professional Code with respect to admission to professions and the governance of the professional system. It also makes consequential amendments to the constituting Acts of certain professional orders.

As regards admission to professions, the Act broadens the powers of the Commissioner for complaints concerning mechanisms for the recognition of professional competence and renames the office “Commissioner for Admission to Professions”. It also establishes the Pôle de coordination pour l'accès à la formation (Access to Training Coordination Hub) and assigns it specific functions.

The Act requires the professional orders to adopt a service statement. It furthermore introduces general obligations relating to the admission processes adopted by the orders. It provides that the orders must, within their own ranks, train certain persons in ethnocultural diversity management and train the persons responsible for assessing applications for permits in the principles and methods of professional qualifications assessment. In addition, it allows the orders to adopt rules affording them greater flexibility in accepting alternative solutions to the documents usually required for the issue of a permit.

Lastly, as part of the implementation of arrangements for the mutual recognition of professional qualifications, the Act simplifies the procedure for updating professional competence requirements.

As regards governance of the professional system, the changes introduced relate to the governance and functions of the Office des professions du Québec, the governance of the Québec Interprofessional Council and the organization and governance of the professional orders.

More specifically, amendments are made to

(1) strengthen the powers of the Office, in particular by enabling it to conduct inquiries on its own initiative, to adopt standards of ethics and professional conduct applicable to directors on an order's board of directors and to require an order to take the corrective measures it deems appropriate;

(2) *make ethics and professional conduct training mandatory for applicants who are seeking admission to a profession and require the professional orders to offer such training to their members;*

(3) *require directors on the board of directors of an order to take training on the role of an order's board of directors, including training on governance and ethics;*

(4) *revise the disciplinary penalties applicable in matters involving derogatory acts of a sexual nature, in particular, by imposing that the professional concerned be struck off the roll for at least five years;*

(5) *introduce a requirement that the chair and members of the disciplinary council of a professional order as well as the syndics and review committee members be offered training on derogatory acts of a sexual nature;*

(6) *provide, for certain offences, a prescriptive period of three years for instituting penal proceedings from the time the order becomes aware of the commission of the offence but within seven years since the commission of the offence;*

(7) *allow, under certain circumstances, a syndic to grant immunity from any complaint before the disciplinary council to a person who has sent information to the syndic to the effect that a professional has committed an offence, but who is himself or herself a professional and party to the offence;*

(8) *prescribe penal provisions forbidding reprisals against a professional who, in good faith, has sent information to a syndic to the effect that one or more professionals have committed an offence, and introduce provisions to also grant the professional who sent the information immunity from judicial proceedings; and*

(9) *add the enteral and nasal routes to the routes by which prescribed ready-to-administer medications may be administered by certain persons, in particular, those acting within the framework of a home care program.*

The Act also empowers the syndic, when proceedings are instituted against a professional for an offence punishable by five or more years of imprisonment, to request a disciplinary council to impose either a suspension or provisional restriction of the professional's right to practise or to use a reserved title.

The Act amends the Dental Act and the Veterinary Surgeons Act to allow the board of directors of the Ordre des dentistes du Québec and that of the Ordre des médecins vétérinaires du Québec to issue special specialist's permits together with a specialist's certificate.

Lastly, the Act amends the Notaries Act and the Act respecting registry offices in order to update provisions concerning notaries' official signature.

LEGISLATION AMENDED BY THIS ACT:

- Agrologists Act (chapter A-12);
- Architects Act (chapter A-21);
- Land Surveyors Act (chapter A-23);
- Act respecting the Barreau du Québec (chapter B-1);
- Act respecting registry offices (chapter B-9);
- Professional Code (chapter C-26);
- Dental Act (chapter D-3);
- Nurses Act (chapter I-8);
- Engineers Act (chapter I-9);
- Veterinary Surgeons Act (chapter M-8);
- Medical Act (chapter M-9);
- Act respecting labour standards (chapter N-1.1);
- Notarial Act (chapter N-2);
- Notaries Act (chapter N-3);
- Pharmacy Act (chapter P-10).

Bill 98

AN ACT TO AMEND VARIOUS LEGISLATION MAINLY WITH RESPECT TO ADMISSION TO PROFESSIONS AND THE GOVERNANCE OF THE PROFESSIONAL SYSTEM

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PROFESSIONAL CODE

1. Section 4 of the Professional Code (chapter C-26) is amended

(1) by replacing “five” in the first paragraph by “seven”;

(2) by replacing “which shall fix their salaries.” in the first paragraph by “on the basis of the expertise and experience profiles approved by the Office. The Government shall fix their salaries.”;

(3) by replacing the second paragraph by the following paragraph:

“Five of the members, including the chair and the vice-chair, must be professionals. Three among their number, including the chair or the vice-chair, shall be chosen from a list of at least seven names provided to the Government by the Interprofessional Council.”;

(4) by replacing “The fifth member shall be a non-professional. He shall be selected on the basis of his” in the third paragraph by “The other two members must be non-professionals. They shall be selected on the basis of their”;

(5) by inserting the following paragraphs after the third paragraph:

“At least one member of the Office must be 35 years of age or under at the time of appointment.

The composition of the Office must tend toward gender parity. The Office must also be composed of members whose cultural identity reflects the various components of Québec society as much as possible.”;

(6) by replacing the fourth paragraph by the following paragraph:

“The chair and the vice-chair shall be appointed for a term of office of up to five years and may be reappointed once to serve in that capacity. The other members shall be appointed for a term of up to three years and may be reappointed twice to serve in that capacity.”

2. Section 5 of the Code is amended by replacing “Commissioner for complaints concerning mechanisms for the recognition of professional competence” by “Commissioner for Admission to Professions”.

3. Section 6 of the Code is amended by replacing “Three” in the first paragraph by “Five”.

4. Section 12 of the Code is amended

(1) by replacing “in collaboration with each order, monitor the operation of the various mechanisms established within the order” in the first paragraph by “monitor the operation of the various mechanisms established within an order”;

(2) by adding the following sentence at the end of the first paragraph: “Each order must collaborate with the Office in the exercise of that function.”;

(3) by inserting the following paragraph after the first paragraph:

“The Office may, if it considers it necessary for the protection of the public, require an order to take corrective and appropriate follow-up measures and to comply with any other measure determined by the Office, including supervisory or monitoring measures.”;

(4) by striking out “which is a regulation or by-law the board of directors is required to adopt under this Code or, as the case may be, under the Act constituting the professional order” in subparagraphs 3 and 4 of the third paragraph;

(5) by replacing “the Conférence des recteurs et des principaux des universités du Québec” in subparagraph *b* of subparagraph 7 of the third paragraph by “the Bureau de coopération interuniversitaire”;

(6) by striking out subparagraphs 7.1, 7.2 and 12 of the third paragraph;

(7) by replacing “third” in the fourth paragraph by “fourth”.

5. The Code is amended by inserting the following section after section 12:

“12.0.1. The Office must determine, by regulation and after consultation with the Interprofessional Council, the standards of ethics and professional conduct applicable to directors on a professional order’s board of directors.

The regulation must

(1) state the ethics- and integrity-based values and principles that must guide directors in understanding the standards of ethics and professional conduct applicable to them;

(2) determine the duties and obligations of directors, including those they must comply with after the expiry of their terms, and the time for which they are bound by those duties and obligations;

(3) regulate or prohibit practices related to the remuneration of directors;

(4) require the board of directors to establish, in conformity with the standards determined by the Office, a code of ethics and professional conduct applicable to its members that takes into account the mission of the order, the values underlying its actions and its general management principles;

(5) establish the procedure governing examinations of and inquiries into conduct that may contravene the standards determined by the Office and those of the code of ethics and professional conduct, prescribe appropriate penalties and designate the authorities that are to determine or impose such penalties; and

(6) determine the cases in and procedure according to which directors may be temporarily relieved of their duties.

