

## Draft Regulations

### Draft Regulation

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2)

#### **Chambre de l'assurance de dommages — Compulsory professional development**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting compulsory professional development of the Chambre de l'assurance de dommages, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication. The Government may approve it with or without amendment.

According to the Chambre de l'assurance de dommages, the draft Regulation confirms the compulsory nature of professional development for representatives working in the damage insurance and claims adjustment sector.

The draft regulation makes provision for the attribution of professional development units (PDUs) in respect of representatives who engage in training programs recognized by the Chambre. Moreover, it stipulates that the representatives must engage every two years in 30 hours of training in subjects determined by the Chambre, broken down as follows: 20 PDUs in insurance techniques or administration, 4 PDUs in law, and 6 PDUs in one or the other of the above-mentioned classes or in professional development.

Moreover, the draft Regulation makes provision for the Chambre to issue a default notice to any representative who has not met the compulsory professional development rules and to inform the representative of the means of rectifying the situation.

Further information may be obtained by contacting Mrs. Maya Raic, Director General, Chambre de l'assurance de dommages, 500, rue Sherbrooke Ouest, 7<sup>e</sup> étage, Montréal (Québec) H3A 3C6. Telephone: (514) 842-2591 or 1-800-361-7288; fax: (514) 842-3138; E-mail: mraic@chad.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,  
*Minister of Finance*

### Regulation governing compulsory professional development of the Chambre de l'assurance de dommages

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 313, par. 1, subpar. 2)

#### DIVISION I SCOPE

1. This Regulation applies to all representatives who hold a certificate issued by the Bureau des services financiers authorizing them to practise in any sector or class of sector of damage insurance or claims adjustment.

2. In this Regulation, the term “professional development unit”, or “PDU”, means the quantitative value assigned to a training activity recognized by the Chambre de l'assurance de dommages, one PDU representing one hour of activity.

3. The Chamber shall recognize a training activity, dealing with one of the subjects mentioned in first paragraph of section 4 when it is given in accordance with an agreement concluded under section 316 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2).

#### DIVISION II OBLIGATIONS

4. As of January 1, 2002, any representative who holds a certificate shall, between that date and December 31, 2003, and every 24 months thereafter, take part in training activities recognized by the Chamber and consisting of 30 PDUs in the subjects falling within the following classes:

## (1) administration :

- (a) economics ;
- (b) accounting and finance ;
- (c) business management ;

## (2) insurance techniques :

- (a) personal lines insurance ;
- (b) commercial lines insurance ;
- (c) risk management ;
- (d) claims adjustment ;
- (e) building services ;
- (f) investigation techniques ;
- (g) loss prevention ;

## (3) law :

- (a) laws and regulations respecting damage insurance ;
- (b) ethics and the professional practice of damage insurance ;
- (c) civil law ;
- (d) laws and regulations respecting the protection of personal information ;

## (4) professional development :

- (a) customer service ;
- (b) professional practice.

The PDUs shall be completed in accordance with the following terms and conditions :

- (1) 20 PDUs in the administration class or the insurance techniques class ;
- (2) 4 PDUs in the law class ;
- (3) 6 PDUs in one or the other of the classes referred to in subparagraphs (1) to (4) of the first paragraph.

The number of PDUs to be accumulated in one or the other of the classes referred to in first paragraph by any representative who is issued a certificate between January 1, 2002, and December 31, 2003, or over the course of any 24-month period thereafter, shall be prorated based on the number of complete months he has held a certificate during these 24 months, unless he has held the certificate for less than 6 months.

5. A representative cannot complete his PDUs within the context of an activity designed to promote an insurer's insurance products or an activity designed to motivate representatives to sell such products.

6. The Chamber may relieve a representative from the obligations referred to in section 4 if, due to superior force, he was unable to comply with them.

The fact that a representative was suspended or struck off the roll, or that his certificate was cancelled, revoked, suspended, not renewed or included restrictions and conditions does not constitute superior force.

