

Gazette officielle du Québec

Part 2

Laws and
Regulations

Volume 127

5 July
1995
No. 27

Québec 



Gazette officielle du Québec

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Volume 127
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Legal deposit — 1st Quarterly 1968
Bibliothèque nationale du Québec
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1° Acts assented to, before their publication in the annual collection of statutes;

2° proclamations of Acts;

3° regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

4° Orders in Council of the Government, decisions of the Conseil du trésor and ministers' orders whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

5° regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by laws;

6° rules of practice made by judicial courts and quasi-judicial tribunals;

7° drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Part 2 (French) 93 \$ per year
English Edition 93 \$ per year

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Separate numbers of the *Gazette officielle du Québec* sell for 5,32 \$ a copy.

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1^{er} étage
Sainte-Foy (Québec)
G1N 2E5
Téléphone: (418) 644-7794
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Coming into force of Acts

Gouvernement du Québec

O.C. 890-95, 28 June 1995

An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, c. 8)

→ Coming into force of sections 5, 6 and 51 to 53

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, c. 8)

WHEREAS the Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, c. 8) was assented to on 8 February 1995;

WHEREAS that Act came into force on 8 February 1995, except the provisions of sections 5, 6 and 51 to 53, which will come into force on the date fixed by the Government as provided for in section 76;

WHEREAS it is expedient to fix 28 June 1995 as the date of the coming into force of sections 5, 6 and 51 to 53 of that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Employment:

THAT 28 June 1995 be fixed as the date of the coming into force of sections 5, 6 and 51 to 53 of the Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, c. 8).

LOUIS BERNARD,
Clerk of the Conseil exécutif



Proclamations

[L.S.]
Gouvernement
du Québec

MARTIAL ASSELIN, P.C., Q.C.

Proclamation

Repeal of the Cooperative Syndicates Act (R.S.Q.,
c. S-38)

THE GOUVERNEMENT DU QUÉBEC PROCLAIMS THAT:

The Cooperative Syndicates Act is repealed as of
1 June 1995.

BACKGROUND:

This proclamation follows a recommendation by the
Minister of Industry, Trade, Science and Technology,
adopted on 3 May 1995 by Order in Council 611-95.

Under section 323 of the Cooperatives Act (R.S.Q.,
c. C-67.2), the Cooperative Syndicates Act (R.S.Q.,
c. S-38) is repealed on the date fixed by proclamation of
the Government.

Québec, 3 May 1995

MICHEL BOUCHARD,
Deputy Attorney general

Libro: 509
Folio: 149

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Regulations and other acts

Gouvernement du Québec

O.C. 810-95, 14 June 1995

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

**Men's and boys' shirt
— Amendments**

Decree to amend the Decree respecting the men's and boys' shirt industry

WHEREAS the Government made the Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r. 11);

WHEREAS in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a collective agreement decree upon the recommendation of the Minister of Employment;

WHEREAS the Decree respecting the men's and boys' shirt industry was recently amended by Order in Council 254-95 dated 1 March 1995;

WHEREAS Order in Council 254-95 revoked by error the first paragraph of section 9.01 of the Decree respecting the men's and boys' shirt industry and it is expedient to reinsert it therein;

WHEREAS the revocation of section 9.01 has the undesired effect of allowing employers to reduce the wages of certain categories of employment and it is expedient to re-establish those wages upon the coming into force of this Order in Council;

WHEREAS the contracting parties have requested for the amendment of the Decree respecting the men's and boys' shirt industry for the purpose of re-establishing the wages thus reduced;

WHEREAS it is expedient, therefore, to further amend the Decree respecting the men's and boys' shirt industry;

WHEREAS under sections 12 and 18 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act and may come into force on the

date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

- because to the revocation of section 9.01 of the Decree by Order in Council 254-95 dated 1 March 1995, employed employees could be subject to a decrease in wages which would not reflect in any way the intention of the contracting parties to the Decree;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Employment:

THAT the Decree to amend the Decree respecting the men's and boys' shirt industry, attached hereto, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the men's and boys' shirt industry

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r. 11), amended by Orders in Council 1841-82 dated 12 August 1982, 2239-82 dated 29 September 1982, 673-84 dated 21 March 1984, 2611-85 dated 4 December 1985, 1124-87 dated 22 July 1987, 904-88 dated 8 June 1988, 513-91 dated 10 April 1991, 1620-92 dated 4 November 1992 and 254-95 dated 1 March 1995, is further amended by reinserting the following after Division 8:00:

"9.00. Reduction in wages

9.01. For the duration of this Decree, there shall be no reduction in the wages presently paid, whether on an hourly, piece-work or weekly basis."

2. From 5 July 1995, all the wages of employees, holding on 29 March 1995 employment covered by the Decree respecting the men's and boys' shirt industry, that have been decreased, on or after 30 March 1995, by their employer owing to the revocation of section 9.01 of the Decree by section 20 of the Decree to amend the Decree respecting the men's and boys' shirt industry, made by Order in Council 254-95 dated 1 March 1995, shall be re-established.

3. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 811-95, 14 June 1995

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

**Possession of dogs in game reserves
— Revocation**

Regulation to revoke the Regulation respecting possession of dogs in game reserves

WHEREAS the Government made the Regulation respecting possession of dogs in game reserves (R.R.Q., 1981, c. C-61, r. 27) in accordance with section 82 of the Wild-life Conservation Act (R.S.Q., c. C-61);

WHEREAS the Wild-life Conservation Act was replaced by the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

WHEREAS under section 186 of the Act respecting the conservation and development of wildlife, every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act continues to be in force to the extent that it is consistent with that Act;

WHEREAS under section 184 of that Act, the provisions of the Wild-life Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

WHEREAS under paragraph 7 of section 121 of that Act, the Government may, by regulation, in respect of a wildlife sanctuary, determine the conditions on which the presence of a domestic animal or dog is permitted, or prohibit its presence;

WHEREAS it is expedient to revoke the Regulation respecting possession of dogs in game reserves;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to revoke the Regulation respecting possession of dogs in game reserves was published in Part 2 of the *Gazette officielle du Québec* of 8 February 1995 with a notice that, upon the expiry of 45 days following that publication, it could be made by the Government;

WHEREAS it is expedient to make the Regulation to revoke the Regulation respecting possession of dogs in game reserves, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation to revoke the Regulation respecting possession of dogs in game reserves, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

**Regulation to revoke the Regulation
respecting possession of dogs in game
reserves**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121, par. 7)

1. The Regulation respecting possession of dogs in game reserves (R.R.Q., 1981, c. C-61, r. 27) is revoked.

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

9159

Gouvernement du Québec

O.C. 815-95, 14 June 1995

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

Land surveyors
— Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des arpenteurs-géomètres du Québec

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des arpenteurs-géomètres du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the Order which may be used by persons having recourse to the services of the members;

WHEREAS under section 88 of the Code, the Bureau made a Regulation respecting the procedure for conciliation and arbitration of accounts of land surveyors, approved by Order in Council 630-83 dated 30 March 1983;

WHEREAS it is expedient to replace that Regulation;

WHEREAS under that section of the Code, the Bureau made a Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des arpenteurs-géomètres du Québec;

WHEREAS in accordance with the third paragraph of section 95 of the Code, as it read in June 1994, a draft regulation was sent to every member of the professional order at least 30 days before its making by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 November 1994 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des arpenteurs-géomètres du Québec, the text of which is attached to this Order in Council, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des arpenteurs-géomètres du Québec

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I **CONCILIATION**

1. A client who has a dispute with a member of the Ordre des arpenteurs-géomètres du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, within a 45-day period from the date of receipt of the account.

2. A client who has a dispute with a member concerning the amount of an account that he has already paid in whole or in part for professional services may also file a written application for conciliation with the syndic within a 45-day period from the date of receipt of the account.

3. A member may not institute proceedings to recover an account for professional services before the expiry of a 45-day period from the date of receipt of the account by the client.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

4. Within 5 days of receiving an application for conciliation, the syndic shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm. He shall also send the client a copy of this Regulation.

Once the member has been notified that the syndic has received the application for conciliation, he may not institute proceedings to recover his account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

5. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

6. Any agreement reached during conciliation shall be put in writing in accordance with the form provided in Schedule I, shall be signed by the client and the member and shall be filed with the secretary of the Order.

7. Where conciliation does not lead to an agreement within 30 days from the date of receipt of the application for conciliation, the syndic shall send the form provided in Schedule II to the client, indicating to him the procedure and time limit for submitting the dispute to arbitration.

Where the account has a value of \$1 000 or more, the syndic shall also send a conciliation report to the client and to the member by registered mail.

The conciliation report shall contain the following information:

(1) the amount of the account in dispute;

(2) the amount that the client acknowledges owing;

(3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute.

DIVISION II ARBITRATION

§1. Application for arbitration

8. Within 15 days of receiving the form provided in Schedule II and the conciliation report, if such exists, the client may apply for arbitration of the account by sending the form in Schedule II to the secretary of the Order.

A copy of the conciliation report, if such exists, shall accompany the client's application for arbitration.

9. Within 5 days of receiving an application for arbitration, the secretary of the Order shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm.

10. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

11. A member who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

12. A client who acknowledges owing an amount to a member shall deposit that amount with the secretary of the Order, who shall then remit it to the member.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

13. Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing in accordance with the form provided in Schedule I, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has heard the case, the agreement shall be recorded in the arbitration decision.