The regulation may, on the conditions it determines, extend the jurisdiction of an authority within an order or of its members to include the jurisdiction under subparagraph 5 of the second paragraph.”

6. Section 12.3 of the Code is amended by replacing “various socioeconomic groupings” in paragraph 1 by “various socio-economic groups”.

7. Section 14 of the Code is amended

(1) by replacing “after obtaining the authorization of the Minister or at the Minister’s request” in the first paragraph by “on its own initiative or at the Minister’s request”;

(2) by replacing the second paragraph by the following paragraph:

“The Office informs the order’s board of directors of the inquiry and the reasons for it. If the Office conducts an inquiry on its own initiative, it also informs the Minister.”

8. Section 15 of the Code is amended by adding the following paragraph at the end:

“The Office may obtain information from departments, bodies, educational institutions and other persons on any training a professional order requires a person to acquire under a regulation made under paragraph *c*, *c.1* or *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, or paragraph *j*, *q* or *r* of that section.”

9. Section 16.1 of the Code is amended

- (1) by replacing “June” in the first paragraph by “September”;
- (2) by inserting “the highlights of the inquiries conducted by the Office and” after “include” in the first paragraph;
- (3) by inserting “, 16.26” after “16.19” in the first paragraph.

10. The heading of Division II of Chapter II before section 16.9 of the Code is replaced by “COMMISSIONER FOR ADMISSION TO PROFESSIONS”.

11. Section 16.9 of the Code is amended by replacing “Commissioner for complaints concerning mechanisms for the recognition of professional competence” by “Commissioner for Admission to Professions”.

12. Section 16.10 of the Code is replaced by the following sections:

“16.10. The functions of the Commissioner are

- (1) to receive and examine any complaint lodged by a person about admission to a profession;
- (2) to monitor the operation of any process or activity relating to admission to a profession; and
- (3) to follow the activities of the Pôle de coordination pour l'accès à la formation (Access to Training Coordination Hub) and, if necessary, to make the recommendations the Commissioner considers appropriate to it regarding such matters as the time it takes before training is offered.

For the purposes of this division, admission to a profession, in the case of a profession whose practice is supervised by a professional order, includes

- (1) any process adopted by a professional order, the Office or the Government in relation to
 - (a) the issue of any permit or specialist's certificate;
 - (b) a person's entry on the roll for the first time;
 - (c) a decision under section 45.3;
 - (d) the issue of a special authorization granting a person legally authorized to practise the profession outside Québec the right to use a title reserved for members of that professional order in Québec or to engage in Québec in professional activities reserved to them in Québec; or
 - (e) any other application filed preceding admission to the profession; and

(2) any process or activity of a professional order, department, body, educational institution or other person in relation to the training, the demonstration of the competence or the assessment of the training or competence of an applicant for admission to a profession or a person who is the subject of a decision made under section 45.3, except

(a) programs of study established by the Minister responsible for Education or the Minister responsible for Higher Education which give access to permits issued by the professional orders;

(b) degree programs established by a university-level educational institution under paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) which give access to permits issued by the professional orders;

(c) the basic vocational training regulation established by the Government under section 448 of the Education Act (chapter I-13.3); and

(d) the College Education Regulations established by the Government under section 18 of the General and Vocational Colleges Act (chapter C-29), except programs under subparagraph *c* of the third paragraph of that section.

“16.10.1. The Commissioner may

(1) submit advisory opinions or make recommendations to any professional order, department, body, educational institution or other person on any matter relating to admission to a profession;

(2) solicit or receive advice and suggestions from professional orders or interested groups and from the general public on any matter relating to admission to a profession; and

(3) conduct or commission studies and research that the Commissioner considers useful or necessary for the exercise of the Commissioner’s functions.

“16.10.2. The Commissioner may designate one or more persons under the Commissioner’s authority to exercise a function essential to the carrying out of any of the Commissioner’s responsibilities under section 16.10.”

13. Section 16.11 of the Code is amended

(1) by inserting the following paragraph after the first paragraph:

“The Commissioner may designate a person to conduct the inquiry on the Commissioner’s behalf. The person so designated is vested with the same powers and immunity as the Commissioner and, if the person does not work for the Office, is required to take the oath set out in Schedule II.”;

(2) by inserting “or on the Commissioner’s behalf” after “Commissioner” in the second paragraph.

14. Section 16.13 of the Code is amended by adding the following subparagraph at the end of the second paragraph:

“(4) if the Commissioner is of the opinion, given the nature of the complaint, that the plaintiff may be referred to another authority.”

15. Section 16.15 of the Code is amended

(1) by inserting “, department, body, educational institution or person” after “professional order” in the first paragraph;

(2) by replacing “the mechanisms for the recognition of professional competence” in the first paragraph by “any process or activity relating to admission to a profession”;

(3) by inserting the following paragraph after the first paragraph:

“The Commissioner may do the same after monitoring the operation of a process or activity under subparagraph 2 of the first paragraph of section 16.10.”;

(4) by inserting “, department, body, educational institution or person” after “professional order” and “, he or she” after both occurrences of “it” in the second paragraph.

16. Section 16.16 of the Code is amended by replacing “of the operation of the mechanisms for the recognition of professional competence” by “of any process or activity relating to admission to a profession”.

17. Section 16.17 of the Code is amended by replacing “in a record relating to the monitoring of the operation of the mechanisms for the recognition of professional competence” by “in a record on the monitoring of the operation of any process or activity relating to admission to a profession”.

18. Section 16.18 of the Code is amended by inserting “, department, body, educational institution or person” after “professional order”.

19. Section 16.19 of the Code is amended by replacing “to monitor the operation of the mechanisms for the recognition of professional competence” in the second paragraph by “to monitor the operation of any process or activity relating to admission to a profession”.

20. Section 16.21 of the Code is amended by inserting “, department, body, educational institution or person” after “professional order”.

21. The Code is amended by inserting the following after section 16.21:

“16.22. The Commissioner does not have jurisdiction over matters referred to in sections 45 to 45.2, paragraphs 2 to 4.1 of section 46 and sections 46.0.1 and 48 to 53.

“16.23. The Commissioner shall refuse or cease to examine a complaint if the person whose interests are affected by the complaint enters into a private dispute prevention and resolution process or if the dispute is brought before any court referred to in section 1 of the Courts of Justice Act (chapter T-16).

“CHAPTER II.1

“ACCESS TO TRAINING COORDINATION HUB

“16.24. The Access to Training Coordination Hub is established. Its function is to draw up a status report on access to training, identify problems and issues related to training, identify statistical data collection needs, ensure collaboration between the professional orders, educational institutions and departments concerned, and propose solutions to the problems identified.

In this chapter, “training” means any training a professional order requires a person to acquire under a regulation made under paragraph *c*, *c.1* or *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, or paragraph *j*, *q* or *r* of that section.

“16.25. The Access to Training Coordination Hub is chaired by the chair of the Office and is composed of the other members designated by the Government after consultation with the Office.

The Hub may also appoint temporary members to participate in its proceedings.

“16.26. The Access to Training Coordination Hub shall file an activity report with the Government annually. The report must also be published on the Office’s website.

“16.27. The Office may make recommendations on access to training to a department, body, professional order, educational institution or any other person.

Within 60 days after receiving a recommendation, the department, body, professional order, educational institution or person concerned shall inform the Office in writing of the actions it, he or she intends to take as a result of the recommendation or, if it, he or she has decided not to act upon the recommendation, of the reasons for that decision.

The Office shall, in its activity report, include the recommendations and an account of the follow-up given to them pursuant to this section.”

22. Section 19.1 of the Code is amended by adding the following subparagraph at the end of the first paragraph:

“(5) the budget estimates of the Office.”

23. Section 20 of the Code is amended

(1) by replacing the second paragraph by the following paragraphs:

“The chair of the Council shall be elected by the members of the Council in the manner determined by a by-law adopted under the seventh paragraph. Unless a by-law adopted under the seventh paragraph provides otherwise, any member of a professional order may run for the office of chair of the Council.