7. The representative referred to in the second paragraph of section 6 can take part in training activities recognized by the Chamber and earn PDUs. However, he may not act in the capacity of trainer, instructor or facilitator in these activities.

8. A representative who decides to accumulate more than the PDUs required during any 24-month period cannot carry them forward to a subsequent period.

9. For each 24-month period, each representative shall keep the training attestations or exam or test result attestations given to him by the person, organization or educational institution who offers the training activity and for one year following the end of the 24-month period.

10. At the latest by January 15 following the end of the 24-month period, each representative himself or through the firm for which he is acting or the independent partnership of which he is a partner or employee must forward to the Chamber a copy of the attestations he must keep in accordance with section 9.

11. On January 30 following any given 24-month period, the Chamber shall send a default notice to each representative who has not accumulated the PDUs required under section 4 and notify him of the consequences of such default.

12. A representative who is in default must, after having received such notice from the Chamber, accumulate the number of PDUs he has failed to accumulate in one or more of the classes referred to in section 3, at the latest by March 31 following the end of the 24-month period.

13. At the end of the period referred to in section 12, the Chamber shall send a notice of non-compliance to each representative who has not accumulated the required number of PDUs and notify him of the consequences of such default.

14. The Chamber shall notify the Bureau des services financiers when it sends the notice referred to in section 13 to any representative who is in default.

15. A representative who acts in the capacity of trainer, instructor or facilitator in an activity is entitled, only once for this activity, to double the number of PDUs assigned to it.

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

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## Draft Regulation

Forest Act  
(R.S.Q., c. F-4.1; 2001, c. 6)

### Forest royalties

#### — Forest management plans and reports — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting forest royalties and the Regulation respecting forest management plans and report, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

This draft Regulation amends the Regulation respecting forest royalties

— to fix a unit rate applicable to the holder of a management permit for the harvest of Canadian yew;

— to change the unit rates applicable to the holder of a sugar bush management permit for acericultural purposes so that the current average unit rate for the leasing of public sugar bushes progressively reaches the rate of private sugar bushes, to increase from 5 to 7 the number of forest tariffing zones applicable to such permit holder and to provide for the payment in two equal instalments of the annual leasing dues, that is, on 31 January and 31 July;

— to make certain amendments to the terms and conditions for payment and to the dates on which the prescribed dues are payable;

— to require the holder of a contract or agreement to produce, at the time of the filing of the annual report, documents evidencing the costs for the carrying out of silvicultural treatments and other activities to protect or develop forest resources that he carries out in forests in

the domain of the State and admitted as payment of dues or a financial report on those costs audited by an accountant not in the employ of the agreement holder;

— to introduce in the Regulation provisions respecting the progress report on silvicultural treatments and other forest management activities provided for in the Regulation respecting forest management plans and report by making certain amendments to its content, in particular the name of the regional county municipality where the activities were carried out, as well as a declaration from the agreement holder specifying whether or not he has concluded a written contract with a third person governing the application of the silvicultural treatments mentioned in the progress report and, where applicable, specifying the amount of the costs provided for in the contract related to activities not included in the cost for carrying out those silvicultural treatments;

— to prescribe that the value of activities to protect or develop forest resources carried out by a third person in a management unit, a public forest reserve or a private forest and provided for in a financing agreement corresponds to 100% of the value admissible as payment of dues where the third person that carries out the activities is a non-profit organization.

The Regulation respecting forest management plans and reports is also amended so as, in particular:

— to take into account the provisions of section 173 of Chapter 6 of the Statutes of 2001, introduced in the provisional regime applicable to timber supply and forest management agreements, relating to the content of annual reports;

— to include a sunset clause that specifies the dates on which the provisions respecting forest management plans and the annual report provided for in the Regulation will cease to have effect so that they correspond to the dates of coming into force of the new provisions of the Forest Act, enacted by Chapter 6 of the Statutes of 2001, concerning the content of plans and reports.

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Mr. Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

JACQUES BRASSARD,  
*Minister of Natural Resources*

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