§2. Council of arbitration

14. Each year, within one month following its election, the Bureau of the Ordre des arpenteurs-géomètres du Québec shall form a council of arbitration, of which it appoints the chairman and the vice-chairman or the vice-chairmen.

15. The council of arbitration shall be composed of 3 members where the amount in dispute is \$2 000 or more, and may be composed of a single member where the amount is less than \$2 000.

16. The members of the council shall have exercised their profession for not less than 10 years; they shall remain in office until reappointed or replaced.

17. The Bureau shall designate the secretary of the council and assistants to the secretary.

18. Should the chairman be unable to act by reason of absence or illness, he shall be replaced by the vice-chairman or one of the vice-chairmen.

19. A member of the council may not sit during the hearing of a case where he finds himself to be in any of the situations described in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25).

20. Before acting, the members of the council, the secretary of the council and assistants to the secretary shall take the oath provided in Schedule III.

§3. Hearing

21. The chairman of the council shall determine the date, hour and place of the hearing and shall designate the members called to sit; the secretary of the council or any member designated by the chairman shall give written notice to the members and the parties no less than 15 days before the date.

22. The parties are entitled to be represented or assisted by an advocate.

23. Unless otherwise necessary due to extraordinary circumstances, the hearing shall be held within 60 days following the date on which the case is forwarded to the council.

24. A party requesting that the testimony be recorded shall assume the cost thereof.

25. The member or members of the council who begin the hearing shall see the matter through.

Should a member of the council die or be unable to act, the other members shall see the matter through.

If the council of arbitration consists of a single member, he shall be replaced by a new member and the dispute shall be reheard.

§4. Arbitration decision

26. The council of arbitration shall issue its decision within 60 days of the end of the hearing.

27. The decision shall be a majority decision of the members of the council.

The decision shall be substantiated and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the decision shall have the same effect as though it were signed by all the members.

28. The costs incurred by a party for the arbitration shall be borne by that party.

29. In its decision, the council of arbitration may uphold or reduce the amount of the account in dispute, determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client acknowledges owing and that he sent with his application for arbitration.

30. In its decision, the council of arbitration may decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 10% of the amount of the invoice.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

31. The arbitration decision is binding on the parties, is without appeal but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

32. The arbitration decision shall be filed with the secretary of the Order and shall be sent to each party or to their advocates within 10 days after being filed.

33. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of land surveyors, approved by Order in Council 630-83 dated 30 March 1983, but the latter Regulation continues to govern the procedure for conciliation and arbitration of accounts for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

SCHEDULE I
(ss. 6 and 13)

AGREEMENT

CONCLUDED between
(client's name)

.....
(domicile)

AND
.....
(member's name)

who declare that:

(1)
(member's name)

is claiming (or refuses to reimburse) a sum of money for professional services rendered to
(client's name)

(2)
 (client's name)
 has applied to the syndic for conciliation with respect to
 the dispute.

(3) An agreement has been concluded between:
 and
 (client's name) (member's name)
 during conciliation (during arbitration).

(4) The terms of the agreement are as follows:

(5) and
 (client's name) (member's name)
 declare that they are bound by the terms of the agree-
 ment.

DATE:
 and
 (Client's signature) (Member's signature)

SCHEDULE II
 (s. 8)

**APPLICATION FOR ARBITRATION OF AN
 ACCOUNT**

I, the undersigned,
 (client's name)

 (domicile)

declare that:

(1)
 (member's name)
 is claiming from me (or refuses to reimburse to me) a
 sum of money for professional services.

(2) I have enclosed a copy of the conciliation report,
 if such exists.

(3) I am applying for arbitration of the account under
 the Regulation respecting the conciliation and arbitra-
 tion procedure for the accounts of members of the Ordre
 des arpenteurs-géomètres du Québec.

(4) I have enclosed a certified cheque for the amount
 I acknowledge owing to
 (member's name)

(5) I have received a copy of the Regulation men-
 tioned above and have taken cognizance thereof.

(6) I agree to submit to the procedure provided for in
 the Regulation and, where required, to pay to

 (member's name)
 the amount of the arbitration decision, which is without
 appeal and is binding on the parties.

DATE:

 Signature

AFFIRMED BEFORE ME AT

ON 19 ...

 Administering officer

SCHEDULE III
 (s. 20)

OATH

I solemnly affirm that I will perform all my duties and
 exercise all my powers as a member of the council (or as
 secretary of the council or as an assistant to the secretary
 of the council) faithfully, impartially and honestly, to
 the best of my ability and knowledge.

I also solemnly affirm that I will not, without being so
 authorized by law, disclose or make known anything
 whatsoever of which I may take cognizance in the per-
 formance of my duties.

Sworn before
 (name and office, profession or capacity)
 at on
 (municipality) (date)

.....
 (signature of the person receiving the oath)

Gouvernement du Québec

O.C. 816-95, 14 June 1995

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

Bar

- Accounting and trust accounts
- Amendments

Regulation to amend the By-law respecting accounting and trust accounts of advocates

WHEREAS under paragraph *f* of subsection 3 of section 15 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1), as it read before 15 October 1994, the General Council of the Barreau du Québec, by by-law, was required to prescribe the terms, conditions and standards for the acceptance, custody and disposition of sums of money and securities entrusted to advocates, and those for the keeping and auditing of advocates' trust accounts, books and registers;

WHEREAS under the aforementioned paragraph, the General Council made the By-law respecting accounting and trust accounts of advocates (R.R.Q., 1981, c. B-1, r. 3);

WHEREAS it is expedient to amend that By-law;

WHEREAS under the same paragraph, the General Council made the Regulation to amend the By-law respecting accounting and trust accounts of advocates;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 1 June 1994 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS on 15 October 1994, the date of the coming into force of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), the aforementioned paragraph was struck out by section 231 of that Act;

WHEREAS under paragraph 2 of section 77 of that Act, section 89 of the Professional Code (R.S.Q., c. C-26) was amended in order to oblige the General Council to determine, by regulation, the terms, condi-

tions and standards for receipt, custody and disposition of the sums of money and securities that the advocates are called upon to hold for the account of their clients, and the terms, conditions and standards relating to the keeping and auditing of trust accounts, books and registers of such advocates;

WHEREAS in accordance with section 95 of the Code amended by section 83 of Chapter 40 of the Statutes of 1994, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the By-law respecting accounting and trust accounts of advocates, attached to this Order in Council, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend the By-law respecting accounting and trust accounts of advocates

Professional Code
(R.S.Q., c. C-26, s. 89; 1994, c. 40, s. 77)

1. The By-law respecting accounting and trust accounts of advocates (R.R.Q., 1981, c. B-1, r. 3) is amended by substituting the following for section 3.01:

"3.01 An advocate must deposit or have deposited all money in trust, as soon as possible after receipt thereof, in his name or in the name of his law office, within Québec, in a trust account in a chartered bank or other institution authorized by law to receive deposits."

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

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Gouvernement du Québec

O.C. 817-95, 14 June 1995

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

Chemists

— Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des chimistes du Québec

WHEREAS under section 86 of the Professional Code (1973, c. 43), as it read in 1978, the Bureau of the Ordre des chimistes du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the Order which may be used by persons having recourse to the services of the members;

WHEREAS under that section of the Professional Code, the Bureau made a Regulation respecting the procedure for conciliation and arbitration of accounts of chemists (R.R.Q., 1981, c. C-15, r. 6);

WHEREAS it is expedient to replace that Regulation;

WHEREAS in accordance with the third paragraph of section 95 of the Professional Code (R.S.Q., c. C-26), as it read in December 1993, a draft regulation was sent to every member of the Order at least 30 days before its making by the Bureau;

WHEREAS under section 88 of the Professional Code, as it read in June 1994, the Bureau made a Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des chimistes du Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 3 August 1994 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with the first paragraph of section 95 of the Professional Code, as it read on 13 October 1994, the Office des professions du Québec examined the Regulation and made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des chimistes du Québec, the text of which is attached hereto, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des chimistes du Québec

Professional Code
(R.S.Q., c. C-26, s. 88; 1994, c. 40, s. 76)

**DIVISION I
CONCILIATION**

1. A client who has a dispute with a member of the Ordre des chimistes du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided that the member has not instituted proceedings to recover the account.

2. A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the syndic within a 45-day period from the date of receipt of the account.

Where an amount has been withdrawn or withheld by the member from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

3. A member may not institute proceedings to recover an account for professional services before the expiry of a 45-day period from the date of receipt of the account by the client.

4. Within 3 days of receiving an application for conciliation, the syndic shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm. He shall also send the client a copy of this Regulation.

Once the syndic has received the application for conciliation, the member may not institute proceedings to recover his account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

5. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

6. Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member and shall be filed with the secretary of the Order.

7. Where conciliation does not lead to an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered or certified mail.

The report shall contain the following information, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute;
- (4) the amount suggested by the syndic during conciliation as a payment to the member or as a reimbursement to the client.

The syndic shall send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

DIVISION II ARBITRATION

§1. *Application for arbitration*

8. Within 30 days of receiving the conciliation report, the client may apply for arbitration of the account by sending the form in Schedule I to the secretary of the Order.

A copy of the conciliation report shall accompany the client's application for arbitration.

9. Within 3 days of receiving an application for arbitration, the secretary of the Order shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm.

10. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

11. A member who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

12. Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

§2. *Council of arbitration*

13. The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$1 500 or more, and of a single arbitrator where the amount is less than \$1 500.