The chair of the Council may not hold that office concurrently with the office of president of a professional order or any other function determined in a by-law adopted under the seventh paragraph. Neither may he act as a member designated by the board of directors pursuant to the first paragraph.

If the chair of the Council represented a professional order pursuant to the first paragraph, the professional order of which he is a member shall designate a substitute for him.”;

(2) by adding the following paragraphs at the end:

“The Council shall adopt a by-law determining the term of office of the chair of the Council and the manner in which he is to be elected. The by-law may prescribe other eligibility criteria for the office of chair of the Council and determine other functions that are incompatible with that office.

The by-law comes into force on the fifteenth day following the date of its adoption.”

24. Section 22 of the Code is amended by replacing “June” in the first paragraph by “September”.

25. Section 39.8 of the Code is amended by inserting “, nasal, enteral” after “oral”.

26. Section 39.9 of the Code is amended

(1) by inserting the following paragraph after the second paragraph:

“The Office may also, by regulation, determine the additional conditions and procedures a person referred to in section 39.7 or 39.8 must fulfil or complete to engage in the activities described in that section.”;

(2) by inserting “or third” after “first” in the last paragraph.

27. Section 46.0.1 of the Code is amended by inserting “and, if applicable, in section 161.0.1,” after “46” in the first paragraph.

28. Section 46.1 of the Code is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

“(4.1) where requested by the order, a business email address established in the person’s name;”.

29. Section 59.3 of the Code is amended by replacing “55.2” by “55.2 or a proceeding for an offence punishable by a term of imprisonment of five years or more”.

30. Section 60 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “In addition, he must provide a business email address established in his name.”;

(2) by inserting the following paragraph after the second paragraph:

“Unless another method of notification is prescribed, the transmission of a document to the professional’s business email address may replace transmission to his elected domicile.”

31. Section 61 of the Code is amended

(1) by replacing the first paragraph by the following paragraph:

“An order shall be administered by a board of directors consisting of a president and other directors whose number is to be determined by a regulation under paragraph *e* of section 93. That number must be at least 8 and not more than 15.”;

(2) by inserting “other” after “all the” in the second paragraph.

32. Section 62 of the Code is amended

(1) by replacing “shall have the general administration of the affairs of the order and shall” in the first paragraph by “shall have the general supervision of the order and the management and supervision of the conduct of its affairs. It shall be responsible for carrying out the decisions of the order and those of the general meeting, and shall ensure the related follow-up. The board of directors shall also”;

(2) by inserting the following paragraph after the second paragraph:

“The board of directors shall, in particular,

(1) see to the pursuit of the order’s mission;

- (2) determine the order's strategic directions;
- (3) rule on the order's strategic choices;
- (4) adopt the order's budget;
- (5) adopt effective, efficient and transparent governance policies and practices; and
- (6) see to the integrity of internal control rules, including risk management rules, and ensure the viability and sustainability of the order.”;

(3) by striking out the second paragraph;

(4) by adding the following paragraph at the end:

“The board of directors shall draw on the governance guidelines determined by the Office after consultation with the Interprofessional Council.”

33. The Code is amended by inserting the following sections after section 62:

“62.0.1. The board of directors shall, in particular,

- (1) appoint the secretary and the executive director of the order;
- (2) ensure that the senior management of the order adheres to sound management practices;
- (3) require its members and the employees of the order to take an oath of discretion and determine the form of the oath; however, the oath may not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;
- (4) require its members to take training on the role of a professional order's board of directors as regards such matters as governance and ethics and gender equality as well as training on ethnocultural diversity management, and make sure that such training is offered to them;
- (5) require any person appointed by the order to develop or apply conditions for the issue of a permit or a specialist's certificate to take training on professional qualifications assessment, training on gender equality and training on ethnocultural diversity management, and make sure that such training is offered to such a person;
- (6) make sure that continuing education activities, courses or periods on such subjects as ethics and professional conduct are offered to the members of the order and report on this in its annual report;

(7) ensure the fairness, objectivity, impartiality, transparency, effectiveness and promptness of the admission processes adopted by the order and make sure that those processes facilitate admission to a profession, in particular for persons trained outside Québec;

(8) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions fixed under the second paragraph of section 184, in the development and review of the programs of study leading to a diploma giving access to a permit or a specialist's certificate, the standards that the board of directors must prescribe by regulation under paragraph *c* of section 93, any other terms and conditions that the board of directors may determine by regulation under paragraph *i* of section 94, and the standards of equivalence applicable to those terms and conditions that the board of directors may prescribe under that regulation; and

(9) give any advice it considers useful to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit.

“62.0.2. The board of directors shall publish, on the order's website, a service statement setting out its objectives with regard to its services and their quality.

The statement must specify the time frame within which services are to be provided and provide clear information on their nature and accessibility.

The board must also

(1) remain receptive to the expectations of persons likely to make requests or institute proceedings with the order;

(2) simplify the order's service delivery rules and procedures to the greatest extent possible; and

(3) encourage the order's employees to provide quality services and to collaborate in achieving the results targeted.”

34. Section 62.1 of the Code is amended by inserting “shall be subject to the standards of ethics and professional conduct determined by the order and” after “such a committee” in paragraph 1.

35. Section 63 of the Code is amended by replacing the first paragraph by the following paragraph:

“The president and the other directors shall be elected on the dates set and for a term of at least two years but not more than four years determined by a regulation under paragraph *b* of section 93; they are eligible for re-election unless they have served the maximum number of consecutive terms that may be determined by the Order in the regulation. The president may not, however, serve more than three terms in that capacity.”

36. Section 64 of the Code is amended by replacing the first paragraph by the following paragraph:

“The president shall be elected, as determined by the board of directors,

(a) by a general vote of the members of the order, by secret ballot; or

(b) by a vote of the elected directors and appointed directors, who shall elect the president from among the directors elected by secret ballot.”

37. Section 65 of the Code is amended by adding the following sentences at the end of the first paragraph: “Regional representation shall be established for the purpose of ensuring regional diversity on the board of directors. The elected directors shall not represent the professionals of the region the elected directors come from.”

38. Section 66.1 of the Code is amended

(1) by inserting “or who does not comply with rules of conduct applicable to the candidate established in a regulation under paragraph *a* of section 94” after “before the election” in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “A candidate cannot be a member of the board of directors or an officer of a legal person or of any other group of persons whose principal object is promoting the rights or defending the interests of members of the order or of professionals in general.”

39. Section 67 of the Code is amended by adding the following at the end of the first paragraph: “The nomination paper must contain only the information determined by the board of directors in the regulation. The information contained in the nomination paper constitutes the only electoral communication messages that a candidate may send to the members of the order; the board of directors may, however, in the regulation, establish a framework for the dissemination of other messages.

The Office, in collaboration with the Interprofessional Council, shall set guidelines for the messages or the means of electoral communication to be used by the candidates, including guidelines for messages that do not concern the protection of the public or whose purpose is to respond to other candidates’ messages or regarding the use of social media or direct mail.

When adopting a regulation in accordance with the first paragraph, the board of directors shall draw on the guidelines set by the Office.”

40. Section 76 of the Code is amended by adding the following paragraph at the end:

“An elected director shall be deemed to have resigned from the time the elected director no longer satisfies the eligibility rules applicable to candidates.”

41. Section 77 of the Code is replaced by the following sections:

“77. If the number of candidates is less than the number of positions to be filled, any vacant position shall be filled by a member of the order appointed by the board of directors following an invitation for applications within 30 days after the election. Any member thus appointed shall be deemed to be an elected director of the board of directors whose term of office is of equivalent duration to that of the director whose position is vacant.

If the board does not include an elected director who was 35 years of age or under at the time of the election, at least one vacant position shall be filled in accordance with the first paragraph by a member who is 35 years of age or under.

