

Bill 98

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

Section 1

AMENDMENT:

1. Replace "Four" in the second sentence of the paragraph proposed by paragraph 2 by "Three".
2. Insert after paragraph 3:

(3.1) 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."

Adopté
M.P.

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Section 1

AMENDMENT:

Replace paragraph 4 by:

(4) 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.”

*Adopte
mo.*

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Section 1

AMENDMENT:

Insert after paragraph 1:

(1.1) 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.”;

Adopté
MO

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Section 5

AMENDMENT:

Replace proposed section 12.0.1 by:

“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."

Adopté
MO.

AM 5
s.9 (16.1)

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Section 9

AMENDMENT:

Withdrawn and renamed AM p.

*Retire
MO.*

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Section 12

AMENDMENT:

Replace “the time and intervals at which training is offered” in subparagraph 3 of the first paragraph of proposed section 16.10 by “the time it takes before training is offered”.

*Adopted
MO.*

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Section 14

AMENDMENT:

Replace "that the Commissioner must refer the plaintiff to another authority" in proposed subparagraph 4 by "that the plaintiff may be referred to another authority".

Adopted
M.C.

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Section 9

AMENDMENT:

Replace by:

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.

Adopted

AM 9
s. 25 (46.1)

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Section 25

AMENDMENT:

Replace proposed subparagraph 4.1 by:

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

*Adopted
MR.*

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Section 26.1

AMENDMENT:

Insert after section 26:

26.1. 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.”

*Adopté
MC.*

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Section 28

AMENDMENT:

Insert at the end of the paragraph proposed by paragraph 2:

(6) see to the integrity of internal control rules, including risk management rules, and ensure the viability and sustainability of the order.

Adopted
MO.

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Section 28

AMENDMENT:

Add at the end:

(3) 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.”

*Adopted
m.c.*

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Section 29

AMENDMENT:

Replace by:

29. 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 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 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;

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(7) ensure the equity, 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. ”

Adopté
MO

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SAM 1
AM 13
s. 29 (62.0.1)

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Section 29

AMENDMENT:

Insert “and gender equality” after “ethics” in paragraph 4 of proposed section 62.0.1.

Insert “, training on gender equality” after “assessment” in paragraph 5 of proposed section 62.0.1.

*Adopted
MO*

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Section 29.1

AMENDMENT:

Insert after section 29:

29.1. 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.

*Adopted
MR.*

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Section 33

AMENDMENT:

Replace paragraph 2 by:

(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.”

Adopte
mo.

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Section 34

AMENDMENT:

Replace section 34 by:

34. 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.

Adopté
Mn.

AM 17
s. 36 (76.1)

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Section 36

AMENDMENT:

Strike out.

Adopted
MR.

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Section 36.1

AMENDMENT:

Insert after section 36:

36.1. 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.”

Adapté
MO.

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Section 37

AMENDMENT:

Replace paragraph 5 by:

(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."

Adopté
mn

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Section 37.1

AMENDMENT:

Insert after section 37:

37.1. 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.”

Adopté
MD

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Section 39

AMENDMENT:

Replace by:

39. 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.”

Adopte
MN

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Section 40

AMENDMENT:

1. Replace paragraph 1 by:

- (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. Replace “determined by regulation of the Office and those set out in the code of ethics and professional conduct adopted by the professional order of which he is a member” in paragraph 2 by “applicable to them”.

*Adopted
mn*

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Section 42

AMENDMENT:

Replace by:

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

Adopted

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Section 43

AMENDMENT:

Strike out.

Adopte
MN.

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Section 44

AMENDMENT:

Replace section 44 by:

44. 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 the third paragraph of section 102, 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.”

*Adopté
ME*

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Section 44.1

AMENDMENT:

Insert after section 44:

44.1. 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”.

Adopted
MR.

AM 27
s. 46 (87.1)

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Section 46

AMENDMENT:

Strike out.

*Adopted
MC.*

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Section 47

AMENDMENT:

Replace by:

47. 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”.

Adopte
mn.

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Section 48

AMENDMENT:

1. Strike out paragraph 2.
2. Insert after paragraph 3:

(4) 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”;

- (5) 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.”

Adopte
MO.

AM 30
s. 50 (95.2)

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Section 50

AMENDMENT:

Strike out.

Adopté
MO.

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Section 53

AMENDMENT:

1. Add "in accordance with sound management practices" after "resources" at the end of proposed section 101.1.
2. Add the following paragraph at the end of proposed section 101.1:

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

Adopté
MN.