14. The administrative committee shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chairman and the secretary thereof.

15. Before acting, the members of the council of arbitration shall take the oath in Schedule II.

16. The secretary of the Order shall send written notice to the arbitrators and to the parties informing them of the formation of the council of arbitration.

17. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or of the day on which the reason for the request becomes known.

The administrative committee shall decide the request and, where applicable, shall see that the arbitrator is replaced.

§3. Hearing

18. The secretary of the Order shall give the parties or their advocates and the arbitrators at least 10 days' written notice of the date, time and place of the hearing.

19. The parties are entitled to be represented or assisted by an advocate.

20. The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any failure on their part. For those purposes, it shall follow the procedure it considers most appropriate.

21. A party requesting that the testimony be recorded shall assume the cost thereof.

22. Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through.

If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator and the dispute shall be reheard.

§4. Arbitration award

23. The council of arbitration shall issue its award within 60 days of the end of the hearing.

24. The award shall be a majority award of the members of the council.

The award shall give reasons and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

25. The costs incurred by a party for the arbitration shall be borne by that party.

26. In its award, the council of arbitration may uphold or reduce the amount of the account in dispute, determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client acknowledges owing and that he sent with his application for arbitration.

27. In its award, the council of arbitration may decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 10% of the amount to which the arbitration pertains.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

28. The arbitration award is binding on the parties but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

29. The arbitration award shall be filed with the secretary of the Order and shall be sent to each party or to their advocates within 10 days after being filed.

30. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of chemists (R.R.Q., 1981, c. C-15, r. 6), but the latter Regulation continues to govern the procedure for conciliation and arbitration of accounts for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

SCHEDULE 1

(s. 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
(client's name)

.....
(domicile)

declare that:

(1)
(member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des chimistes du Québec.

(4) I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

(5) I agree to submit to the procedure provided for in the Regulation and, where required, to pay to

 (member's name)
 the amount of the arbitration award.

.....
 Signature

SCHEDULE II
 (s. 15)

OATH

I solemnly affirm that I will perform all my duties as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge and that I will exercise all my powers.

I also solemnly affirm that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

.....
 Signature

Sworn before me
 (name and office, profession or quality)
 at on
 (municipality) (date)

.....
 (signature of the person receiving the oath)

9162

Gouvernement du Québec

O.C. 818-95, 14 June 1995

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

Guidance counsellors
 — Code of ethics
 — Amendments

Regulation to amend the Code of ethics of guidance counsellors

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre professionnel des conseillers et conseillères d'orientation du Québec

must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS the Bureau made the Code of ethics of guidance counsellors (R.R.Q., 1981, c. C-26, r. 47);

WHEREAS under section 87 of the Professional Code, as amended by section 3 of Chapter 76 of the Statutes of 1990, the Bureau of the Ordre professionnel des conseillers et conseillères d'orientation du Québec must make, by regulation, a code of ethics containing provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by its members;

WHEREAS it is expedient to amend the Code;

WHEREAS under the above-mentioned section, the Bureau made, in May 1994, a Regulation to amend the Code of ethics of guidance counsellors;

WHEREAS under section 95 of the Professional Code, as it read in April and May 1994, the secretary of the Order has sent the draft Regulation to every member of the Order at least thirty days before its making by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in Part 2 of the Gazette officielle du Québec of 5 October 1994 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS as a result of section 457 of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), the expression "professional corporation" and the word "corporation" are replaced in that Regulation by the expression "professional order" and the word "order", respectively, with the necessary changes;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the application of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of guidance counsellors, attached to this Order in Council, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of guidance counsellors

Professional Code
(R.S.Q., c. C-26, s. 87, par. 5)

1. The Code of ethics of guidance counsellors (R.R.Q., 1981, c. C-26, r. 41) is amended by adding the following divisions at the end:

"DIVISION V RESTRICTIONS AND OBLIGATIONS WITH RESPECT TO ADVERTISING

5.01. The guidance counsellor may mention in his advertising any information likely to help the public make an informed choice and to facilitate access to useful or necessary services.

Professionalism must be maintained and promoted in such advertising.

5.02. The guidance counsellor may not engage in, or allow the use of, by any means whatsoever, advertising that is false, misleading, incomplete or liable to mislead.

5.03. The guidance counsellor may not claim to possess specific qualities or skills, particularly in respect of his level of competence or the range or effectiveness of his services, unless he can substantiate such claim.

5.04. The guidance counsellor, in his advertising, may not use or allow the use of an endorsement or testimonial concerning him, with the exception of awards of excellence and other awards in recognition of a contribution or an achievement the honour of which is shared by all members of the profession.

5.05. The guidance counsellor may not engage in or allow the use of, by any means whatsoever, advertising aimed at persons who may be physically or emotionally vulnerable by reason of their age, their condition or the occurrence of a specific event.

5.06. All advertising must indicate the name and title of the professional. Where there is more than one professional included in the firm name of a partnership of

professionals, the title of each professional must be indicated therein.

5.07. The guidance counsellor must keep a copy of every advertisement for a period of 5 years following the date on which it is last published or broadcast. The copy must be given to the secretary of the Order upon request.

5.08. The guidance counsellor must avoid using methods and adopting attitudes likely to give the profession a profit-seeking or commercial character.

5.09. The guidance counsellor who advertises his fees must:

- (1) establish fixed prices;
- (2) specify the nature and scope of the services covered;
- (3) indicate whether expenses or disbursements are included;
- (4) indicate whether additional services may be required that are not covered.

Those particulars must be given in a manner that can be understood by persons having no particular knowledge of the field of guidance counselling. All fees must remain in force for a minimum of 90 days following the date on which they are last published or broadcast.

5.10. In the case of advertising relating to a special price or discount, the guidance counsellor must mention the duration of that special price or discount, where applicable. Such duration may be less than 90 days.

5.11. The guidance counsellor may not, by any means whatsoever, place greater emphasis on a price or a discount than on the service offered in a statement or advertisement.

DIVISION VI GRAPHIC SYMBOL OF THE ORDRE PROFESSIONNEL DES CONSEILLERS ET CONSEILLÈRES D'ORIENTATION DU QUÉBEC

6.01. The Ordre professionnel des conseillers et conseillères d'orientation du Québec is represented by a graphic symbol that is in conformity with the original held by the secretary of the Order.

6.02. Where the guidance counsellor reproduces the graphic symbol of the Order for advertising purposes, he must ensure that the symbol is in conformity with the original held by the secretary of the Order.

The guidance counsellor who reproduces the name of the Order in his advertising must use the following expression: member of the Ordre professionnel des conseillers et conseillères d'orientation du Québec."

2. This Regulation replaces the Regulation respecting advertising by guidance counsellors (R.R.Q., 1981, c. C-26, r. 47).

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

9163

Gouvernement du Québec

O.C. 819-95, 14 June 1995

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

Nursing assistants
— Terms and conditions for permits to be issued
— Amendments

Regulation to amend the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec

WHEREAS under section 2 of the Professional Code (R.S.Q., c. C-26), amended by section 2 of Chapter 40 of the Statutes of 1994, the Professional Code applies to all professional orders and to their members, in particular to the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec, hereinafter designated as the "O.P.I.I.A.Q.";

WHEREAS the Bureau of the O.P.I.I.A.Q. made the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec (R.R.Q., 1981, c. C-26, r. 113);

WHEREAS the Bureau of the O.P.I.I.A.Q., at its meeting held on 22 October 1992 and under paragraph *i* of section 94 of the Professional Code, as it read at that time, made, in its French and English versions, the Regulation to amend the Regulation respecting terms and

conditions for permits to be issued by the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), that regulation was published, as a draft regulation, in Part 2 of the *Gazette officielle du Québec* of 21 July 1993, on pages 4815 and 4816, in its French version, and on page 3731, in its English version;

WHEREAS, in accordance with usual procedure, the Regulation was accompanied by a notice stating that it could be submitted to the Government which could approve it, with or without amendment, upon the expiry of 45 days following its publication and inviting any person having comments to make to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

WHEREAS following the publication of the Regulation, no comments were received by the Chairman of the Office;

WHEREAS under section 95 of the Professional Code, every regulation made by the Bureau of a professional order under paragraph *i* of section 94 of the Code, that is, a regulation to determine the other terms and conditions for the issue of permits by that professional order, shall be transmitted to the Office des professions du Québec for examination and shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the Regulation was transmitted to the Office which examined it and recommended that it be approved by the Government;

WHEREAS on 15 October 1994, except for a few of its provisions, the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), which requires the making of certain amendments to the text of the Regulation made by the Bureau of the O.P.I.I.A.Q., came into force;

WHEREAS it is expedient to approve the Regulation made by the Bureau of the O.P.I.I.A.Q., with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des infirmières et infirmiers

auxiliaires du Québec, the text of which is attached to this Order in Council, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. i; 1994, c. 40)

1. The Regulation respecting terms and conditions for permits to be issued by the Ordre professionnel des infirmières et infirmiers auxiliaires du Québec (R.R.Q., 1981, c. C-26, r. 113) is amended by substituting the following for paragraph *d* of section 2.01:

“(d) the fees payable under paragraph 8 of section 86.01 of the Professional Code.”.

2. The following is substituted for paragraph *c* of section 2.02:

“(c) the fees payable under paragraph 8 of section 86.01 of the Professional Code.”.

3. The following is substituted for paragraph *c* of section 2.03:

“(c) the fees payable under paragraph 8 of section 86.01 of the Professional Code.”.

