

chapter C-26, r. 212

Code of ethics of psychologists

Professional Code
(chapter C-26, s. 87).

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CHAPTER I

GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations of psychologists regardless of the context or manner in which they engage in their professional activities or the nature of their contractual relationship with clients.

O.C. 439-2008, s. 1.

2. Psychologists may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

O.C. 439-2008, s. 2.

CHAPTER II

GENERAL DUTIES

3. In their practice, psychologists must show respect for the dignity and freedom of persons.

O.C. 439-2008, s. 3.

4. The conduct of psychologists towards every person with whom they enter into a professional relationship, whether physical or psychological, must be beyond reproach.

O.C. 439-2008, s. 4.

5. Psychologists must practise according to generally recognized scientific and professional principles, in keeping with good practice in psychology.

O.C. 439-2008, s. 5.

6. Psychologists must consider all foreseeable consequences of their research and work on society.

O.C. 439-2008, s. 6.

7. Psychologists must discharge their professional obligations with competence, integrity, objectivity and moderation.

Psychologists must avoid any misrepresentation with respect to their competence or the efficiency of their own services or those generally provided by the members of their profession.

O.C. 439-2008, s. 7.

8. In their practice, psychologists must assume full personal civil liability. They may not evade or attempt to evade personal civil liability or request that a client or person renounce any recourse taken in a case of professional negligence on their part. They may not invoke the liability of the partnership or joint-stock company within which they carry on their professional activities or that of another person also carrying on activities as a ground for excluding or limiting their personal professional liability.

O.C. 439-2008, s. 8.

9. Psychologists must take reasonable measures to ensure that every person collaborating with them and any partnership or joint-stock company within which they practise complies with the Professional Code (chapter C-26) and its regulations, including this Code.

O.C. 439-2008, s. 9.

CHAPTER III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

DIVISION I

CONSENT

10. Before agreeing with a client to provide professional services, psychologists must consider the client's request and expectations and the extent of their skills and means at their disposal.

O.C. 439-2008, s. 10.

11. Before providing professional services, psychologists must, except in an emergency, obtain the free and enlightened consent of the client, the client's representative or the client's parents in the case of a child under 14 years of age, informing the client of

(1) the objective, nature, relevance and main terms of the professional services, the advantages and disadvantages of the services and alternatives, the limits and mutual responsibilities of the parties, including any agreement on fees and terms of payment;

(2) the possibility of refusing the professional services offered or ceasing to receive professional services at any time; and

(3) the rules and limits of confidentiality and the terms related to the transmission of confidential information pertaining to the intervention.

Disclosure of the information must be adapted to the context of the professional services provided.

O.C. 439-2008, s. 11.

12. Psychologists must take the reasonable and necessary measures, including when the emergency has ended, to ensure that the consent is free and enlightened by ensuring that the client has properly understood the information communicated.

O.C. 439-2008, s. 12.

13. Psychologists must ensure that the consent remains free and enlightened throughout the professional relationship.

O.C. 439-2008, s. 13.

DIVISION II

CONFIDENTIAL INFORMATION

14. Psychologists must respect the privacy of the persons with whom they enter into a professional relationship, refraining from gathering information and exploring aspects of private life that have no relation with the professional services agreed on with the client.

O.C. 439-2008, s. 14.

15. Psychologists, for the purpose of preserving professional secrecy,

(1) must not disclose any information on their client, except the information authorized in writing by the client, or verbally in an emergency, or unless so ordered by law;

(2) must inform a client who intends to authorize the communication of confidential information to a third party of the consequences of the disclosure and of any reservations they may have;

(3) must not disclose that a client has requested their professional services or intends to use their professional services;

(4) must not mention any factual information likely to identify the client and must modify, if required, certain information identifying the client when using information obtained from the client for didactical, pedagogical or scientific purposes;

(5) must obtain prior written authorization from the client to record or videotape an interview or activity; the authorization must specify the subsequent use of the recording and the terms of revocation of the authorization; and

(6) must not disclose, without authorization, the name of a client when consulting or being supervised by another professional.

O.C. 439-2008, s. 15.

16. Psychologists providing professional services to a couple or a family must preserve each member's right to professional secrecy.

O.C. 439-2008, s. 16.

17. Psychologists providing professional services to a group must inform the members of the group of the possibility of some aspect of the private life of one of the members or a third party being revealed. They must secure a commitment from the members of the group to preserve the confidentiality of information on the private life of the members or third party.

