

Second test: Civil law II and related proceedings, which may include, in particular: nominate contracts, prior claims and hypothecs, evidence, prescription, publication of rights and private international law.

Third test: Québec public (administrative) and labour law and related proceedings.

Fourth test: Federal public law:

- (1) distribution of legislative jurisdictions;
- (2) Canadian Charter of Rights and Freedoms;
- (3) fiscal law;
- (4) criminal law.

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Gouvernement du Québec

O.C. 672-96, 5 June 1996

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

Certified general accountants — Indemnity fund — Amendments

Regulation to amend the Regulation respecting the indemnity fund of the Ordre professionnel des comptables généraux licenciés du Québec

WHEREAS under section 89 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40), the Bureau of the Ordre professionnel des comptables généraux licenciés du Québec must determine, by regulation, a procedure for the indemnity fund;

WHEREAS under section 89 of the Code, that Bureau had made a Regulation respecting the indemnity fund of the Ordre professionnel des comptables généraux licenciés du Québec (R.R.Q., 1981, c. C-26, r. 33);

WHEREAS it is expedient to amend that Regulation;

WHEREAS under that section of the Code, that Bureau made a Regulation to amend the Regulation respecting the indemnity fund of the Ordre professionnel des comptables généraux licenciés du Québec;

WHEREAS in accordance with section 95.3 of the Code, a draft of the Regulation was sent to every member of the professional order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 December 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95.3 of the Code, the Office des professions du Québec made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the indemnity fund of the Ordre professionnel des comptables généraux licenciés du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the indemnity fund of the Ordre professionnel des comptables généraux licenciés du Québec

Professional Code
(R.S.Q., c. C-26, s. 89)

1. The Regulation respecting the indemnity fund of the Ordre professionnel des comptables généraux licenciés du Québec (R.R.Q., 1981, c. C-26, r. 33), amended by the Regulation approved by Order in Council 1879-82 dated 18 August 1982, which was replaced on 18 May 1983 by a notice published in the *Gazette officielle du Québec* of 18 May 1983, is further amended by substituting the following for section 2.02:

“**2.02.** The fund shall be maintained at a minimum amount of \$60 000 in cash or in securities and may be made up of any of the following:

(a) sums of money that the Bureau assigns thereto as necessary;

(b) contributions fixed for that purpose;

(c) sums of money recovered from an offending member under a subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26);

(d) interest accrued on the sums of money making up the fund;

(e) any sums of money paid by an insurance company under an insurance contract subscribed to by the Order.”.

2. The following is substituted for section 2.03:

“**2.03.** The Bureau is authorized to conclude an insurance contract for the purposes of the fund and to pay the premiums out of the fund.”.

3. The following is substituted for section 2.04:

“**2.04.** The Order shall keep separate accounting for the fund.”.

4. The following is substituted for section 2.05:

“**2.05.** The administrative committee shall manage the fund.

The sums of money constituting the fund shall be invested by the administrative committee in the following manner:

(a) the part of the sums which the Bureau anticipates using in the short term shall be deposited with a financial institution;

(b) the other part shall be invested in accordance with article 1339 of the Civil Code of Québec.”.

5. The following is substituted for paragraph *a* of section 2.06:

“(a) such withdrawal does not reduce the fund to an amount lower than the minimum of \$60 000 provided for in section 2.02; and”.

6. The following is substituted for section 3.02:

“**3.02.** The secretary shall include the claim on the agenda for the first meeting of the administrative committee and the first meeting of the Bureau following receipt of the claim.”.

7. The following is substituted for section 3.05:

“**3.05.** To be receivable, a claim must be submitted within 12 months following the date on which the claimant learned that sums of money were used for purposes other than those for which they had been remitted to the member in the practice of his profession.”.

8. The following is substituted for section 3.06:

“**3.06.** The Bureau may extend the time period provided for in section 3.05 if the claimant proves that, for a reason beyond his control, he was unable to submit his claim within the required time period.”.

9. The following is substituted for section 4.01:

“**4.01.** The Bureau or the administrative committee may designate a person or a committee to hold an inquiry and to submit a report concerning a claim.”.

10. The following is substituted for section 4.03:

“**4.03.** The Bureau, on the recommendation of the administrative committee, shall decide whether to allow a claim in whole or in part and, where expedient, shall fix the indemnity therefor. Its decision is final.”.

11. The following is substituted for section 4.04:

“**4.04.** The maximum indemnity payable out of that fund for the period covering the Order’s fiscal year is \$60 000 for the total claims concerning a member and \$40 000 per claimant.

Where the administrative committee has reason to believe that claims exceeding \$60 000 may be submitted to it with respect to a particular member, the Bureau must draw up an inventory of the sums of money held in trust by that member and must notify the persons liable to submit claims.

Where the total claims allowed by the Bureau exceed the \$60 000 indemnity, that indemnity shall be distributed in proportion to the amounts of the claims.”.

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