



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

## **Report to Convocation June 29, 2010**

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### **Paralegal Standing Committee**

#### **Committee Members**

**Cathy Corsetti, Chair**

**Susan McGrath, Vice-Chair**

**Marion Boyd**

**Robert Burd**

**James R. Caskey**

**Paul Dray**

**Seymour Epstein**

**Michelle L. Haigh**

**Glenn Hainey**

**Paul Henderson**

**Douglas Lewis**

**Ken Mitchell**

**Cathy Strosberg**

**Purpose of Report: Decision  
Information**

**Prepared by the Policy Secretariat  
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Federal Regulation of Immigration Consultants

Costs of First Paralegal Election

Working Group on Unbundled Legal Services

## COMMITTEE PROCESS

1. The Committee met on June 10<sup>th</sup>, 2010. Committee members present were Cathy Corsetti (Chair), Susan McGrath (Vice-Chair), Marion Boyd, Robert Burd, Paul Dray, Seymour Epstein, Michelle Haigh, Paul Henderson, Doug Lewis, Ken Mitchell and Cathy Strosberg. Staff members in attendance were Diana Miles, Terry Knott, Elliot Spears, Sheena Weir, Arwen Tillman, Roy Thomas, Susan Tonkin, Sophie Galipeau and Julia Bass.

## FOR DECISION

### AMENDMENTS TO BY-LAW 4 RE: CHANGES TO EXEMPTIONS

#### Motion

2. That By-law 4 be amended as shown at Appendix 1.

#### Background

3. On January 28th Convocation approved a report on the two-year review of exemptions.  
The motion read as follows:

#### Motion:

3. That Convocation approve the recommendations set out below.
- a. That the following exemption be ended: *Canadian Society of Professionals in Disability Management*.
  - b. That the following exemptions be amended:
    - i) Acting for a family member, friend or neighbour - that this exemption be divided into two parts, one for immediate family, such as a parent representing a teenage child, and one for 'friends' narrowly limited to two or three occasions in a calendar year.
    - ii) Constituency Assistants - that the by-law should be changed to define the exemption as "Members of the Provincial Parliament and their designated staff".
    - iii) *Ontario Professional Planners Institute*: that this exemption be reformulated to clarify that professional planners and like professionals can appear at local committees of adjustment.
  - c. That the following exemptions be given further consideration, including further consultations with affected parties:
    - i) Single Employer In-house Exemption
    - ii) Legal clinic employees
    - iii) Other profession or occupation, member of accrediting associations:
    - iv) *Human Resources Professionals Association of Ontario*
    - v) *The Board of Canadian Registered Safety Professionals*
    - vi) *Appraisal Institute of Canada*
    - vii) Office of the Worker Adviser and Office of the Employer Adviser
    - viii) Injured Workers Outreach Services (IWOS).
  - d. That the following exemptions be continued:
    - i) Law students volunteering in legal clinics;
    - ii) Law School student legal services;
    - iii) Law Students *pro bono* programmes ;
    - iv) Not for profit organizations;
    - v) Articling Students and Employed Law students, and

- vi) **Trade Unions and persons designated by the Ontario Federation of Labour.**
- e. **The Committee recommends that an exemption be added for paralegal college students on college-approved work placements.**

- 4. The proposed changes to Part IV of By-law 4 are shown at **Appendix 1**. The official, bilingual motion will be distributed at Convocation.
  
- 5. The Committee proposes that the implementation of one of the changes be deferred to September for further consideration - the removal of the specific exemption for the Ontario Professional Planners Institute (OPPI) – section 30 (1) 7 iv B. There are ongoing discussions with the OPPI.
  
- 6. The changes shown in the by-law are as follows:
  - a. The removal of municipal committees of adjustment from the ambit of the provision of “legal services”, – section 28 paragraph 3. This will accommodate the municipal departments that contacted the Law Society about the functioning of their committees of adjustment, and also the Ontario Association of Architects.
  - b. The deletion of the exemption for members of the Canadian Society of Professionals in Disability Management – section 30 (1) 7. iv E. (This change was agreed upon with the CSPDM, which found that the exemption was not necessary to the work of their members).
  - c. The changes to the provisions regarding ‘family and friends’ – section 30 (1) 5 and 5.1. This creates a much more limited exemption for ‘friends,’ who are limited to three matters per year, while retaining a relatively permissive exemption for family members.
  - d. The change to the title of the exemption formerly called “Constituency Assistants”, to “Member of Provincial Parliament” – section 30 (1) 6.
  - e. The new exemption for paralegal college students on a field placement in a legal aid clinic – section 30 (1) 2. C.
  - f. The new exemption for paralegal college students on field placements other than in a legal clinic – section 34.1.

7. There is also a housekeeping change regarding the correct citing of the *Public Service of Ontario Act, 2006* – section 31 (1).

**The Committee's Deliberations**

8. The Committee is of the view that the draft accurately reflects the policy changes approved by Convocation.

# BY-LAW CHANGES RE: EXEMPTIONS

VERSION June 14, 2010

## BY-LAW 4

### LICENSING

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### PART IV

#### NOT PRACTISING LAW OR PROVIDING LEGAL SERVICES

##### **Not practising law or providing legal services**

28. For the purposes of this Act, the following persons shall be deemed not to be practising law or providing legal services:

##### **Aboriginal Courtwork Program**

1. A person who delivers courtworker services to Aboriginal people through an Aboriginal delivery agency that has contracted with the Government of Ontario or the Government of Canada to deliver courtworker services as part of the Aboriginal Courtwork Program.

##### **Other profession or occupation**

2. A person whose profession or occupation is not the provision of legal services or the practice of law, who acts in the normal course of carrying on that profession or occupation, excluding representing a person in a proceeding before an adjudicative body.

##### **Committee of adjustment**

3. A person whose profession or occupation is not the provision of legal services or the practice of law, who, on behalf of another person, participates in hearings before a committee of adjustment constituted under section 44 of the *Planning Act*.

## PART V

### PROVIDING LEGAL SERVICES WITHOUT A LICENCE

#### Interpretation

29. In this Part,

“accredited law school” means a law school in Ontario that is accredited by the Society;

“accredited program” means a legal services program in Ontario approved by the Minister of Training, Colleges and Universities that is accredited by the Society;

“law firm” means,

- (a) a partnership or other association of licensees each of whom holds a Class L1 licence,
- (b) a professional corporation described in clause 61.0.1 (a) of the Act, or
- (c) a multi-discipline practice or partnership described in section 17 of By-Law 7 [Business Entities] where the licensee mentioned therein is a licensee who holds a Class L1 licence;

“legal services firm” means,

- (a) a partnership or other association of licensees each of whom holds a Class P1 licence,
- (b) a professional corporation described in clause 61.0.1 (b) of the Act, or
- (c) a multi-discipline practice or partnership described in section 17 of By-Law 7 [Business Entities] where the licensee mentioned therein is a licensee who holds a Class P1 licence;

“licensee firm” means a partnership or other association of licensees, a partnership or association mentioned in Part III of By-Law 7 [Business Entities] or a professional corporation.

#### Providing Class P1 legal services without a licence

30. (1) Subject to subsections (2) and (3), the following may, without a licence, provide legal services in Ontario that a licensee who holds a Class P1 licence is authorized to provide:

### **In-house legal services provider**

1. An individual who,
  - i. is employed by a single employer that is not a licensee or a licensee firm,
  - ii. provides the legal services only for and on behalf of the employer, and
  - iii. does not provide any legal services to any person other than the employer.

