

Gazette officielle du Québec

Part 2

Laws and
Regulations

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Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 126
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No. 40

Summary

TABLE OF CONTENTS
COMING INTO FORCE OF ACTS
REGULATIONS AND OTHER ACTS
DRAFT REGULATIONS
INDEX

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Table of contents

Page

Coming into force of Acts

1390-94	Consolidation of the statutes and regulations, An Act respecting the... — Updating to 1 st September 1993 of the loose-leaf edition of the Revised Statutes of Québec — Coming into force	4141
1399-94	Forest Act and to repeal various legislative provisions, An Act to amend the... — Coming into force of certain provisions	4141

Regulations and other acts

1358-94	Bar — Compulsory contribution to the Professional Liability Insurance Fund (Amend.)	4143
1360-94	Dentists — Code of ethics (Amend.)	4144
1361-94	Dentists — Specialties and terms and conditions for the issue of specialist's certificates	4145
1362-94	Denturologists — Conciliation and arbitration procedure for the accounts	4148
1364-94	Optometrists — Conciliation and arbitration procedure for the accounts	4152
1367-94	Social workers — Code of ethics (Amend.)	4155
1368-94	Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates (Amend.)	4157
1370-94	Town planners — Code of ethics (Amend.)	4158
1371-94	Town planners — Conciliation and arbitration procedure for the accounts	4159
1372-94	Town planners — Cessation of practice	4163
1376-94	Collective agreement decrees, An Act respecting... — Flat glass (Amend.)	4165
1400-94	Forest Act — Operating permits for wood processing plants (Amend.)	4166
1424-94	Régie des alcools, des courses et des jeux, Loi sur la... — Signature	4167
1428-94	Ministère de la Sécurité du revenu, An Act respecting the... — Signing of certain documents ...	4169
1433-94	Government services to departments and public bodies and amending various legislative provisions, An Act respecting... — Government services — Signing of certain acts, documents or writings	4173

Draft Regulations

Bar — Procedure for conciliation and arbitration of accounts	4175
Engineers — Professional Liability Insurance	4178
Régie du logement, An Act respecting the... — Rules of procedure of the Régie du logement	4178



Coming into force of Acts

Gouvernement du Québec

O.C. 1390-94, 7 September 1994

An Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3)

Updating to 1 September 1993 of the loose-leaf edition of the Revised Statutes of Québec

— Coming into force

COMING INTO FORCE of the text of the copy of the updating to 1 September 1993 of the loose-leaf edition of the Revised Statutes of Québec

WHEREAS the Official Publisher has completed the printing of the updating to 1 September 1993 of the loose-leaf edition of the Revised Statutes of Québec;

WHEREAS a copy of the updating to 1 September 1993 of the loose-leaf edition of the Revised Statutes of Québec has been sent to the Lieutenant-Governor and has been deposited in the office of the Secretary General of the National Assembly of Québec, attested to by the signature of the Lieutenant-Governor and of the Minister of Justice, the foregoing in accordance with the Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3);

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT, pursuant to the Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3), the text of the copy of the updating to 1 September 1993 of the loose-leaf edition of the Revised Statutes of Québec, attested to by the signature of the Lieutenant-Governor and of the Minister of Justice and deposited in the office of the Secretary General of the National Assembly of Québec, come into force on 30 September 1994 and have force of law, with the reservation that any provision of an Act comprised in the Revised Statutes of Québec and not yet in force on 29 September 1994 pursuant to the provisions of that Act not be brought into force by this Order in Council but come into force only on the date fixed in accordance with the Act containing that provision.

BENOÎT MORIN,
Clerk of the Conseil exécutif

8669

Gouvernement du Québec

O.C. 1399-94, 7 September 1994

An Act to amend the Forest Act and to repeal various legislative provisions (1993, c. 55)

Coming into force of certain provisions

COMING INTO FORCE of section 27 and of paragraph 2 of section 30 of the Act to amend the Forest Act and to repeal various legislative provisions

WHEREAS the Act to amend the Forest Act and to repeal various legislative provisions (1993, c. 55) was passed on 10 December 1993 and assented to on 13 December 1993;

WHEREAS section 42 of that Act prescribes that the provisions of the Act come into force on 13 December 1993, except section 2, which comes into force on 1 January 1994 and sections 27 and 30, which will come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix 7 September 1994 as the date of coming into force of section 27 and of paragraph 2 of section 30 of that Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources:

THAT 7 September 1994 be fixed as the date of coming into force of section 27 and of paragraph 2 of section 30 of the Act to amend the Forest Act and to repeal various legislative provisions (1993, c. 55).

BENOÎT MORIN,
Clerk of the Conseil exécutif

8668



Regulations and other acts

Gouvernement du Québec

O.C. 1358-94, 7 September 1994

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

Bar

— Compulsory contribution to the Professional Liability Insurance Fund
— Amendments

Regulation to amend the Regulation respecting compulsory contribution to the Professional Liability Insurance Fund of the Barreau du Québec

WHEREAS under paragraph 1 of section 94 of the Professional Code (R.S.Q., c. C-26), the General Council of the Barreau du Québec may, by regulation, impose upon the members of the corporation or certain classes of them, in relation to the risk they represent, particularly on those who practise for their own account, the obligation to furnish, by means of an insurance policy, a surety bond or by any other means determined by regulation, a guarantee against any liability they may incur owing to fault or negligence committed in the practise of their profession or the obligation to join a group plan contract entered into by the corporation or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1 of the Code;

WHEREAS under section 86.1 of the Professional Code, the General Council adopted a resolution setting up a professional liability insurance fund, and that fund is administered in accordance with the Act respecting insurance (R.S.Q., c. A-32);

WHEREAS under paragraph 1 of section 94 of the Professional Code, the General Council made the Regulation respecting compulsory contribution to the Professional Liability Insurance Fund of the Barreau du Québec;

WHEREAS under that paragraph, the General Council made the Regulation to amend the Regulation respecting compulsory contribution to the Professional Liability Insurance Fund of the Barreau du Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published in Part 2 of the *Gazette*

officielle du Québec of 11 August 1993, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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 with amendments;

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 compulsory contribution to the Professional Liability Insurance Fund of the Barreau du Québec, attached to this Order in Council, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting compulsory contribution to the Professional Liability Insurance Fund of the Barreau du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. 1)

1. The Regulation respecting compulsory contribution to the Professional Liability Insurance Fund of the Barreau du Québec, approved by Order in Council 471-88 dated 30 March 1988 and amended by Order in Council 780-91 dated 5 June 1991, is further amended by substituting the following for paragraph 7 of section 2:

"(7) he works exclusively for a municipal corporation, a public body providing public transport within the meaning of section 3 of the Bus Transport Regulation made by Order in Council 1991-86 dated 19 December 1986, a regional county municipality, the Communauté urbaine de Québec, the Communauté urbaine de Montréal, the Communauté urbaine de l'Outaouais, the Cree or Kativik Regional Authorities, a school board, the Conseil scolaire de l'Île de Montréal, or at least one of the institutions concerned by section 125 of the Act

respecting health services and social services (R.S.Q., c. S-4.2), or a social service centre within the meaning of the Act respecting health and social services for Cree and Inuit Native persons (R.S.Q., c. S-5);”.

2. Schedule I to the Regulation is amended by substituting the following for the seventh paragraph:

“I work exclusively for a municipal corporation, a public body providing public transport within the meaning of section 3 of the Bus Transport Regulation made by Order in Council 1991-86 dated 19 December 1986, a regional county municipality, the Communauté urbaine de Québec, the Communauté urbaine de Montréal, the Communauté urbaine de l’Outaouais, the Cree or Kativik Regional Authorities, a school board, the Conseil scolaire de l’Île de Montréal, or at least one of the institutions concerned by section 125 of the Act respecting health services and social services (R.S.Q., c. S-4.2), or a social service centre within the meaning of the Act respecting health and social services for Cree and Inuit Native persons (R.S.Q., c. S-5);”.

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

8679

Gouvernement du Québec

O.C. 1360-94, 7 September 1994

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

Dentists

— Code of ethics
— Amendments

Regulation to amend the Code of ethics of dentists

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des dentistes 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 dentists (R.R.Q., 1981, c. D-3, r. 4);

WHEREAS it is expedient to amend the Code of ethics of dentists;

WHEREAS the Bureau, at its meeting held on 27 March 1992, made the Regulation amending the Code of ethics of dentists, hereinafter referred to as the “first Regulation”;

WHEREAS in accordance with section 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the first Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 7 April 1993 with a notice that it could be submitted for approval by the Government upon the expiry of 45 days from the date of that publication;

WHEREAS the Bureau, at its meeting held on 24 September 1993, made the Regulation to amend the Code of ethics of dentists, hereinafter referred to as the “second Regulation”;

WHEREAS in accordance with that same Act, the second Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 9 March 1994 with a notice that it could be submitted for approval by the Government upon the expiry of 45 days from the date of that publication;

WHEREAS in accordance with section 95 of the Professional Code, the secretary of the Order sent the draft of both Regulations to all the members of the Order at least 30 days before the date on which they were made;

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

WHEREAS it is expedient, at the approval stage, that the two Regulations be reformulated into a single text bearing a single title;

WHEREAS it is expedient to approve both Regulations 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 Code of ethics of dentists, attached to this Order in Council, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of dentists

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

1. The Code of ethics of dentists (R.R.Q., 1981, c. D-3, r. 4), amended by the Regulation made by Order in Council 279-93 dated 3 March 1993, is further amended by adding the following after section 3.01.07:

"3.01.08 A dentist shall examine the patient and establish a treatment plan before a denturologist performs, under his supervision, an act for the purpose of fitting, inserting, adapting or replacing a prosthesis that attaches indirectly to the osteointegrated implants.

He shall see the patient again following the denturologist's intervention in order to verify the carrying out of the treatment plan, and shall ensure, where required, that the necessary alterations or adjustments are made."

2. Section 4.02.01 is amended by adding the following paragraphs after paragraph *u*:

"(v) changing the fees generally charged by the dentist solely because the patient has an insurance plan;

(w) refusing to provide a receipt to any patient requesting a receipt for fees paid."

