

college;

(l) establishing any committees that the council considers necessary and prescribing the manner of election or appointment of members to those committees and the duties of the committees;

(m) prescribing remuneration and reimbursement for expenses for members of the council and committees;

(n) respecting the management of the property of the college;

(o) respecting procedures for the college to make, amend or revoke bylaws;

(p) respecting the application of the funds of the college and the investment and reinvestment of any of its funds not immediately required for the purposes of the college and for the safekeeping of its securities;

(q) prescribing forms for the purposes of this Act and providing for their use;

(r) respecting membership of the college in a national organization with similar functions, the payment of an annual assessment for that membership and provision for representatives at meetings of the organization;

(s) prescribing:

(i) the amounts of registration, licensing and other fees payable to the college;

(ii) the times of payment; and

(iii) the penalties for late payment;

(t) respecting all of the things that are considered necessary for the attainment of the objects of the college and the efficient conduct of its affairs;

(u) respecting the management and conduct of the affairs and well-being of the council and of the college for the purposes of safeguarding the public interest and carrying out the intent of this Act.

"(2) Subject to this Act, the council may make bylaws:

(a) prescribing the requirements, qualifications and procedures for:

(i) the registration of members;

(ii) the issuing of licences and memberships;

(b) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class of licences and prescribing the terms and conditions of them;

(c) establishing categories of membership in the college and prescribing the rights and privileges of each category;

(d) regulating, controlling and prohibiting the use of terms, titles or designations by members, groups or associations of members with respect to their practices;

(e) establishing categories of specialists in the various branches of medicine, prescribing the qualifications required, prescribing for the issuance of licences relating to specialist status, providing for the suspension or revocation of any such designation and for the regulation and prohibition of the use of terms, titles or designations by members indicating specialization in any branch of

medicine;

(f) respecting the register, education register and temporary register;

(g) providing for the maintenance and inspection of registers of persons permitted to practise and for the issuance of certificates of standing by the registrar;

(h) providing for the standards to be met by persons wishing to write examinations set by the Medical Council of Canada;

(i) governing standards of practice for the members;

(j) authorizing persons other than members to perform specified acts in the practice of medicine and determining whether those acts are to be under the direction or supervision of a member;

(k) defining activities that constitute a conflict of interest and prohibiting the practice of medicine where there is a conflict of interest;

(l) determining the relationship between the college and the Medical Council of Canada, and incorporating in the regulations any provision of the Canada Medical Act that is not contrary to this Act;

(m) defining professional misconduct for the purposes of this Act;

(n) prescribing the records that shall be kept by members in respect of their medical practice;

(o) prescribing the educational and training requirements to be undertaken by a member who has been out of active medical practice;

(p) establishing a program for the assessment of the competency of members;

(q) prescribing procedures for the operation of the council, a preliminary inquiry committee, competency committee, discipline committee, competency hearing committee, executive committee, special committee for the purpose of interviewing a physician or any other committee established pursuant to this Act and prescribing the power to compel members to appear before, and provide information to, the council or any of those committees;

(r) respecting the reporting and publication of decisions and reports of the council and committees;

(s) providing for the expiration of licences and governing the requirements and qualifications for the issuing and renewal of licences;

(t) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile the statistics;

(u) respecting any matter ancillary to the provisions of this Act with respect to the issuing, suspending and revoking of licences;

(v) generally, for the better carrying out of this Act".

Section 23 amended

5 Section 23 is amended:

(a) by striking out "any number of those members that it considers advisable to

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constitute the executive committee" in subsection (1) and substituting "a minimum of three members to constitute the executive committee";

(b) by repealing subsection (5) and substituting the following:

"(5) Meetings of the executive committee may be called at any time between meetings of the council by the registrar or the president of the council.

"(5.1) The executive committee:

(a) may exercise all of the powers; and

(b) shall perform all the duties;

of the council with respect to any matters that the council may delegate to it or that in the opinion of the executive committee require immediate attention.

"(5.2) The council, by bylaw, may authorize the executive committee:

(a) to exercise any of the powers; and

(b) to perform any of the duties;

of the council between meetings of the council"; and

(c) by striking out "(5)" in subsection (6) and substituting "(5.1)".