“77.1. If, following an election, the board of directors does not include at least one elected director who was 35 years of age or under at the time of the election, the board shall appoint an additional director from among the members of the order who are 35 years of age or under following an invitation for applications within 30 days after the election. The member thus appointed is deemed to be an elected director of the board whose term of office is of equivalent duration to that of the other directors and who cannot be reappointed in that capacity.

In such a case, the board of directors shall be deemed to be regularly formed, although the number of directors is increased by one.”

42. Section 78 of the Code is amended

- (1) by striking out “or nine” in the first paragraph;
- (2) by replacing “10” in the second paragraph by “9”;
- (3) by replacing “13 or more directors” in the third paragraph by “13 to 17 directors”;
- (4) by replacing “different socio-economic organizations” in the fourth paragraph by “various socio-economic groups”;
- (5) by adding the following sentences at the end of the fourth paragraph: “The Office cannot appoint a director who is a member of the board of directors or an officer of a legal person or of any other group of persons whose principal object is promoting the rights or defending the interests of members of the

order or of professionals in general. An appointed director shall be deemed to have resigned from the time the appointed director becomes such a member of a board of directors or such an officer.”

43. The Code is amended by inserting the following section after section 78:

“78.1. Any appointment of a director to the board of directors of an order, made under this Code or the Act constituting an order by the Office or by such a board, must tend toward gender parity. The board of directors must also be composed of members whose cultural identity reflects the various components of Québec society as much as possible.”

44. Section 79 of the Code is amended by replacing “the elected members of the board of directors or according to another mode of election” in the first paragraph by “the members of the board of directors or according to a mode of election, other than an election among the members of the board of directors,”.

45. The Code is amended by inserting the following section after section 79:

“79.1. The directors of the board of directors of a professional order shall be subject to the standards of ethics and professional conduct determined by the Office under section 12.0.1 and to those in the code of ethics and professional conduct established by the board of directors under subparagraph 4 of the second paragraph of that section.

Each professional order must ensure public access to the code, including on its website, and publish it in its annual report.

Each professional order’s annual report must, in addition, give an account of the number of cases dealt with and the follow-up given to them, the breaches of the standards of ethics and professional conduct noted during the year, and the decisions rendered and penalties imposed.”

46. Section 80 of the Code is amended

(1) by replacing the first paragraph by the following paragraphs:

“The president shall exercise a right of general supervision over the affairs of the board of directors. The president shall see, with the senior management of the order, that the board’s decisions are implemented and require any information the president considers relevant to keep the board informed of any other matter relating to the pursuit of the order’s mission. To the extent determined by the board, the president shall act as the order’s spokesperson and representative.

The president shall also assume such other responsibilities as are assigned by the board but may not act as an officer.”;

(2) by replacing “and the carrying out of its decisions and the decisions of the general meeting; the president shall co-ordinate the work of the board and of the general meeting and ensure continuity” in the second paragraph by “; the president shall see to the proper performance of the board; the president shall coordinate the work of the board and of the general meeting; the president shall see that the directors on the board comply with the standards of ethics and professional conduct applicable to them”;

(3) by inserting the following paragraphs after the second paragraph:

“The president may require information from a member of a committee created by the board of directors, from an employee of the order or from any person exercising, within the order, a function provided for in this Code or the Act constituting the order, including a syndic in regard to the conduct or progress of an inquiry.

The president is a director of the board of directors and has the right to vote.”;

(4) by replacing the third paragraph by the following paragraph:

“The president may not exercise any other functions assigned under this Code or the Act constituting the order of which he is a member.”

47. Section 81 of the Code is amended by replacing “in another way” in the first paragraph by “according to a mode of designation, other than designation by the board,”.

48. Section 82 of the Code is amended by replacing “section 62” by “this Code or an Act constituting an order” and “three” by “six”.

49. Section 85.1 of the Code is replaced by the following section:

“85.1. The board of directors shall determine the amount of the annual assessment, after consultation with the members in general meeting and after having considered the result of the consultation required under section 103.1, and of any supplementary or special assessment to be paid by the members of the order or certain classes of members on the basis of the professional activities in which they engage, and the date by which the assessment must be paid.

To come into force, a resolution passed by the board of directors under the first paragraph to determine a special assessment must be approved by a majority of the members in general meeting who vote on the matter.

A resolution determining an annual assessment is applicable for the year for which the assessment has been determined and it remains applicable, so long as it is not amended, for each subsequent year. A resolution determining a supplementary or special assessment is applicable for the specific purposes and the duration it specifies.

For the purposes of this section, a supplementary assessment is an assessment that has become necessary to enable the order to meet its obligations under a regulation of the Office under subparagraph 6 of the fourth paragraph of section 12 or a regulation of the Government under section 184 or to pay expenses resulting from the payment of compensation or expenses related to the procedure for recognizing the equivalence of diplomas issued outside Québec or the equivalence of training, or related to the carrying out of the provisions of this Code that pertain to professional discipline or inspection.”

50. Section 86.0.1 of the Code is amended

(1) by inserting “and the standards of ethics and professional conduct applicable to their members,” after “powers” in paragraph 2;

(2) by replacing “their members” in that paragraph by “those members”.

51. Section 87 of the Code is amended by inserting the following paragraphs after paragraph 1:

“(1.1) provisions expressly stating that any act involving collusion, corruption, malfeasance, breach of trust or influence peddling is forbidden;

“(1.2) provisions requiring a member of an order to inform the syndic if the member has reason to believe that a situation likely to affect the competence or integrity of another member of the order has arisen;”.

52. Section 93 of the Code is amended

(1) by replacing paragraph *b* by the following paragraph:

“(b) fix the date of and procedure for the election of the president and the other elected directors, the date and time they are to take office and their term of office; the regulation may prescribe eligibility criteria for the office of elected director, including the office of president, and set a limit on the number of consecutive terms such directors may serve;”;

(2) by replacing “the number of directors of” in paragraph *e* by “the number of directors, other than the president, on”.

53. Section 94 of the Code is amended

(1) by inserting “rules of conduct applicable to any candidate for the office of director and” after “establish” in paragraph *a*;

(2) by adding “when the program of study leading to a diploma giving access to a permit issued by the order does not include learning activities on ethics and professional conduct, the board of directors must adopt a regulation under this paragraph making successful completion of training on ethics and professional conduct mandatory;” at the end of paragraph *i*;

(3) by replacing “of section 42 or paragraph *i* of section 94 of this Code” in paragraph *n* by “of issuing a permit, a specialist’s certificate or a special authorization”;

(4) by adding the following paragraph at the end:

“In addition to what may be provided for in a regulation made under subparagraph *n* of the first paragraph, where a person applying for a permit, a specialist’s certificate or a special authorization is incapable, for reasons beyond his or her control, of providing required documents or where providing such documents represents an excessive burden for the person, the board of directors may accept to consider other documents or other means of obtaining the information it would have received had the required documents been provided and of ascertaining whether the person’s professional qualifications are equivalent to those he or she is purported to have according to the required documents.”

54. Section 95.0.1 of the Code is amended by adding the following paragraph at the end:

“A regulation amending a regulation adopted by the board of directors under paragraph *c.2* of section 93 is not subject to the consultation required under the second paragraph or the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) if the purpose of the amending regulation is to update the professional competence requirements in the regulation it amends.”

55. Section 96.1 of the Code is amended by striking out “shall see to the day-to-day administration of the order’s affairs and” in the first paragraph.

56. Section 97 of the Code is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “That number must be at least three, but less than half the number of directors on the board of directors.”;

(2) by replacing the second paragraph by the following paragraph:

“The president of the order is, by virtue of office, a member and the chair of the committee, and is entitled to vote. One member of the committee shall be designated by a vote of the members of the board of directors from among the elected directors. One other committee member shall be designated by a vote of the members of the board of directors from among the directors appointed by the Office and shall be a member of the committee as of the designation. Any other committee member shall be designated by a vote of the members of the board of directors from among the directors determined by the board.”;

(3) by inserting “or every two years,” after “year” in the third paragraph.