O.C. 439-2008, s. 17.

18. Psychologists may communicate information protected by professional secrecy to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

Despite the foregoing, psychologists may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid.

Psychologists may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

O.C. 439-2008, s. 18.

19. Psychologists who communicate information protected by professional secrecy to prevent an act of violence must enter the following particulars in the client's record:

(1) the reasons supporting the decision to communicate the information and the other available means that did not enable the psychologist to prevent the act of violence; and

(2) the circumstances of the communication, the information that was communicated and the identity of the person or persons to whom the communication was addressed.

O.C. 439-2008, s. 19.

DIVISION III

RIGHTS OF ACCESS TO INFORMATION AND CORRECTION OF DOCUMENTS

20. Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

Psychologists may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Psychologists who intend to charge such fees must inform the client of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

Psychologists may temporarily deny access to information contained in a record established in the client's respect if its disclosure would likely cause serious harm to the client's health. In such a case, psychologists must inform the client of the reasons for the refusal, enter the reasons in the record and inform the client of the client's recourses.

Psychologists must refuse to release to a client personal information concerning the client if its disclosure would likely reveal personal information concerning a third party or the existence of such information, and the disclosure could seriously harm that third party, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

O.C. 439-2008, s. 20.

21. Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the client or to make written comments in the record.

Psychologists must provide the client, free of charge, with a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, with an attestation stating that the client's written comments have been filed in the record.

Psychologists who refuse to grant a request to correct or delete information in any document concerning the client must notify the client of the reasons for the refusal, enter the reasons in the record and inform the client of the client's recourses.

O.C. 439-2008, s. 21.

22. Psychologists must respond promptly to any written request from a client to have a document returned to the client.

O.C. 439-2008, s. 22.

DIVISION IV

CONFLICT OF INTEREST AND PROFESSIONAL INDEPENDENCE

23. Psychologists must subordinate their personal interests or, where applicable, the interests of their employer or colleagues to those of their clients.

O.C. 439-2008, s. 23.

24. Psychologists must, except in an emergency, avoid providing professional services to persons with whom they have a relationship that is likely to affect the professional nature of the relationship and the quality of the professional services.

O.C. 439-2008, s. 24.

25. Psychologists must refrain from interfering in the personal affairs of their client.

O.C. 439-2008, s. 25.

26. During the professional relationship, psychologists must not establish relations of an intimate nature likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

The duration of the professional relationship is determined taking particular account of the nature of the problems and the duration of the professional services provided, the client's vulnerability and the likelihood of having to provide professional services to the client again.

O.C. 439-2008, s. 26.

27. Psychologists may not act as such for a third party in a dispute against a client.

O.C. 439-2008, s. 27.

28. Psychologists must not, for the same client, intervene in a manner that is likely to affect the quality of their professional services.

O.C. 439-2008, s. 28.

29. A psychologist acting as an expert may not become the attending psychologist of a person having been the subject of the expertise, unless expressly requested by the person and the psychologist has obtained authorization from the persons concerned by the change of role.

O.C. 439-2008, s. 29.

30. Psychologists must not use the professional relationship established with a client for personal, political or commercial purposes.

O.C. 439-2008, s. 30.

31. Psychologists must safeguard their professional independence and avoid any situation in which they would be in conflict of interest, particularly when the interests concerned are such that they may tend to favour certain interests over those of their client or their integrity and loyalty towards their client may be adversely affected.

O.C. 439-2008, s. 31.

32. If psychologists become aware that they are in a real or apparent conflict of interest, they must define the nature and meaning of their obligations and responsibilities, notify their client and agree with the client on the appropriate measures, if any.

O.C. 439-2008, s. 32.

33. If psychologists provide professional services to several clients who may have divergent interests, they must inform them of their duty to be objective and of the specific actions that will be undertaken to provide the services. If the situation becomes irreconcilable with their duty to be objective, psychologists must terminate the professional relationship.

O.C. 439-2008, s. 33.

34. Except for the remuneration to which they are entitled, psychologists may not receive, pay or promise to pay any benefit, rebate or commission in connection with their practice other than customary tokens of appreciation or gifts of small value.

O.C. 439-2008, s. 34.