Section 29 amended

6 Section 29 is amended:

(a) by striking out "clauses 28(d) and (e)" in subsection (1) and substituting "any other requirements in that respect that are prescribed by the bylaws of the council and who pays the fee prescribed for the purpose by the council"; and

(b) by adding the following subsection after subsection (1):

"(1.1) The council may register and issue a provisional licence to a person who:

(a) is not qualified or entitled to be registered pursuant to section 28;

(b) is a graduate in medicine from a university approved by the council;

(c) produces documentation to the satisfaction of the council that the person is the person named in the documentation and:

(i) has qualifications for licensing approved by the council; and

(ii) is entitled to sit the certification examination of the Royal College of Physicians and Surgeons of Canada;

(d) complies with any other requirements in that respect that are prescribed by the bylaws; and

(e) pays the fee prescribed for the purpose by the council"; and

(c) by striking out "(1)" in subsection (2) and substituting "(1) or (1.1)".

Section 30 amended

7 Section 30 is amended:

(a) by striking out "clauses 28(d) and (e)" in subsection (1) and substituting "any other requirements in that respect that are prescribed by the bylaws of the council and who pays the fee prescribed for the purpose by the council";

- (b) by repealing clause (2)(d) and substituting the following:
 - "(d) complies with any other requirements in that respect that are prescribed by the bylaws of the council and who pays the fee prescribed for the purpose by the council"; and
- (c) by repealing clause (3)(c) and substituting the following:
 - "(c) complies with any other requirements in that respect that are prescribed by the bylaws of the council and who pays the fee prescribed for the purpose by the council".

New section 30.1 8 The following section is added after section 30:
Restrictions on certain licences

- "30.1 Where the council, on reasonable grounds, is of the opinion that a licence under section 28, 29 or 30 should be restricted, the council may issue a licence to that person:
- (a) restricting the right of that person to practise any branch of medicine, surgery or midwifery;
 - (b) restricting the right of that person to perform any medical procedure or any medical treatment or surgery of any kind; or
 - (c) prohibiting that person from providing any services or procedures except under the supervision of a duly qualified medical practitioner approved by council".

Section 31 amended

- 9 Section 31 is amended by repealing subsection (1) and substituting the following:
"(1) The council may issue a locum tenens permit to a physician who meets the requirements in that respect that are prescribed by the bylaws of the council and who pays the fee prescribed for the purpose by the council".

New section 33
Appeal

- 10 Section 33 is repealed and the following substituted:
"33 Where a person applies for registration under section 28, 29 or 30 and:
- (a) his or her application is rejected;
 - (b) his or her licence is issued subject to any restriction or prohibition; or
 - (c) the council has not notified him or her of a decision with respect to his or her application within 90 days of the receipt by the registrar of evidence of the person's satisfactory qualifications;
- the person may appeal to the court and sections 62 to 66 apply, with any necessary modification, to the appeal".

Section 35 amended

- 11 Subsection 35(9) is repealed and the following substituted:
"(9) No person whose name is entered in the education register, unless he or she is a physician or otherwise duly qualified, shall:

- (a) sign a document that requires the signature of a duly qualified medical practitioner; or
- (b) prescribe a narcotic as defined by the Narcotic Control Act (Canada), as amended from time to time, or a controlled drug as defined by Part III of the Food and Drugs Act (Canada), as amended from time to time".

Section 37 amended

- 12 Section 37 is amended:
- (a) by striking out "described in subsection (1)" in:
 - (i) subsection (2); and
 - (ii) subsection (3); and
 - (b) by repealing subsection (4).

Sections 38 and 39 repealed

- 13 Sections 38 and 39 are repealed.

Section 40 amended

- 14 Subsection 40(2) is repealed and the following substituted:
- "(2) Where a person whose name has been struck from a register pursuant to subsection (1):
- (a) applies to the registrar within one year from the day on which the person's name was struck from the register to have his or her name re-entered in the register; and
 - (b) at the time of his or her application pays to the registrar an amount equal to all annual fees owing by the person together with an amount equal to the costs of suit, if any, payable to the college and a penalty in any amount that the council may specify;
- the registrar shall re-enter the name of the person in the register from which it was struck".