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

8664

Gouvernement du Québec

O.C. 1361-94, 7 September 1994

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

Dentists

— Specialties and terms and conditions for the issue of specialist's certificates

Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec

WHEREAS under paragraph *e* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des dentistes du Québec may, by regulation, define the different classes of specialization within the profession;

WHEREAS under paragraph *i* of section 94 of the Code, the Bureau of the Ordre des dentistes du Québec may, by regulation, determine the other terms and conditions for issuing permits, specialist's certificates or special authorizations, particularly, in relation to professional training and professional examinations;

WHEREAS under the aforementioned paragraphs, the Bureau made the Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes 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 1 December 1993 with a notice that it could be submitted for approval by the Government upon the expiry of 45 days following that publication;

WHEREAS in accordance with the first paragraph of section 95 of the Professional Code, the Office des professions du Québec has recommended that the Regulation be approved;

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 specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec, attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting specialties and the terms and conditions for the issue of specialist's certificates by the Ordre des dentistes du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, pars. e and i)

DIVISION I ISSUE OF A SPECIALIST'S CERTIFICATE

1. The Bureau of the Ordre des dentistes du Québec shall issue a specialist's certificate to a candidate who

(1) holds a diploma recognized by the Government under subparagraph *a* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) or a diploma recognized as equivalent by the Bureau under subparagraph *g* of the first paragraph of section 86 of the Code, or whose training has been recognized as equivalent by the Bureau under subparagraph *h* of the first paragraph of section 86 of the Code;

(2) holds a permit issued by the Order;

(3) is entered on the roll of the Order;

(4) holds a registration certificate issued in accordance with the provisions of the Dental Act (R.S.Q., c. D-3);

(5) has met the requirements of the training period;

(6) has passed the examinations determined by the Order;

(7) has filed an application for a specialist's certificate; and

(8) has paid the dues required for a specialist's certificate and set by resolution of the Bureau under subparagraph *o* of the first paragraph of section 86 of the Code.

2. The Order recognizes the specialties described in Schedule I.

3. A specialist's certificate issued in accordance with this Regulation shall bear the seal of the Order and the signatures of the president and the secretary. It shall state the name of the holder, the date of issue and the specialty recognized.

Where the specialty is oral medicine or prosthodontics, the option shall also appear on the certificate, after the specialty.

DIVISION II TRAINING PERIOD

4. A candidate's training period shall consist of a postdoctoral university specialty program recognized and approved by the Order and comprising theoretical and practical studies leading to a specialist's certificate.

5. The training periods required for the various types of specialist's certificate are described in Schedule II.

6. The training period shall be completed on a full-time basis at an institution approved by the Order, within the scope and restrictions of that approval, the whole as it appears on the list of courses and institutions approved by the Bureau.

The secretary shall keep an up-to-date list of the approved training programs, which may be obtained by any person requesting it.

7. To be admitted to a training period, a candidate shall obtain from the Bureau a training card provided for in section 8.

8. A training card shall be issued to a candidate who

(1) holds a permit issued by the Order;

(2) is entered in the registers of persons studying a specialty;

(3) provides proof of acceptance for a university program referred to in section 4; and

(4) fills out an application therefor.

9. A training card is valid from the date of its issue until

(1) the end of the academic year for which it is issued;

(2) the cancellation of the holder's registration in the training program or the holder's withdrawal from the program; or

(3) the revocation of the candidate's registration.

10. A new training card for a subsequent academic year shall be issued to a candidate who meets the requirements of section 8.

11. The training period shall be followed by a report on the candidate's competence, which shall be signed by the dean of the faculty or the program director and shall

be sent, by the person who signed it, to the secretary of the Order within 30 days following the end of the training period. The report shall deal in particular with the candidate's

- (1) professionalism;
- (2) knowledge;
- (3) manual dexterity;
- (4) clinical experience;
- (5) professional judgment.

DIVISION III EXAMINATIONS

12. A candidate who meets the training requirements of Division II is eligible for the examinations provided for in this Division.

13. The purpose of the examinations is to determine whether the candidate is qualified to practise the specialty applied for, by evaluating the skills acquired and the candidate's understanding and mastery of the related technical knowledge.

14. Each year, at least one examination shall be held for each specialty recognized by the Order.

15. To be able to sit an examination, a candidate shall fill out an application for registration and shall return it to the secretary not later than 60 days preceding the date set for the examinations.

16. Not later than 45 days preceding the date set for the examinations, the secretary shall submit a list of the candidates to the credentials committee appointed pursuant to subparagraph *c* of the first paragraph of section 86 of the Code.

17. The pass mark for each examination is 60%. A candidate who fails to obtain that mark shall rewrite the examination the next time it is held.

18. The examinations that candidates must sit shall be written, oral, clinical or practical.

19. To be admitted to an oral, clinical or practical examination, a candidate must have passed the written examination.

20. Questions and answers shall be recorded mechanically during oral, clinical and practical examinations.

21. Examination results shall be mailed to candidates within 45 days following the date of the examination.

22. The Bureau shall review the mark a candidate obtained on the examination, provided that the candidate applies for such review in writing within 30 days following the mailing of the statement of marks. On the same conditions, a candidate may apply to the Bureau for a hearing on the grounds for such review.

23. From the date of receipt of an application for review, the Bureau has 120 days to hear the candidate and, where expedient, to review its decision. To that end, the secretary shall convene the candidate in writing, by registered mail, not less than 10 days before the date of the hearing.

24. A reviewed mark is final and shall be mailed to the candidate.

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

SCHEDULE I (s. 2)

1. The Order recognizes the following specialties:

(1) "oral and maxillofacial surgery": a dental specialty dealing with the diagnosis, treatment and surgical correction of any disease, injury, deficiency, or acquired or congenital malformation requiring an operation on the functional or esthetic aspects of the oral cavity or of the maxillofacial complex;

(2) "pediatric dentistry": a dental specialty dealing with the diagnosis, prevention and treatment of diseases, abnormalities and accidents affecting the mouth and teeth of children, from birth to adolescence;

(3) "endodontics": a dental specialty dealing with etiology and with the prevention, diagnosis and treatment of diseases and trauma affecting pulp and periapical tissues;

(4) "oral medicine": a dental specialty dealing with the diagnosis and non-surgical treatment of primary diseases of the oral cavity and of constitutional diseases. Oral medicine comprises the following options:

- (1) diagnostic oral medicine and dental therapeutics;
- (2) oral pathology;

(3) oral radiology;

(5) "orthodontics": a dental specialty dealing with the diagnosis, prevention, interception and treatment of all types of dental malocclusions, and the correction of surrounding structures;

(6) "periodontics": a dental specialty dealing with the diagnosis, prevention and treatment of diseases affecting the periodontal membrane;

(7) "prosthodontics": a dental specialty dealing with the restoration of natural teeth and with the replacement of teeth and the surrounding tissue by artificial substitutes for the purpose of restoring or maintaining the oral function, health, comfort and appearance. Prosthodontics comprises 3 options:

i. restoration, that is, operative dentistry and fixed prosthodontics;

ii. removable prosthodontics;

iii. maxillofacial prosthodontics;

(8) "community dentistry": the art and science of preventing and controlling dental diseases and of promoting dental hygiene through coordinated community measures. In this type of dentistry, the patient is the community, rather than the individual. The goal is to educate the public in the area of dental hygiene, by doing research and applying the results, by administering dental care programs to the community, and by preventing and controlling dental pathology on a community basis.

SCHEDULE II

(s. 5)

1. Training periods required for the specialties recognized by the Order:

(1) oral and maxillofacial surgery: successful completion of at least 4 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(2) pediatric dentistry: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(3) endodontics: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(4) oral medicine: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(5) orthodontics: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(6) periodontics: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(7) prosthodontics: successful completion of at least 2 consecutive academic years of full-time study in a university program approved and recognized by the Order;

(8) community dentistry: successful completion of at least 2 consecutive academic years of full-time study, or the equivalent, in a university program approved and recognized by the Order.

8672

Gouvernement du Québec

O.C. 1362-94, 7 September 1994

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

Denturologists — Conciliation and arbitration procedure for the accounts

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

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des denturologistes 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 that section of the Code, the Bureau made the Regulation respecting the procedure for conciliation and arbitration of accounts of denturologists (R.R.Q., 1981, c. D-4, r. 8);

WHEREAS it is expedient to replace that Regulation;

WHEREAS under that section of the Code, the Bureau made the Regulation respecting the conciliation and

arbitration procedure for the accounts of members of the Ordre des denturologistes du Québec;

WHEREAS in accordance with the third paragraph of section 95 of the Code, a draft of the Regulation was sent to all the members of the Order not less than 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 that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 October 1993 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS in accordance with the first paragraph of section 95 of the Code, 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 administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des denturologistes du Québec, attached to this Order in Council, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des denturologistes 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 denturologistes 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 by the client.

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 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 a copy of this Regulation to the client.

Once the syndic has received an 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 the procedure he considers most 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 the 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 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 the 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 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 a 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 \$1 500.00 or more and of a single arbitrator if it is less than \$1 500.00.

14. The Bureau shall appoint the member or the 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 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 Bureau shall rule on 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 on 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 denturologists (R.R.Q., 1981, c. D-4, r. 8), but that Regulation continues to govern the procedure for conciliation and arbitration of disputes 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 I (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 denturologistes 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 and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I 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

Oath received by
(name and position, profession or capacity)

at
(municipality)

on
(date)

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

Gouvernement du Québec

O.C. 1364-94, 7 September 1994

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

**Optometrists
— Conciliation and arbitration procedure
for the accounts**

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

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des optométristes 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 the Regulation respecting the procedure for conciliation and arbitration of the accounts of optometrists (R.R.Q., 1981, c. O-7, r. 5);

WHEREAS it is expedient to replace that Regulation;

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

WHEREAS in accordance with the third paragraph of section 95 of the Code, a draft regulation was sent to every member 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 the *Gazette officielle du Québec* of 10 February 1993 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to approve, with amendments, the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des optométristes du Québec attached to this Order in Council;

IT IS ORDERED, therefore, on 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 optométristes du Québec, attached to this Order in Council, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des optométristes 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 optométristes 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.
- 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 office. 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 institute proceedings to request provisional measures in ac-

cordance 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 60 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 office.