57. The Code is amended by inserting the following subdivision after section 100:

“§2.1. — *The executive director*

“**101.1.** The executive director is responsible for the general and day-to-day administration of the order’s affairs. He shall see to the conduct of the order’s affairs and follow up on decisions of the board of directors. He shall plan, organize, direct, supervise and coordinate the order’s human, financial, physical and information resources in accordance with sound management practices.

The executive director shall report to the board of directors, to the extent and at the intervals determined by the latter, on his management, on the implementation of the board’s decisions and on any other matter relating to the pursuit of the order’s mission.

“**101.2.** The executive director may not exercise any other functions assigned under this Code or the Act constituting the professional order of which he is the executive director other than that of secretary of the order.”

58. The Code is amended by inserting the following section after section 103:

“**103.1.** At least 30 days before the annual general meeting, the secretary of the order must send information about the amount of the annual assessment to all the members of the order for comment. The information shall be accompanied by a draft resolution amending that amount, if applicable, the budget estimates for the fiscal year covered by the assessment, including a breakdown of the elected directors’ remuneration, and a draft annual report.”

59. Section 104 of the Code is amended by replacing the first paragraph by the following paragraphs:

“During the annual general meeting,

(1) the members of the order shall approve the elected directors’ remuneration and appoint the auditors responsible for auditing the order’s books and accounts;

(2) the secretary shall file a report on the consultation provided for in section 103.1;

(3) the members of the order shall again be consulted about the amount of the annual assessment; and

(4) the president of the order shall submit a report on the activities of the board of directors and the financial statement of the order.

The report required under subparagraph 4 of the first paragraph must comply with the standards prescribed by regulation of the Office under subparagraph *b* of subparagraph 6 of the fourth paragraph of section 12 and must in particular mention the number of permits of each category issued during the preceding fiscal year.”

60. Section 106 of the Code is amended by replacing “at least five days before the date fixed for the meeting” by “at least 10 days before the date fixed for the meeting. The meeting must be held within 30 days of the request”.

61. Section 108.6 of the Code is amended by replacing “secretary and” in paragraph 1 by “secretary, executive director and”.

62. Section 108.7 of the Code is amended by replacing the second paragraph by the following paragraph:

“The name of a member against whom a complaint or a request under section 122.0.1 is made and the subject of the complaint or request are also public information as of their service on the member by the secretary of the disciplinary council.”

63. Section 115.7 of the Code is amended by inserting “, in particular through training related to the derogatory acts referred to in section 59.1 and such acts of a similar nature as are set out in the code of ethics of the members of a professional order,” after “functions” in paragraph 6.

64. Section 116 of the Code is amended

(1) by inserting “and every request made under section 122.0.1” at the end of the second paragraph;

(2) by adding the following paragraph at the end:

“A complaint made against a professional in connection with facts for which the syndic has granted him immunity under section 123.9 is also inadmissible.”

65. Section 117 of the Code is amended by adding the following paragraph at the end:

“The board of directors shall make sure that disciplinary council members, other than the chair, are offered training that is related to their functions. The training must in particular cover the derogatory acts referred to in section 59.1 and such acts of a similar nature as are set out in the code of ethics of the members of the professional order.”

66. The Code is amended by inserting the following section after section 121:

“121.0.1. The board of directors shall require the syndic and, if applicable, the assistant syndics and corresponding syndics to take training related to their functions and shall make sure that such training is offered to them. The training must in particular cover the derogatory acts referred to in section 59.1 and such acts of a similar nature as are set out in the code of ethics of the members of the professional order.”

67. Section 122 of the Code is amended

- (1) by replacing “third” in the first paragraph by “fourth”;
- (2) by adding the following paragraph at the end:

“It is forbidden to take or threaten to take reprisals against a person on the ground that the person has sent information to a syndic to the effect that a professional has committed an offence referred to in section 116 or on the ground that the person has cooperated in an inquiry conducted by a syndic.”

68. The Code is amended by inserting the following sections after section 122:

“122.0.1. A syndic may, when of the opinion that proceedings instituted against a professional for an offence punishable by a term of imprisonment of five years or more are related to the practice of the profession, request that a disciplinary council immediately impose on the professional either a suspension or provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, or conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order.

“122.0.2. The syndic’s request shall be received by the secretary of the disciplinary council, who must send a copy to the senior chair as soon as possible.

The request must be heard and decided by preference after notice is served on the professional and the Director of Criminal and Penal Prosecutions, or any other authority responsible for the proceedings on which the request is based, by the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25.01) at least two clear working days before the beginning of the hearing. The hearing must begin not later than 10 days after service of the request and the disciplinary council shall render its decision within 7 days following the end of the hearing.

The rules for the hearing of a complaint apply to the request, with the necessary modifications.

“122.0.3. Following the hearing, the disciplinary council may, if it considers that the protection of the public requires it, make an order immediately imposing on the professional either a suspension or provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, or conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order. In rendering its decision, the disciplinary council considers how the alleged offence is related to the practice of the profession or how public trust in the order’s members could be compromised if the disciplinary council fails to issue an order.

The order becomes enforceable on being served on the respondent by the secretary of the disciplinary council in accordance with the Code of Civil Procedure (chapter C-25.01). However, where the order is rendered in the presence of one of the parties, it is deemed to have been served on that party on being so rendered; the secretary shall indicate in the minutes the presence or absence of the parties when the council renders the order.

The fifth, sixth and seventh paragraphs of section 133 apply to the publication of a notice of the decision.

“122.0.4. The order under section 122.0.3 remains in force until the earliest of the following events:

- (1) the decision of the prosecutor to stay or withdraw all charges in the proceedings on which the request was based;
- (2) the decision to acquit the respondent or to stay all charges in the proceedings on which the request was based;
- (3) the decision of a syndic not to lodge a complaint with the disciplinary council in connection with the facts referred to in the charges in the proceedings on which the request was based;
- (4) the final and enforceable decision of the disciplinary council or the Professions Tribunal, as the case may be, on the request for provisional striking off the roll or immediate provisional restriction of the right to engage in professional activities filed under section 130 in respect of the complaint lodged by the syndic in connection with the facts referred to in the charges in the proceedings on which the request made under section 122.0.1 was based; and
- (5) the expiry of a period of 120 days from the date on which the order was made under section 122.0.3, if no complaint by the syndic or application for the renewal of an order is filed within that period.

The syndic’s decision under subparagraph 3 of the first paragraph shall be served on the disciplinary council by way of a notice to the secretary of the council, who must send a copy to the senior chair and the professional.

“122.0.5. Sections 122.0.2 and 122.0.3 apply, with the necessary modifications, to the application for the renewal of an order under section 122.0.3.”

69. Section 123.3 of the Code is amended by inserting the following paragraph after the fifth paragraph:

“The board of directors shall require the persons appointed in accordance with the third paragraph to take training related to their functions and shall make sure that such training is offered to them. The training must in particular cover the derogatory acts referred to in section 59.1 and such acts of a similar nature as are set out in the code of ethics of the members of the professional order.”

70. The Code is amended by inserting the following section after section 123.8:

“123.9. Where the person who has sent information to the syndic to the effect that a professional has committed an offence is a professional who is himself a party to the offence, a syndic may, if the syndic considers it warranted by the circumstances, grant that person immunity from any complaint lodged with the disciplinary council in connection with the facts related to the commission of the offence.

A syndic must, before granting immunity, consider such factors as the protection of the public, the importance of maintaining public trust in the members of the order, the nature and seriousness of the offence, the importance of the alleged facts for the conduct of the inquiry and their reliability, the professional’s collaboration during the inquiry and the extent of the professional’s participation in the offence.”

71. Section 124 of the Code is amended by adding the following paragraphs at the end:

“Neither shall the oath be construed as prohibiting the sharing of useful information or documents between the syndics of different professional orders for the same purpose.

The second paragraph shall not however operate to authorize a syndic to disclose information that is protected by professional secrecy between an advocate or a notary and a client.”

