



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 406
(1998, chapter 14)

An Act to amend the Professional Code

Introduced 18 December 1997
Passage in principle 10 March 1998
Passage 5 June 1998
Assented to 12 June 1998

Québec Official Publisher
1998

EXPLANATORY NOTES

This bill authorizes the Government to issue an order to amalgamate professional orders whose members practise a reserved title profession or to integrate a group of persons into such a professional order where, in the Government's opinion, it is necessary for the protection of the public that they be granted a reserved title.

The bill defines the content of an amalgamation or integration order and determines the conditions subject to which an order may be made.

Finally, the bill proposes consequential amendments pertaining to the content of the letters patent of a professional order.

Bill 406

AN ACT TO AMEND THE PROFESSIONAL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 2 of the Professional Code (R.S.Q., chapter C-26) is replaced by the following section :

“2. Subject to the inconsistent provisions of a special Act, of the letters patent issued under section 27 or of an integration or amalgamation order made under section 27.2, this Code applies to all professional orders and to their members.”

2. Section 12 of the said Code is amended

(1) by replacing the words “or the amalgamation” in the second line of the second paragraph by the words “, the amalgamation”;

(2) by inserting the words “, the integration of a group of persons into one of the orders referred to in Division III of Chapter IV” after the words “existing orders” in the second line of the second paragraph;

(3) by inserting the words “the integration or amalgamation orders,” after the word “patent,” in the third line of the second paragraph.

3. Section 25 of the said Code is amended by inserting the words “or if a group of persons should or should not be integrated into one of the orders referred to in Division III of Chapter IV” after the word “constituted” in the first line.

4. Section 27 of the said Code is amended

(1) by replacing the word “, and” in the second line of the third paragraph by a comma;

(2) by inserting the words “, the various categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which members must submit when engaging in such activities or using such titles” after the word “law” in the fourth line of the third paragraph;

(3) by inserting the words “and operation” after the word “composition” in the ninth line of the third paragraph;

(4) by replacing the word “and” in the tenth line of the third paragraph by a comma ;

(5) by replacing the words “is to be elected” in the tenth line of the third paragraph by the words “and the directors are to be elected and the designation of the order”.

5. The said Code is amended by inserting, after section 27.1, the following sections :

“27.2. The Government may, by order, after consultation with the Office, the interprofessional council and the orders concerned, amalgamate two or more orders referred to in Division III of Chapter IV to ensure increased protection of the public.

The Government may, by order, integrate into an order referred to in Division III of Chapter IV a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title. However, such integration may only be effected after consultation with the Office, the interprofessional council and the order concerned as well as with the organizations, if any, which represent the group of persons concerned.

However, no order may be made under this section less than 60 days after the publication by the Minister of the proposal for amalgamation or integration in the *Gazette officielle du Québec*, with a notice that the proposal will be considered by the Government upon the expiry of 60 days following such publication.

The amalgamation or integration order shall set out the titles, abbreviations and initials reserved for the members of the order concerned, a description of the professional activities they may engage in in addition to those otherwise permitted by law, the categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which the members must submit when engaging in such activities or using such titles.

The amalgamation or integration order may provide for such transitional measures as are considered necessary to facilitate the amalgamation or integration. These measures may, among other matters, pertain to the regulations applicable to the members of the order concerned and the replacement of such regulations, the conditions of admission of those persons, the composition and operation of the Bureau, the duration of the initial term of office of the directors, the manner in which the president and the directors are to be elected and the designation of the order.

The amalgamation or integration order shall be published in the *Gazette officielle du Québec* and shall come into force fifteen days after such publication or on any later date indicated in the order.

The Québec Official Publisher shall insert in the annual volume of statutes a table indicating the date of publication of an order mentioned in the sixth paragraph.

The amalgamation or integration order shall cease to have effect on the day of the coming into force of the provisions amending this Code for the purpose of introducing the titles, abbreviations and initials reserved for the members of the order concerned, a description of the professional activities they may engage in and any other relevant provision. Any transitional measures contained in the order that continue to be useful shall, however, remain in force.

“27.3. The Government may, by order, amend the amalgamation or integration order at any time before the day on which it ceases to have effect.

Section 27.2, adapted as required, applies to the order.”

6. Section 38 of the said Code is amended

(1) by replacing the word “or” in the third line by a comma ;

(2) by adding, at the end, the words “or in an amalgamation or integration order”.

7. Section 62 of the said Code is amended by inserting the words “, the amalgamation or integration order” after the word “order” in the third line.

8. Section 188 of the said Code is amended

(1) by replacing the words “Code or” in the first line by the words “Code, of”;

(2) by inserting the words “or of an amalgamation or integration order” after the word “order” in the second line.

9. This Act comes into force on 12 June 1998.