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 \$750 or more, and of a single arbitrator where the amount is less than \$750.

14. The Bureau shall appoint the member or members of the council of administration 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 20 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 Bureau 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 such procedure as it considers 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 administration shall issue its award within 45 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, from the date of the application for conciliation, add interest and an indemnity thereto in accordance with articles 1618 and 1619 of the Civil Code of Québec.

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 945.1 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 optometrists (R.R.Q., 1981, c. O-7, r. 5), but that 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 I

(s. 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
(client's name)

.....
(domicile)

declare that:

(1)
(member's name)

is claiming for 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 optométristes 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 and exercise all my powers as an arbitrator 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 performance of my duties.

Oath taken before,
(name and function, profession or capacity)

at on
(municipality) (date)

.....
(signature)

8678

Gouvernement du Québec

O.C. 1367-94, 7 September 1994

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

Social workers
— Code of ethics
— Amendments

Regulation to amend the Code of ethics of social workers

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 3 of Chapter 76 of the Statutes of 1990, the Bureau of the Corporation professionnelle des travailleurs sociaux 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, and containing provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by its members, as well as provisions to preserve the secrecy of confidential information that becomes known to the members of the Corporation in the practice of their profession;

WHEREAS the Bureau made the Code of ethics of social workers (R.R.Q., 1981, c. C-26, r. 180);

WHEREAS it is expedient to amend the Code;

WHEREAS under the aforementioned section, the Bureau made the Regulation to amend the Code of ethics of social workers;

WHEREAS under section 95 of the Professional Code, the secretary of the Corporation sent a copy of the Draft Regulation to every member of the Corporation at least 30 days before the Regulation 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 Draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 September 1993, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions has submitted 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 administration of legislation respecting the professions:

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

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of social workers

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

1. The Code of ethics of social workers (R.R.Q., 1981, c. C-26, r. 180) is amended by substituting the following for sections 3.06.01 and 3.06.02:

"3.06.01 A social worker must respect the secrecy of all confidential information obtained in the practice of his profession.

A social worker may be released from professional secrecy only with the authorization of his client or when so ordered by law.

A social worker must ensure that his client is fully aware of the uses that can be made of the confidential information obtained by the social worker.

3.06.02 A social worker must not disclose or forward a psychosocial evaluation report to a third party, except where necessary for the purposes of the Act and where the third party requires it in the performance of his duties."

2. The word "written" is deleted from the third line of section 3.06.08.

3. The following is inserted after section 3.06.12:

"3.06.13 Where he is released from professional secrecy, a social worker may disclose only information that seems necessary to serve the interests of his client, particularly for the application of a legislative program in which he is requested to collaborate."

4. The following Divisions are added after section 4.05.06:

**"DIVISION V
RESTRICTIONS AND OBLIGATIONS RESPECTING
ADVERTISING**

5.01 A social worker may mention in his advertising all information likely to help the public to make a wise choice and likely to favour access to useful or necessary services.

The advertising must preserve and favour professionalism.

5.02 No social worker may, in any way whatsoever, engage in or allow advertising that is false, misleading or likely to mislead the public.

5.03 A social worker may not claim to have special qualities or skills, particularly with respect to his level of competence or the extent or efficiency of his services, unless he can justify them.

5.04 No social worker may, in his advertising, use or allow to be used an expression of support or gratitude he has received.

5.05 No social worker may, in any way whatsoever, engage in or allow advertising intended for persons who

may be physically or emotionally vulnerable because of their age or the occurrence of a specific event.

5.06 A social worker who advertises fees or prices must do so in a manner that can be understood by persons who have no particular knowledge of social work and must also

(1) maintain those fees or prices in force for the period mentioned in the advertising; that period must not be less than 90 days after the last authorized broadcast or publication;

(2) specify the services included in those fees or prices; and

(3) state whether expenses are included.

5.07 A social worker who advertises a special price or a discount shall specify the period of validity of the special price or discount, where applicable. That period may be shorter than 90 days.

5.08 No social worker may, in any way whatsoever, give in a statement or advertisement more importance to a special price or to a discount than to the service offered.

5.09 A social worker must keep a complete copy of all advertising in its original form for a period of 5 years following the date on which it was last broadcast or published. Upon request, the copy must be remitted to the syndic.

5.10 All social workers who practise together as partners are jointly and severally responsible for complying with the rules respecting advertising, unless the advertising clearly indicates the name of the social worker responsible for the advertising.

**DIVISION VI
GRAPHIC SYMBOL OF THE CORPORATION
PROFESSIONNELLE DES TRAVAILLEURS
SOCIAUX DU QUÉBEC**

6.01 The Corporation professionnelle des travailleurs sociaux du Québec is represented by a graphic symbol conforming to the original kept by the secretary of the Corporation.

6.02 Where a social worker uses the graphic symbol of the Corporation in his advertising, he must make sure that it conforms to the original kept by the secretary of the Corporation."

5. This Regulation replaces the Regulation respecting advertising by social workers (R.R.Q., 1981, c. C-26, r. 188).

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

8676

Gouvernement du Québec

O.C. 1368-94, 7 September 1994Professional Code
(R.S.Q., c. C-26)**Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates**

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

WHEREAS section 42 of the Professional Code (R.S.Q., c. C-26) 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 subparagraph *a* of the first paragraph of section 184 of the Professional Code;

WHEREAS under subparagraph *a* of the first paragraph of section 184, the Government, after consultation with the Office des professions du Québec, the teaching establishments and the corporation concerned, may, by regulation, determine which diplomas issued by teaching establishments it indicates give access to a permit or a 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 corporations (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 legislative nature (R.S.Q., c. J-1.1), the Government made, by Order in Council 1139-83 dated 1 June 1983, a replacing regulation that reproduces that Regulation without amendment and gave effect to it from 1 August 1982;

WHEREAS it is expedient to amend that Regulation to designate the diplomas issued by designated teaching establishments which give access to the permit issued by the Corporation professionnelle des travailleurs sociaux du Québec;

WHEREAS the consultations required by the first paragraph of section 184 of the Professional Code 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 23 February 1994 with notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make that 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 to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations, attached hereto, be made.

BENOÎT MORIN,
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 corporationsProfessional Code
(R.S.Q., c. C-26, s. 184, 1^{er} par., subpar. a)

1. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations, 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 and 52-94 dated 10 January 1994, is further amended by adding the following after paragraph *h* of section 1.15:

“(i) *Maîtrise en service social, M.Serv.Soc.*, from the Université de Sherbrooke.”.

The first paragraph applies in respect of the *Maîtrise en service social, M.Serv.Soc.*, from the Université de Sherbrooke issued on or after 1 September 1993 to a person who registered for the first time for that program of study after 31 August 1992.

The first paragraph also applies in respect of the *Maîtrise en service social, M.Serv.Soc.*, from the Université de Sherbrooke issued before 1 September 1993 to a person who registered for the first time for that program of study before 1 September 1992, provided that the person holds an *Attestation de formation complémentaire en service social* issued by the Université de Sherbrooke.

The third paragraph will remain in force for 5 years following the coming into force of this Regulation.

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

8677

Gouvernement du Québec

O.C. 1370-94, 7 September 1994

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

Town planners
— Code of ethics
— Amendments

Regulation to amend the Code of ethics of town planners

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 3 of Chapter 76 of the Statutes of 1990, the Bureau of the Corporation

professionnelle des urbanistes 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, and containing provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by its members;

WHEREAS the Bureau made the Code of ethics of town planners (R.R.Q., 1981, c. C-26, r. 192);

WHEREAS under the aforementioned section, the Bureau made the Regulation to amend the Code of ethics of town planners;

WHEREAS under section 95 of the Professional Code, the secretary of the Corporation sent a copy of the Draft Regulation to every member of the Corporation at least 30 days before the Regulation 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 Draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 January 1994, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to approve the Regulation without amendment;

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 Code of ethics of town planners, attached to this Order in Council, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of town planners

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

1. The Code of ethics of town planners (R.R.Q., 1981, c. C-26, r. 192) is amended by inserting the following Division after section 4.04.01:

**"DIVISION V
RESTRICTIONS AND OBLIGATIONS
RESPECTING ADVERTISING**

5.01.01 A town planner may not engage in advertising, in any way whatsoever, that is false, misleading, incomplete or likely to mislead, or allow such advertising to be used.

5.01.02 A town planner may not claim specific qualities or skills relating in particular to the level of his competence or to the extent or efficiency of his services, unless they can be substantiated upon request.

5.01.03 A town planner may not use advertising practices likely to denigrate or depreciate another town planner.

5.01.04 A town planner advertising lump-sum fees shall:

- (1) establish fixed prices;
- (2) specify the nature and extent of services included in the fees;
- (3) indicate whether or not disbursements are included in the fees;
- (4) indicate whether additional services might be requested which are not included in the fees;
- (5) indicate whether the taxes are included in the fees.

The particulars and indications shall be sufficient to reasonably inform persons who have no particular knowledge of the field of town planning.

Any such advertising shall remain in force for a minimum period of 90 days after its last broadcast or publication.

5.01.05 In his advertising, a town planner may not use or allow to be used an endorsement or statement of gratitude concerning him.

5.01.06 In any statement or advertising, a town planner shall indicate his name and his title of town planner.

5.01.07 All partners in a town planning consulting firm are jointly and severally responsible for respecting the rules concerning advertising, unless the advertisement clearly indicates the name of the town planner responsible for it.

5.01.08 The corporation shall be represented by a graphic symbol that conforms to the original held by the corporation's secretary.

Where a town planner reproduces the graphic symbol in a statement or for advertising purposes, he must ensure that the symbol conforms to the original held by the corporation's secretary.

5.01.09 A town planner shall keep a complete copy of any advertisement in its original form, for 1 year following the date of the last broadcast or publication. The copy shall be remitted to the syndic upon request."