SAM
AM 31
s. 53 (101.1)

Bill 98

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Section 53

AMENDMENT:

Insert "on his management," after "determined by the latter," in the second paragraph of proposed section 101.1.

*Adopted
MR*

AM 32
s. 58 (108.8)

Bill 98

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Section 58

AMENDMENT:

Strike out.

Adopted
MO.

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Section 53.1

AMENDMENT:

Insert after section 53:

53.1. 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 financial year covered by the assessment, including a breakdown of the elected directors’ remuneration, and a draft annual report.”

Adopted
mn.

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Section 54

AMENDMENT:

Replace section 54 by:

54. The first paragraph of section 104 of the Code is replaced by the following paragraphs:

“**104.** During the annual general meeting,

(1) the members 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 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.”

Adopté
MN.

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Section 60

AMENDMENT:

Replace section 60 by:

60. Section 122 of the Code is amended

- (1) by replacing “third” in the first paragraph by “fourth”.
- (2) by inserting 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.”

*Adopté
no.*

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Section 61

AMENDMENT:

1. Replace “when proceedings are instituted against a professional for an offence punishable by a term of imprisonment of five years or more” in proposed section 122.0.1 by “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”.
2. Replace “a decision must be rendered not later than” in the second paragraph of proposed section 122.0.2 by “the disciplinary council shall render its decision within”.
3. Replace “how it affects the honour or dignity of the profession” in the first paragraph of proposed section 122.0.3 by “how public trust in the order’s members could be compromised if the disciplinary council fails to issue an order”.

Adopte
MR.

AM 37
s. 62 (123.9)

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Section 62

AMENDMENT:

Insert "lodged" after "complaint" in the first paragraph of proposed section 123.9.

*Adopted
MN*

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Section 65

AMENDMENT:

Replace by:

65. 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.”

*Adopté
MR.*

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Section 72

AMENDMENT:

Replace by:

72. 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.”

Adopted
mn

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Section 73

AMENDMENT:

Replace by:

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

Adopted
MN

AM 41
ss. 73.1 to 73.4

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Sections 73.1 to 73.4

AMENDMENT:

Withdrawn and renamed AM ae.

Retire
MO.

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Section 75.1

AMENDMENT:

Insert after section 75:

75.1. 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.

Adopté
MN.

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Sections 73.1 to 73.4

AMENDMENT:

Insert after section 73:

73.1. 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.”

73.2. 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”.

73.3. 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”.

73.4. 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”.

Adopted

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Section 83.1

AMENDMENT:

Insert before section 84:

83.1. 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”.

Adopté
M.O.

Bill 98

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Section 84

AMENDMENT:

Replace by:

84. Section 10.1 of the Act respecting the Barreau du Québec (chapter B-1) 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.”

Adopté
MC.

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Section 85.1

AMENDMENT:

Insert after section 85:

85.1. 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”.

Adopté
MR

Bill 98

**An Act to amend various legislation
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professions and the governance of the
professional system**

Section 88

AMENDMENT:

Replace by:

88. 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.”

*Adopted
mn.*

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Section 88.1

AMENDMENT:

Insert after section 88:

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

Adopted
40.

Bill 98

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professional system**

Section 91

AMENDMENT:

Replace by:

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

Adopted
MC.

Bill 98

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professional system**

Section 93

AMENDMENT:

Replace paragraph 3 by:

(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.”;

*Adopte
MC*

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professional system**

Section 93.1

AMENDMENT:

Insert after 93:

93.1. 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)”.

*Adopted
MO.*

Bill 98

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professional system**

Section 95

AMENDMENT:

Replace by:

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

*Adopted
MO.*

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mainly with regard to admission to
professions and the governance of the
professional system**

Section 95.1

AMENDMENT:

Insert after section 95:

95.1. 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”.

*Adopted
MO.*

Bill 98

**An Act to amend various legislation
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professions and the governance of the
professional system**

Section 98

AMENDMENT:

Replace by:

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

*Adopted
MO.*

Bill 98

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mainly with regard to admission to
professions and the governance of the
professional system**

Section 99

AMENDMENT:

Replace by:

99. Section 7 of the Act is amended

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

Adopted
110.

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professions and the governance of the
professional system**

Section 100

AMENDMENT:

Replace by:

100. 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.”

*Adopted
MD*

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professions and the governance of the
professional system**

Section 101.1

AMENDMENT:

Insert after section 101:

101.1. Section 12 of the Act is amended by striking out "The president and".

*Adopte
MC.*

Bill 98

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Section 102

AMENDMENT:

Replace by:

102. 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 director from among the elective directors. The president and vice-president shall be members of the committee by virtue of office.”