New section 43.1
Investigation of allegations

- 15 The following section is added after section 43:
- "43.1(1) Where the council receives an allegation in writing that a person registered under this Act:
- (a) lacks the skill and knowledge to practise medicine; or
 - (b) is guilty of unbecoming, improper, unprofessional or discreditable conduct;
- the college shall investigate the allegation.
- "(2) The college shall inform a person making an allegation mentioned in subsection (1) of the disposition made by the college of the allegation".

Section 44 amended

16 Subsection 44(1) is amended by striking out "any members that it considers advisable" and substituting "a physician or two or more persons, at least one of whom is a physician,".

New section 45
Competency committee

17 Section 45 is repealed and the following substituted:

"45(1) Where the council or executive committee has reasonable grounds to believe that a person registered under this Act may not have adequate skill and knowledge to practise, the council or the executive committee may appoint one or more members, or persons licensed to practise medicine in a jurisdiction other than Saskatchewan, to constitute a competency committee for the purpose of investigating whether that person does have adequate skill and knowledge to practise.

"(2) A competency committee may require the person under investigation to undergo, in any manner that it considers advisable:

- (a) a medical examination to determine the state of his or her health;
- (b) an examination of his or her professional competence; or
- (c) a demonstration of technical skills.

"(3) Where a person, on reasonable notice, fails to appear before a competency committee, the council may suspend that person from practice for any period that it considers appropriate and, on suspending the person, may refer the matter to the discipline committee.

"(4) Where:

- (a) the council;
- (b) the executive committee; or
- (c) the competency committee;

is of the opinion that, on the basis of the nature of the case, a person who is under investigation should be:

- (d) suspended until the outcome of a hearing held pursuant to subsection (6), it may temporarily suspend that person from practice for a maximum period of 90 days; or
- (e) prohibited from performing any medical procedure or any medical treatment or surgery of any kind until the outcome of a hearing held pursuant to subsection (6), it may prohibit that person from:
 - (i) practising any branch of medicine, surgery or midwifery; and
 - (ii) performing any medical procedure or any medical treatment or surgery of any kind;

for a maximum period of 90 days.

"(5) On completion of its investigation, a competency committee shall promptly submit a written report of that investigation to the council.

"(6) After consideration of a report mentioned in subsection (5) the council or the executive committee may direct a competency hearing committee to conduct a hearing into the matter or may refer the matter to the discipline committee.

"(7) The council or executive committee, on a direction that a competency hearing committee conduct a hearing, shall appoint from among the members of the council a competency hearing committee consisting of not less than three members of the council.

"(8) The competency hearing committee shall determine whether the member has adequate skill and knowledge in the practice of medicine.

"(9) The competency hearing committee shall submit to the council a written report of its decision, signed by the concurring members of the competency hearing committee in the decision, and the competency hearing committee may make any recommendations that it considers advisable.

"(10) Where the competency hearing committee determines that a member does not have adequate skill and knowledge in the practice of medicine, it may:

- (a) temporarily suspend that person from practice; or
- (b) prohibit that person from:
 - (i) practising any branch of medicine, surgery or midwifery; and
 - (ii) performing any medical procedure or any medical treatment or surgery of any kind;

until the council has acted on the decision of the competency hearing committee under subsection (12).

"(11) The members of the competency hearing committee may vote at council as members of the council when the council acts on the decision of the competency hearing committee.