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

9164

Gouvernement du Québec

O.C. 820-95, 14 June 1995

Nurses Act
(R.S.Q., c. I-8)

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

Nurses
— Standards for equivalence of diplomas for the issue of a permit

Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des infirmières et infirmiers du Québec

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), subject to that Act, the Ordre des infirmières et infirmiers du Québec, hereinafter called “the Order”, and its members shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS pursuant to the Professional Code, as it read at the time, the Bureau of the Order made the Règlement concernant les normes d'équivalence des diplômes pour la délivrance d'un permis, which was published as a draft regulation in Part 2 of the Gazette officielle du Québec of 6 August 1980 with a notice that it could be submitted to the Government for approval;

WHEREAS the Regulation was not submitted to the Government for approval;

WHEREAS the Bureau of the Order, at its meeting held on 20 and 21 October 1983, revoked the regulation published as a draft regulation on 6 August 1980 and made, in its French and English versions and pursuant to the Professional Code as it read in October 1983, the Regulation respecting the standards for equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, which was neither published as a draft regulation in Part 2 of the *Gazette officielle du Québec* nor submitted to the Government for approval;

WHEREAS the Bureau of the Order, at its meeting held on 28 and 29 September 1989, made, in its French and English versions and pursuant to the Professional Code as it read in September 1989, a regulation to replace the regulation made at the meeting held on 20 and 21 October 1983 and entitled “Regulation respecting standards of equivalence of diplomas for the issue of a permit by the Ordre des infirmières et infirmiers du Québec”, which was also replaced by a regulation bearing the same title, made pursuant to the Professional Code, at it read in

September 1990, at its meeting held on 27 and 28 September 1990, and neither regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* or submitted to the Government for approval;

WHEREAS under paragraph *c* of section 93 of the Professional Code, as it read in September 1992, the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by teaching establishments situated outside Québec, for the purposes of issuing a permit;

WHEREAS pursuant to that paragraph, the Bureau of the Order, at its meeting held on 24 and 25 September 1992, made, in its French and English versions, a regulation to replace the regulation made at its meeting held on 27 and 28 September 1990 and entitled "Regulation respecting the standards of equivalence of diploma in issuing a permit by the Ordre des infirmières et infirmiers du Québec";

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), that regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 21 July 1993, on pages 4813 to 4815, in its French version, and on pages 3728 and 3729, in its English version;

WHEREAS the regulation was accompanied by a notice indicating that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of 45 days following its publication and asking any interested person having comments to make to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

WHEREAS following the publication of the regulation, the Chairman of the Office has received no comments;

WHEREAS pursuant to section 95 of the Professional Code, as it read in March 1994, every regulation made by the Bureau of a professional order under the Professional Code shall be transmitted to the Office for examination and, at its sitting held on 31 March 1994, the Office examined the regulation and recommended its approval by the Government, with amendments;

WHEREAS on 15 October 1994, the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40) came into force, except a few provisions;

WHEREAS under section 95 of the Code, amended by section 83 of chapter 40 of the Statutes of 1994, subject

to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, attached to this Order in Council, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des infirmières et infirmiers du Québec

Nurses Act
(R.S.Q., c. I-8, s. 3)

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c*)

DIVISION I GENERAL

1. The secretary of the Ordre des infirmières et infirmiers du Québec shall forward a copy of this Regulation to the person wishing to have a diploma issued by an educational establishment outside Québec recognized as equivalent.

In this Regulation, "diploma equivalence" means the recognition by the Bureau of the Order, under subparagraph *g* of the first paragraph of section 86 of the Professional Code (R.S.Q., c. C-26), that a diploma issued by an educational establishment outside Québec certifies that the person's level of knowledge is equivalent to the level attained by the holder of a diploma recognized by regulation of the Government as meeting permit requirements.

DIVISION II STANDARDS FOR EQUIVALENCE OF DIPLOMAS

2. A person holding a diploma issued by an educational establishment outside Québec shall be granted an equivalence if:

(1) the diploma was issued upon the completion of studies that are at least equivalent to collegial level III in Québec comprising a minimum of 2 775 hours distributed as follows:

(a) biological sciences: at least 240 hours, particularly, in the following subjects: anatomy, physiology, metabolic biology, biochemistry, epidemiology and microbiology;

(b) human sciences: at least 180 hours, particularly, in the following subjects: human development, sociology of the family and sociology of health;

(c) introduction to nursing including the concepts of health and illness: at least 120 hours of theory and 240 hours of laboratory and clinical training;

(d) mother-infant nursing, nursing of children and adolescents: at least 90 hours of theory and 180 hours of laboratory and clinical training, with a minimum of 64 hours of clinical training in each subject;

(e) medical and surgical nursing of adults: at least 90 hours of theory and 405 hours of laboratory and clinical training;

(f) mental health nursing of adults and geriatric nursing: at least 60 hours of theory and 315 hours of laboratory and clinical training, including a minimum of 96 hours of clinical training in psychiatry;

(g) general courses and integration of nursing skills: at least 855 hours. Any hours completed beyond the minimum required for the subjects specified in subparagraphs a to f shall be considered hours of general courses and of integration of nursing skills;

(2) the diploma referred to in paragraph 1 was obtained after having been granted one of the following diplomas:

(a) a diploma issued by an educational establishment outside Québec and equivalent to a Secondary V high school leaving certificate according to the standards for equivalence established by the Ministère de l'Éducation;

(b) a high school leaving certificate awarded by the Minister of Education or a diploma deemed equivalent by the Bureau of the Order.

3. Notwithstanding section 2, where the diploma referred to in paragraph 1 of section 2 was issued 5 or more years prior to the application, a diploma equivalence shall be denied if the applicant's level of knowledge, taking into account developments in the profession, no longer corresponds to the knowledge which, at the time of the application, is taught in a program of study leading to the granting of a diploma recognized by regulation of the Government as meeting permit requirements.

Notwithstanding the foregoing, a diploma equivalence shall be granted if the applicant's relevant work experience and training since being awarded the diploma have enabled the applicant to acquire the required level of knowledge.

DIVISION III PROCEDURE FOR RECOGNITION OF EQUIVALENCE

4. A person applying for a diploma equivalence must:

(1) send a written application to that effect to the secretary of the Order with the fees prescribed by the Bureau of the Order, pursuant to paragraph 8 of section 86.01 of the Professional Code, enacted by section 73 of chapter 40 of the Statutes of 1994;

(2) provide the secretary of the Order with:

(a) a true copy of the diploma for which the applicant wishes to have the equivalence recognized;

(b) a true copy of his birth certificate or, failing that, of his passport or of a certificate of Canadian citizenship or proof that the applicant was legally admitted into Canada to reside therein permanently;

(c) where applicable, official proof that the applicant is legally authorized to practise the nursing profession outside Québec; and

(d) where applicable, an attestation of his relevant work experience;

(3) have the educational establishment which granted the diploma for which the applicant requests an equivalence or an empowered authority fill out a transcript describing the program of study followed, in particular the courses, training periods and laboratories, and make sure that the said establishment or authority, as the case may be, send the transcript directly to the secretary of the Order.

Documents sent in support of an application for a diploma equivalence drawn up in a language other than French or English shall be accompanied by a French or English translation provided by the person who makes the application and attested to by a sworn declaration made by the person who did the translation.

5. The secretary of the Order shall send the documents prescribed in section 4 to the Service de l'admission, which shall study the application and shall make an appropriate recommendation to the Bureau of the Order.

6. At the first meeting of the Bureau of the Order following the filing of the recommendation by the Service de l'admission, the Bureau shall decide whether to recognize a diploma equivalence and shall inform the person concerned in writing of its decision by registered letter or by certified mail within 15 days of its decision.

If the decision is not to recognize the equivalence, the Bureau shall, at the same time, inform the person concerned in writing of the program of study, training periods or examinations whose successful completion, given his level of knowledge at the time of the application, would allow him to be granted this equivalence.

7. A person who is informed of the Bureau of the Order's decision not to grant a diploma equivalence may apply to the Bureau for a hearing. The person shall apply to the secretary of the Order in writing within 30 days following the date on which the decision not to grant a diploma equivalence was mailed.

The Bureau shall hear the person and, where expedient, revise its decision within 45 days following the date of receipt of an application for a hearing.

To that end, the secretary of the Order shall convene the person by means of a notice in writing sent by registered letter or by certified mail not less than 10 days before the date fixed for the hearing.

The Bureau's decision is final and shall be sent to the person in writing within 30 days of the date of the hearing.