### **Legal clinics**

2. An individual who,
  - i. is any one of the following:
    - A. An individual who is enrolled in a degree program at an accredited law school and volunteers in or is completing a clinical education course at a clinic, within the meaning of the *Legal Aid Services Act, 1998*, that is funded by Legal Aid Ontario.
    - B. An individual who is employed by a clinic, within the meaning of the *Legal Aid Services Act, 1998*, that is funded by Legal Aid Ontario,
    - C. An individual who is enrolled in an accredited program and is completing a field placement approved by the educational institution offering the program at a clinic, within the meaning of the *Legal Aid Services Act, 1998*, that is funded by Legal Aid Ontario.
  - ii. provides the legal services through the clinic to the community that the clinic serves and does not otherwise provide legal services, and
  - iii. has professional liability insurance coverage for the provision of the legal services in Ontario that is comparable in coverage and limits to professional liability insurance that is required of a licensee who holds a Class L1 licence.

### **Student legal aid services societies**

3. An individual who,
  - i. is enrolled in a degree program at an accredited law school,

- ii. volunteers in, is employed by or is completing a clinical education course at a student legal aid services society, within the meaning of the *Legal Aid Services Act, 1998*,
- iii. provides the legal services through the clinic to the community that the clinic serves and does not otherwise provide legal services, and
- iv. provides the legal services under the direct supervision of a licensee who holds a Class L1 licence employed by the student legal aid services society.

### **Student *pro bono* programs**

- 3.1 An individual who,
  - i. is enrolled in a degree program at an accredited law school,
  - ii. provides the legal services through programs established by Pro Bono Students Canada, and
  - iii. provides the legal services under the direct supervision of a licensee who holds a Class L1 licence.

### **Not-for-profit organizations**

- 4. An individual who,
  - i. is employed by a not-for-profit organization that is established for the purposes of providing the legal services and is funded by the Government of Ontario, the Government of Canada or a municipal government in Ontario,
  - ii. provides the legal services through the organization to the community that the organization serves and does not otherwise provide legal services, and
  - iii. has professional liability insurance coverage for the provision of the legal services in Ontario that is comparable in coverage and limits to professional liability insurance that is required of a licensee who holds a Class L1 licence.

### **| Acting for ~~family~~, friend or neighbour**

- 5. An individual,
  - i. whose profession or occupation is not and does not include the provision of legal services or the practice of law,

- ii. ~~who provides the legal services only occasionally,~~
- iii. ~~who provides the legal services only for and on behalf of a related person, within the meaning of the *Income Tax Act (Canada)*, a friend or a neighbour,~~
- iii. who provides the legal services in respect of not more than three matters per year, and
- iv. who does not expect and does not receive any compensation, including a fee, gain or reward, direct or indirect, for the provision of the legal services.

### Acting for family

#### 5.1. An individual,

- i. whose profession or occupation is not and does not include the provision of legal services or the practice of law,
- ii. who provides the legal services only for and on behalf of a related person, within the meaning of the *Income Tax Act (Canada)*,
- iii. who does not expect and does not receive any compensation, including a fee, gain or reward, direct or indirect, for the provision of the legal services.

### Constituency assistants Member of Provincial Parliament

- 6. An individual,
  - i. whose profession or occupation is not and does not include the provision of legal services or the practice of law,
  - ii. who is ~~any one of the following:~~
    - A. ~~A member of Parliament or his or her designee,~~
    - B. ~~A a member of Provincial Parliament or his or her designee~~ designated staff,
    - C. ~~A member of a council of a municipality or his or her designee,~~
      - and

- iii. who provides the legal services for and on behalf of a constituent of the member.

**Other profession or occupation**

- 7. An individual,
  - i. whose profession or occupation is not the provision of legal services or the practice of law,
  - ii. who provides the legal services only occasionally,
  - iii. who provides the legal services as ancillary to the carrying on of her or his profession or occupation, and
  - iv. who is a member of,
    - A. the Human Resources Professionals Association of Ontario,
    - B. the Ontario Professional Planners Institute,
    - C. the Board of Canadian Registered Safety Professionals, or
    - D. the Appraisal Institute of Canada  
~~, or~~
    - ~~E. the Canadian Society of Professionals in Disability Management.~~

**Individuals intending to apply or who have applied for a Class P1 licence**

- 8. An individual,
  - i. whose profession or occupation, prior to May 1, 2007, was or included the provision of such legal services,
  - ii. who will apply, or has applied, by not later than October 31, 2007, to the Society for a Class P1 licence,
  - iii. who has professional liability insurance for the provision of the legal services in Ontario that is comparable in coverage and limits to professional liability insurance that is required of a holder of a Class L1 licence, and
  - iv. who complies with the Society's rules of professional conduct for licensees who hold a Class P1 licence.

### **Time limit on providing Class P1 legal services without a licence**

(2) The individual mentioned in paragraph 8 of subsection (1) may, without a licence, provide legal services in Ontario that a licensee who holds a Class P1 licence is authorized to provide only until,

- (a) if the individual is granted a licence prior to May 1, 2008, the day the individual is granted a licence; or
- (b) if the individual is not granted a licence prior to May 1, 2008, the later of,
  - (i) April 30, 2008,
  - (ii) the day the individual is granted a licence, and
  - (iii) the effective date of the final decision and order, with respect to the individual's application for a Class P1 licence,
    - (A) of the Hearing Panel, or
    - (B) of the Appeal Panel, if there is an appeal from the decision and order of the Hearing Panel.

### **Interpretation**

31. (1) In this section,

“employer” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*;

“injured workers' group” means a not-for-profit organization that is funded by the Workplace Safety and Insurance Board to provide specified legal services to workers;

“public servant” has the meaning given it in the *Public Service of Ontario Act, 2006*;

“survivor” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*;

“worker” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*.

### **Office of the Worker Adviser**

(2) An individual who is a public servant in the service of the Office of the Worker Adviser may, without a licence, provide the following legal services through the Office of the Worker Adviser:

1. Advise a worker, who is not a member of a trade union, or the worker's survivors of her or his legal interests, rights and responsibilities under the *Workplace Safety and Insurance Act, 1997*.
2. Act on behalf of a worker, who is not a member of a trade union, or the worker's survivors in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings.

### **Office of the Employer Adviser**

(3) An individual who is a public servant in the service of the Office of the Employer Adviser may, without a licence, provide the following legal services through the Office of the Employer Adviser:

1. Advise an employer of her, his or its legal interests, rights and responsibilities under the *Workplace Safety and Insurance Act, 1997* or any predecessor legislation.
2. Act on behalf of an employer in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings.

### **Injured workers' groups**

(4) An individual who volunteers in an injured workers' group may, without a licence, provide the following legal services through the group:

1. Give a worker advice on her or his legal interests, rights or responsibilities under the *Workplace Safety and Insurance Act, 1997*.
2. Act on behalf of a worker in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings.