"(12) Where the competency hearing committee decides that the person who was under investigation does not have adequate skill and knowledge to practise, the council may do one or more of the following:

- (a) order that:
 - (i) the name of the person be struck from the register, the education register or the temporary register; and
 - (ii) the licence of the person be revoked, and attach any conditions to the restoration of the name of the person to the register, the education register or the temporary register that the council considers proper;
- (b) suspend the privileges of the person as a duly qualified medical practitioner under this Act and impose any conditions that the council considers proper to be met by the person before those privileges may be restored;
- (c) prohibit the person, for any period of time that the council may determine, from:
 - (i) practising any branch of medicine, surgery or midwifery; or
 - (ii) performing any medical procedure or any medical treatment or surgery of any kind;
- (d) require the person to provide any services or procedures only under the supervision of a duly qualified medical practitioner approved by the council;

- (e) require the person to undertake any upgrading, retraining, education or treatment that the council may specify and provide for the suspension of the privileges of the person as a duly qualified medical practitioner if the person should fail to obtain the upgrading, retraining, education or treatment;
- (f) provide for any further assessment of the skills and knowledge of the person at any future time as the council may determine;
- (g) direct that the costs of and incidental to the investigation and hearing, including fees payable to solicitors, council and witnesses, or any part of those costs, shall be paid by the person.

"(13) Where the council directs that a person is to pay any costs, those costs are a debt due to the college insofar as they were borne in the first instance by the college and the council may require payment of those costs as a condition of maintaining or restoring the licence of the person.

"(14) The competency hearing committee shall give the person who is under investigation notice of the hearing to be held pursuant to this section in the manner set out in clause 57(3)(a) or (b) and shall serve on the member a copy of the report of the competency committee and that person has a right to be heard at that hearing.

"(15) A person who is the subject of a hearing under this section may appeal from the decision on the hearing, and sections 62 to 66 apply, with any necessary modification, to the appeal".

Section 46 amended

18 Clause 46(h) is amended by striking out "the joint professional review committee established pursuant to The Saskatchewan Medical Care Insurance Act" and substituting "a competency committee, a competency hearing committee".

New sections 47 to 47.7

19 Section 47 is repealed and the following substituted:

Preliminary inquiry committee

"47(1) Where the council or the executive committee has reasonable grounds to believe that a person registered under this Act may be guilty of unbecoming, improper, unprofessional or discreditable conduct, the council or the executive committee may appoint a preliminary inquiry committee for the purpose of investigating whether the person may be guilty of unbecoming, improper, unprofessional or discreditable conduct.

"(2) Where a member requests an investigation under subsection (1), the council may require the member to post a bond or security for costs, and that bond or security is forfeited to the college if the committee finds the allegations of the member to be frivolous or vexatious.

"(3) A preliminary inquiry committee may take any steps that it considers proper and may summon before it any person who is under investigation.

"(4) A preliminary inquiry committee, or a member of it, may:

- (a) inquire into and examine the practice of the person with respect to whom the investigation is being made; and
- (b) on production of a court order issued pursuant to subsection 6, or with the consent of the person, enter the business premises of the person and examine books, records, documents and things relevant to the matter of the investigation.

"(5) No person shall obstruct the preliminary inquiry committee or a member of it making an investigation under this section or withhold from it or the member or conceal, alter or destroy any books, records, documents or things relevant to the matter being investigated.

"(6) Where a judge of the Provincial Court of Saskatchewan is satisfied, on an ex parte application by the preliminary inquiry committee making an investigation under this section, that:

- (a) the investigation has been directed pursuant to subsection (1); and
- (b) there are reasonable grounds for believing that there is in any building, dwelling, receptacle, premises or place any book, record, document or thing relating to the person whose affairs are being investigated and to the matter of the investigation;

the judge, whether or not the consent of the person has been sought, may issue an order authorizing a person making the investigation, together with any peace officer as he or she calls on to assist the person, to enter and search, if necessary, by force, any building, dwelling, receptacle, premises or place for any books, records, documents or things and to examine them.

"(7) Every entry and search pursuant to subsection (6) shall be made between sunrise and sunset unless the judge who issued the order authorizing the entry and search authorized entry and search at any time other than between sunrise and sunset.