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

9165

Gouvernement du Québec

O.C. 821-95, 14 June 1995

Medical Act
(R.S.Q., c. M-9)

Physicians

— Acts which may be done by classes of persons other than physicians
— Amendments

Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians

WHEREAS under section 31 of the Medical Act (R.S.Q., c. M-9; 1994, cc. 16, 23, 37 and 40), every act having as its object to diagnose or treat any deficiency in the health of a human being constitutes the practice of medicine, which comprises, in particular, medical consultation, prescribing of medication or treatment, radiotherapy, attendance at confinements, establishing and controlling diagnosis and treatment of illnesses or diseases;

WHEREAS under subparagraph *b* of the first paragraph of section 19 of the Medical Act, the Bureau of the Collège des médecins du Québec, hereinafter referred to as the "College", in addition to the duties provided in sections 87 to 93 of the Professional Code (R.S.Q., c. C-26; 1993, c. 38 and 1994, cc. 37 and 40), shall by regulation determine among the acts contemplated in section 31 of that Act those which, under certain prescribed conditions, may be done by classes of persons other than physicians;

WHEREAS under the second paragraph of section 19 of that Act, the Bureau of the College shall, before passing a regulation under subparagraph *b* of the first paragraph of that section, consult the Office des professions du Québec and the professional orders to which the persons contemplated by such regulation belong or, if there is no such order, the representative bodies of such classes of persons;

WHEREAS for the purposes of subparagraph *b* of the first paragraph of section 19 mentioned above, the Bureau of the College made, on 18 September 1981, the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, which was published in Part 2 of the *Gazette officielle du Québec* of 6 January 1982;

WHEREAS for the purposes of that subparagraph, the Bureau of the College, at its meeting of 13 October 1993, made the French and English versions of the Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, in order to amend section A-1.23 of Schedule A to the existing Regulation;

WHEREAS for the purposes of that subparagraph, the Bureau of the College made, at its meeting of 29 June 1994, the French and English versions of a second Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, in order to amend section A-1.06 of Schedule A thereto;

WHEREAS the consultation that, pursuant to the second paragraph of section 19 mentioned above, must take place before those 2 regulations are made, has been carried out;

WHEREAS those 2 regulations, which are governed by the Regulations Act (R.S.Q., c. R-18.1; 1994, cc. 2 and 23), were published as draft regulations in Part 2 of the *Gazette officielle du Québec* of 3 August 1994 and 17 August 1994, respectively;

WHEREAS each regulation was published with a notice stating that the regulation could be submitted to the Government, which could approve it with or without amendments at the expiry of 45 days following publication and asking any interested persons having comments to make concerning the regulation to send their comments to the chairman of the Office des professions before the expiry of the 45 days;

WHEREAS following those publications, the chairman of the Office received comments;

WHEREAS section 3 of the Medical Act states that, subject to that Act, the College and its members are governed by the Professional Code;

WHEREAS for the purposes of section 95 of the Professional Code, subject to sections 95.1 and 95.2 of that Code, a regulation made by the Bureau of a professional order under an Act constituting a professional order and, in this case, under the Medical Act, shall be transmitted to the Office for examination and shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the 2 regulations were transmitted to the Office, which examined them and recommended that they be approved by the Government, with amendments;

WHEREAS the Regulation amended by the 2 regulations refers to the *Ordre professionnel des médecins du Québec* which, since the coming into force on 15 October 1994 of section 370 of Chapter 40 of the Statutes of 1994, is designated under the name of "*Collège des médecins du Québec*", and it is expedient that the name also be changed in the existing Regulation;

WHEREAS it is expedient to approve the 2 regulations with amendments;

WHEREAS the 2 regulations amend the same Regulation, and it is expedient at this time to combine their provisions in preparation for publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the provisions of the 2 regulations be combined in a single text entitled the "Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians";

THAT that Regulation, a copy of which is attached to this Order in Council, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar. b; 1994, c. 40, s. 375)

1. The Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, made on 18 September 1981, published in the *Gazette officielle du Québec* of 6 January 1982 and amended by the Regulations approved by Orders in Council 1891-83 dated 21 September 1983, 725-84 dated 28 March 1984, 3-87 dated 7 January 1987, 1711-87 dated 11 November 1987 and 13-90 dated 10 January 1990, is further amended, in Schedule A,

(1) by substituting, in section A-1.06, "a to y" for "a to r" in the text appearing in the column entitled "Other conditions" and by adding the following after paragraph x of that section:

“(y) hepatitis A	X						X	.”;
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(2) by inserting, in section A-1.23, an "X" in the column entitled "Remote supervision", by deleting the "X" in the column entitled "Supervision on the premises" and by substituting the following for the text appearing in the column entitled "Other conditions":

"Examination of the parturient by the physician during the hour preceding the administration of oxytocic medication. Continuous monitoring of the induction at the parturient's bedside, by a nurse familiar with the effects of induction and able to identify both maternal and fetal complications."

2. The words "Collège des médecins du Québec" are substituted *mutatis mutandis* for the words "Ordre professionnel des médecins du Québec", everywhere they appear in the Regulation.

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

9166

Gouvernement du Québec

O.C. 822-95, 14 June 1995

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

Engineers

— Procedure for conciliation and arbitration of accounts

— Amendments

Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), as it read before 15 October 1994, the Bureau of the Ordre des ingénieurs du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the corporation which may be used by persons having recourse to the services of the members;

WHEREAS under section 88 of the Code, the Bureau made a Regulation respecting the procedure for conciliation and arbitration of accounts of engineers (R.R.Q., 1981, c. I-9, r. 8);

WHEREAS it is expedient to amend that Regulation;

WHEREAS under that section of the Code, the Bureau made a Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers;

WHEREAS in accordance with the third paragraph of section 95 of the Code, as it read before 15 October 1994, a draft regulation was sent to all members of the Order at least 30 days before it was made by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 26 June 1991 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS on 15 October 1994, date of the coming into force of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), the provisions under which the Regulation was made were amended by section 76 of that Act without any substantial effect on the content of the Regulation;

WHEREAS in accordance with the first paragraph of section 95 of the Code, amended by section 83 of Chapter 40 of the Statutes of 1994, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments.

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers

Professional Code

(R.S.Q., c. C-26, s. 88; 1994, c. 40, s. 76)

1. The Regulation respecting the procedure for conciliation and arbitration of accounts of engineers (R.R.Q., 1981, c. I-9, r. 8), amended by the Regulation approved by Order in Council 813-84 dated 4 April 1984, is further amended by substituting the following for paragraph *a* of section 1.02:

"(a) "conciliator": the executive director of the Ordre des ingénieurs du Québec or the person he designates."

2. The word "conciliator" is substituted for the words "executive director" in section 2.01.

3. The following is substituted for sections 2.02 to 2.04:

"2.02 A client who has a dispute with a member of the Order concerning the amount of an unpaid account for professional services may file a written application for conciliation with the conciliator, provided that the member has not instituted proceedings to recover the account or, following such application, with the engineer's consent.

A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the conciliator within a 60-day period from the date of receipt of the account.

Where the amount of the account has been withdrawn or withheld by the member from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

2.03 A member may not institute proceedings to recover an account for professional services before the expiry of a 60-day period from the date of receipt of the account by the client.

2.04 Within 3 days of receiving an application for conciliation, the conciliator shall notify the member or, where he is unable to notify the member personally within that period, shall notify the member's firm.

Once the conciliator has received the application for conciliation, the member may not institute proceedings

to recover his account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25)."

4. The word "conciliator" is substituted for the words "executive director, or the person designated by him," in section 2.05 and the following paragraph is added at the end:

"Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member and shall be filed with the conciliator."

5. The following is substituted for sections 2.06 and 2.07:

"2.06 The conciliator may require the member or the client to furnish any document relating to the account in dispute and all the information essential to him. The member must cooperate with the conciliator in that respect.

2.07 Where conciliation does not lead to an agreement between the parties, the conciliator shall send a report on the dispute to the parties by registered or certified mail as soon as possible.

The report shall contain the following information, where applicable:

(1) the amount of the account in dispute;

(2) with the parties' consent, the amount that the client acknowledges owing and the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute;

(3) where applicable, the amount suggested by the conciliator during conciliation as a payment to the member or as a reimbursement to the client.

Within 10 days from the date of receipt of the conciliator's report and where the conciliator suggests an amount, the member and the client shall notify the conciliator whether or not they accept his report."

6. Section 2.08 is revoked.

7. The following is substituted for sections 3.01.01 to 3.01.03:

3.01.01 Within 15 days of receiving the conciliation report, the client may apply for arbitration of the account by sending the form in Schedule I and a copy of the report to the conciliator.

A client who wishes to withdraw his application for arbitration shall so notify the conciliator in writing.

3.01.02 Within 10 days of receiving an application for arbitration, the conciliator shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm.

3.01.03 Any agreement reached by the parties after the application for arbitration has been submitted shall be put in writing, shall be signed by the parties and shall be filed with the conciliator or, where an agreement is reached after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award."

8. The following is substituted for section 3.02.01:

3.02.01 The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$3 000 or more, and of a single arbitrator where the amount is less than \$3 000.

The administrative committee shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chairman and the secretary thereof."

9. The word "conciliator" is substituted for the words "executive director" in section 3.02.02.

10. The following is substituted for section 3.02.03:

3.02.03 A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the administrative committee, to the council of arbitration and to the parties or their advocates within 19 days of receipt of the notice provided for in section 3.02.02 or within 10 days of the day on which the reason for the request becomes known.

The administrative committee shall decide the request and, where applicable, shall see that the arbitrator is replaced."

11. The words "administrative committee" are substituted for the word "Bureau" in section 3.02.05 and the following is added after the first paragraph:

"If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator and the dispute shall be reheard."

12. The word "member" is substituted for the word "engineer" in sections 3.03.01 and 3.03.02.

13. The words "Articles 945, 945.3, 945.5 to 945.8 and 947 to 947.4" are substituted for the words "Articles 945 and 947" in section 3.03.06.

14. The following is substituted for section 3.04.01:

3.04.01 The arbitration award shall be issued by a majority of the votes within 6 months of the application for arbitration.

The award shall give reasons and shall be signed by all the arbitrators. Where an arbitrator refuses to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the arbitrators.