*Adopted
MC*

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Sections 102.1 to 102.5

AMENDMENT:

Replace the heading “NOTARIES ACT” by the following:

ACT RESPECTING LABOUR STANDARDS

102.1. 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), is again amended by replacing “and 11” in the second paragraph by “, 11 and 12”.

102.2. Section 122 of the Act, amended by section 44 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (2016, chapter 34), is again amended by adding the following subparagraph after subparagraph 11 of the first paragraph:

“(12) 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).”

102.3. Section 140 of the Act, amended by section 45 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (2016, chapter 34), is again amended by replacing “and 11” in paragraph 6 by “, 11 and 12”.

NOTARIAL ACT (CHAPTER N-2)

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

102.5. 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 (CHAPTER N-3)

*Adopte
m.*

Bill 98

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Sections 104.1 to 104.7

AMENDMENT:

Insert after section 104:

104.1. 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.

104.2. 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.”

104.3. 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.

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

104.5. 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,”.

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

104.7. 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.

Adopte
MO.

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Section 108

AMENDMENT:

Replace by:

108. 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.”

Adopté
MD

Bill 98

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Section 109

AMENDMENT:

Add at the end:

(10) the Commission des partenaires du marché du travail.

*Adopté
un.*

Bill 98

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Section 110

AMENDMENT:

Add at the end:

The board of directors of an order may, by resolution, provide that the term of its directors shall 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.

Adopté
MN.

Bill 98

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Section 110.1

AMENDMENT:

Insert after section 110:

110.1. Despite section 80 of the Professional Code, as amended by section 40, the president of the board of directors of an order may, until *(insert the date that is one year after the date of coming into force of section 40 of this Act)* hold that office concurrently with the office of executive director.

Adopted
M.O.

Bill 98

**An Act to amend various legislation
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professional system**

Sections 24.1 and 24.2

AMENDMENT:

Insert after section 24:

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

24.2. 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.

Adopte
MN.

Bill 98

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

Sections 110.2

AMENDMENT:

Insert after section 110.1:

110.2. Section 39.8 of the Professional Code, as amended by section 24.1, is deemed to have always read as also authorizing the administration of prescribed ready-to-administer medications by enteral or nasal route.

*Adopted
no.*

Bill 98

**An Act to amend various legislation
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professional system**

Sections 89.1 and 89.2

AMENDMENT:

Insert after section 89:

89.1. 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.”

89.2. 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 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.”

*Adopte
mo.*

Bill 98

**An Act to amend various legislation
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professional system**

Sections 97.1 and 97.2

AMENDMENT:

Insert after section 97:

VETERINARY SURGEONS ACT

97.1. 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.”

97.2. 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.

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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."

Adopté
non.

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Section 66

AMENDMENT:

Replace section 66 by:

66. 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 5 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;

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(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”.

Adopté
MN

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Sections 66.1 to 66.6

AMENDMENT:

Insert after section 66:

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

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

66.3. 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.

66.4. 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”.

66.5. 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”.

66.6. 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

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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 behavior 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."

Adopté
MO.

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Section 58.1

AMENDMENT:

Insert after section 58:

58.1. 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.

*Adopted
MO.*

Bill 98

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

Sections 59.1 and 59.2

AMENDMENT:

Insert after section 59:

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

“The board of directors shall make sure that 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.”

59.2. 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.”

Adopté
M.C.

Bill 98

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professional system**

Sections 61.1

AMENDMENT:

Insert after section 61:

61.1. 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.”

*Adopté
MN.*

Bill 98

**An Act to amend various legislation
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Section 24.3

AMENDMENT:

Insert after section 24:

24.3. 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.

Adopted
m.p.

Bill 98

**An Act to amend various legislation
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professional system**

Section 67

AMENDMENT:

Replace section 67 by:

67. 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”.

*Adopté
mo.*

Bill 98

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

Section 68

AMENDMENT:

Replace section 68 by:

68. 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.

*Adopted
MN.*

Bill 98

**An Act to amend various legislation
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Section 112

AMENDMENT:

Replace by:

112. This Act comes into force on *(insert the date of assent to this Act)*, except

(1) section 26, which comes into force on *(insert the date that is 30 days after the date of assent to this Act)*;

(2) sections 1, 3, 5, 39, 42, 44, 53.1 and 54, which come into force on 1 January 2018;

(2) section 34, which comes into force on *(insert the date that is one year after the date of assent to this Act)*;

(4) section 108, which comes into force on the date to be set by the Government.

*Adopted
m.*