Authorization for entry and search

"47.1(1) The council or the executive committee may authorize an ex parte application to be made by any person to a judge of the Provincial Court of Saskatchewan and the judge, if satisfied that there are reasonable grounds for believing that there is in any building, dwelling, receptacle, premises or place any book, record, document or thing that will afford evidence:

- (a) of a contravention of section 80; or
- (b) that a member is guilty of unbecoming, improper, unprofessional or discreditable conduct;

may issue an order authorizing a person named in it, together with any peace officer as the person calls on to assist the person, to enter and search, if necessary, by force, any building, dwelling, receptacle, premises or place for any books, records, documents or things and to examine them.

"(2) Every entry and search pursuant to subsection (1) shall be made between sunrise and sunset unless the judge who issued the order authorizing the entry and search

authorized entry and search at any time other than between sunset and sunrise.

Requirements of search

"47.2(1) The preliminary inquiry committee or the member of it making an inquiry pursuant to section 47 and any person authorized pursuant to section 47 or 47.1 to conduct an entry and search, on giving a receipt for the books, records, documents or things, may remove any books, records, documents or things examined by the person for the purpose of making copies or extracts of those books, records, documents or things.

"(2) Any person who removes any books, records, documents or things pursuant to subsection (1) for the purpose of copying or making extracts from them shall proceed with reasonable dispatch to carry out the copying or making of extracts and, subject to subsection (3), shall promptly return the books, records, documents or things in reasonably the same condition after copying them or taking extracts from them to the person who produced or furnished them or from where they were removed.

"(3) Books, records, documents or things returned pursuant to subsection (2) shall be returned to:

- (a) the place from which they were removed; or
- (b) any other place that may be agreed to by the person who produced or furnished them and the person who removed them.

Copy of books, etc., as evidence

"47.3 A copy or extract of any book, record, document or thing certified by:

- (a) a member of the preliminary inquiry committee; or
- (b) a person authorized pursuant to section 47 or 47.1 to conduct the entry or search;

who made the copy or extract pursuant to subsection 47.2(2) is admissible in evidence in any action, proceeding or prosecution as prima facie evidence of the original book, record, document or thing and its contents.

Report of investigation

"47.4 The preliminary inquiry committee or the member of it making an investigation pursuant to section 47, on completion of the investigation, shall submit a written report of the investigation to the council.

Action by council in report

"47.5 After the council has considered a report submitted pursuant to section 47.4, the council may:

- (a) appoint a competency committee pursuant to section 45 to proceed pursuant to that section with respect to; or
- (b) lay before the discipline committee a charge against; the person to whom the report relates.

Council may require charge to be heard

"47.6 Notwithstanding section 47.5, the council may direct the discipline committee to hear a charge of unbecoming, improper, unprofessional or discreditable conduct without an investigation by the preliminary inquiry committee or a member of that committee.

Notice of disposition

"47.7 Where an allegation pursuant to section 43.1 has been directed to be investigated pursuant to section 45 or 47, the college shall advise the person making the allegation of any action taken with respect to the allegation pursuant to the section under which the investigation took place".

Section 48 amended

20 Section 48 is amended by adding the following subsections after subsection (1):

"(1.1) The council shall not suspend a person pursuant to subsection (1) until:

- (a) the council has given notice or caused notice to be given, verbally or in writing, to the person; and
- (b) the person has been given the opportunity to make representations to the council in any manner that the council may determine.

"(1.2) The executive committee may suspend, until the next regular meeting of the council, a member or a person authorized to practise in Saskatchewan against whom allegations have been made, or a charge has been laid, where it is of the opinion that, on the basis of the charge, the allegations or the nature of the case, the person should be suspended.

"(1.3) The executive committee shall not suspend a person pursuant to subsection (1.2) until:

- (a) the executive committee has given notice, or caused notice to be given, verbally or in writing, to the person; and
- (b) the person has been given the opportunity to make representations to the executive committee in any manner that the executive committee may determine.

"(1.4) The registrar, after consultation with the executive committee or the president of the council, may suspend, for a period not exceeding 7 days, a member or a person authorized to practise in Saskatchewan against whom allegations have been made, or a charge has been laid, without conducting a hearing or giving notice or causing notice to be given to the person where the registrar is of the opinion that an emergency exists".

Section 49 amended

21 Section 49 is amended by adding the following subsections after subsection (3):

"(4) The person who is the subject of a charge brought before the discipline

committee, by notice in writing to the registrar, may admit that he or she is guilty of the charge.