In its award, the council of arbitration may uphold or reduce the amount of the account in dispute, determine the reimbursement or payment to which a party may be entitled, and, where applicable, rule on the amount that the client acknowledges owing and that he sent with his application for arbitration."

15. The words "as fixed in section 3 of the submission to arbitration" are deleted at the end of the first paragraph of section 3.04.04 and the following is added after the first paragraph:

"Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and compensation calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation."

16. The following is substituted for section 3.04.05:

3.04.05 The arbitration award is binding on the parties but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure."

17. The following is substituted for section 3.04.06:

3.04.06 The record of arbitration shall be filed with the conciliator who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their advocate, the syndic and the

members of the Bureau. The record shall include the application for conciliation, the submission to arbitration and the award; it shall be kept for a period of at least 1 year, and not more than 5 years.

The conciliator shall return to the parties the documents filed by them at the hearing."

18. The following is substituted for Schedule I:

"SCHEDULE I
(s. 3.01.01)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
(client's name)
.....
(domicile)

declare that:

(1)
(member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers.

(4) I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

(5) I agree to submit to the procedure provided for in that Regulation and, where required, to pay to
(member's name)
the amount of the arbitration award.

.....
Signature"

19. Schedule II is revoked.

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

Gouvernement du Québec

O.C. 823-95, 14 June 1995

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

Notaries
— **Trust accounting**

Regulation respecting trust accounting by notaries

WHEREAS under subparagraph 6 of the first paragraph of section 93 of the Notarial Act (R.S.Q., c. N-2), as it read before 15 October 1994, the Bureau of the *Chambre des notaires du Québec* could, by regulation, determine the conditions of receiving, keeping and disposing of the sums and valuables entrusted to notaries, the keeping of trust accounts, the establishment of a system of auditing such accounts, and order a periodic audit thereof;

WHEREAS under the above-mentioned subparagraph, that Bureau made the Regulation respecting trust accounting by notaries (R.R.Q., 1981, c. N-2, r. 5);

WHEREAS it is expedient to replace that Regulation;

WHEREAS under the same subparagraph, the Bureau made the Regulation respecting trust accounting by notaries;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 15 December 1993 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS on 15 October 1994, date of the coming into force of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), the above-mentioned subparagraph was struck out by section 399 of that Act;

WHEREAS under paragraph 2 of section 77 of that Act, section 89 of the Professional Code (R.S.Q., c. C-26) was amended so as to require the Bureau to determine, by regulation, the terms, conditions and standards for receipt, custody and disposition of the sums of money and securities that notaries are called upon to hold for the account of their clients, and the terms, conditions and standards relating to the keeping and auditing of trust accounts, books and registers of notaries;

WHEREAS in accordance with section 95 of the Code, amended by section 83 of Chapter 40 of the Statutes of 1994, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the application of legislation respecting the professions:

THAT the Regulation respecting trust accounting by notaries, attached to this Order in Council, be approved.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting trust accounting by notaries

Professional Code
(R.S.Q., c. C-26, s. 89, 1^o par.; 1994, c. 40, s. 77, par. 2)

DIVISION I DEFINITIONS AND INTERPRETATION

1. In this Regulation, the word "notary" means one notary or several notaries practising together.

2. Nothing in this Regulation shall be interpreted as excluding the use of data processing for the keeping of trust accounting records, nor for effecting electronic funds transfers.

DIVISION II GENERAL

3. A notary shall record and account for all sums of money, valuables and other property entrusted to him, and use them for the purposes for which they were given to him.

4. A notary may not deposit or leave his personal sums of money in a trust account.

5. A notary who has been so authorized may deduct his fees from the sums of money entrusted to him.

6. The sums of money, valuables and other property entrusted to a notary shall include the monies, negotiable bills payable to the notary or to the notary in trust, endorsed to his order or to his order in trust or to the bearer, and all bills and valuables payable to the bearer or registered in the name of the notary or in the name of the notary in trust and entrusted as such to the notary.

DIVISION III GENERAL TRUST ACCOUNT

7. A general trust account includes all accounts opened in Québec by a notary in an institution that is a member of the Canada Deposit Insurance Corporation or of the Régie de l'assurance-dépôt du Québec and governed by the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Trust and Loan Companies Act (S.C., 1991, c. 45), the Bank Act (S.C., 1991, c. 46), or by the Savings and Credit Unions Act (R.S.Q., c. C-4), in which such notary deposits the sums of money entrusted to him and which he alone is able to withdraw, subject to section 36. Neither these funds nor the interest earned thereon belong to the notary.

8. Subject to section 13, all sums of money entrusted to a notary shall, as soon as possible after receipt thereof, be deposited in a general trust account opened in his name.

9. Upon opening a general trust account, a notary shall immediately complete the form approved for such purpose by the Bureau. Such form shall contain a declaration of trust under his oath of office and shall include, in particular,

(1) the name, address, postal code and transit number of the depositary institution, as well as the account number and the date of its opening;

(2) an irrevocable waiver in favour of the notarial studies fund of the interest or other income from such account and the authorization for the institution to directly transfer to the notarial studies fund the interest and other income from such account, less administration costs, if any;

(3) an irrevocable authorization entitling the Administrative Committee, the president, the secretary, the assistant secretary, an inspector, the syndic or an assistant syndic or the equivalent

(a) to request and obtain at any time from the depositary institution of the account all the information and explanations deemed necessary or useful for the purposes of this Regulation;

(b) to block the sums of money on deposit; and

(c) to dispose of the sums of money on deposit, for the purposes for which the notary had received them, in cases of permit revocation, temporary or permanent striking off the roll or limitation of his right to practise, or in any situation where a provisional guardian of his records may be appointed in accordance with section 139 of the Notarial Act (R.S.Q., c. N-2); and

(4) an indication to the effect that the account complies with the Notarial Act and its regulations.

10. The notary shall immediately forward a duly completed copy of the form mentioned in section 9 to the institution in which the general trust account has been opened as well as to the secretary; he shall retain a copy thereof together with the other documents enumerated in section 16.

11. Upon closing a general trust account, the notary shall immediately notify the secretary of such closing by means of the form approved for such purpose by the Bureau, which shall indicate the name, address, postal code and transit number of the depository institution, as well as the account number, the date of its opening and the date on which the closing became effective.

DIVISION IV SPECIAL TRUST ACCOUNT

12. A special trust account includes all accounts opened or any investments made by a notary at the request of a client, for and in the name of the latter, in an institution designated in accordance with the provisions of section 7.

13. Where his client's interest so requires or where the latter expressly demands that the revenue of the sums of money entrusted to the notary be remitted to him, the notary shall deposit such sums of money in a special trust account separate from his general account and have the name of the client for whom such account is thus opened indicated therein.

14. Upon opening a special trust account, the notary shall immediately complete the form approved for such purpose by the Bureau. Such form shall contain a declaration of trust under his oath of office and shall include, in particular,

(1) the name, address, postal code and transit number of the depository institution as well as the account number and the date of its opening;

(2) the name and address of the client for whom such account has been opened;

(3) an agreement to the effect that the interest and other income derived from the account are the property of the client;

(4) an irrevocable authorization from the client and the notary entitling the Administrative Committee, the president, the secretary, the assistant secretary, an inspector, the syndic or an assistant syndic or the equivalent

(a) to request and obtain at any time from the depository institution of the account all the information and explanations deemed necessary or useful for the purposes of this Regulation;

(b) to block the sums of money on deposit; and

(c) to dispose of the sums of money on deposit, for the purposes for which the notary had received them, in cases of permit revocation, temporary or permanent striking off the roll or limitation of his right to practise, or in any situation where a provisional guardian of his records may be appointed in accordance with section 139 of the Notarial Act (R.S.Q., c. N-2); and

(5) an indication to the effect that the account complies with the Notarial Act and its regulations.

15. The notary shall immediately forward a duly completed copy of the form mentioned in section 14 to the institution which receives the deposit, to the secretary and to the client; he shall retain a copy thereof together with the other documents enumerated in section 16.

DIVISION V KEEPING OF TRUST ACCOUNTS

16. The accounting records in which the sums of money, valuables and other property enumerated in sections 3 and 6 are entered and accounted for shall be single entry or double entry bookkeeping records which shall consist of, in addition to the cash book and the general ledger, the official receipts prescribed in this Regulation, the passbooks or statements of account of the depository institutions, cheques and other payment authorizations, and registers and other vouchers or control documents which comply with generally recognized accounting principles.

17. The account books and records enumerated in section 16 shall be kept for at least 10 years in a vault or safe that is fire-resistant to a temperature of 927° C for a period of at least one hour.

18. Upon receipt of sums of money, valuables and other property entrusted to him, a notary shall remit to the client for whom he holds such objects an official receipt drawn up in accordance with the form approved for that purpose by the Bureau and indicating the date of receipt, the name and address of the client, the description of the object deposited, its destination and the name of the depositing notary.

19. The official receipt shall indicate whether the objects received in trust are sums of money, valuables or

other property, subject to the provisions of the Notarial Act and its regulations.

20. Official receipts shall be pre-numbered and the notary shall keep copies thereof.

21. The notary shall post up a copy of sections 18 to 20 of this Regulation in a conspicuous place in his office; that copy shall be provided to the notary by the Chamber.

22. The cheques and other payment authorizations drawn on a general or special trust account shall bear the mention: "trust account in accordance with the Notarial Act and its regulations". Cheques shall be pre-numbered.