DIVISION V

WITHDRAWAL OF PROFESSIONAL SERVICES

35. Psychologists may cease to provide professional services to a client solely for just and reasonable grounds, including

- (1) loss of the relationship of trust between the client and the psychologist;
- (2) lack of benefit to the client from the professional services offered by the psychologist;
- (3) the likelihood that maintaining the professional services may, in the psychologist's judgment, become more harmful than beneficial for the client;
- (4) the impossibility for the psychologist to maintain a professional relationship with the client, particularly in the presence of a conflict of interest;
- (5) inducement by the client to perform illegal, unfair or fraudulent acts or to contravene the provisions of this Code;
- (6) non-compliance by the client with the conditions agreed on and the impossibility of entering with the client into a reasonable agreement to reinstate the conditions, including professional fees; and
- (7) the psychologist's decision to scale down his or her practice or to put an end to the practice for personal or professional reasons.

O.C. 439-2008, s. 35.

36. Psychologists who wish to terminate the relationship with a client must give the client reasonable notice and ensure that the withdrawal of the professional services does not cause prejudice to the client or causes as little prejudice as possible. Psychologists must ensure insofar as they are able that the client may continue to obtain the professional services required.

O.C. 439-2008, s. 36.

DIVISION VI

QUALITY OF PROFESSIONAL SERVICES

37. Psychologists must refrain from practising their profession or performing professional acts if their state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of the professional services.

O.C. 439-2008, s. 37.

38. Psychologists must establish a psychological diagnosis in respect of their client and give advice to the client only if they have sufficient professional and scientific information to be able to do so.

O.C. 439-2008, s. 38.

39. Psychologists must develop, perfect and maintain their knowledge and skills in the field in which they carry on their professional activities.

O.C. 439-2008, s. 39.

40. Psychologists must, as soon as the interest of their client so requires, consult another psychologist, a member of another professional order or another competent person, or refer the client to one of those persons.

O.C. 439-2008, s. 40.

41. Psychologists must seek to establish or maintain a relationship of mutual trust and respect with their clients.

O.C. 439-2008, s. 41.

42. Psychologists must acknowledge the client's right to consult another psychologist or any other competent person. Psychologists may not, by any means whatsoever, interfere with the client's freedom of choice.

O.C. 439-2008, s. 42.

43. Psychologists must be available and diligent in respect of their client. If unable to meet a request within a reasonable time that will not be prejudicial to the client, they must inform the client of the time when they will be available. If the situation could cause prejudice to the client, the client must be referred to an appropriate resource.

O.C. 439-2008, s. 43.

44. Psychologists may not persistently or unwarrantedly urge a person to have recourse to their professional services.

O.C. 439-2008, s. 44.

45. Psychologists may not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

O.C. 439-2008, s. 45.

46. Psychologists called upon to make an assessment must

(1) clearly inform the person who is being assessed of the person to whom the assessment report is being sent and of the manner in which a copy of the report may be requested;

(2) avoid obtaining any information from that person or making any interpretations or comments not relevant to the assessment; any information received that is unrelated to the assessment must remain confidential; and

(3) limit their report or recommendations and, if applicable, their deposition before the court to information relevant to the assessment.

O.C. 439-2008, s. 46.

DIVISION VII

USE OF PSYCHOLOGICAL MATERIAL

47. Psychologists must comply with the scientific and professional principles generally accepted in psychology when using, administering, correcting and interpreting psychological tests, and when publishing tests and information that must be provided with the related manuals and documents.

O.C. 439-2008, s. 47.

48. Psychologists must recognize the inherent limits of the measurement instruments they use and exercise caution in interpreting the psychometric material, in particular taking into account

(1) the specific characteristics of the tests or of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the intervention; and

(3) factors that could affect the validity of the measurement instruments and necessitate changes in the administering of tests or the weighting of standards.

O.C. 439-2008, s. 48.

49. Psychologists may not give to a third party, other than another psychologist, any raw, unprocessed data from an assessment or resulting from a psychological consultation.

O.C. 439-2008, s. 49.

50. Psychologists must take the means necessary to not compromise the methodological and metrological validity of a test by revealing the protocol to the client or a third party who is not a psychologist.

O.C. 439-2008, s. 50.

51. In every written or verbal psychological report, psychologists must limit their comments to the interpretation of the psychological material and to the relevant conclusions.

O.C. 439-2008, s. 51.

DIVISION VIII

FEES

52. Psychologists must charge and accept fair and reasonable fees warranted by the circumstances and the costs of providing the professional services. To determine their fees, psychologists must consider the following factors:

(1) their experience or particular competence;

(2) the time required to provide the professional services;

(3) the complexity and extent of the professional services;

(4) the performance of professional services that are unusual or provided in unusual conditions; and

(5) the performance of professional services that require exceptional competence or celerity.