### **Interpretation**

32. (1) In this section,

“dependants” means each of the following persons who were wholly or partly dependent upon the earnings of a member of a trade union at the time of the member's death or who, but for the member's incapacity due to an accident, would have been so dependent:

1. Parent, stepparent or person who stood in the role of parent to the member.
2. Sibling or half-sibling.

3. Grandparent.

4. Grandchild;

“survivor” means a spouse, child or dependant of a deceased member of a trade union;

“workplace” means,

- (a) in the case of a former member of a trade union, a workplace of the former member when he or she was a member of the trade union; and
- (b) in the case of a survivor, a workplace of the deceased member when he or she was a member of the trade union.

### **Trade unions**

(2) An employee of a trade union, a volunteer representative of a trade union or an individual designated by the Ontario Federation of Labour may, without a licence, provide the following legal services to the union, a member of the union, a former member of the union or a survivor:

- 1. Give the person advice on her, his or its legal interests, rights or responsibilities in connection with a workplace issue or dispute.
- 2. Act on behalf of the person in connection with a workplace issue or dispute or a related proceeding before an adjudicative body other than a federal or provincial court.
- 3. Despite paragraph 2, act on behalf of the person in enforcing benefits payable under a collective agreement before the Small Claims Court.

### **Review**

33. Not later than May 1, 2009, the Society shall assess the extent to which permitting the individuals mentioned in sections 30, 31 and 32 to provide legal services without a licence is consistent with the function of the Society set out in section 4.1 of the Act and the principles set out in section 4.2 of the Act and determine whether the sections, in whole or in part, should be maintained or revoked.

### **Student under articles of clerkship**

34. (1) A student may, without a licence, provide legal services in Ontario under the direct supervision of a licensee who holds a Class L1 licence who is approved by the Society.

### **Other law student**

- (2) A law student may, without a licence, provide legal services in Ontario if the law student,
- (a) is employed by a licensee who holds a Class L1 licence, a law firm, a professional corporation described in clause 61.0.1 (c) of the Act, the Government of Canada, the Government of Ontario or a municipal government in Ontario;
  - (b) provides the legal services,
    - (i) where the law student is employed by a licensee, through the licensee's professional business,
    - (ii) where the law student is employed by a law firm, through the law firm,
    - (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (c) of the Act, through the professional corporation, or
    - (iv) where the law student is employed by the Government of Canada, the Government of Ontario or a municipal government in Ontario, only for and on behalf of the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively; and
  - (c) provides the legal services,
    - (i) where the law student is employed by a licensee, under the direct supervision of the licensee,
    - (ii) where the law student is employed by a law firm, under the direct supervision of a licensee who holds a Class L1 licence who is a part of the law firm,
    - (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, under the direct supervision of a licensee who holds a Class L1 licence who practise law as a barrister and solicitor through the professional corporation, or
    - (iv) where the law student is employed by the Government of Canada, the Government of Ontario or a municipal government in Ontario, under the direct supervision of a licensee who holds a Class L1 licence who works for the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively.

### **Same**

- (3) A law student may, without a licence, provide legal services in Ontario that a licensee who holds a Class P1 licence is authorized to provide if the law student,
- (a) is employed by a licensee who holds a Class P1 licence, a legal services firm or a professional corporation described in clause 61.0.1 (1) (c) of the Act;
  - (b) provides the legal services,

- (i) where the law student is employed by a licensee, through the licensee’s professional business,
  - (ii) where the law student is employed by a legal services firm, through the legal services firm, or
  - (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, through the professional corporation; and
- (c) provides the legal services,
- (i) where the law student is employed by a licensee, under the direct supervision of the licensee,
  - (ii) where the law student is employed by a legal services firm, under the direct supervision of a licensee who holds a Class P1 licence who is a part of the legal services firm, or
  - (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, under the direct supervision of,
    - (A) a licensee who holds a Class P1 licence who provides legal services through the professional corporation, or
    - (B) a licensee who holds a Class L1 licence who practises law as a barrister and solicitor through the professional corporation.

**Interpretation: “law student”**

(4) For the purposes of subsections (2) and (3), “law student” means an individual who is enrolled in a degree program at an accredited law school.

**Paralegal student completing a field placement**

34.1. A student enrolled in an accredited program and completing a field placement approved by the educational institution offering the program may, without a licence, provide legal services in Ontario that a licensee who holds a Class P1 licence is authorized to provide if the student,

- (a) is completing the field placement with a licensee who holds a Class P1 licence or a Class L1 licence, a legal services firm, a law firm, a professional corporation described in clause 61.0.1 (1) (c) of the Act, the Government of Canada, the Government of Ontario or a municipal government in Ontario;
- (b) provides the legal services,
  - (i) where the student is employed by a licensee, through the licensee’s professional business,
  - (ii) where the student is employed by a legal services firm or a law firm, through the legal services firm or the law firm,
  - (iii) where the student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, through the professional corporation, or

- (iv) where the student is employed by the Government of Canada, the Government of Ontario or a municipal government in Ontario, only for and on behalf of the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively; and
- (c) provides the legal services,
  - (i) where the field placement is with a licensee, under the direct supervision of the licensee,
  - (ii) where the field placement is with a legal services firm, under the direct supervision of a licensee who holds a Class P1 licence who is a part of the legal services firm,
  - (iii) where the field placement is with a law firm, under the direct supervision of a licensee who holds a Class L1 licence who is a part of the law firm,
  - (iv) where the field placement is with a professional corporation described in clause 61.0.1 (1) (c) of the Act, under the direct supervision of,
    - (A) a licensee who holds a Class P1 licence who provides legal services through the professional corporation, or
    - (B) a licensee who holds a Class L1 licence who practises law as a barrister and solicitor through the professional corporation, or
  - (v) where the field placement is with the Government of Canada, the Government of Ontario or a municipal government in Ontario, under the direct supervision of a licensee who holds a Class L1 licence or a Class P1 licence and who works for the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively.

## AMENDMENTS TO BY-LAW 4 RE: INTEGRATION PROGRAMME

### Motion

9. That By-law 4 be amended as shown at **Appendix 2**.

### Background

10. On February 25th, Convocation approved in principle the Committee's report on the proposed Integration Programme for members of some of the exempted groups, and for collection agents. On April 22<sup>nd</sup>, Convocation approved the list of eligible exemptions, shown at **Appendix 3**.
11. The changes to Part IV of By-law 4 necessary to implement the Integration Programme are shown at **Appendix 2**. The official, bilingual motion will be distributed at Convocation.
12. The main features of the programme are:
- a. The process will not be open to individual paralegals who chose not to apply in 2007 if they are not members of one of the exempt groups. A number of persons in this situation have been told that their application is out of time, and it would not be fair to go back on these decisions.
  - b. To take advantage of the process, applicants would have to show that they,
    - i) are a member of one of the eligible groups approved by Convocation;
    - ii) have three years of experience as of the date of application;
    - iii) can provide the required references;
    - iv) have or can obtain professional liability insurance, and
    - v) are of good character.
  - c. There will be a 'window' of 12 months for applicants to apply. Provided the by-law is approved in June, the year would run from October 1, 2010 through to September 30, 2011. An extensive communications initiative will be undertaken to draw the attention of all relevant persons to the new opportunity. A draft of the communications plan is attached at **Appendix 4**.

- d. Once applicants have applied, they will be required to complete the educational course, the licensing examination (with the usual three opportunities to attempt it) and all other requirements by December 31<sup>st</sup> 2014, at which point the process would be terminated.