2. This Regulation replaces the Regulation respecting advertising by town planners (R.R.Q., 1981, c. C-26, r. 199).

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

8674

Gouvernement du Québec

O.C. 1371-94, 7 September 1994

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

**Town planners
— Conciliation and arbitration procedure for the
accounts**

Regulation respecting the conciliation and arbitration procedure for the accounts of town planners

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Corporation professionnelle des urbanistes 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 members of the Corporation;

WHEREAS under section 88 of the Code, the Bureau made the Regulation respecting the procedure for conciliation and arbitration of accounts of town planners (R.R.Q., 1981, c. C-26, r. 197);

WHEREAS it is expedient to replace that Regulation;

WHEREAS under that section of the Code, the Bureau made the Regulation respecting the conciliation and arbitration procedure for the accounts of town planners:

WHEREAS a draft of the Regulation was sent to all the members of the Corporation at least 30 days before the date on which it was made by the Bureau, in accordance with the third paragraph of section 95 of the Code;

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 2 March 1994 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days from the date of that publication;

WHEREAS in accordance with the first paragraph of section 95 of the Code, 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 application of legislation respecting the professions;

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of town planners, the text of which is attached to this Order in Council, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the conciliation and arbitration procedure for the accounts of town planners

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

DIVISION I CONCILIATION

1. A client who has a dispute with a town planner concerning the amount of an unpaid account for professional services for which no legal action has been taken may file a written application for conciliation with the syndic of the Corporation professionnelle des urbanistes du Québec.

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

Where, in payment of the account, sums have been withdrawn or withheld by the town planner 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 town planner may not institute proceedings to recover an account for professional services during the 45-day period following 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 town planner concerned or, where he is unable to notify the town planner personally within that period, shall notify the town planner's firm. He shall also send the client a copy of this Regulation.

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

Notwithstanding the foregoing, the town planner 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 town planner and shall be filed with the secretary of the Corporation.

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 a report on the dispute to the client and to the town planner 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 town planner 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 town planner 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 20 days of receiving the conciliation report, the client may apply for arbitration of the account by sending the form in Schedule I, by registered or certified mail, to the secretary of the Corporation professionnelle des urbanistes du Québec.

The client shall include a copy of the conciliation report with his application for arbitration.

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

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

11. A town planner who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Corporation, 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 Corporation. 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 Corporation and, if the council is composed of 3 arbitrators, shall designate the chairman and the secretary thereof.

15. The secretary of the Corporation shall send notice to the arbitrators and to the parties, by registered or certified mail, informing them of the formation of the council of arbitration.

16. 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, except for paragraph 7 of that article. The request shall be sent in writing to the secretary of the Corporation, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 15 or of the day on which the reason for the request becomes known.

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

17. Before acting, the members of the council of arbitration shall take the oath in Schedule II to this Regulation.

§3. Hearing

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

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

20. The council of arbitration may ask the parties to submit, within a given time, a statement of their claims with documents in support thereof.

21. 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 such procedure as it considers appropriate.

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

23. Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through, provided that they represent an absolute majority of the council of arbitration, and their decision is valid.

In the case of a single arbitrator, he shall be replaced by a new arbitrator appointed by the administrative committee and the dispute shall be reheard.

§4. Arbitration award

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

25. The award shall be a majority award of the members of the council; in default of a majority, the decision shall be taken by the chairman.

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.

26. In its award, the council of arbitration may uphold, reduce or cancel 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. The costs incurred by a party for the arbitration shall be borne by that party.

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

Where an agreement is reached by the parties before the council's decision is rendered, the council may nonetheless decide on the arbitration expenses in accordance with this section.

29. 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.

30. The council of arbitration shall file the award with the secretary of the Corporation, who shall send it to each party or to their advocates within 10 days after it is filed.

It shall also send the complete arbitration file, true copies of which may be given only to the parties, their advocates and the syndic.

DIVISION III TRANSITIONAL AND FINAL

31. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of town planners (R.R.Q., 1981, c. C-26, r. 197), but the latter Regulation continues to govern the procedure for conciliation and arbitration of disputes for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

SCHEDULE I (s. 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned, _____
(client's name)

(domicile)

declare that:

(1) _____
(name of town planner)

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 town planners.

(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 _____

(name of town planner)

the amount of the arbitration award.

Signature

SCHEDULE II (s. 17)

OATH

I solemnly affirm that I will perform all my duties and exercise all my powers as an arbitrator 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 performance of my duties.

Signature

Oath received by me _____
 (name and position,
 profession or capacity)

at _____ on _____
 (municipality) (date)

 Signature

8675

Gouvernement du Québec

O.C. 1372-94, 7 September 1994Professional Code
(R.S.Q., c. C-26)**Town planners**
— Cessation of practice

Regulation respecting the cessation of practice of a member of the Corporation professionnelle des urbanistes du Québec

WHEREAS under section 91 of the Professional Code (R.S.Q., c. C-26), the Bureau of each professional corporation must determine, by regulation, rules, terms, conditions and formalities for the preservation, use, management, administration, transfer, assignment, provisional custody and destruction of the records, books, registers, medications, poisons, products, substances, apparatus and equipment of a professional, applicable in the event he is struck off the roll, ceases to practise or dies, his right to practise is restricted or suspended or his permit is revoked;

WHEREAS under that section, the Bureau of the Corporation professionnelle des urbanistes du Québec made the Regulation respecting the records of a town planner who ceases to practise (R.R.Q., 1981, c. C-26, r. 195):

WHEREAS it is expedient to replace that regulation;

WHEREAS under that section, the Bureau of the Corporation professionnelle des urbanistes du Québec made the Regulation respecting the cessation of practice of a member of the Corporation professionnelle des urbanistes 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 15 September 1993 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 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, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the cessation of practice of a member of the Corporation professionnelle des urbanistes du Québec, attached hereto, be approved.

BENOÎT MORIN,
 Clerk of the Conseil exécutif

Regulation respecting the cessation of practice of a member of the Corporation professionnelle des urbanistes du QuébecProfessional Code
(R.S.Q., c. C-26, s. 91)**DIVISION I**
SCOPE

1. This Regulation applies to the disposal of the records, books and registers kept by a member of the Corporation professionnelle des urbanistes du Québec who ceases to practise.

Notwithstanding the foregoing, this Regulation does not apply to a member who is employed by a natural person, a legal person, a partnership or a government and who ceases to practise.

DIVISION II
PERMANENT CESSATION OF PRACTICE

2. A member who decides to permanently cease to practise shall, within 15 days before the date on which the cessation is to take effect, notify the secretary by registered mail of the date of cessation and of the name, address and telephone number of the member who has agreed to be the transferee of the items referred to in section 1, and shall send a copy of the transfer agreement to the secretary.

Where the member has not been able to arrange for a transfer, the notice to the secretary shall indicate the

date on which the member will hand over the items referred to in section 1 to the secretary.

3. Where a member dies or is permanently struck off the roll, or where a member's permit is revoked, the secretary shall take possession of the items referred to in section 1 within 15 days following the event, unless the member had arranged for a transfer, a copy of which shall be sent by the member to the secretary within the same time.

4. Where a transfer had been arranged for but cannot be carried out, the secretary shall take possession of the items referred to in section 1.

5. Where a member permanently ceases to practise, the transferee or the secretary, as the case may be, shall, within 30 days following the date on which the transferee or secretary takes possession of the items referred to in section 1,

(1) have a notice published twice, at a 10-day interval, in a newspaper serving the region in which the member practised; the notice shall state

(a) the date of taking of possession and the reasons therefor;

(b) the time that clients have to accept the transfer, to take back the items from the records that belong to them or to request that the items be transferred to another professional; and

(c) the address and telephone number of the transferee or the secretary and the office hours during which that person can be reached; or

(2) send a notice in writing to each client of the member who has ceased to practise, stating the information prescribed in subparagraph 1.

Where the notice has been published, a notice in writing stating the information prescribed in subparagraph 1 shall also be sent to any client whose interests so warrant.

Where the notice is sent by the transferee, a copy shall likewise be sent to the secretary.

6. Where a transferee or the secretary is in possession of the items referred to in section 1, that person shall take the necessary measures to safeguard the interests of the member's clients.

7. A transferee or the secretary, as the case may be, shall respect a person's right to consult and obtain cop-

ies of documents concerning the person and contained in a record made in the person's regard.

8. Where a transferee or the secretary takes possession of items referred to in section 1, that person shall keep the items for a period of not less than 5 years.

During that period, the secretary may transfer the items referred to in section 1 to a transferee, in which case the transferee is bound by the requirements of section 5.

DIVISION III TEMPORARY CESSATION OF PRACTICE

9. A member who decides to temporarily cease to practise shall, within 15 days before the date on which the cessation is to take effect, notify the secretary by registered mail of the date of cessation and of the name, address and telephone number of the member who has agreed to be the provisional custodian of the items referred to in section 1, and shall send a copy of the provisional custodianship agreement to the secretary.

Where the member has not been able to arrange for provisional custodianship, the member shall so inform the secretary, who shall then notify the member of the date on which the secretary or the provisional custodian appointed for that purpose by the Bureau will take possession of the items referred to in section 1.

10. In the case of a member temporarily struck off the roll or under permit suspension, the secretary shall take possession of the items referred to in section 1 within 15 days of the event, unless the member had arranged for provisional custodianship, a copy of which shall be sent by the member to the secretary within the same time.

Where the member has not been able to arrange for provisional custodianship within that time, the secretary shall take possession of the items referred to in section 1, unless a provisional custodian has been appointed for that purpose by the Bureau.

11. Where provisional custodianship had been arranged for but cannot be carried out, the secretary shall take possession of the items referred to in section 1.

12. Sections 6 and 7 apply to a provisional custodian or to the secretary where that person takes possession of the items referred to in section 1 pursuant to this Division.

13. Where a member is temporarily struck off the roll or is under practice suspension for more than

6 months, the provisional custodian or the secretary is bound by the requirements of section 5.

DIVISION IV RESTRICTION OF THE RIGHT TO PRACTISE

14. Where a decision has been made against a member restricting the member's right to practise and determining the professional acts that the member is not authorized to perform, the member shall find a provisional custodian within 15 days of the date on which the restriction is to take effect for the items referred to in section 1 that relate to such unauthorized acts.

Where the member has not been able to arrange for provisional custodianship within that time, the provisional custodian appointed for that purpose by the Bureau or the secretary shall take possession of the items referred to in section 1 that relate to such unauthorized acts.