72. Section 127 of the Code is amended by replacing “third” in the second paragraph by “fourth”.

73. Section 151 of the Code is amended

(1) by inserting the following paragraph after the fourth paragraph:

“The council may condemn the respondent who has been found guilty to pay a portion of the expenses incurred by the order to conduct an inquiry if the respondent acted in an excessive or unreasonable manner during the inquiry

and therefore contrary to the requirements of good faith. The expenses incurred by the order to conduct an inquiry include, in particular, a syndic's salary as well as the expenses of an investigator or expert whose services have been retained by a syndic.”;

(2) by inserting “or to the expenses incurred by the order to conduct an inquiry” after “Where a condemnation to costs” in the last paragraph;

(3) by inserting “or of the expenses incurred by the order to conduct an inquiry” after “a list of costs” in the last paragraph.

74. Section 156 of the Code is amended

(1) by replacing “\$1,000 nor more than \$12,500” in subparagraph *c* of the first paragraph by “\$2,500 nor more than \$62,500”;

(2) by replacing the second paragraph by the following paragraphs:

“The disciplinary council shall impose at least the following penalties on a professional found guilty of having engaged in a derogatory act referred to in section 59.1 or an act of a similar nature set out in the code of ethics of the members of the professional order:

(a) in accordance with subparagraph *b* of the first paragraph, striking off the roll for at least five years, unless he convinces the council that striking off for a shorter time would be justified in the circumstances; and

(b) a fine, in accordance with subparagraph *c* of the first paragraph.

When determining the penalties to be imposed under the second paragraph, the council shall take into account

(a) the seriousness of the facts of which the professional was found guilty;

(b) the conduct of the professional during the syndic's inquiry and, if applicable, during the processing of the complaint;

(c) the measures taken by the professional to facilitate his reintegration into the practice of his profession;

(d) how the offence is related to what characterizes the practice of the profession; and

(e) the impact of the offence on public trust in the order's members and in the profession itself.

The disciplinary council shall impose at least temporary striking off the roll in accordance with subparagraph *b* of the first paragraph on a professional found guilty of having appropriated, without entitlement, sums of money or securities held by him on behalf of a client or of having used sums of money

or securities for purposes other than those for which they were entrusted to him in the practice of his profession.”;

(3) by replacing “fifth” in the last paragraph by “seventh”.

75. Section 157 of the Code is amended by replacing “fifth” in the first paragraph by “seventh”.

76. Section 158 of the Code is amended by replacing “fifth” in the third paragraph by “seventh”.

77. Section 158.1 of the Code is amended by inserting “or of an act of a similar nature set out in the code of ethics of the members of the order” after “59.1” in subparagraph 2 of the second paragraph.

78. Section 160 of the Code is amended by replacing “submit to a program with a view to facilitating his reintegration into the practice of his profession” in the second paragraph by “to undergo training, psychotherapy or an intervention program to allow him to improve his behaviour and attitudes and facilitate his reintegration into the practice of the profession”.

79. Section 161 of the Code is amended by replacing “A professional struck off the roll” in the first paragraph by “Except in the case of a professional struck off the roll for a derogatory act referred to in section 59.1 or for an act of a similar nature set out in the code of ethics of the members of his professional order, a professional struck off the roll”.

80. The Code is amended by inserting the following section after section 161:

“161.0.1. A professional struck off the roll for a derogatory act referred to in section 59.1 or for an act of a similar nature set out in the code of ethics of the members of his professional order must, in order to be again entered on the roll, request an opinion from the disciplinary council on or after the 45th day before the end of the time for which he is struck off, by way of a petition served on the council’s secretary, the order’s syndic and the senior chair at least 10 days before it is to be filed.

The professional must show that he has the appropriate behaviour and attitude to be a member of the order, has complied with the final and enforceable decision of the council or of the Professions Tribunal, as the case may be, and has taken the necessary measures to avoid repeating the offence for which he was struck off the roll.

If the petition is receivable, the disciplinary council shall, in its opinion, make an appropriate recommendation to the board of directors that may be accompanied by a restriction of the right to engage in professional activities or by other conditions it considers reasonable for the protection of the public. The board of directors shall decide the matter finally.”

81. Section 164 of the Code is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) a decision of the disciplinary council ordering a provisional striking off the roll, a suspension or a provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, setting conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order, allowing or dismissing a complaint or imposing a penalty;”;

(2) by replacing “fifth” in subparagraph 1.1 of the first paragraph by “seventh”.

82. Section 166 of the Code is amended

(1) by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) an order under section 122.0.3 imposing immediately on the professional either a suspension or provisional restriction of the right to engage in professional activities or to use a title reserved to the members of the order, or conditions the professional must meet in order to be allowed to continue to practise the profession or to use the title reserved to the members of the order;”;

(2) by inserting “or fourth” after “second” in subparagraph 4 of the second paragraph.

83. Section 183 of the Code is amended by replacing “third” by “fourth”.

84. Section 184 of the Code is amended by replacing “third” in the first and second paragraphs by “fourth”.

85. Section 184.3 of the Code is amended by replacing “lodged with” by “and requests submitted to”.

86. Section 188 of the Code is amended by replacing the first paragraph by the following paragraph:

“Every person who contravenes a provision of this Code, of the Act or letters patent constituting an order or of an amalgamation or integration order is guilty of an offence and is liable to a fine of not less than \$2,500 nor more than \$62,500 in the case of a natural person and of not less than \$5,000 nor more than \$125,000 in other cases.”

87. Section 188.2.1 of the Code is amended by striking out “knowingly” and “but”.

88. The Code is amended by inserting the following section after section 188.2.1:

“188.2.2. Every person who takes or threatens to take reprisals against a person on the grounds that that person has sent information to a syndic to the effect that a professional has committed an offence referred to in section 116 or that that person has cooperated in an inquiry conducted by a syndic is guilty of an offence and is liable to the fine prescribed in section 188.

The demotion, suspension, dismissal or transfer of that person or any other disciplinary measure or measure that adversely affects that person’s employment or conditions of employment are presumed to be reprisals.”

89. Section 188.3 of the Code is amended

- (1) by replacing “188.2 or 188.2.1” by “188.2, 188.2.1 or 188.2.2”;
- (2) by striking out “knowingly”.

90. Section 189 of the Code is amended by replacing “made under it” in the second paragraph by “adopted by the board of directors of the order constituted under it”.

91. Section 189.0.1 of the Code is amended

- (1) by replacing “one year” in the first paragraph by “three years”;
- (2) by replacing “five years” in the second paragraph by “seven years”.

92. Section 189.1 of the Code is amended by adding the following paragraphs at the end:

“The proceedings are prescribed three years after the date on which the prosecutor becomes aware of the commission of the offence.

However, no proceedings may be brought if more than seven years have elapsed since the commission of the offence.

A certificate from the secretary of an order attesting the date on which the order became aware of the commission of the offence constitutes, in the absence of any evidence to the contrary, sufficient proof of that fact.”

93. Section 193 of the Code is amended by replacing “or the secretary of the order” in paragraph 6 by “, the secretary of the order or the executive director”.

94. The Code is amended by inserting the following section after section 193:

“193.1. A person cannot be prosecuted for having, in good faith, sent information to a syndic to the effect that a professional has committed an offence or for having cooperated in an inquiry conducted by a syndic, whatever the conclusions of the syndic’s inquiry.”

AMENDING PROVISIONS CONCERNING OTHER ACTS
CONSTITUTING PROFESSIONAL ORDERS

AGROLOGISTS ACT

95. Section 5 of the Agrologists Act (chapter A-12) is amended by replacing “three” by “four”.

96. Section 6 of the Act is amended by striking out “, for a term which shall be determined by regulation of the board of directors”.

97. Section 10.2 of the Act is replaced by the following section:

“10.2. Where an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president of the Order shall be members of the committee by virtue of office.