### **Good Character Requirement**

13. As proposed in the February Report to Convocation, the by-law provides that applicants must receive good character clearance before they can write the licensing examination - subsection 15 (2.1). They may take the mandatory educational course while they are in good character investigation, but they will be told that there is a risk that they may not be permitted to write the licensing examination. In any event, they must complete the educational course by December 31, 2014 because it will not be available after that date.
14. Since it is possible that some applicants will not have written the licensing examination by December 31, 2014, particularly if hearings and appeals are required, there is a provision in the by-law that permits them to write the licensing examination within 12 months of being cleared regarding good character. So, for example, an applicant who appeals a hearing panel decision, is granted a new hearing, and is found to be of good character after the second hearing, may not have written the examination by 2015. Subsection 15 (2.2) of the by-law states that the applicant has 12 months from the final hearing panel decision on good character to write the licensing examination.

### **The Committee's Deliberations**

15. The Committee is of the view that the draft accurately reflects the policy adopted by Convocation.

**BY-LAW CHANGES TO IMPLEMENT THE INTEGRATION PROGRAMME**

**VERSION June 15, 2010**

**BY-LAW 4**

**LICENSING**

**PART I**

**CLASSES OF LICENCE**

....

**PART II**

**ISSUANCE OF LICENCE**

**INTERPRETATION**

**Interpretation**

7. In this Part,

“accredited law school” means a law school in Canada that is accredited by the Society;

“accredited program” means a legal services program in Ontario approved by the Minister of Training, Colleges and Universities that is accredited by the Society;

“licensing cycle” means,

- (a) for a person registering with the Society to be eligible to take a licensing examination or to enter into articles of clerkship that is a requirement for a Class L1 licence, a period running from May 1 in a year to April 30 in the following year; and
- (b) for a person registering with the Society to be eligible to take a licensing examination that is a requirement for a Class P1 licence, a period running from June 1 in a year to May 31 in the following year.

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## LICENCE TO PROVIDE LEGAL SERVICES

### **Requirement for issuance of Class P1 licence: not otherwise licensed**

10.1 It is a requirement for the issuance of a Class P1 licence that an applicant not already hold a licence to provide the legal services that a licensee who holds a Class P1 licence is authorized to provide.

.....

### **Requirements for issuance of Class P1 licence: application received after October 31, 2007 and prior to July 1, 2010**

12. (1) The following are the requirements for the issuance of a Class P1 licence for an applicant who applies for the licence after October 31, 2007 and prior to July 1, 2010:
1. The applicant must have graduated, within the three years prior to the application, from a legal services program in Ontario that, at the time the applicant graduated, was approved by the Minister of Training, Colleges and Universities and that included,
    - i. 18 courses, the majority of which provided instruction on legal services that a licensee who holds a Class P1 licence is authorized to provide and one of which was a course on professional responsibility and ethics, and
    - ii. a field placement of at least 120 hours.
  2. The applicant must have successfully completed the applicable licensing examination or examinations set by the Society.

### **Exemption from education requirement**

- (2) An applicant is exempt from the requirement mentioned in paragraph 1 of subsection (1) if,
- (a) for an aggregate of at least 3 years, the applicant has exercised the powers and performed the duties of a justice of the peace in Ontario on a full-time basis; or
  - (b) the applicant was previously licensed to provide legal services in Ontario and applied for that licence prior to November 1, 2007.

### **Exemption from examination requirement**

- (3) An applicant is exempt from the requirement mentioned in paragraph 2 of subsection (1) if the applicant was previously licensed to provide legal services in Ontario.

### **Requirements for issuance of Class P1 licence: application received after June 30, 2010**

13. (1) The following are the requirements for the issuance of a Class P1 licence for an applicant who applies for the licence after June 30, 2010:

1. The applicant must have graduated from a legal services program in Ontario that was, at the time the applicant graduated from the program, an accredited program.
2. The applicant must have successfully completed the applicable licensing examination or examinations set by the Society by not ~~more later~~ than ~~three two~~ years ~~prior to the application for licensing~~ after the end of the licensing cycle into which the applicant was registered.

### **Exemption from education requirement**

(2) An applicant is exempt from the requirement mentioned in paragraph 1 of subsection (1) if,

- (a) for an aggregate of at least 3 years, the applicant has exercised the powers and performed the duties of a justice of the peace in Ontario on a full-time basis; ~~or~~
- (b) the applicant is mentioned in subsection (4) and,
  - (i) has provided legal services, that a licensee who holds a Class P1 licence is authorized to provide, on a full-time basis for a total of three years in the five years immediately prior to her or his application for a Class P1 licence,
  - (ii) has provided written confirmation from two persons, from a list of persons and in a form provided by the Society, verifying that the applicant meets the requirement mentioned in subclause (i), and
  - (iii) has successfully completed a professional conduct and advocacy course conducted by the Society by not later than two years after the end of the licensing cycle into which the applicant was registered;
- (c) the applicant is a member in good standing of the Human Resources Professionals Association of Ontario, the Ontario Professional Planners Institute, the Board of Canadian Registered Safety Professionals or the Appraisal Institute of Canada and,
  - (i) has been a member in good standing of the organization for a total of three years in the five years immediately prior to her or his application for a Class P1 licence,
  - (ii) has carried on the profession or occupation represented by the organization, including engaging in activities related to the provision of legal services that a licensee who holds a Class P1 licence is authorized to provide, on a full-time basis for a total of three years in the five years immediately prior to her or his application for a Class P1 licence, and

- (iii) has successfully completed a professional conduct and advocacy course conducted by the Society by not later than two years after the end of the licensing cycle into which the applicant was registered;
  - (d) the applicant is registered and in good standing as a collector under the *Collection Agencies Act* and,
    - (i) has been registered and in good standing as a collector under the *Collection Agencies Act* for a total of three years in the five years immediately prior to her or his application for a Class P1 licence,
    - (ii) has acted as a collector, including engaging in activities related to the provision of legal services that a licensee who holds a Class P1 licence is authorized to provide, on a full-time basis for a total of three years in the five years immediately prior to her or his application for a Class P1 licence, and
    - (iii) has successfully completed a professional conduct and advocacy course conducted by the Society by not later than two years after the end of the licensing cycle into which the applicant was registered; or
- (be) the applicant was previously licensed to provide legal services in Ontario and applied for that licence prior to July 1, 2010.

**Interpretation: “full-time basis”**

(2.1) For the purposes of subsection (2), engaging in an activity or acting in a particular capacity on a full-time basis means engaging in an activity or acting in a particular capacity, on the average, 30 hours per week.

**Exemption from examination requirement**

(3) An applicant is exempt from the requirement mentioned in paragraph 2 of subsection (1) if the applicant was previously licensed to provide legal services in Ontario.

**Application of clause (2) (b)**

(4) Clause (2) (b) applies to an applicant who engages in any one of the following activities and who, on November 1, 2007, was engaging in any one of the following activities:

1. Providing legal services without a licence under paragraph 1 of subsection 30 (1).
2. Providing legal services without a licence under paragraph 2 of subsection 30 (1) as an individual employed by a clinic, within the meaning of the *Legal Aid Services Act, 1998*, that is funded by Legal Aid Ontario.