15. Sections 6 and 7 apply to a provisional custodian or to the secretary where that person takes possession of the items referred to in section 1 pursuant to this Division.

16. This Regulation replaces the Regulation respecting the records of a town planner who ceases to practise (R.R.Q., 1981, c. C-26, r. 195).

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

8663

Gouvernement du Québec

O.C. 1376-94, 7 September 1994

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

Flat glass — Amendments

Decree to amend the Decree respecting the flat glass industry

WHEREAS the Government made the Decree respecting the flat glass industry (R.R.Q., 1981, c. D-2, r. 52);

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft Decree to amend that Decree was published in Part 2 of the *Gazette officielle du Québec* of 13 July 1994, with a notice that it could be made by the Government at the expiry of a 45-day period following that publication;

WHEREAS it is expedient to approve the draft Decree without amendments and to make the Decree attached hereto, for that purpose;

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

THAT the Decree to amend the Decree respecting the flat glass industry, attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the flat glass industry

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

1. The Decree respecting the flat glass industry (R.R.Q., 1981, c. D-2, r. 52), amended by the Regulations made by Orders in Council 89-82 dated 13 January 1982 (Suppl., p. 466), 516-82 dated 3 March 1982 (Suppl., p. 470), 1105-83 dated 25 May 1983, 2781-84 dated 12 December 1984, 2029-85 dated 3 October 1985, 51-86 dated 29 January 1986, 1124-87 dated 22 July 1987, 1030-90 dated 11 July 1990 and 1621-92 dated 4 November 1992, is further amended in section 2.01 by deleting subparagraph *d* of the first paragraph.

2. Section 2.05 of the Decree is deleted.

3. Section 3.01 of the Decree is amended by deleting the words "or framer-mosquito net setter" in subparagraph 11 of the first paragraph.

4. Section 3.02 of the Decree is amended by deleting the words "or mosquito net setter" in the second paragraph.

5. Section 4.04 of the Decree is amended

(1) by deleting the words "or mosquito net setter"; and

(2) by substituting the words "inner doors or residential windows" for the words "inner doors, residential windows or mosquito nets".

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

8671

Gouvernement du Québec

O.C. 1400-94, 7 September 1994

Forest Act
(R.S.Q., c. F-4.1)

**Operating permits for wood processing plants
— Amendments**

Regulation to amend the Regulation respecting operating permits for wood processing plants

WHEREAS under paragraph 16 of section 172 of the Forest Act (R.S.Q., c. F-4.1 as amended by Chapter 55 of the Statutes of 1993), the Government may, by regulation, establish classes of wood processing plants;

WHEREAS under paragraph 17 of section 172 of that Act, the Government may, by regulation, prescribe the conditions to be met by an applicant for the issue or renewal of a wood processing plant operating permit, the dues payable by him for the issue or renewal, the classes of annual timber consumption authorized and the form and content of the register he must keep pursuant to section 168, and the time at which the register must be transmitted;

WHEREAS by Order in Council 908-88 dated 8 June 1988, the Government made the Regulation respecting operating permits for wood processing plants;

WHEREAS it is expedient to amend that Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 July 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 with certain minor amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Regulation respecting operating permits for wood processing plants, attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting operating permits for wood
processing plants**

Forest Act
(R.S.Q., c. F-4.1, s. 172, pars. 16 and 17)

1. The Regulation respecting operating permits for wood processing plants, made by Order in Council 908-88 dated 8 June 1988 and amended by Order in Council 871-89 dated 7 June 1989 and by Order in Council 271-92 dated 26 February 1992, is further amended by substituting the following for section 1:

"1. For the purposes of Title IV of the Forest Act (R.S.Q., c. F-4.1), the classes of wood processing plants are:

(1) pulp and paper industries manufacturing market pulps, newsprint, building papers, cardboards, low-density board and other paper products such as printing and writing papers, wrapping paper, tissue papers, papers for special uses and toilet papers;

(2) lumber industries manufacturing building lumber, shop lumber, shingles, pallet, box and container components and other sawed products such as railroad ties, laths and mining timber;

(3) veneer and plywood industries manufacturing veneers, plywoods and other products produced by peeling or slicing such as laminated products, tongue depressors and chopsticks;

(4) wood-derived product industries manufacturing composite panels and other reconstituted products;

(5) wood turning and shaping industries manufacturing posts, piles, rustic furniture components, log house components and fence posts;

(6) cogeneration industries and wood-based or wood-waste-based energy product industries manufacturing charcoal, compressed products for combustion, ethanol and methanol; and

(7) other wood processing industries manufacturing wooden articles, building and packing materials, torrefied

wood and chips for shipment outside Québec or for use for energy or metallurgical purposes.”.

2. Section 3 is amended by substituting the word “April” for the word “June” in the first paragraph and by substituting the words “1 February of each year” for the words “15 May of each year” in paragraph 3.

3. The following is substituted for section 4:

“4. Every person shall pay the following fees for the issue or renewal of an operating permit for a wood processing plant in accordance with the annual authorized consumption class fixed for his plant:

Annual authorized consumption class (cubic metres)	Fees for permit \$
1 - 2 000	50
2 001 - 5 000	112
5 001 - 10 000	198
10 001 - 15 000	268
15 001 - 25 000	385
25 001 - 50 000	627
50 001 - 100 000	1 027
100 001 - 150 000	1 358
150 001 - 200 000	1 631
200 001 - 300 000	2 083
300 001 - 400 000	2 457
400 001 - 500 000	2 767
500 001 - 600 000	3 023
600 001 - 700 000	3 234

Classes in excess of 700 000 cubic metres shall be divided into units of 100 000 cubic metres and the fees shall be increased by \$200 for each unit of 100 000 cubic metres.”.

4. The following is substituted for section 4.1:

“4.1 The amounts provided for in section 4 shall be increased on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada.

The amounts indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of Natural Resources shall inform the public, through the *Gazette officielle du Québec* and by

such other means as the Minister may consider appropriate, of the indexing calculated under this section.”.

5. The following is substituted for section 5:

“5. The holder of an operating permit for a wood processing plant shall keep a register in the following form:

(1) the register shall consist of four parts: Part I entitled “Identification of the holder of an operating permit for a wood processing plant”; Part II entitled “Inventories, receipt and consumption of ligneous matter”; Part III entitled “Type and quantities of manufactured products”; Part IV entitled “Statement of the holder of a plant permit on the accuracy of the information given in the register”;

(2) Parts II and III shall contain only information applicable to the permit holder’s plant; and

(3) the permit holder shall use the form provided by the Minister or a computer data base provided by him and containing the particulars mentioned in this section.”.

6. For the year 1994-1995, the register prescribed in section 168 of the Act and the fees fixed in section 4 shall be sent to the Minister no later than 1 November 1994.

The permit holder’s permit remains in force until that date or until the register and the fees mentioned in the first paragraph are sent to the Minister if they are sent before that date.

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

8667

Gouvernement du Québec

O.C. 1424-94, 7 September 1994

Loi sur la Régie des alcools, des courses et des jeux (L.R.Q., c. R-6.1)

Signature

Authorization to use an automatic device to affix the signature of the president and of the secretary of the Régie des alcools, des courses et des jeux

WHEREAS under the first paragraph of section 18 of the Act respecting the Régie des alcools, des courses et des jeux (1993, c. 39), amended by section 2 of Chapter 71 of the Statutes of 1993, no act, document or writing is binding upon the Régie des alcools, des courses et des jeux, or may be attributed to it, unless it is signed by the president, a vice-president, the secretary or a commissioner or a personnel member designated by the board and only, in the last two cases, to the extent determined by the Government;

WHEREAS under the second paragraph of that section, the Government may, on the conditions and for the documents it determines, allow the required signature to be affixed by means of an automatic device and may also allow a facsimile of such signature to be engraved, lithographed or printed on such documents;

WHEREAS it is expedient to authorize the use of an automatic device to affix the signature of the president and of the secretary of the board on certain acts, documents and writings emanating from the board or that a facsimile of those signatures be engraved, lithographed or printed on such documents;

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

THAT the use of an automatic device be authorized to affix the signature of the president of the Régie des alcools, des courses et des jeux on the following documents or that a facsimile of that signature be engraved, lithographed or printed on those documents:

(1) a decision of the board, except a decision rendered subsequent to a hearing;

(2) a true copy of a document emanating from the board in accordance with section 17 of the Act respecting the Régie des alcools, des courses et des jeux (1993, c. 39);

(3) a permit referred to in section 25 of the Act respecting liquor permits (R.S.Q., c. P-9.1) or in section 24 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13);

(4) a licence referred to in sections 57 to 62 and 64 of the Act respecting racing (R.S.Q., c. C-72.1), in sections 34 and 52.3 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), in section 4 of the Lottery Schemes Regulation, made by Order in Council 2704-84 dated 5 December 1984, as it reads when it must be applied, in sections 2 and 2.1 of the Regulation respecting amusement machines (R.R.Q., 1981, c. L-6, r. 1) and in section 21 of the Rules con-

cerning video lottery machines, approved by Order in Council 1254-93 dated 1 September 1993;

(5) a notice of assessment given under section 83 or 94 of the Act respecting lotteries, publicity contests and amusement machines, authorization issued under section 52.6 of that Act or under section 57.1 thereof, enacted by section 39 of Chapter 71 of the Statutes of 1993, and a certificate of exigibility issued under section 82 of that Act;

(6) a notice to the secretary-treasurer or the clerk of a municipality under section 36.1 of the Act respecting lotteries, publicity contests and amusement machines or under section 96 of the Act respecting liquor permits;

(7) a certificate attesting that a person is authorized to carry out a verification, an examination, an inquiry or an inspection under section 90 or 101 of the Act respecting racing, under section 68.2 of the Act respecting lotteries, publicity contests and amusement machines, under section 113 of the Act respecting liquor permits or under section 34 of the Act respecting the Société des alcools du Québec;

(8) authorization for a tasting, issued under section 14 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages, approved by Order in Council 1529-91 dated 6 November 1991, as it reads when it must be applied;

(9) a certificate of compliance issued under section 23 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages, as it reads when it must be applied;