Another member of the executive committee shall be designated by a vote of the members of the board of directors from among the members appointed by the Office and two other members shall be designated by a vote of the members of the board of directors from among the elected members.”

ARCHITECTS ACT

98. Section 5 of the Architects Act (chapter A-21) is replaced by the following section:

“5. The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).”

LAND SURVEYORS ACT

99. Section 7 of the Land Surveyors Act (chapter A-23) is replaced by the following section:

“7. The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).”

100. Section 8 of the Act is repealed.

101. Section 9 of the Act is amended by replacing “elected directors shall designate from among their number” by “directors shall designate from among the elected directors”.

102. Section 15 of the Act is replaced by the following section:

“15. If an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president of the Order shall be members of the committee by virtue of office.

Another member of the executive committee shall be designated by a vote of the members of the board of directors from among the members appointed by the Office and two other members shall be designated by a vote of the members of the board of directors from among the elected members.”

ACT RESPECTING THE BARREAU DU QUÉBEC

103. Section 10 of the Act respecting the Barreau du Québec (chapter B-1) is amended by replacing “who have been on the Roll for 10 years or less” in the second paragraph by “35 years of age or under at the time of their election”.

104. Section 10.1 of the Act is amended by replacing the third paragraph by the following paragraph:

“A candidate for the office of director cannot be a member of the board of directors or an officer of a legal person or of any other group of persons whose principal object is promoting the rights or defending the interests of the members of the Bar or of professionals in general.”

105. Section 11 of the Act is amended by replacing “over the affairs of the Bar” in subsection 1 by “over the affairs of the Bar’s board of directors”.

106. Section 12 of the Act is amended by replacing “one year” in the second paragraph by “of the same duration as the terms of the other directors”.

DENTAL ACT

107. Section 6 of the Dental Act (chapter D-3) is replaced by the following section:

“6. The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).”

108. Section 7 of the Act is repealed.

109. Section 9 of the Act is amended

(1) by replacing “elected directors” in the first and second paragraphs by “directors”;

(2) by adding the following paragraph at the end:

“The president is elected for a term of four years and may not serve more than two consecutive terms.”

110. Section 12 of the Act is amended by striking out “The president and”.

111. Section 13 of the Act is amended

(1) by replacing “elective members of the board of directors shall by secret ballot designate from among their number a vice-president and two members who shall be members of the executive committee” in the first paragraph by “members of the board of directors shall by secret ballot designate a vice-president from among the elected members”;

(2) by replacing the second paragraph by the following paragraph:

“If an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president shall be members of the committee by virtue of office.”;

(3) by inserting “and two other members shall be designated by secret ballot by the members of the board of directors from among the elected members” after “Office” in the third paragraph.

112. The Act is amended by inserting the following section after section 19:

19.1. The board of directors may, by regulation, establish special specialist’s permits to be issued together with a specialist’s certificate. Such a regulation must contain the reasons justifying the issue of such a permit and determine the terms and conditions for issuing it as well as the title, abbreviation and initials its holder may use.

Section 95.0.1 of the Professional Code (chapter C-26) applies to any regulation adopted pursuant to the first paragraph.”

113. The Act is amended by inserting the following sections after section 31:

31.1. The board of directors may issue a special specialist’s permit to practise professional activities in the field of a class of specialization it defines under paragraph *e* of section 94 of the Professional Code (chapter C-26), together with a specialist’s certificate corresponding to that class of specialization, to every person who meets the terms and conditions for its issue determined by regulation adopted under the first paragraph of section 19.1.

31.2. Section 42.1 of the Professional Code (chapter C-26) applies, with the necessary modifications, when the person referred to in section 31.1 must meet one of the conditions set out in a regulation adopted under the first paragraph of section 19.1 to obtain a special specialist’s permit.

The training that the order may require a person to acquire under such a regulation is referred to in the second paragraphs of sections 15 and 16.24 of the Professional Code.”

NURSES ACT

114. Section 5 of the Nurses Act (chapter I-8) is amended by replacing “28” in the first paragraph by “15 other”.

115. Sections 6 and 7 of the Act are repealed.

116. Section 8 of the Act is amended by striking out the second occurrence of “elected”.

117. Section 9 of the Act is amended

(1) by replacing “, of the treasurer and of two members of the executive committee” in the first paragraph by “and the treasurer”;

(2) by striking out “shall be elected from among the elected directors, by the vote of such directors” in the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

“If an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president is a member of the committee by virtue of office.”;

(4) by striking out “by the vote of such directors” in the fourth paragraph.

118. Section 10 of the Act is amended by replacing “filled by a director elected by the council of the section to which the director whose position became vacant belonged” in the second paragraph by “filled in accordance with section 79 of the Professional Code (chapter C-26)”.

119. Section 11 of the Act is amended by striking out the third paragraph.

120. Section 21 of the Act is amended by replacing “at least 11” in the first paragraph by “not more than 12”.

121. Section 25.2 of the Act is amended by replacing “, a vice-president and the directors who will form part of the board of directors” by “and a vice-president”.

ENGINEERS ACT

122. Section 9 of the Engineers Act (chapter I-9) is amended by replacing the second paragraph by the following paragraph:

“The board of directors shall be constituted as prescribed in the Professional Code (chapter C-26).”

123. Section 10 of the Act is repealed.

VETERINARY SURGEONS ACT

124. The Veterinary Surgeons Act (chapter M-8) is amended by inserting the following section after section 6.1:

“**6.2.** The board of directors may, by regulation, establish special specialist’s permits to be issued together with a specialist’s certificate. Such a regulation must contain the reasons justifying the issue of such a permit, determine the terms and conditions for issuing it as well as the title, abbreviation and initials its holder may use.

Section 95.0.1 of the Professional Code (chapter C-26) applies to the regulation adopted pursuant to the first paragraph.”

125. The Act is amended by inserting the following sections after section 8:

“**8.1.** The board of directors may issue a special specialist’s permit to practise professional activities in the field of a class of specialization it defines under paragraph *e* of section 94 of the Professional Code (chapter C-26), together with a specialist’s certificate corresponding to that class of specialization, to every person who meets the terms and conditions for its issue determined by regulation adopted under the first paragraph of section 6.2.

“**8.2.** Section 42.1 of the Professional Code (chapter C-26) applies, with the necessary modifications, when the person referred to in section 8.1 must meet one of the conditions set out in a regulation adopted under the first paragraph of section 6.2 to obtain a special specialist’s permit.

The second paragraphs of sections 15 and 16.24 of the Professional Code apply to the training that the order may require a person to acquire under such a regulation.”

MEDICAL ACT

126. Section 6 of the Medical Act (chapter M-9) is amended by replacing “28” by “14 other”.

127. Section 7 of the Act is amended

- (1) by replacing “Twenty” in the first paragraph by “Eleven”;
- (2) by striking out the third paragraph.

128. Section 9 of the Act is replaced by the following section:

“9. The directors shall by secret ballot elect the president of the Order from among the elective directors.

An election for the office of president shall be held every four years at the first meeting of the board of directors following the first Wednesday in October.

The president is elected for a term of four years and may not serve more than two consecutive terms.

If a president is elected for a term exceeding his term as director, he shall cease to serve his term as president on the expiry of his term as director, unless he is re-elected as director. In such a case, he shall remain in office as president for the unexpired portion of his term as president.”

129. Section 11 of the Act is amended by striking out “and the faculties of medicine” in the first paragraph.

130. Section 12 of the Act is amended by striking out “The president and”.

131. Section 13 of the Act is replaced by the following section:

“13. Every two years, at the first meeting of the board of directors following the first Wednesday in October, the members of the board of directors shall by secret ballot designate a vice-president from among the elective directors.

At the same meeting, where an executive committee is constituted under section 96 of the Professional Code (chapter C-26), a member of the executive committee shall be designated by secret ballot of the members of the board of directors from among the members appointed by the Office and two other members shall be designated by secret ballot of the members of the board of directors from among the elective directors. The president and vice-president shall be members of the committee by virtue of office.”