3. Providing legal services without a licence under paragraph 4 of subsection 30 (1).

4. Providing legal services without a licence under section 31.

5. Providing legal services without a licence under section 32.

**Application of clauses 2 (b), (c) and (d)**

(5) Clauses 2 (b), (c) and (d) apply only to an applicant who submits to the Society a completed application for a Class P1 licence on or before September 30, 2011.

LICENSING EXAMINATIONS

**General requirements**

14. (1) A person who meets the following requirements is entitled to take a licensing examination set by the Society:
1. The person must register with the Society, prior to the day of the examination, by the time specified by the Society.
  2. The person must submit to the Society a completed examination application, for the examination that the person wishes to take, in a form provided by the Society, prior to the day of the examination, by the time specified by the Society.
  3. The person must pay the applicable examination fee, prior to the day of the examination, by the time specified by the Society.
  4. The person must provide to the Society all documents and information, as may be required by the Society, relating to any requirement for taking an examination.
  5. The person must not be ineligible to take the examination under this By-Law.

**Misrepresentations**

(2) A person who makes any false or misleading representation or declaration on or in connection with an examination application, by commission or omission, is deemed thereafter not to meet, and not to have met, the requirements for taking a licensing examination and, subject to subsection (3), the successful completion of any licensing examination taken by the person is deemed thereafter to be void.

**Deferred voiding of examination result**

(3) Where the false or misleading representation mentioned in subsection (2) relates to meeting the requirement of paragraph 1 of subsection 9 (1) or paragraph 1 of section 14 and was made by the person in good faith, the person is deemed not to meet, and not to have met, the requirements for taking a licensing examination, and the successful completion of any licensing examination taken by the person is deemed to be void, if the person does not meet the requirement of paragraph 1 of subsection 9 (1) or paragraph 1 of section 14, as the case may be,

by the end of the licensing cycle in which the person registered with the Society to be eligible to take the applicable licensing examination.

### **Licensing examination for Class L1 licence**

15. (1) A person who meets the requirement of paragraph 1 of subsection 9 (1) is entitled to take a licensing examination that is a requirement for the issuance of a Class L1 licence.

### **Licensing examination for Class P1 licence**

(2) A person is entitled to take a licensing examination that is a requirement for a Class P1 licence if,

- (a) in the case of an applicant who applies for a Class P1 licence prior to November 1, 2007, the person meets the requirements of paragraphs 1 and 3 of subsection 11 (1);
- (b) in the case of an applicant who applies for a Class P1 after October 31, 2007 and prior to July 1, 2010, the person meets the requirement of paragraph 1 of section 12; and
- (c) in the case of an applicant who applies for a Class P1 licence after June 30, 2010,

(i) the person meets the requirement of paragraph 1 of subsection 13 (1), or

(ii) the person is exempt from the requirement of paragraph 1 of subsection 13 (1) under clause 13 (2) (b), 13 (2) (c) or 13 (2) (d).

### **Licensing examination for Class P1 licence: permission to take examination**

(2.1) Despite subclause (2) (c) (ii), an applicant mentioned in that subclause is not entitled to take a licensing examination that is a requirement for a Class P1 licence until after she or he has provided to the Society all documents and information, as may be required by the Society, relating to the requirement that an applicant for a Class P1 licence be of good character and the Society has notified the applicant that she or he is permitted to take the licensing examination.

### **Time requirement for successfully completing licensing examination**

(2.2) Despite paragraph 2 of subsection 13 (1), an applicant who is permitted under subsection (2.1) to take a licensing examination that is a requirement for a Class P1 licence shall successfully complete the licensing examination by not later than the later of,

(a) two years after the end of the licensing cycle into which the applicant was registered; and

(b) 12 months after the date on which the Society notifies the applicant that she or he is permitted to take the licensing examination.

## **Failing licensing examination**

(3) A person who qualified to take a licensing examination that is a requirement for a Class P1 licence by meeting the requirement of subparagraph i or ii of paragraph 1 of subsection 11 (1) and failed the examination on three occasions may no longer qualify to take the examination by meeting the requirement of subparagraph i or ii of paragraph 1 of subsection 11 (1).

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## PROFESSIONAL CONDUCT AND ADVOCACY COURSE

### Requirements

17.1 (1) A person who meets the following requirements is entitled to take the professional conduct and advocacy course conducted by the Society the successful completion of which is a requirement for an exemption under clause 13 (2) (b), (c) or (d) from the requirement mentioned in paragraph 1 of subsection 13 (1):

1. The person must register with the Society.
2. The person must pay the applicable fees by the time specified by the Society.
3. The person must provide to the Society all documents and information, as may be required by the Society, relating to the taking of the course by the time specified by the Society.

## **INTEGRATION PROJECT – ELIGIBILITY**

<b><i>EXEMPTION OR EXCLUSION BY-LAW 4, PART V:</i></b>	<b><i>RECOMMENDATION</i></b>	<b><i>EXAMPLE</i></b>
Section 30 (1) In-house legal services provider	• YES	Municipal prosecutors
Legal Clinics: employees	• YES	Community legal workers
Legal Clinics: law students	• NO	
Law school student legal services	• NO	
Law student <i>pro bono</i> programs	• NO	
Not for profit organizations	• YES	Human Rights Legal Support staff
Acting for family, friend or neighbour	• NO	
MPP's and their designees	• NO	
Other profession or occupation – member of A. Human Resources Professionals Association of Ontario B. Ontario Professional Planners Institute C. Board of Canadian Registered Safety Professionals D. Appraisal Institute of Canada	• YES	HR consultants working in workers' compensation
Section 31 Office of the Worker Adviser Office of the Employer Adviser	• YES	
Injured Workers groups funded by the WSIB	• YES	
Section 32 (2) trade unions and persons designated by the Ontario Federation of Labour	• YES	
Section 34 Articling Students Employed law students	• NO	

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## **Communications Strategy**

### ***Integration of Exempted Paralegals***

***June 2, 2010***

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#### **Issue**

During 2009 consultations with stakeholders regarding paralegal licensing exemptions, the Paralegal Standing Committee learned that many members of groups exempted by By-Law 4 now wished to apply for a paralegal licence. As well, the Law Society received a request for an exemption of Ontario collection agents. To address these concerns, the committee submitted a recommendation to Convocation on February 25, 2010 for a new licensing stream for Ontario collection agents and some previously exempt groups in By-Law 4. The recommendation was accepted in principle and by-law changes are being brought to June Convocation for approval, so that if approved, the application process may begin in October 2010.

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#### **Context / Background**

In 2009, the Paralegal Standing Committee reviewed the licensing exemptions provided by By-Law 4 and prepared an interim report on exemptions to paralegal regulation, which was approved by Convocation on January 28, 2010. The policy recommendations contained in the report were based on extensive consultations with stakeholders

The committee found there is considerable interest from people in some exempt groups to become licensed. As well, the Law Society received a request for an exemption for Ontario collection agents. Prior to the introduction of paralegal licensing, some collection agents appeared in Small Claims Court on behalf of their clients and many prepared statements of claim, even when the court work was to be undertaken by a lawyer or paralegal.

Collection agents who contacted the Law Society during the 2007 grandparent window were told that they were ineligible to apply if they lacked the courtroom advocacy experience that formed part of the required criteria. However, these collection agents are now finding that their work in drafting statements of claim is considered the “provision of legal services” and they can be the subject of a complaint of unauthorized practice.