(10) the board's agreement in respect of the sale and delivery of alcohol, given under section 100 of the Act respecting offences relating to alcoholic beverages (R.S.Q., c. I-8.1), and a notice from the board to a manufacturer or vendor pursuant to section 102 of that Act, to the effect that a product contains alcoholic beverages and is used for beverage purposes;

(11) notice of a hearing before the board;

(12) an attestation issued under the first paragraph of article 66 of the Code of Penal Procedure (R.S.Q., c. C-25.1);

(13) a registration certificate provided for in section 88 of the Act respecting racing, and a registration attestation provided for in section 81 of that Act; and

(14) a request or demand referred to in section 102 of the Act respecting racing, in section 70 of the Act re-

specting lotteries, publicity contests and amusement machines, or in section 110 of the Act respecting liquor permits;

THAT the use of an automatic device be authorized to affix the signature of the secretary of the board or that a facsimile of that signature be engraved, lithographed or printed on true copies of documents emanating from the board in accordance with section 17 of the Act respecting the Régie des alcools, des courses et des jeux;

THAT the Regulation of the Régie des loteries du Québec respecting delegation of signature, approved by Order in Council 1723-91 dated 11 December 1991, be revoked; and

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

BENOÎT MORIN,
Clerk of the Conseil exécutif

8670

Gouvernement du Québec

O.C. 1428-94, 7 September 1994

An Act respecting the Ministère de la Sécurité du revenu (R.S.Q., c. M-19.1)

Signing of certain documents

Regulation respecting the signing of certain documents of the Ministère de la Sécurité du revenu

WHEREAS under the first paragraph of section 14 of the Act respecting the Ministère de la Sécurité du revenu (R.S.Q., c. M-19.1, as amended by Chapter 66 of the Statutes of 1993 and by Chapter 12 of the Statutes of 1994), no deed, document or writing shall bind the department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or by a member of the personnel of the department and only, in the case of such member, to the extent determined by regulation of the Government;

WHEREAS under the second paragraph of section 14 of the Act, a member of the personnel of a body is, to the extent that he is assigned to the carrying out of a program entrusted to the body by agreement with the Minister, a member of the personnel of the department and he can bind the department to the extent determined by regulation of the Government;

WHEREAS under such an agreement, the ville de Montréal administers income security programs within its territory;

WHEREAS it is expedient to replace the Regulation respecting the signing of certain documents of the Ministère de la Sécurité du revenu, made by Order in Council 1030-92 dated 8 July 1992 and amended by section 69 of Chapter 12 of the Statutes of 1994, to reflect the new administrative situation within the department;

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

THAT the Regulation respecting the signing of certain documents of the Ministère de la Sécurité du revenu, attached to this Order in Council, be made.

BENOÎT MORIN,
● *Clerk of the Conseil exécutif*

Regulation respecting the signing of certain documents of the Ministère de la Sécurité du revenu

An Act respecting the Ministère de la Sécurité du revenu (R.S.Q., c. M-19.1, s. 14)

1. Subject to other conditions of validity that may be prescribed by law, any document signed by the following persons in accordance with the authorization given in this Regulation binds the Ministère de la Sécurité du Revenu in the same way as if it had been signed by the Minister: the members of the personnel of the Ministère de la Sécurité du revenu and, to the extent provided for in sections 9, 10 and 11, of the Ville de Montréal who occupy the positions listed hereinafter and, as the case may be, persons authorized to occupy those positions on an interim basis.

2. The director general of financial administration, in respect of all departmental activities, and an assistant deputy minister or a director general, in respect of their sector of activity, are authorized to sign,

(1) supply contracts;

(2) services contracts;

(3) agreements pertaining to the granting of subsidies for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

(4) lease contracts for rooms for administrative purposes; and

(5) documents containing a request or commitment made by the department in respect of the Société immobilière du Québec.

3. An assistant director general is authorized to sign, in respect of his sector of activity,

(1) supply contracts;

(2) services contracts for less than \$200 000, except those pertaining to advertising;

(3) agreements pertaining to the granting of subsidies of up to \$150 000 for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

(4) agreements pertaining to the granting of subsidies under the External Manpower Services Program for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

(5) lease contracts for rooms for administrative purposes; and

(6) documents containing a request or commitment made by the department in respect of the Société immobilière du Québec.

4. The Minister's secretary, in respect of his administrative unit and the Deputy Minister's office, the director of the Minister's office, the director or an assistant director of a branch, a service head, the department coordinator of ongoing quality improvement and the director of the Bureau des renseignements et des plaintes are authorized to sign, in respect of their administrative units,

(1) supply contracts comprised in an open contract or pertaining to special funds, subscriptions and books;

(2) supply contracts for less than \$25 000, other than those referred to in paragraph 1;

(3) lease contracts for rooms for administrative purposes; and

(4) services contracts for less than \$10 000, except those pertaining to advertising.

5. A regional director within the Travail-Québec network is authorized to sign, in respect of his administrative units,

(1) supply contracts comprised in an open contract or pertaining to special funds, subscriptions and books;

(2) supply contracts for less than \$25 000, other than those referred to in paragraph 1;

(3) agreements pertaining to the granting of subsidies of up to \$150 000 for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

(4) agreements pertaining to the granting of subsidies under the External Manpower Services Program for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

(5) lease contracts for rooms for administrative purposes;

(6) services contracts for less than \$10 000, except those pertaining to advertising; and

(7) documents containing a request or commitment made by the department in respect of the Société immobilière du Québec.

6. The director of a Travail-Québec centre, an assistant director or an assistant to the director of such centre, and the head and assistant head of the Service d'aide financière de garde et d'hébergement are authorized to sign, in respect of their centre or service,

(1) supply contracts comprised in an open contract or pertaining to special funds, subscriptions and books;

(2) supply contracts for less than \$25 000, other than those referred to in paragraph 1;

(3) agreements pertaining to the granting of subsidies of up to \$75 000 for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

(4) lease contracts for rooms for administrative purposes;

(5) services contracts for less than \$10 000, except those pertaining to advertising; and

(6) documents containing a request or commitment made by the department in respect of the Société immobilière du Québec.

7. The program director of a regional branch of the Travail-Québec network is authorized to sign, in respect of the administrative units of the region to which he is assigned, agreements pertaining to the granting of subsidies of up to \$150 000 for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

8. The director of administrative services of a regional branch of the Travail-Québec network is authorized to sign, in respect of the administrative units in the region to which he is assigned,

(1) supply contracts comprised in an open contract or pertaining to special funds, subscriptions and books;

(2) supply contracts for less than \$25 000, other than those referred to in paragraph 1;

(3) lease contracts for rooms for administrative purposes;

(4) services contracts for less than \$10 000, except those pertaining to advertising; and

(5) documents containing a request or commitment made by the department in respect of the Société immobilière du Québec.

9. The director of the Service des loisirs, des parcs et du développement communautaire of the ville de Montréal and the assistant director, in respect of the income security module of that city, are authorized to sign

(1) agreements pertaining to the granting, in the area of income security and to persons coming under their administrative units, of subsidies of up to \$150 000 for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor; and

(2) agreements pertaining to the granting, to persons coming under their administrative units, of subsidies under the External Manpower Services Program for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor.

10. The superintendent of operations, the superintendent of regionalized services and the head of the programs division are authorized to sign, in respect of

the income security module of the ville de Montréal, agreements pertaining to the granting, in the area of income security and to persons coming under their administrative units, of subsidies of up to \$150 000 for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor.

11. A manager and an assistant manager of a local office of the income security module of the ville de Montréal are authorized to sign agreements pertaining to the granting, in respect of income security and to persons coming under that local office, of subsidies of up to \$75 000 for which the standards of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor.

12. The director of physical resources is authorized to sign, in respect of all departmental activities,

(1) supply contracts;

(2) lease contracts for rooms for administrative purposes;

(3) services contracts for less than \$50 000, except those pertaining to advertising; and

(4) documents containing a request or commitment made by the department in respect of the Société immobilière du Québec.

13. The head of the Service de la gestion des espaces et des documents of the Direction des ressources matérielles is authorized to sign documents containing a request or commitment made by the department in respect of the Société immobilière du Québec.

14. The head of the Service de l'approvisionnement et des contrats of the Direction des ressources matérielles is authorized to sign, in respect of all departmental activities,

(1) supply contracts;

(2) services contracts for less than \$25 000, except those pertaining to advertising; and

(3) lease contracts for rooms for administrative purposes.

15. The person in charge of the supply division of the Service de l'approvisionnement et des contrats of the Direction des ressources matérielles is authorized to sign supply contracts in respect of all departmental activities.

16. The person in charge of the services contracts division of the Service de l'approvisionnement et des contrats of the Direction des ressources matérielles is authorized to sign, in respect of all departmental activities, services contracts for less than \$10 000, except those pertaining to advertising.

17. The assistant deputy minister and director general of organizational performance is authorized to sign, in respect of all departmental activities related to human resources development,

(1) supply contracts;

(2) services contracts, except those pertaining to advertising; and

(3) lease contracts for rooms for administrative purposes.

18. The director of human resources is authorized to sign, in respect of all departmental activities related to human resources development,

(1) supply contracts;

(2) services contracts for less than \$25 000, except those pertaining to advertising; and

(3) lease contracts for rooms for administrative purposes.

19. The head of the Service du développement du personnel et des cadres of the Direction des ressources humaines is authorized to sign, in respect of all departmental activities related to human resources development,

(1) supply contracts comprised in an open contract or pertaining to special funds, subscriptions and books;

(2) supply contracts for less than \$25 000, other than those referred to in paragraph 1;

(3) lease contracts for rooms for administrative purposes; and

(4) services contracts for less than \$10 000, except those pertaining to advertising.

20. The director of communications is authorized to sign, in respect of that branch's sector of activity, services contracts for less than \$25 000.

21. The head of a service within the Direction des communications is authorized to sign, in respect of that

branch's sector of activity, services contracts for less than \$10 000.

22. The administrative assistant in the Minister's office is authorized to sign, in respect of that administrative unit, supply contracts for less than \$500.