O.C. 439-2008, s. 52.

53. Psychologists must provide their client with all the explanations required for the understanding of the statement of fees and terms of payment.

O.C. 439-2008, s. 53.

54. Psychologists may, by written agreement with the client,

(1) require an advance to cover the payment of expenses necessary to perform the professional services required;

(2) require partial payment if they act as consultants to a client in connection with a long-term contract;

(3) require administrative fees for an appointment missed by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees; and

(4) subject to the applicable legislative provisions, charge fees supplementary to those reimbursed by a third party.

O.C. 439-2008, s. 54.

55. Psychologists may not provide a receipt or other document that falsely indicates that professional services have been or will be provided.

O.C. 439-2008, s. 55.

56. Psychologists may not charge interest on accounts unless the client has been duly notified. The interest so charged is at the agreed rate or, if none, at the legal rate.

O.C. 439-2008, s. 56.

57. Before instituting legal proceedings, psychologists must have exhausted all other means available to recover all outstanding fees and other expenses.

O.C. 439-2008, s. 57.

CHAPTER IV

DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

58. In public statements dealing with psychology, psychologists must avoid making any exaggerated or purely sensational affirmations.

O.C. 439-2008, s. 58.

59. Psychologists who give information to the public on psychological procedures and techniques must indicate the restrictions, limits and contraindications that apply to their use.

O.C. 439-2008, s. 59.

60. Psychologists must avoid publicly discrediting, without substantiation, any traditional or new psychological techniques that differ from those they use in their practice if the techniques are consistent with the professional and scientific principles generally accepted in psychology.

O.C. 439-2008, s. 60.

61. Psychologists acting as professional consultants informing the public must stress the relative value of the information or advice being given.

O.C. 439-2008, s. 61.

CHAPTER V

DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

62. To the extent of their resources, qualifications and experience, psychologists must seek to promote the development and credibility of the profession.

O.C. 439-2008, s. 62.

63. Psychologists may not, in any way whatsoever, intimidate or hinder a representative of the Ordre des psychologues du Québec acting in the performance of duties assigned to the representative by the Professional Code (chapter C-26) and its regulations.

O.C. 439-2008, s. 63.

64. Psychologists recognize the Order's responsibility to ensure the protection of the public and the practice of the profession by competent professionals. They are to collaborate by

(1) informing the Order that a candidate does not meet the conditions of admission and entry on the roll of members of the Order;

(2) informing the Order that a person is appropriating the title of psychologist or permits or holds out that he or she is a psychologist when the person is not authorized to act as such; and

(3) promptly answering all oral or written requests from the secretary of the Order, a syndic, a member of the review committee or professional inspection committee or an investigator, expert or inspector of that committee.

O.C. 439-2008, s. 64.

65. A psychologist who is informed of an inquiry into the psychologist's professional conduct or competence or of a complaint lodged against the psychologist may not communicate with any person who requested the inquiry without the prior written authorization of the syndic of the Order. A psychologist must never seek to intimidate a person or take reprisals or threaten to take reprisals against any person who has taken part or cooperated in such an inquiry or complaint or intends to do so, or has reported behaviour that is contrary to the provisions of this Code or intends to do so.

O.C. 439-2008, s. 65.

66. In their practice, psychologists must preserve their professional autonomy and recognize that they are not required to perform any task contrary to their conscience or to the principles governing their practice, including informing the Order of the pressures on them that are of a nature such as to interfere with their practice.

O.C. 439-2008, s. 66.

67. If a psychologist learns, outside a confidential client relationship, that another psychologist is not acting professionally in his or her practice, is unfit to practise or contravenes the provisions of this Code, and has reasonable grounds to believe that the information is valid, the psychologist must inform the Order. If the information is given to the psychologist in the psychologist's practice, the information is to be disclosed only with the explicit authorization of the client.

O.C. 439-2008, s. 67.

68. Psychologists must cooperate with their colleagues and not abuse a colleague's good faith, breach the colleague's trust or use unfair practices.

O.C. 439-2008, s. 68.

69. Psychologists must respect any commitment entered into with the board of directors, the executive committee, the secretary of the Order, a syndic or the professional inspection committee.

O.C. 439-2008, s. 69.