To address these concerns, the Paralegal Standing Committee proposed an integration program for members of some exempted groups and collection agents. Convocation approved the program in February and the necessary by-law changes are being presented to Convocation for approval in June.

Contingent upon approval in June, the integration program will provide a 12-month window for applicants to apply for licensing, from October 1, 2010 to September 30, 2011. Applicants would be required to complete all the requirements by December 31, 2014, when the process would end.

The process will include an online educational component that all applicants would be required to complete once they have applied for licensing. Having the Law Society deliver the program will guarantee that Law Society standards will be met.

The focus of the course would be on ethics, professional responsibility and client service, with emphasis on advocacy-related knowledge and the *Paralegal Rules of Conduct*. The course would consist of 15 three-hour modules with a 20 minute multiple-choice assessment at the end of each module. All applicants would also be required to take the usual licensing examination. They would have three opportunities to write the examination and meet all the other requirements by December 31, 2014.

Eligible applicants will be required to have three years of experience in their field (within the previous five years) and pass the licensing examination. They would also be required to have professional liability insurance and fulfill the good character requirement before being entitled to write the licensing examination.

This licensing opportunity would not be available to those who chose not to apply in 2007, if they are not members of one of the exempt groups.

It is estimated that approximately 400 to 450 people will use this opportunity to apply for licensing.

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### **What the Law Society is Doing**

The Law Society is launching an integration program as a temporary avenue into the paralegal licensing process for collection agents and some previously exempt groups. The program includes the development of an online study program, for distance learning.

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### **Communications Message – Overall**

- The Law Society is developing a new licensing stream to integrate members of some of the groups previously exempted from paralegal licensing, as well as collection agents. The process will further enhance consumer protection and access to justice by addressing a current gap in regulation and increasing the number of licensed, competent paralegals.

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### **Communications Goals**

- To communicate the integration program requirements to all audiences – stakeholders – particularly those in the exempted groups and collection agents – as well as lawyers, paralegals, public & media.
- Ensure that applicants/stakeholders have access to current and ongoing information about the integration program.

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## **Key Messages - Overall**

- The Law Society is offering a new licensing stream to integrate exempted paralegals and collection agents.
- The new integration process will further enhance consumer protection and access to justice by addressing a current gap in regulation and increasing the number of licensed, competent paralegals.
- The integration program will not be available to non-exempt individuals who did not apply for the grandparent licensing stream in 2007.
- Applicants to the integration process must be members of one of the eligible groups and have three years of experience in their field.
- Applicants to the integrated process will have a 12-month window to apply for licensing from October 1, 2010 to September 30, 2011, and must complete all the requirements by December 31, 2014.

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## **Communication Tactics & Vehicles**

- Coverage in *Convocation News*
- News Releases – at launch of program – updated releases at intervals of the program
- Web Postings – Latest News & a dedicated page in the Paralegal Section – continually updated as new information becomes available – include an FAQ section
- Meetings with stakeholder groups
- Forum or town hall for stakeholders
- E-blasts to organizations representing eligible groups & other stakeholders throughout process
- Articles for posting in stakeholder publications & websites
- Coverage in *Paralegal UPDATE*
- Notice in *Ontario Reports* (Repeated)

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## **Potential Media Coverage**

We anticipate there will be interest from the legal media. Depending on the outcome, there may also be some interest from mainstream media legal reporters. We will respond to queries as they occur.

## FOR INFORMATION

### REGULATION OF IMMIGRATION CONSULTANTS

16. The federal minister of immigration has introduced Bill C-35, the *Cracking Down on Crooked Consultants Act*. This bill is intended to address current problems with the regulation of immigration consultants, and creates summary conviction offences for contravention of the *Immigration and Refugee Protection Act*. A copy of the bill is attached at **Appendix 5**.
17. The bill will be reviewed by the Government Relations Committee.

### COSTS OF PARALEGAL ELECTION

18. The first election of paralegal members of the Paralegal Standing Committee was held during the month of March, 2010. The election was held entirely electronically. A table showing the costs of the election is attached at **Appendix 6**.

### TASK FORCE ON UNBUNDLED LEGAL SERVICES

19. The Committee was requested by the Professional Regulation Committee to nominate members to the new Task Force on Unbundled Legal Services. The Committee nominated Paul Dray, Michelle Haigh and Robert Burd.

**C-35**

Third Session, Fortieth Parliament,  
59 Elizabeth II, 2010

**HOUSE OF COMMONS OF CANADA**

## **BILL C-35**

An Act to amend the Immigration and Refugee Protection Act

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FIRST READING, JUNE 8, 2010

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MINISTER OF CITIZENSHIP, IMMIGRATION AND  
MULTICULTURALISM

**C-35**

Troisième session, quarantième législature,  
59 Elizabeth II, 2010

**CHAMBRE DES COMMUNES DU CANADA**

## **PROJET DE LOI C-35**

Loi modifiant la Loi sur l'immigration et la protection des  
réfugiés

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PREMIÈRE LECTURE LE 8 JUIN 2010

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MINISTRE DE LA CITOYENNETÉ, DE L'IMMIGRATION  
ET DU MULTICULTURALISME

## SUMMARY

This enactment amends the *Immigration and Refugee Protection Act* to change the manner of regulating third parties in immigration processes. Among other things it

- (a) creates a new offence by extending the prohibition against representing or advising persons for consideration — or offering to do so — to all stages in connection with a proceeding or application under that Act, including before a proceeding has been commenced or an application has been made;
- (b) exempts from the prohibition
  - (i) members of a provincial bar or the Chambre des notaires du Québec, and students-at-law acting under their supervision,
  - (ii) members of a body designated by the Minister of Citizenship and Immigration, and
  - (iii) entities, and persons acting on the entities' behalf, acting in accordance with an agreement or arrangement with Her Majesty in right of Canada;
- (c) extends the time for instituting certain proceedings by way of summary conviction from six months to five years;
- (d) gives the Minister of Citizenship and Immigration the power to make transitional regulations in relation to the designation by the Minister of a body;
- (e) provides for oversight by that Minister of a designated body through regulations requiring the body to provide information to allow the Minister to determine whether it governs its members in the public interest; and
- (f) facilitates information sharing with regulatory bodies regarding the professional and ethical conduct of their members.

## SOMMAIRE

Le texte modifie la *Loi sur l'immigration et la protection des réfugiés* afin de changer la façon de réglementer les tiers qui interviennent dans le processus d'immigration. Il prévoit notamment :

- a) la création d'une nouvelle infraction en élargissant l'interdiction de représenter ou de conseiller une personne — ou d'offrir de le faire —, moyennant rétribution, de sorte qu'elle s'appliquera non seulement à toute étape d'une demande ou d'une instance prévue par cette loi, mais également avant la présentation de la demande ou l'introduction de l'instance;
- b) une exception à cette interdiction pour :
  - (i) les membres du barreau d'une province ou de la Chambre des notaires du Québec, ainsi que pour les stagiaires en droit agissant sous leur supervision,
  - (ii) les membres d'un organisme désigné par le ministre de la Citoyenneté et de l'Immigration,
  - (iii) les entités et les personnes qui agissent en leur nom, lorsqu'elles agissent conformément à un accord ou à une entente conclus avec Sa Majesté du chef du Canada;
- c) la prolongation du délai pour intenter certaines poursuites par voie de procédure sommaire, qui passe de 6 mois à 5 ans;
- d) la faculté du ministre de la Citoyenneté et de l'Immigration de prendre des règlements transitoires relativement à la désignation d'organismes;
- e) la surveillance de tout organisme désigné par ce ministre au moyen de règlements l'obligeant à fournir des renseignements pour permettre au ministre de vérifier s'il régit ses membres dans l'intérêt public;
- f) la simplification de l'échange d'information avec les organismes de réglementation en ce qui a trait à la conduite de leurs membres sur les plans professionnel ou de l'éthique.