23. Trust accounting records shall be kept up-to-date.

24. The notary shall keep at the disposal of each client who entrusts him with sums of money, valuables or other property an up-to-date client's account showing, from day to day, all the entries made in such account as well as all the vouchers for such entries.

25. A notary shall carefully monitor the receipt, deposit, withholding and use of the sums entrusted to him. To that end, the notary, in executing a contract of service involving the signature of a deed, shall, in particular,

(1) obtain all the sums required to execute such contract of service before the deed is signed;

(2) ensure that sufficient funds have been received to cover all disbursements in order to avoid the possibility that a client's account may be in a debit situation;

(3) deposit receipts before any cheques or other payment authorizations issued are cashed in order to avoid the possibility that the cheques issued for a client might be paid using sums belonging to other clients;

(4) where applicable, withhold sums until the deed creating or transferring rights is registered and indexed in the index of immovables without any entry detrimental to the rights created or transferred;

(5) follow up the cheques and other payment authorizations within 6 months from the date of their issue so as to ensure that they have been cashed; and

(6) make up immediately any overdraft with his own money, whatever the reason therefor.

26. A notary may not withdraw any amounts in cash from his general or special trust account.

27. On the last day of each month, a notary shall, using the form approved for such purpose by the Bureau, draw up a report containing, in particular,

(1) the total of the receipts and disbursements made during the month;

(2) a reconciliation of the cash book and general ledger with the pertinent bank statements;

(3) a list of the sums owing to the clients, indicating the name or account number of each, the date of the last entry as well as the balance;

(4) a list of cheques in circulation, indicating for each the number, date and amount;

(5) a list of the receipts in circulation, indicating for each the number, date of the receipt and the amount thereof; and

(6) a list of the general and special trust accounts, indicating for each the name of each depository institution, the number of the account and the balance at the end of the month.

DIVISION VI

AUDITING OF TRUST ACCOUNTING RECORDS

28. Each year, on or before 31 March, a notary shall have his trust accounting records audited for the year ending on the preceding 31 December.

29. A notary shall appoint a chartered accountant to audit his trust accounting records. Such appointment shall be valid until its revocation.

30. Should a notary fail to comply with any of the obligations imposed by sections 28 and 29, the Administrative Committee may appoint the chartered accountant of its choice and charge him with the auditing of the notary's trust accounting records at the notary's expense.

31. The chartered accountant shall audit the accounting procedures used by the notary during the year for the keeping of his trust accounting records in accordance with the generally recognized auditing standards which he deems necessary in the circumstances. To that end, he shall audit, in particular,

(1) the receipts and disbursements affecting the cash book, general ledger and the pertinent passbooks or

statements with vouchers, including the relevant files and originals;

(2) the reconciliation of the general and special trust accounts with the notary's books; and

(3) the inventory of the sums of money, valuables and other property entrusted to the notary as of 31 December.

32. Once the auditing is completed, the chartered accountant shall draw up, by using the form approved for such purpose by the Bureau and by entering therein any restrictions which he deems appropriate, a report certifying that the notary has complied with this Regulation.

DIVISION VII ANNUAL REPORT

33. Each year, on or before 31 March, a notary shall forward to the secretary, together with the chartered accountant's report prescribed by section 32, and using the form approved for such purpose by the Bureau, a report containing, in particular,

(1) a declaration under his oath of office attesting that all sums of money and valuables entrusted to him in the exercise of his profession during the preceding year have been deposited, accounted for and used in accordance with the Notarial Act and its regulations;

(2) the total of the receipts received and disbursements made each month;

(3) the reconciliation of the cash book and of the general ledger with the pertinent bank statements;

(4) a list of the sums owing to the clients, indicating the name or account number of each, the date of the last entry as well as the balance thereof;

(5) a list of the cheques in circulation on 31 December, indicating for each the number, the date and the amount;

(6) a list of the receipts in circulation on 31 December, indicating for each the date of receipt of the funds, the amount and the date of subsequent deposit thereof; and

(7) a list of the general and special trust accounts kept during the year, indicating for each the name of the depositary institution, the number of the account and the balance at the end of the year.

A single report shall be sufficient for notaries who have a common trust account, provided that it indicates the names of all the notaries and is signed by each of them.

34. A notary who has received no sums of money, valuables or other property in trust shall forward to the secretary on or before 31 March on the form mentioned in section 33, a declaration under his oath of office to that effect.

DIVISION VIII MISCELLANEOUS

35. A notary is subject to professional secrecy with respect to the account books and documents enumerated in section 16; such account books and documents are nevertheless subject to professional inspection and audit.

36. The Administrative Committee, the president, the secretary, the assistant secretary, an inspector, the syndic or an assistant syndic or the equivalent may

(1) request and obtain at any time from the depositary institution of any general or special trust account all the information or explanations deemed necessary or useful for the purposes of this Regulation;

(2) request and obtain at any time from the institution in which are deposited sums belonging to clients and which the notary should have deposited in a general or special trust account all the information or explanations deemed necessary or useful for the purposes of this Regulation;

(3) block the funds deposited;

(4) dispose of the funds deposited, for the purposes for which the notary had received them, in cases of permit revocation, temporary or permanent striking off the roll or limitation of his right to practise, or in any situation where a provisional guardian may be appointed of his records in accordance with section 139 of the Notarial Act; and

(5) take possession of any sums of money, valuables and other property entrusted to a notary under this Regulation.

37. Should a notary fail to comply with any of the obligations imposed by sections 23, 24 or 27, the Administrative Committee may, at any time during the year, appoint a chartered accountant of its choice and charge him with the auditing, the notary's trust accounting records at the notary's expense.

**DIVISION IX
FINAL**

38. This Regulation replaces the Regulation respecting trust accounting by notaries (R.R.Q., 1981, c. N-2, r. 5).

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

9168

Gouvernement du Québec

O.C. 824-95, 14 June 1995

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

**Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates
— Amendments**

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS section 42 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40) provides, in particular, that, subject to any special act, no person may obtain a permit or a specialist's certificate unless he holds a diploma recognized as valid for such purpose by regulation of the Government made under the first paragraph of section 184 of the Professional Code;

WHEREAS under the first paragraph of section 184 of the Professional Code, after having obtained the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12, and of the Order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS the Government made the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders (R.R.Q., 1981, c. C-26, r. 1);

WHEREAS under section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legisla-

tive nature (R.S.Q., c. J-1.1), the Government made, by Order in Council 1139-83 dated 1 June 1983, a replacement regulation that reproduced that regulation without amendment and gave effect to it from 1 August 1982;

WHEREAS it is expedient to amend that regulation in order to determine the diplomas issued by designated teaching establishments which give access to the permit issued by the Ordre des podiatres du Québec;

WHEREAS the consultations required under the first paragraph of section 184 of the Professional Code and subparagraph 7 of the third paragraph of section 12 have been held;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation was published in Part 2 of the *Gazette officielle du Québec* of 3 August 1994 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

Professional Code
(R.S.Q., c. C-26, s. 184, 1^{er} par.; 1994, c. 40, s. 164)

1. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983, replacing the revised regulation (R.R.Q., 1981, c. C-26, r. 1) and having effect from 1 August 1982, amended by the Regulations made by Orders in Council 249-83 dated 17 February 1983, 1592-84 dated 4 July 1984, 1645-84 dated 11 July 1984, 2193-84 and 2194-

84 dated 3 October 1984, 2755-84 dated 12 December 1984, 672-85 dated 3 April 1985, 268-86 dated 12 March 1986, 737-87 dated 13 May 1987, 866-88 dated 8 June 1988, 890-89 dated 14 June 1989, 1292-89 dated 9 August 1989, 201-90 dated 21 February 1990, 142-91 dated 6 February 1991, 1231-91 dated 4 September 1991, 1726-91 dated 11 December 1991, 320-92 dated 4 March 1992, 796-92 dated 27 May 1992, 1099-92 dated 22 July 1992, 1647-92 and 1653-92 dated 11 November 1992, 680-93 dated 12 May 1993, 52-94 dated 10 January 1994, 838-94 dated 8 June 1994, 1368-94 dated 7 September 1994 and 1834-94 dated 21 December 1994, is further amended by inserting the following section after section 4.01:

"4.02 The following diplomas issued by the teaching establishments listed below give access to the permit issued by the Ordre des podiatres du Québec:

(a) Doctor's degree in podiatric medicine of the California College of Podiatric Medicine;

(b) Doctor's degree in podiatric medicine of the Dr. William M. Scholl College of Podiatric Medicine;

(c) Doctor's degree in podiatric medicine of the New York College of Podiatric Medicine;

(d) Doctor's degree in podiatric medicine of the Ohio College of Podiatric Medicine;

(e) Doctor's degree in podiatric medicine of the Pennsylvania College of Podiatric Medicine;

(f) Doctor's degree in podiatric medicine of the Barry University School of Podiatric Medicine;

(g) Doctor's degree in podiatric medicine of the College of Podiatric Medicine and Surgery, University of Osteopathic Medicine and Health Sciences."