"(5) The council, after receipt of a notice pursuant to subsection (4), may:

(a) conduct a hearing to determine the facts relevant to the imposition of penalties authorized by section 54; or

(b) refer the matter to the discipline committee to determine those facts and report them to the council.

"(6) The council, after:

(a) completing a hearing pursuant to clause (5)(a); or

(b) receiving a report pursuant to clause (5)(b);

may proceed pursuant to section 54 with respect to the person who admitted guilt to the charge in the same manner as if it had received a report pursuant to section 52.

"(7) Sections 50 to 53 apply, with any necessary modification, to any hearing held pursuant to subsection (5)".

Section 50 amended

22 Section 50 is amended by adding the following subsections after subsection (5):

"(5.1) During the course of a hearing, the discipline committee may amend any minor defect or error in the charge before the discipline committee if the amendment is necessary to determine the merits of the allegations in the charge.

"(5.2) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge against the member, the discipline committee shall notify the member and adjourn the hearing for any length of time that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended charge or to a new charge.

"(5.3) Subject to subsection (5.2), the discipline committee may find a member guilty of unbecoming, improper, unprofessional or discreditable conduct on any charge that may be revealed by the facts and substitute that charge for, or amend or add to, the charge that it was appointed to hear".

Section 54 amended

23 Section 54 is amended by:

(a) repealing clause (1)(f) and substituting the following:

"(f) impose a fine on the person not exceeding \$15,000;

"(g) require the person to undertake any upgrading, retraining, education or treatment that the council may specify, within any period of time that the council may specify and suspend the person from the privileges of a duly qualified medical practitioner if the person should fail to obtain the upgrading, retraining, education or treatment;

"(h) provide for any further assessment of the person's skills and knowledge at any future time that the council may determine;

"(i) direct the person to pay the costs of and incidental to the investigation, including fees payable to solicitors, council and witnesses, or any part of those costs"; and

(b) by repealing subsection (2) and substituting the following subsection:

"(2) Costs required to be paid pursuant to clause (1)(i) are a debt due to the college in so far as they were borne in the first instance by the college, and the council may direct that the licence of the person be suspended in the event of the failure of the person to pay the costs".

New section 54.1 24 The following section is added after section 54:
Enforcement of pay of costs and fines

"54.1 Where a person defaults in the payment of any:

(a) costs directed or imposed pursuant to subsection 45(12) or subsection 54(1) or (2) to be paid by the person; or

(b) fine imposed on the person pursuant to clause 54(1)(f);

the registrar may file a statement certifying the amount of the costs or fine in the office of the local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan at any judicial centre, and when so filed payment of the amount set out in the statement may be enforced as a judgment of the court".

Section 55 amended

25 Section 55 is amended by adding "after giving the person an opportunity to be heard and" after "may".

New sections 55.1 to 55.3

26 The following sections are added after section 55:

Interview of members

"55.1(1) The council may require the attendance of any member before it for the purpose of interviewing the member.

"(2) The council may:

(a) appoint a special committee for the purpose of interviewing a member;
and

(b) make bylaws regarding the size, composition and operation of the committee.

Statements, etc., not to be used in
evidence, exception

"55.2 No statement or answer given by a member:

(a) under investigation by a preliminary inquiry committee to that committee;

(b) interviewed by the council to the council; or

(c) interviewed by a special committee appointed pursuant to section 55.1 to that committee;

may be used in evidence before the discipline committee except on a charge that the

member is guilty of unbecoming, improper, unprofessional or discreditable conduct for knowingly giving false information to the preliminary inquiry committee, council or special committee.

Production of books, records, etc.

"55.3(1) The council, a preliminary inquiry committee appointed to investigate a member, a special committee appointed to interview a member, or a competency committee appointed to investigate whether a member has adequate skill and knowledge to practise may require the member concerned and any other member to produce to it any books, records, documents or things in the member's possession or control.