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

## BILL C-35

## PROJET DE LOI C-35

An Act to amend the Immigration and Refugee  
Protection Act

Loi modifiant la Loi sur l'immigration et la  
protection des réfugiés

Her Majesty, by and with the advice and  
consent of the Senate and House of Commons  
of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement  
du Sénat et de la Chambre des communes du  
Canada, édicte :

### SHORT TITLE

### TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Cracking  
Down on Crooked Consultants Act*.

1. *Loi sévissant contre les consultants vé-*  
5 *reux.*

Titre abrégé  
5

2001, c. 27

### IMMIGRATION AND REFUGEE PROTECTION ACT

### LOI SUR L'IMMIGRATION ET LA PROTECTION DES RÉFUGIÉS

2001, ch. 27

2. Section 91 of the *Immigration and  
Refugee Protection Act* and the heading  
before it are replaced by the following:

2. L'article 91 de la *Loi sur l'immigration  
et la protection des réfugiés* et l'intertitre le  
précédant sont remplacés par ce qui suit :

#### *Representation or Advice*

#### *Représentation ou conseil*

Representation  
or advice for  
consideration

91. (1) Subject to this section, no person  
shall knowingly represent or advise a person for 10  
consideration — or offer to do so — in  
connection with a proceeding or application  
under this Act.

91. (1) Sous réserve des autres dispositions  
du présent article, commet une infraction 10  
quiconque sciemment représente ou conseille  
une personne, moyennant rétribution, dans le  
cadre d'une demande ou d'une instance prévue  
par la présente loi, ou offre de le faire.

Représentation  
ou conseil  
moyennant  
rétribution

Persons who  
may represent or  
advise

(2) A person does not contravene subsection  
(1) if they are a member in good standing of 15  
(a) a bar of a province or the Chambre des  
notaires du Québec; or  
(b) a body designated under subsection (5).

(2) Est soustrait à l'application du para- 15  
graphe (1) quiconque est membre en règle,  
selon le cas :  
a) du barreau d'une province ou de la  
Chambre des notaires du Québec;  
b) d'un organisme désigné en vertu du 20  
paragraphe (5).

Personnes  
pouvant  
représenter ou  
conseiller

Students-at-law

(3) A student-at-law does not contravene  
subsection (1) by offering or providing repre- 20  
sentation or advice to a person if the student-at-  
law is acting under the supervision of a member

(3) Le stagiaire en droit qui représente ou  
conseille une personne, ou qui offre de le faire,  
est soustrait à l'application du paragraphe (1)  
s'il agit sous la supervision d'un membre en 25

Stagiaires en  
droit

	in good standing of a bar of a province or of the Chambre des notaires du Québec who is representing or advising the person — or offering to do so — in connection with a proceeding or application under this Act.	règle du barreau d'une province ou de la Chambre des notaires du Québec qui représente ou conseille cette personne, ou qui offre de le faire, dans le cadre d'une demande ou d'une instance prévue par la présente loi.	
Agreement or arrangement with Her Majesty	(4) An entity, including a person acting on its behalf, that offers or provides services to assist persons in connection with an application under this Act, including for a permanent or temporary resident visa, travel documents or a work or study permit, does not contravene subsection (1) if it is acting in accordance with an agreement or arrangement between that entity and Her Majesty in right of Canada that authorizes it to provide those services.	(4) Est également soustraite à l'application du paragraphe (1) l'entité — ou la personne agissant en son nom — qui offre ou fournit des services dans le cadre d'une demande prévue par la présente loi, notamment une demande de visa de résident permanent ou temporaire, de titre de voyage ou de permis d'études ou de travail, si elle agit conformément à un accord ou à une entente avec Sa Majesté du chef du Canada l'autorisant à fournir ces services.	Accord ou entente avec Sa Majesté
Designation by Minister	(5) The Minister may, by regulation, design- ate a body whose members in good standing may represent or advise a person for considera- tion — or offer to do so — in connection with a proceeding or application under this Act.	(5) Le ministre peut, par règlement, désigner un organisme dont les membres en règle peuvent représenter ou conseiller une personne, moyennant rétribution, dans le cadre d'une demande ou d'une instance prévue par la présente loi, ou offrir de le faire.	Désignation par le ministre
Regulations — required information	(6) The Governor in Council may make regulations requiring the designated body to provide the Minister with any information set out in the regulations for the purpose of assisting the Minister to evaluate whether the designated body governs its members in a manner that is in the public interest so that they provide professional and ethical representation and advice, and for any other purpose related to preserving the integrity of policies and pro- grams for which the Minister is responsible under this Act.	(6) Le gouverneur en conseil peut, par règlement, exiger que l'organisme désigné fournisse les renseignements réglementaires au ministre afin de l'aider à vérifier si l'organisme régit ses membres dans l'intérêt public de manière qu'ils représentent ou conseillent les personnes en conformité avec les règles de leur profession et les règles d'éthique, et à toute autre fin liée à la préservation de l'intégrité des orientations et des programmes relevant de sa compétence en vertu de la présente loi.	Règlement : renseignements requis
Regulations — transitional measures	(7) The Minister may, by regulation, provide for measures respecting any transitional issues raised by the exercise of his or her power under subsection (5), including measures  (a) making any person or member of a class of persons a member for a specified period of a body that is designated under that subsec- tion; and  (b) providing that members or classes of members of a body that has ceased to be a designated body under that subsection con- tinue for a specified period to be authorized to represent or advise a person for consideration	(7) Le ministre peut, par règlement, prévoir des mesures à l'égard de toute question transitoire soulevée par l'exercice du pouvoir que lui confère le paragraphe (5), notamment des mesures :  a) donnant à toute personne — individuelle- ment ou au titre de son appartenance à une catégorie déterminée — le statut de membre d'un organisme désigné en vertu de ce paragraphe pour la période prévue par règlement;  b) permettant à tout membre — individuel- lement ou au titre de son appartenance à une catégorie déterminée — d'un organisme qui a	Règlement : mesures transitoires