CHAPTER VI

RESEARCH

70. Before undertaking research involving persons, psychologists must obtain the approval of the project by a research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods; in the absence of such a committee, a psychologist must ensure that the project complies with the standards generally recognized in research ethics.

However, in the case of research undertaken in an institution within the meaning of the Act respecting health services and social services (chapter S-4.2), the psychologist must obtain the approval of the project by the research ethics committee set up by the Minister of Health and Social Services or by any other research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods.

Psychologists must ensure that all their collaborators in the research are informed of their ethical obligations and share their concern for the respect of the participants' human dignity.

Psychologists may not knowingly hide the negative results of research in which they took part.

O.C. 439-2008, s. 70.

71. In their relations with participants or their legal representatives, psychologists must ensure

(1) that all participants or, where applicable, their legal representatives have been properly informed on the nature of the research, its goal, objectives, the benefits they would derive from conventional professional services, if needed, and the major, special or unusual risks inherent in the research and any other consideration likely to assist the participants in making a decision regarding their participation;

(2) that free and enlightened consent is obtained in writing from the participants or, where applicable, their legal representatives before they begin to take part in the research or whenever any significant change is made to the research in progress; and

(3) that participants or, where applicable, their legal representatives are informed that their consent may be revoked at all times verbally.

O.C. 439-2008, s. 71.

72. Psychologists must be honest and open in their relations with participants. Where the research methodology requires that certain aspects of the research not be disclosed to the participants immediately, psychologists must explain the reasons to the participants as soon as their participation is over and provide them with any other information relevant to the research that was not disclosed.

O.C. 439-2008, s. 72.

73. Psychologists must refuse to take part in any research if it appears to them that the risks to the physical or psychological well-being of the participants are disproportionate to the potential benefits that the participants could derive from the research or the benefits they would derive from conventional professional services, if needed.

O.C. 439-2008, s. 73.

74. Psychologists who undertake or participate in research must declare to the research ethics committee any interest they have and disclose any actual, apparent or potential conflict of interest.

In the course of a research project, psychologists may not enter into any agreement or accept or grant compensation that could compromise their professional independence.

O.C. 439-2008, s. 74.

CHAPTER VII

ADVERTISING

75. Psychologists must refrain from participating as psychologists in advertising that recommends that the public buy or use a product or service unrelated to the field of psychology.

O.C. 439-2008, s. 75.

76. Psychologists who are involved in the commercial distribution of instruments, books or other products related to psychology must base any statement concerning the operation, advantages and performance of such products on proof scientifically and professionally recognized in psychology.

O.C. 439-2008, s. 76.

77. Psychologists must be able to substantiate the special skills or qualities they claim to possess in their advertising, in particular as to the effectiveness or scope of their professional services and to those generally provided by other members of their profession, or as to their level of competence.

O.C. 439-2008, s. 77.

78. Psychologists must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to a syndic, a member of the professional inspection committee or an inspector or investigator on that committee.

O.C. 439-2008, s. 78.

CHAPTER VIII

USE OF THE GRAPHIC SYMBOL OF THE ORDER

79. Psychologists who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the Order.

O.C. 439-2008, s. 79.

80. Where psychologists use the graphic symbol of the Order in their advertising, they may not suggest that such advertising emanates from the Order.

O.C. 439-2008, s. 80.

81. Psychologists who carry on their professional activities within a partnership or joint-stock company must ensure that any use of the graphic symbol of the Order in the partnership or joint-stock company complies with sections 79 and 80.

O.C. 439-2008, s. 81.

82. Psychologists must ensure that a partnership or joint-stock company within which they carry on their professional activities does not use the graphic symbol of the Order in connection with the advertising or

name of the partnership or joint-stock company unless all the services provided by the partnership or joint-stock company are professional services provided by psychologists.

In the case of a partnership or joint-stock company which provides the professional services of psychologists and the services of persons other than psychologists, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may, however, always be used in connection with the name of a psychologist.

O.C. 439-2008, s. 82.

83. This Code of ethics replaces the Code of ethics of psychologists (Decision 83-02-18) and the Regulation respecting advertising by psychologists (R.R.Q., 1981, c. C-26, r. 153).

O.C. 439-2008, s. 83.

84. *(Omitted).*

O.C. 439-2008, s. 84.

UPDATES

O.C. 439-2008, 2008 G.O. 2, 1383

S.Q. 2008, c. 11, s. 212