23. The assistant deputy minister and director general of organizational performance, the assistant deputy minister and director general of the Travail-Québec network, the director general of financial administration, the assistant director general of the Travail-Québec network, a regional director within the Travail-Québec network, the director of examinations and investigations, the director of collection and receipts and the director of audit quality are authorized to sign, in respect of their administrative units,

(1) a writing designating a person to act as an investigator under section 11 of the Act respecting the Ministère de la Sécurité du revenu (R.S.Q., c. M-19.1) or section 72 of the Act respecting income security (R.S.Q., c. S-3.1.1);

(2) a writing designating a person to act as an examiner under section 70 of the Act respecting income security; and

(3) a certificate attesting to a person's capacity as examiner or investigator and issued under section 74 of the Act respecting income security.

24. The assistant deputy minister and director general of the Travail-Québec network, the assistant director general of the Travail-Québec network and a regional director of the Travail-Québec network are authorized to sign, in respect of their administrative units, a writing designating a person to hear an application for review under section 77 of the Act respecting income security.

25. The director of collection and receipts and the head of the Service des mesures légales et du support aux opérations of the Direction du recouvrement et des encaissements are authorized to sign any document required to set up a hypothec or otherwise guarantee a claim of the department, as well as any document related thereto.

26. The persons named in this Regulation are authorized to certify as true documents and copies of documents that are issued by the department or belong to its records and that those persons are authorized to sign under the provisions applying to them or in accordance with the powers conferred on them by their position. Those persons may also certify as true any document or

copy of a document pertaining to the matters within their sector of activity, administrative unit, centre or local office, including a transcription of a decision, of a certificate or of any other data stored by the department on computer or on any other computer medium.

The Minister's secretary, the director of examinations and inquiries and the director of collection and receipts are authorized to certify as true any document or copy of a document issued by the department or belonging to its records, including a transcription of a decision, of a certificate or of any other data stored by the department on computer or on any other computer medium.

27. This Regulation replaces the Regulation respecting the signing of certain documents of the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle, made by Order in Council 1030-92 dated 8 July 1992.

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

8666

Gouvernement du Québec

O.C. 1433-94, 7 September 1994

An Act respecting government services to departments and public bodies and amending various legislative provisions (1994, c. 18)

Government services**— Signing of certain acts, documents or writings**

Regulation respecting the signing of certain acts, documents or writings by members of the personnel of the Conseil du trésor assigned to government services

WHEREAS the Act respecting government services to departments and public bodies and amending various legislative provisions (1994, c. 18) was assented to on 17 June 1994 and came into force on that date;

WHEREAS under section 6 of that Act, the Government shall designate the department or public body that shall put members of its personnel at the disposal of the Minister responsible for the administration of that Act;

WHEREAS under Order in Council 1171-94 dated 3 August 1994, the Conseil du trésor was designated as the public body that shall put members of its personnel

at the disposal of the Minister responsible for the administration of that Act;

WHEREAS under section 8 of that Act, no act, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister of the department or the chief executive officer of the body designated under section 6 or by a member of the personnel of the department or body and, in the case of such a member, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS under section 22 of the Act, the Government shall designate, from among the personnel of the department or body designated under section 6, a person holding the rank of administrator of state to act as Québec Official Publisher;

WHEREAS under section 28 of that Act, no act, document or writing is binding on the Official Publisher or may be attributed to him unless it is signed by him or by a member of the personnel of the department or body designated under section 6 and, in the case of such a member, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister for Government Services:

THAT the Regulation respecting the signing of certain acts, documents or writings by members of the personnel of the Conseil du trésor assigned to government services, attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the signing of certain acts, documents or writings by members of the personnel of the Conseil du trésor assigned to government services

An Act respecting government services to departments and public bodies and amending various legislative provisions (1994, c. 18)

1. The members of the personnel of the Conseil du trésor assigned to government services who hold, on a permanent or interim basis, the positions mentioned in this Regulation, within the limits of their respective

duties, are authorized to sign, in the place and stead of the Minister for Government Services or the Québec Official Publisher, as the case may be, and with the same authority, the acts, documents or writings mentioned after their respective positions.

2. The Associate Secretary, the Deputy Secretaries and the Director General of Administration are authorized to sign all contracts.

3. The directors general, for the sectors of activity for which they are responsible, are authorized to sign services contracts entered into with individuals, contracts for the supply of personnel, supply contracts, services contracts, except for construction contracts, financial services contracts, legal services contracts and insurance contracts.

In addition, the Director General of Telecommunications is authorized to sign construction contracts for communications sites. The Director General of Services is authorized to sign insurance contracts.

4. The directors, service heads and division heads, for the sectors of activity for which they are responsible, are authorized to sign supply contracts and services contracts, except for contracts for the supply of personnel, construction contracts, financial services contracts, legal services contracts, insurance contracts and services contracts entered into with individuals.

5. The warehousemen, for the sectors of activity for which they are responsible, are authorized to sign auxiliary services contracts.

6. The booksellers, for the sectors of activity for which they are responsible, and the person responsible for laboratory supplies are authorized to sign supply contracts. Order clerks are authorized to sign services contracts for telecommunications services.

7. The person in charge of supply is authorized to sign contracts for the alienation of surplus moveable property, subject to the powers conferred on the General Purchasing Director.

8. The Human Resources Director is authorized to sign services contracts entered into with individuals, as well as contracts for the supply of personnel.

9. The Financial Resources Director and the Material Resources Director are authorized to sign contracts for the alienation of surplus moveable property, subject to the powers conferred on the General Purchasing Director, supply contracts and services contracts, except for contracts for the supply of personnel, construction con-

tracts, financial services contracts, legal services contracts, insurance contracts and services contracts entered into with individuals.

10. The directors general, directors, service heads, division heads and booksellers, for the sectors of activity for which they are responsible, are authorized to sign sales contracts, rental contracts, loan contracts, exchange contracts, contracts for operating licences for goods and services and deposit or consignment contracts.

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

8665

Draft Regulations

Draft Regulation

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

Bar

— Procedure for conciliation and arbitration of accounts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting the procedure for conciliation and arbitration of accounts of advocates", made by the Conseil général of the Barreau du Québec, the text of which appears below, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation respecting the procedure for conciliation and arbitration of accounts of advocates

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

DIVISION I CONCILIATION

1. A client or a person who has a dispute with an advocate over the amount of an unpaid statement of account may apply for conciliation by the syndic so long as such client or person has not been validly served with an action by the advocate.

2. A client or the person who, for the benefit of the client, has already paid all or part of an advocate's statement of account, may, within forty-five (45) days of receipt of such account, apply for conciliation with respect to the amount already paid. Section 1 above continues to apply with respect to the unpaid portion of such account.

When the statement of account has been paid out of monies held by the advocate or received by the advocate on behalf of or in the name of the client, the delay for applying for conciliation begins when the latter is informed of such payment.

3. The syndic shall, forthwith upon receipt, inform the advocate of any application for conciliation with respect to one of the advocate's statements of account. If the advocate cannot be informed personally, a notice given to the advocate's office is deemed to have been given to the advocate.

The advocate may not institute an action for the recovery of his professional fees from the time the syndic informs him of the application for conciliation with respect to that statement of fees until the expiry of the period provided for sending a submission to arbitration, or, if there is submission to arbitration, until the Arbitration Committee has rendered its decision.

Nevertheless, the syndic may permit an action when there is reason to fear that without same, the recovery of the debt would be jeopardized.

4. The syndic proceeds to conciliation in the manner he deems most appropriate.

5. If there is no agreement, the syndic shall send the conciliation report to each party. He shall also send the client a copy of this regulation and, where the Regulation applies to the submission, shall inform the client of the deadline for sending a submission to arbitration.

In his report, the syndic shall indicate, if applicable:

1° the amount that the client acknowledges owing;

2° the reason this Regulation does not apply to the application for conciliation.

DIVISION II ARBITRATION

§1. Submission to arbitration

6. After having submitted to conciliation according to the procedure determined by the syndic under section 4, a client or a person whose conciliation application ended in failure, may request arbitration.

To do so, he or she shall, within thirty (30) days of the sending of the report, remit to the Executive Director the signed form set forth in Schedule I together with a copy of the conciliation report and the amount that the client acknowledges as being owed by him, failing which the client shall forfeit the right to arbitration.

For the purposes of this Regulation, delays are computed pursuant to the provisions of the Code of Civil Procedure.

7. Upon receipt of submission to arbitration pursuant to section 6, the Executive Director shall send a copy of the application to the advocate.

8. The submission to arbitration may only be withdrawn in writing, and the advocate shall consent to such withdrawal.

9. The advocate who acknowledges his obligation to repay an amount must deposit such amount with the Executive Director.

10. The amount deposited pursuant to sections 6 or 9, is remitted by the Executive Director to the party in whose favour the debt has been acknowledged.

In such a case, the arbitration is continued with respect to the balance of the amount in dispute.

§2. Formation of Arbitration

11. The Arbitration Committee shall consist of three (3) arbitrators where the amount in dispute is equal to \$7,000 or more, and one arbitrator in all other cases.

In the former case, at the request of all the parties, the dispute may also be heard by a single arbitrator.

12. The Bâtonnier of Quebec shall appoint the Arbitration Committee. If the Committee consists of three arbitrators, he shall appoint a President and a Secretary from among the arbitrators. In the event that there is only one arbitrator, such arbitrator shall act as President and Secretary.

13. The Executive Director shall advise the arbitrators and the parties of the formation of the Arbitration Committee by written notice.

14. An arbitrator may be recused in such cases as are set forth in Article 234 of the code of Civil Procedure, save and except for Section 234(7). The application for recusation must be transmitted in writing to the Executive Director and the Arbitration Committee and to the parties or their advocates within ten (10) days of the notice provided in Section 13 or within ten (10) days of the date on which the cause for recusation becomes known.

The Bâtonnier of Quebec adjudicates on such request and, if appropriate, proceeds with the replacement.

§3. Hearing

15. The Secretary or the Executive Director shall give the parties or their advocate a written notice of at least ten (10) days of the date, time and place of the hearing.

16. Where arbitration takes place before a single arbitrator, the witnesses are notified to appear by the Executive Director. In all other cases, they are notified to appear by the Secretary of the Committee.