	— or offer to do so — in connection with a proceeding or application under this Act without contravening subsection (1).	cessé d'être un organisme désigné visé au même paragraphe de continuer d'être soustrait à l'application du paragraphe (1) pour la période prévue par règlement.	
Persons made members of a body	(8) For greater certainty, nothing in measures referred to in paragraph (7)(a) exempts a person made a member of a body under the measures from the body's disciplinary rules concerning suspension or revocation of membership for providing — or offering to provide — representation or advice that is not professional or is not ethical.	(8) Il est entendu que toute personne qui, en vertu d'un règlement pris en vertu de l'alinéa (7)a), a reçu le statut de membre d'un organisme est assujettie aux règles de discipline de cet organisme concernant la suspension ou la révocation de ce statut si elle représente ou conseille une personne, ou offre de le faire, d'une manière contraire aux règles de sa profession ou aux règles d'éthique.	5 Précision
	<b>3. The heading after section 129 of the Act is repealed.</b>	<b>3. L'intertitre suivant l'article 129 de la même loi est abrogé.</b>	15
	<b>4. The Act is amended by adding the following after section 133:</b>	<b>4. La même loi est modifiée par adjonction, après l'article 133, de ce qui suit :</b>	15
Limitation period	<b>133.1</b> (1) A proceeding by way of summary conviction in respect of an offence under section 117, 126, 127 or 131 may be instituted at any time within, but not later than, five years after the day on which the subject-matter of the proceeding arose.	<b>133.1</b> (1) Toute poursuite par voie de procédure sommaire à l'égard d'une infraction visée aux articles 117, 126, 127 ou 131 se prescrit par cinq ans à compter du fait reproché.	Prescription
Application	(2) Subsection (1) does not apply if the subject-matter of the proceeding arose before the day on which this section comes into force.	(2) Le paragraphe (1) ne s'applique pas si le fait reproché est survenu avant l'entrée en vigueur du présent article.	Application
	<b>5. Subsection 150.1(1) of the Act is amended by striking out “and” at the end of paragraph (a), by adding “and” at the end of paragraph (b) and by adding the following after paragraph (b):</b>	<b>5. Le paragraphe 150.1(1) de la même loi est modifié par adjonction, après l'alinéa b), de ce qui suit :</b>	
	(c) the disclosure of information relating to the professional or ethical conduct of a person referred to in paragraph 91(2)(a) or (b) in connection with a proceeding or application under this Act to a body that is responsible for governing or investigating that conduct or to a person who is responsible for investigating that conduct, for the purposes of preserving the integrity of policies and programs for which the Minister is responsible.	c) la communication de renseignements relatifs à la conduite, sur le plan professionnel ou de l'éthique, d'une personne visée aux alinéas 91(2)a) ou b) dans le cadre d'une demande ou d'une instance prévue par la présente loi à l'organisme qui régit la conduite de cette personne ou à l'organisme ou à la personne qui enquête sur cette conduite, et ce en vue de la préservation de l'intégrité des orientations et des programmes relevant de la compétence du ministre.	

## TRANSITIONAL PROVISION

Persons  
authorized to  
represent, advise  
or consult

6. Despite subsection 91(1) of the *Immigration and Refugee Protection Act*, as enacted by section 2 of this Act, a person — other than a member in good standing of a bar of a province or of the Chambre des notaires du Québec — who, immediately before the coming into force of this section, was authorized under regulations made under the *Immigration and Refugee Protection Act* to, for a fee, represent, advise or consult with a person who was the subject of a proceeding or application before the Minister of Citizenship and Immigration, an officer designated under subsection 6(1) of that Act or the Immigration and Refugee Board, may represent or advise a person for consideration — or offer to do so — in connection with a proceeding or application under that Act until regulations made under subsection 91(5) of that Act, as enacted by section 2 of this Act, come into force.

## COORDINATING AMENDMENTS

Bill C-11

7. (1) Subsections (2) and (3) apply if Bill C-11, introduced in the 3rd session of the 40th Parliament and entitled the *Balanced Refugee Reform Act* (in this section referred to as the “other Act”), receives royal assent.

(2) If section 2 of this Act comes into force before section 8 of the other Act, then that section 8 is repealed.

(3) If section 8 of the other Act comes into force on the same day as section 2 of this Act, then that section 8 is deemed to have come into force before that section 2.

## COMING INTO FORCE

Order in council

8. The provisions of this Act, other than section 7, come into force on a day or days to be fixed by order of the Governor in Council.

## DISPOSITION TRANSITOIRE

Personnes  
autorisées à  
représenter ou à  
faire office de  
conseil

6. Malgré le paragraphe 91(1) de la *Loi sur l'immigration et la protection des réfugiés*, édité par l'article 2, toute personne — à l'exception d'un membre en règle du barreau d'une province ou de la Chambre des notaires du Québec — qui, à l'entrée en vigueur du présent article, est autorisée, en vertu d'un règlement pris en vertu de cette loi, contre rémunération, à représenter une personne dans toute affaire devant le ministre de la Citoyenneté et de l'Immigration, l'agent désigné en vertu du paragraphe 6(1) de la même loi ou la Commission de l'immigration et du statut de réfugié, ou à faire office de conseil, peut représenter ou conseiller une personne, moyennant rétribution, dans le cadre d'une demande ou d'une instance prévue par la même loi, ou offrir de le faire, jusqu'à l'entrée en vigueur du premier règlement pris en vertu du paragraphe 91(5) de la même loi, édité par l'article 2.

## DISPOSITIONS DE COORDINATION

7. (1) Les paragraphes (2) et (3) s'appliquent en cas de sanction du projet de loi C-11, déposé au cours de la 3<sup>e</sup> session de la 40<sup>e</sup> législature et intitulé *Loi sur des mesures de réforme équitables concernant les réfugiés* (appelé « autre loi » au présent article).

(2) Si l'article 2 de la présente loi entre en vigueur avant l'article 8 de l'autre loi, cet article 8 est abrogé.

(3) Si l'entrée en vigueur de l'article 8 de l'autre loi et celle de l'article 2 de la présente loi sont concomitantes, cet article 8 est réputé être entré en vigueur avant cet article 2.

## ENTRÉE EN VIGUEUR

8. Les dispositions de la présente loi, à l'exception de l'article 7, entrent en vigueur à la date ou aux dates fixées par décret.

Projet de loi  
C-11

Décret

## EXPLANATORY NOTES

## NOTES EXPLICATIVES

*Immigration and Refugee Protection Act**Loi sur l'immigration et la protection des réfugiés*

*Clause 2:* Existing text of the heading and section 91:

*Article 2:* Texte de l'intertitre et de l'article 91 :

*Representation**Réglementation de la représentation*

**91.** The regulations may govern who may or may not represent, advise or consult with a person who is the subject of a proceeding or application before the Minister, an officer or the Board.

**91.** Les règlements peuvent prévoir qui peut ou ne peut représenter une personne, dans toute affaire devant le ministre, l'agent ou la Commission, ou faire office de conseil.

*Clause 3:* Existing text of the heading:

*Article 3:* Texte de l'intertitre

## PROCEEDS OF CRIME

## PRODUITS DE LA CRIMINALITÉ

*Clause 4:* New.

*Article 4:* Nouveau.

*Clause 5:* Relevant portion of subsection 150.1(1):

*Article 5:* Texte du passage visé du paragraphe 150.1(1):

**150.1** (1) The regulations may provide for any matter relating to

**150.1** (1) Les règlements régissent :

## APPENDIX 6

### 2010 Paralegal Election Expenses

#### Promotion

Advertising (OR reports-ran 5 times @ \$200.00 per issue)	\$ 1,000.00	GST not included
Teleseminar	\$ 329.40	
Printing of Election Information Packages - 50 copies	\$ 144.72	includes PST

#### Administration

Bankruptcy Searches	\$ 40.00	
Catering (meeting with Computershare)	\$ 21.06	includes PST

#### Election

On-line Voting System - Computershare	<u>\$ 15,640.17</u>	includes GST
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**TOTAL** **\$ 17,175.35**