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

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Gouvernement du Québec

O.C. 891-95, 28 June 1995

An Act respecting land use planning and development (R.S.Q., c. A-19.1)

Obtaining a building permit for a new single-family dwelling

— Information required

Regulation respecting the information required for the purpose of obtaining a building permit for a new single-family dwelling

WHEREAS under the third paragraph of section 120 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), amended by section 51 of Chapter 8 of the Statutes of 1995, the Government may, by regulation, determine what information and documents must be required to support a declaration that must accompany an application for a building permit for a new single-family dwelling, and determine to which departments and other bodies the information determined by the Government must be transmitted;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation for this purpose was published in Part 2 of the *Gazette officielle du Québec* of 24 May 1995 with a notice that it could be made by the Government upon the expiry of 30 days following that publication and that any interested person could send his comments to the Minister of Municipal Affairs before the expiry of the 30-day period;

WHEREAS comments on the draft regulation were received before the expiry of the 30-day period;

WHEREAS it is expedient to make the regulation with amendments;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies such coming into force:

— the purpose of the regulation is to allow the Government to establish a mechanism designed to make it possible to detect and counter unreported work in the construction industry, more specifically in the field of the construction of new single family dwellings;

— in order to enable the Government to attain its objectives in this area through the implementation of these measures for the summer of 1995, it is essential for the regulation to come into force on the date of its publication;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the Regulation respecting the information required for the purpose of obtaining a building permit for a new single-family dwelling, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting the information required for the purpose of obtaining a building permit for a new single-family dwelling

An Act respecting land use planning and development (R.S.Q., c. A-19.1, s. 120; 1995, c. 8, s. 51)

1. An officer of a municipality that is responsible for issuing a building permit shall require that a person applying for a building permit for a new single-family dwelling, in support of the declaration referred to in the second paragraph of section 120 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), amended by section 51 of Chapter 8 of the Statutes of 1995, supply

- (1) his name;
- (2) the address of his domicile;
- (3) his social insurance number; and
- (4) the address, where available, or the identification of the lot, by cadastre number, on which the new single-family dwelling is to be built.

If the applicant states in his declaration that the construction work will be performed by a contractor, the officer shall also request that the applicant indicate

- (1) the contractor's name;

(2) the contractor's registration number for the Québec sales tax (QST), as referred to in section 415 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1); and

(3) the contractor's registration number for the Goods and Services Tax (GST), as referred to in section 241 of the Excise Tax Act (Revised Statutes of Canada (1985) c. E-15).

If the applicant states in his declaration that he is an owner-builder, the officer shall also ask him to indicate whether he obtained a building permit for a new single-family dwelling in the 12 months preceding his application. The officer shall also ask him whether he intends to have the construction work performed by paid employees.

2. An officer referred to in section 1 shall, within the first 10 days of the month following the month during which a building permit referred to in that section was issued, send to the secretary of the Régie du bâtiment du Québec, in addition to the information referred to in section 1,

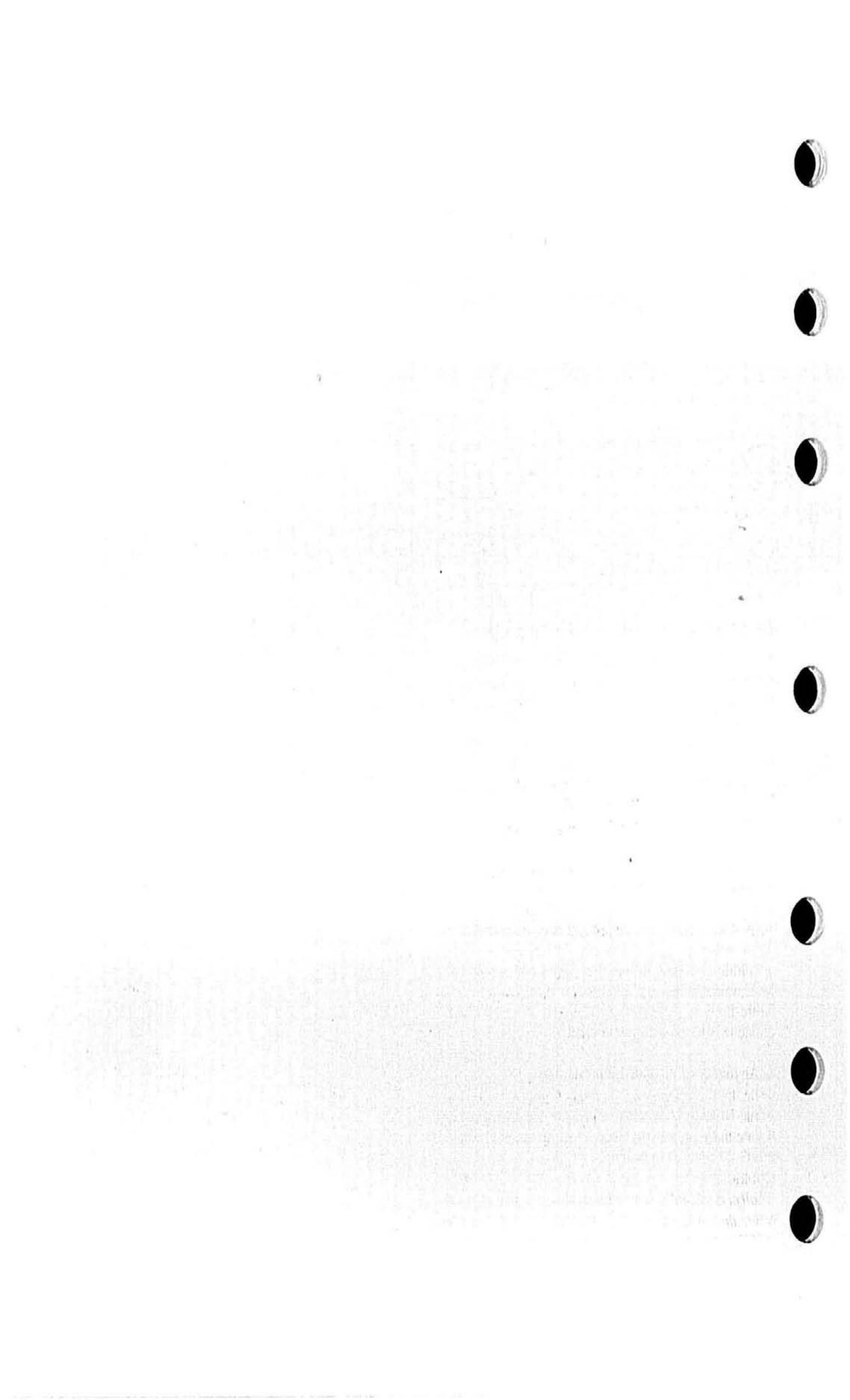
(1) the number and expiry date of contractor's licence as indicated, where applicable, in the declaration referred to in section 1; and

(2) the date of issue of the building permit and, where applicable, its number.

3. From 1 September 1996, the information referred to in the first sentence of the third paragraph of section 1 ceases to be required.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulations

Draft regulation

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1)

Procedure of the Régie du logement

Pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), notice is hereby given that the Regulation amending the Rules of procedure of the Régie du logement, to which the commissioners agreed in principle at the meeting held on May 31, 1995, and the text of which appears below, may be adopted upon the expiry of 45 days following the present publication.

This draft regulation sets forth:

- the principle of recording hearings at the Régie du logement;
- restrictions with respect to broadcasting of the recordings in a public place or for public purposes;
- conditions for obtaining a transcript or recording made by the Régie;
- rules relating to destroying the recordings.

The draft will have the following consequences:

- it will permit litigants or a Commissioner to refer to the recording if need be;
- it will establish a reliable means of reference.

Additional information may be obtained by writing to M^{re} Carole Mc Murray, at the Régie du logement, 1, rue Notre-Dame Est, 11^e étage, Montréal, H2Y 1B6, telephone (514) 873-6575 or fax (514) 873-6805.

Anyone with comments on this subject is asked to write to the Chairperson of the Régie du logement, 1, rue Notre-Dame Est, 11^e étage, Montréal, H2Y 1B6, before the expiry of the 45-day period.

RODRIGUE DUBÉ,
Chairperson of the
Régie du logement

Regulation amending the Rules of Procedure of the Régie du logement

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1, a. 85)

1. The Rules of Procedure of the Régie du logement, approved on November 23, 1992 by the Minister responsible for the administration of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), published in Part 2 of the *Gazette officielle du Québec* of December 2, 1992 on page 5055 and amended by the Regulations published in Part 2 of the *Gazette officielle du Québec* of June 1, 1994 on page 2001 and of December 21, 1994 on page 4637, are further amended by insertion of the following after section 39:

«§2.1 Recording of hearings

39.1 The Régie may record hearings by any appropriate means.

If a commissioner does not record a hearing, he must indicate the reasons in the minutes of the hearing.

39.2 Any other means of recording, auditory or visual, is forbidden unless authorized by the commissioner and on the conditions he determines.

The playing of a recording of a hearing in a public place or for the purposes of a public broadcast is forbidden.

39.3 Anyone may, on payment of the costs, obtain a stenographic transcript of the recording made by the Régie. The request must be made in writing within 6 months of the date of the decision.

All stenographic transcripts must be prepared by a stenographer whose competence is established in accordance with the rules set forth in the Act respecting Stenographers (L.R.Q., c. S-33).

Reproduction of the stenographic transcript is forbidden.

39.4 The Régie destroys the original recording upon the expiry of the aforementioned 6 month delay, unless the president or vice-president whom he designates decide otherwise. ».

2. The present regulation comes into force on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.

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Port de retour garanti
Gazette officielle du Québec
1500-D, boul. Charest Ouest, 1^e étage
Sainte-Foy (Québec)
G1N 2E5

ISSN 0703-5721