"(2) The college may apply *ex parte* to a judge of the court for an order directing a member to be interviewed or being interviewed or any other member or person to produce to the council, a special committee appointed for the purpose of interviewing a member, a preliminary inquiry committee or a competency committee any books, records, documents or things in his or her possession or under his or her control when the member has failed to produce them as required under subsection (1) or when the judge is of the opinion that the issue of such order is just and appropriate in the circumstances.

"(3) The judge may make any order on an application pursuant to subsection (2) that the judge considers just and appropriate in the circumstances".

New section 58
Failure to appear

27 Section 58 is repealed and the following substituted:

"58 Where the person whose conduct is the subject of the hearing or investigation by the discipline committee or the competency hearing committee, or investigation by a preliminary inquiry committee, fails to attend, the committee concerned, on proof of service of the notice or document requiring his appearance or attendance, which may be made by the affidavit of the person effecting service, may proceed without further notice to that person and take any action that it is authorized by this Act to take".

Section 80 amended

28 Section 80 is amended by striking out:

- (a) "\$600" and substituting "\$5,000";
- (b) "\$1,500" and substituting "\$10,000"; and
- (c) "\$2,000" and substituting "\$15,000".

Section 81 amended

29 Section 81 is amended by adding "section 80 of" after "against".

New sections 88 to 91, sections 92 to 95 repealed

30 Sections 88 to 95 are repealed and the following substituted:

Filing of bylaws

"88(1) The college shall file with the minister two copies, certified by the registrar to

be true copies, of:

- (a) all bylaws made pursuant to this Act other than bylaws made pursuant to subsection 6(1); and
- (b) any amendment to a bylaw described in clause (a) together with two copies of the bylaw to which the amendment relates.

"(2) Where the college adopts a code of ethics governing persons registered under this Act and subscription to or observance of that code is a condition of registration under this Act, the code of ethics is, for the purposes of this section and sections 90 and 91, deemed to be a bylaw made pursuant to subsection 6(2).

"(3) Where the minister does not advise the college in writing within 90 days of receiving copies of the bylaw or amendment that the minister does not approve the bylaw or amendment, the bylaw or amendment is deemed to have been approved.

"(4) Where the minister approves a bylaw or an amendment to a bylaw or the bylaw or amendment is deemed to have been approved pursuant to subsection (3), the minister shall file with the Department of Consumer and Commercial Affairs two copies, certified by the registrar to be true copies, of the bylaw or amendment.

"(5) Where an amendment to a bylaw is filed pursuant to subsection (4), the minister shall file two copies of the bylaw with the amendment.

"(6) Every bylaw and amendment mentioned in subsection (1) and approved by the minister or deemed to have been approved pursuant to subsection (3), comes into effect on the date on which it is published in the Gazette.

Same

"89 The college shall file with the minister two copies, certified by the registrar to be true copies, of:

- (a) all bylaws made pursuant to subsection 6(1); and
- (b) any amendment to a bylaw described in clause (a) together with two copies of the bylaw to which the amendment relates.

Review by Legislative Assembly

"90(1) One copy of all bylaws and amendments filed pursuant to section 88 with the Department of Consumer and Commercial Affairs is to be laid before the Legislative Assembly:

- (a) if the Assembly is then in session, immediately; or
- (b) if the Assembly is not then in session, within 15 days from the commencement of its next session.

"(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw or amendment ceases to have any effect and is deemed to have been revoked.

Record of revocation and notification

"91(1) Where it appears from any Votes and Proceedings of the Assembly that any

bylaw or amendment has ceased to have effect, the Clerk of the Assembly shall immediately forward two copies of the Votes and Proceedings to the Deputy Minister of Consumer and Commercial Affairs.

"(2) On receipt of copies mentioned in subsection (1), the Deputy Minister of Consumer and Commercial Affairs shall:

- (a) file one of the copies with the bylaw or amendment to which it relates; and
- (b) immediately:
 - (i) forward the other copy to the college; and
 - (ii) at the same time, advise the college that the copy is forwarded pursuant to this subsection".

Coming into force

31 This Act comes into force on a day to be fixed by proclamation of the Lieutenant Governor.