NOTARIAL ACT

132. Section 56 of the Notarial Act (chapter N-2) is amended by striking out “, the executive committee”.

133. Sections 66, 67, 69, 70, 139, 140, 145, 147, 148, 150 and 151 of the Act are amended by replacing all occurrences of “executive committee” by “board of directors”.

NOTARIES ACT

134. Section 5 of the Notaries Act (chapter N-3) is amended by striking out the first paragraph.

135. Section 6 of the Act is amended by striking out “, and establish rules governing the election or appointment of a substitute member to fill a vacancy” in subparagraph 5 of the first paragraph.

136. Section 8 of the Act is amended

(1) by striking out “, on the recommendation of the executive committee,” in paragraph 3;

(2) by striking out paragraph 6.

137. Section 9 of the Act is amended by replacing the first paragraph by the following paragraph:

“Where an executive committee is constituted under section 96 of the Professional Code (chapter C-26), the president and vice-president of the Order shall be members of the committee by virtue of office.”

138. Section 12 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“The board of directors shall constitute a committee to decide applications for admission to the professional training program, for entry on the roll of the Order or for resumption of the right to practise. The committee members shall take the oath set out in Schedule II to the Professional Code (chapter C-26); however, the oath is not to be construed as prohibiting the sharing of information or documents within the Order for the protection of the public.

To that end, the committee shall ascertain whether a candidate has the moral character and the conduct, competence and qualifications required to practise the notarial profession.”;

(2) by striking out “executive” in the second paragraph;

(3) by replacing “, to the secretary of the Order and, if applicable, to the committee to which the powers referred to in this section are delegated pursuant to paragraph 6 of section 8, and its members and secretary” in the third paragraph by “and to the secretary of the Order”;

(4) by replacing “, the secretary of the Order or, if applicable, a member or the secretary of the committee to which powers are delegated pursuant to paragraph 6 of section 8” in the fourth paragraph by “or the secretary of the Order”;

(5) by striking out “executive” in the last paragraph.

139. Section 13 of the Act is amended by striking out “executive”.

140. Sections 20 to 24 of the Act are replaced by the following sections:

“**20.** A notary shall practise under his or her name.

“**21.** A notary’s official signature shall be written or affixed by means of a technological process.

The official written signature shall consist of the notary’s signature followed by the title “notary” or “notaire”.

A notary must obtain the authorization of the secretary of the Order to use the notary’s official signature affixed by means of a technological process.

“**22.** A notary must use his or her official signature when signing notarial acts.

A notary may also affix his or her official signature on any document that he or she is to sign in the practice of his or her profession.

“**23.** Before being entered on the roll for the first time or resuming the right to practise, a person must file with the Order a specimen of his or her official written signature and written initials executed before a notary who has verified the person’s identity.

A notary cannot change his or her official written signature or written initials without first having filed a specimen of his or her new official written signature or new written initials with the Order.

The board of directors fixes the procedure according to which a notary’s official written signature and written initials must be filed.

“**24.** The secretary of the Order is the person authorized to certify the official signature of a notary and his or her membership in the Order.”

141. Section 29 of the Act is amended by replacing “the executive committee may, in accordance with section 12,” in the second paragraph by “the committee constituted under section 12 may, in accordance with that section,”.

142. Section 69 of the Act is amended by replacing “and with the authorization of the executive committee” by “with its authorization”.

143. Sections 71, 73, 77 to 79 and 83 of the Act are amended by replacing all occurrences of “executive committee” and “the committee” by “board of directors” and “the board”, respectively.

144. Section 98 of the Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) prescribing the conditions and procedure for authorizing the use of an official signature affixed by means of a technological process and those for revoking such authorization, and determining the technological process that must be used to affix it and the minimal conditions a certification service provider must meet;”;

(2) by inserting the following paragraph after the first paragraph:

“Regulations under subparagraph 1 of the first paragraph shall be submitted to the Government, which may approve them with or without amendment, on the recommendation of the ministers responsible for the Act respecting registry offices (chapter B-9) made after consultation with the Office des professions.”;

(3) by replacing “1” in the second paragraph by “2”.

PHARMACY ACT

145. Section 5 of the Pharmacy Act (chapter P-10) is repealed.

AMENDING PROVISIONS CONCERNING OTHER ACTS

ACT RESPECTING REGISTRY OFFICES

146. Section 5.1 of the Act respecting registry offices (chapter B-9) is replaced by the following section:

5.1. For the purposes of the laws respecting the publication of rights and in order to allow the use of a technological process to sign applications for registration and other documents presented for registration to the registrar,

(1) the secretary of the Ordre des arpenteurs-géomètres du Québec shall assign to all land surveyors who apply therefor a personal code allowing them to affix their signature;

(2) the secretary of the Ordre des notaires du Québec shall authorize, in accordance with the Notaries Act (chapter N-3), all notaries who apply therefor to use their official signature affixed by means of a technological process.

The use of a technological process by a member of a professional order or any other user may not in any case result in costs to the State. Thus, where a member of a professional order or another user uses a technological signature

process, it must be compatible with the system used for the publication of rights. All the necessary verifications relating to such a signature, in particular those prescribed by the regulations on the publication of rights, must also be carried out without cost to the State.”

ACT RESPECTING LABOUR STANDARDS

147. Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 43 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (2016, chapter 34) and by section 27 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (2017, chapter 10), is again amended by replacing “12” in the second paragraph by “13”.

148. Section 122 of the Act, amended by section 44 of the Act to facilitate the disclosure of wrongdoings relating to public bodies and by section 28 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations, is again amended by adding the following subparagraph after subparagraph 12 of the first paragraph:

“(13) on the ground that the employee has sent information to the syndic of a professional order to the effect that a professional has committed an offence referred to in section 116 of the Professional Code (chapter C-26).”

149. Section 140 of the Act, amended by section 45 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, is again amended by replacing “and 11” in paragraph 6 by “, 11 and 13”.

MISCELLANEOUS AND FINAL PROVISIONS

150. Until such time as the Government designates the members of the Access to Training Coordination Hub under section 16.25 of the Professional Code (chapter C-26), enacted by section 21, the Hub is to be constituted of the respective representatives of

- (1) the Minister of Education, Recreation and Sports;
- (2) the Minister of Employment and Social Solidarity;
- (3) the Minister responsible for Higher Education;
- (4) the Minister of Immigration, Diversity and Inclusiveness;
- (5) the Minister of International Relations and La Francophonie;
- (6) the Minister of Health and Social Services;
- (7) the Bureau de coopération interuniversitaire;

- (8) the Québec Interprofessional Council;
- (9) the Fédération des cégeps; and
- (10) the Commission des partenaires du marché du travail.

151. The board of directors of an order must, not later than 8 June 2021, be established in accordance with the provisions of this Act.

The board of directors of an order may, by resolution, provide that the term of its directors is to end at the first election following the coming into force of this Act. In order to ensure that directors are replaced on a rotating basis, such a resolution may determine, for some of the director positions to be filled at that election, a term of office of a shorter duration than that provided for in the Act or regulation that sets it.

152. Despite section 80 of the Professional Code, as amended by section 46, the president of the board of directors of an order may, until 8 June 2018, hold that office concurrently with the office of executive director.

153. Section 39.8 of the Professional Code, as amended by section 25, is deemed to have always read as also authorizing the administration of prescribed ready-to-administer medications by enteral or nasal route.

154. Proceedings instituted before 8 June 2017 may serve as grounds for a request referred to in section 122.0.1 of the Professional Code, enacted by section 68.

155. This Act comes into force on 8 June 2017, except

- (1) section 29, which comes into force on 8 July 2017;
- (2) sections 1, 3, 5, 45, 48, 49, 58 and 59, which come into force on 1 January 2018;
- (3) section 39, which comes into force on 8 June 2018;
- (4) section 146, which comes into force on the date to be set by the Government.