17. Where an applicant does not reside in the Province of Quebec, such applicant must, before the hearing, deposit with the Executive Director a security deposit in the amount fixed by the President, failing which the applicant shall forfeit the right to arbitration.

18. Each party may be represented by or be assisted by an advocate.

19. The arbitration Committee may order the parties to submit, within a given delay, a statement of their contentions along with the documents in support thereof.

20. The Arbitration Committee may render any order it considers appropriate with respect to the monies deposited.

21. The Arbitration Committee shall diligently hear the parties, receive their evidence or record their default; it shall observe the rules of civil evidence, adopt procedures which it believes are the most appropriate and issue its award in accordance with legal principles.

22. A party who requires the recording of testimony is responsible for the cost thereof.

23. If proceedings in improbation are taken, the Committee shall refer the parties to a court having jurisdiction, which court may order the suspension of the arbitration period until final judgment is rendered in the matter.

24. In the case of the death or inability to act of an arbitrator, the others, if they are in agreement, shall terminate the matter and their decision is valid.

Where the Arbitration Committee is composed of a single arbitrator, the latter is replaced pursuant to Section 12 and the matter is reheard.

25. The secretary shall draft and sign the minutes of the hearing, which minutes shall state whether the parties required the proceeding to be recorded. The minutes are *prima facie* proof of their contents.

§4. Arbitration award

26. The arbitration Committee shall issue its award within forty-five (45) days from the completion of the hearing.

27. In the case of a three member Arbitration Committee, the award shall be determined by decision of the majority. In all cases, the award must be reasoned and be signed by the members of the Arbitration Committee who endorse it.

28. In its award, the Arbitration Committee may adjudicate the costs of the arbitration, that is, the expenses incurred by the Bar for the holding of the arbitration. Nevertheless, the total amount of the expenses shall not exceed 15 % of the amount which is in dispute.

The Arbitration Committee may also, when the disputed statement of account is maintained in whole or in part, or when a repayment is awarded, add interest thereto and an indemnity pursuant to Sections 1618 and 1619 of the Civil Code of Quebec with effect from the date of the application for conciliation.

29. In its award, the Arbitration Committee may maintain or reduce the disputed statement of account and may also, if appropriate, order repayment to a party.

For such purposes, it may in particular take into account the quality of the services rendered.

30. The arbitration award is final, may not be appealed and is executory in accordance with Sections 946 to 946.6 of the Code of Civil procedure.

The parties must comply with the arbitration award.

31. The Secretary shall file the award at the office of the Executive Director who shall forward it to the parties or their advocates and to the syndic.

The Secretary shall also send the Executive Director the complete arbitration file. True copies of all or part of such file may only be given to the parties or their advocates and to the syndic.

DIVISION III TRANSITIONAL AND FINAL

32. This Regulation applies to applications for conciliation sent to the syndic after the date on which it comes into force.

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

SCHEDULE 1

(s. 6)

SUBMISSION TO ARBITRATION OF AN ACCOUNT

I, the undersigned, _____
(Surname) (name)

_____ (address) (occupation)
state as follows:

1) On _____, Maître _____ sent a statement of account for professional services to _____.

2) Check *a* or *b*:

(*a*) I am the client requesting arbitration;

(*b*) I am the mandatary of the client submitting to arbitration and I am duly authorized, in virtue of an authorization, to sign these presents, in his name.

3) Check *a* or *b*:

(*a*) I refuse to pay this bill.

(*b*) I request reimbursement in the amount of _____ \$;

Reasons: _____

4) I acknowledge that I owe the amount of _____ \$; I therefore file, with this application, a certified cheque for this amount payable to the order of the Directeur général du Québec "in trust".

5) I agree to comply with the procedure prescribed in the Regulation respecting the procedure for conciliation and arbitration of accounts of advocates and the resulting arbitration award.

6) I hereby waive the benefit of any time elapsed with respect to prescription.

Date

Signature

8708

Draft Regulation

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

Engineers — Professional Liability Insurance

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting professional liability insurance for the members of the Ordre des ingénieurs du Québec", made by the Bureau of the Ordre des ingénieurs du Québec, the text of which appears below, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation respecting professional liability insurance for the members of the Ordre des ingénieurs du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. 1)

SECTION I PROFESSIONAL LIABILITY INSURANCE

1. Every member of the Ordre des ingénieurs du Québec shall join the group plan contract for professional liability insurance entered into by the Ordre.

SECTION II PROVISIONAL AND FINAL

2. The member shall join the contract referred to in section I on the coming into force of the said contract.

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

8707

Draft Regulation

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

Rules of procedure of the Régie du logement — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Rules of procedure of the Régie du logement, to which the meeting of commissioners gave its agreement in principle on 15 September 1994, the text of which appears below, may be made upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to strike out section 60 of the Rules of procedure of the Régie du logement to make the Regulation comply with the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), in accordance with the judicial interpretation which was made thereof.

With the striking out of section 60, access to judicial records would no longer be restricted only to the parties in the case records.

To date, the draft indicates the following impacts:

— it would provide greater accessibility to judicial records;

— it would allow any dispute on the matter to be avoided.

Additional information may be obtained by writing to Carole Mc Murray, advocate, 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.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Régie du logement, 1, rue Notre-Dame Est, 11^e étage, Montréal, H2Y 1B6.

RODRIGUE DUBÉ,
Chairman of the Régie du logement

Regulation to amend the Rules of procedure of the Régie du logement

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

1. The Rules of procedure of the Régie du logement, approved by the Minister responsible for the application of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), on 23 November 1992 and published in Part 2 of the *Gazette officielle du Québec* of 2 December 1992, on page 5055, and amended by the Regulation published in the *Gazette officielle du Québec* of 1 June 1994, on page 2001, are further amended by striking out section 60.

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

8680



Index Statutory Instruments

Abbreviations: A: Abrogated, N: New, M: Modified

Regulations — Statutes	Page	Comments
Bar — Compulsory contribution to the Professional Liability Insurance Fund ... (Professional Code, R.S.Q., c. C-26)	4143	M
Bar — Procedure for conciliation and arbitration of accounts (Professional Code, R.S.Q., c. C-26)	4175	Draft
Collective agreement decrees, An Act respecting... — Flat glass (R.S.Q., c. D-2)	4165	M
Consolidation of the statutes and regulations, An Act respecting the... — Updating to 1 September 1993 of the loose-leaf edition of the Revised Statutes of Québec — Coming into force (R.S.Q., c. R-3)	4141	
Dentists — Code of ethics (Professional Code, R.S.Q., c. C-26)	4144	M
Dentists — Specialties and terms and conditions for the issue of specialist's certificates (Professional Code, R.S.Q., c. C-26)	4145	N
Denturologists — Conciliation and arbitration procedure for the accounts (Professional Code, R.S.Q., c. C-26)	4148	N
Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates (Professional Code, R.S.Q., c. C-26)	4157	N
Engineers — Professional Liability Insurance (Professional Code, R.S.Q., c. C-26)	4178	Draft
Flat glass (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	4165	M
Forest Act and to repeal various legislative provisions, An Act to amend the... — Coming into force of certain provisions (1993, c. 55)	4141	
Forest Act — Operating permits for wood processing plants (R.S.Q., c. F-4.1)	4166	M
Government services to departments and public bodies and amending various legislative provisions, An Act respecting... — Government services — Signing of certain acts, documents or writings (1994, c. 18)	4173	N
Government services — Signing of certain acts, documents or writings (An Act respecting government services to departments and public bodies and amending various legislative provisions, 1994, c. 18)	4173	N
Ministère de la Sécurité du revenu, An Act respecting the... — Signing of certain documents (R.S.Q., c. M-19.1)	4169	N
Operating permits for wood processing plants (Forest Act, R.S.Q., c. F-4.1)	4166	M

Optometrists — Conciliation and arbitration procedure for the accounts (Professional Code, R.S.Q., c. C-26)	4152	N
Professional Code — Bar — Compulsory contribution to the Professional Liability Insurance Fund (R.S.Q., c. C-26)	4143	M
Professional Code — Bar — Procedure for conciliation and arbitration of accounts (R.S.Q., c. C-26)	4175	Draft
Professional Code — Dentists — Code of ethics (R.S.Q., c. C-26)	4144	M
Professional Code — Dentists — Specialties and terms and conditions for the issue of specialist's certificates (R.S.Q., c. C-26)	4145	N
Professional Code — Denturologists — Conciliation and arbitration procedure for the accounts (R.S.Q., c. C-26)	4148	N
Professional Code — Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates (R.S.Q., c. C-26)	4157	N
Professional Code — Engineers — Professional Liability Insurance (R.S.Q., c. C-26)	4178	Draft
Professional Code — Optometrists — Conciliation and arbitration procedure for the accounts (R.S.Q., c. C-26)	4152	N
Professional Code — Social workers — Code of ethics (R.S.Q., c. C-26)	4155	M
Professional Code — Town planners — Cessation of practice (R.S.Q., c. C-26)	4163	N
Professional Code — Town planners — Code of ethics (R.S.Q., c. C-26)	4158	M
Professional Code — Town planners — Conciliation and arbitration procedure for the accounts (R.S.Q., c. C-26)	4159	N
Régie des alcools, des courses et des jeux, Loi sur la... — Signature (L.R.Q., c. R-6.1)	4167	N
Régie du logement, An Act respecting the... — Rules of procedure of the Régie du logement (R.S.Q., c. R-8.1)	4178	Draft
Rules of procedure of the Régie du logement (An Act respecting the Régie du logement, R.S.Q., c. R-8.1)	4178	Draft
Signature (Loi sur la Régie des alcools, des courses et des jeux, L.R.Q., c. R-6.1)	4167	N
Signing of certain documents (An Act respecting the Ministère de la Sécurité du revenu, R.S.Q., c. M-19.1)	4169	N

Social workers — Code of ethics	4155	M
(Professional Code, R.S.Q., c. C-26)		
Town planners — Cessation of practice	4163	N
(Professional Code, R.S.Q., c. C-26)		
Town planners — Code of ethics	4158	M
(Professional Code, R.S.Q., c. C-26)		
Town planners — Conciliation and arbitration procedure for the accounts	4159	N
(Professional Code, R.S.Q., c. C-26)		

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