

## Draft Regulations

### Draft Regulation

Police Act  
(R.S.Q., c. P-13.1)

#### Comité de déontologie policière — Evidence, procedure and practice — 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 Rules to amend the Rules of evidence, procedure and practice of the Comité de déontologie policière, the text of which appears below, may be made by the Comité de déontologie policière and approved by the Government upon the expiry of 45 days following this publication.

Since the amendments of 1997, the Comité de déontologie policière no longer has jurisdiction to dispose in review of the decisions made by the police ethics commissioner under section 168 of the Police Act (R.S.Q., c. P-13.1).

In addition, two out of the three categories of members of the ethics committee have been abolished and the ethics committee henceforth sits with only one member, who must be an advocate. Moreover, the ethics committee no longer subpoenas the witnesses requested by the parties.

Therefore, it is expedient to amend the Rules of evidence, procedure and practice of the Comité de déontologie policière to bring them into conformity with those legislative provisions.

Finally, three sections of the Rules refer to sections of the Act respecting police organization, which was replaced by the Police Act; it is therefore expedient to amend those sections to have them refer to the relevant sections of the Police Act.

Moreover, to avoid any confusion, it is expedient to state that three of the provisions do not apply when the ethics committee sits in review.

Further information may be obtained by contacting Mre Nicole Dussault, Comité de déontologie policière, 2525, boulevard Laurier, bureau A-200, 2<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4Z6; telephone: (418) 528-2577; fax: (418) 528-0987.

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 chair of the Comité de déontologie policière, 2525, boulevard Laurier, bureau A-200, 2<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4Z6.

SUZANNE LEVESQUE, *advocate*  
*Chair of the Comité de déontologie policière*

### Rules to amend the Rules of evidence, procedure and practice of the Comité de déontologie policière \*

Police Act  
(R.S.Q., c. P-13.1, s. 237)

**1.** Section 1 of the Rules of evidence, procedure and practice of the Comité de déontologie policière is amended by substituting the following for the first paragraph:

“These Rules apply to any review of a decision rendered by the Police Ethics Commissioner made pursuant to paragraph 1 of section 178 of the Police Act (R.S.Q., c. P-13.1) as well as any citation referred to in section 195 of the Act.”.

**2.** Section 19 is amended by substituting “222” for “117”.

**3.** Section 22 is amended by adding the following paragraph after subparagraph 5 of the first paragraph:

“This section does not apply when the ethics committee sits in review.”.

**4.** The first paragraph of section 23 is amended by substituting the words “signed by the member who presides at the pre-hearing conference” for the words “approved by the member who is an advocate and signed by the parties”.

\* The only amendment to the Rules of evidence, procedure and practice of the Comité de déontologie policière, approved by Order in Council 908-92 dated 17 June 1992 (1992, G.O. 2, 3189) was made by the By-law approved by Order in Council 1380-95 dated 18 October 1995 (1995, G.O. 2, 3111).

**5.** The following is substituted for section 24:

“**24.** A subpoena must be served by the party requesting it, at its own expense, and the party is responsible for proving the date of receipt.

This section does not apply when the ethics committee sits in review.”

**6.** Section 27 is amended by adding the following after the first paragraph:

“This section does not apply when the ethics committee sits in review.”

**7.** Section 29 is amended by substituting the words “name of the committee member who presides at the hearing” for the words “names of the committee members” in paragraph 1.

**8.** Section 33 is amended by substituting “225” for “120”.

**9.** Section 35 is amended by substituting the words “to the ethics committee member who presides at the hearing” for the words “to each of the ethics committee members.”

**10.** The following is substituted for section 41:

“**41.** Only the member of the ethics committee who has presided at the hearing may render the decision and sign it.”

**11.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

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## Draft Regulation

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

### Chartered accountants — Trust accounting by chartered accountants and the Indemnity Fund of the Ordre

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des comptables agréés du Québec has adopted the Regulation respecting trust accounting by chartered accountants and the Indemnity Fund of the Ordre des comptables agréés du Québec.

This Regulation, the text of which appears below, will be reviewed by the Office des professions du Québec in accordance with section 95 of the Professional Code. The Regulation will then be submitted, with the recommendation of the Office, to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

This Regulation replaces the Regulation respecting the Indemnity Fund of the Ordre des comptables agréés du Québec, adopted by Decree No. 646-86 of May 14, 1986. The main purpose of this regulation is to implement measures to reduce the risk to the public and the profession when chartered accountants are called upon to hold funds or property in trust, and to propose changes to the maximum indemnity payable for all claims in respect of a chartered accountant.

The new Regulation provides that chartered accountants who hold funds entrusted to them by a third party in the practice of their profession shall immediately deposit such funds in a trust account opened in accordance with the Regulation.

Under the new Regulation, chartered accountants entrusted with funds or property and who administer property for third parties must keep accounting records in accordance with certain standards. They must also provide certain information to the Ordre each year.

Under exceptional circumstances, and where the interest of the public or the profession so requires, the Ordre may request information from the financial institution in which these funds are deposited and take the necessary steps to take possession and dispose of such funds.

The new Regulation provides for a maximum indemnity payable by the Ordre for all claims in respect of a chartered accountant; this maximum is set at \$300,000.

Updating changes were made concerning the composition of the indemnity fund and the process for filing a claim with the Ordre des comptables agréés du Québec.

This Regulation will have no impact on enterprises.

Further information may be obtained by contacting M<sup>e</sup> Christiane Brizard, lawyer, Director of Legal Affairs, Ordre des comptables agréés du Québec, 680, rue Sherbrooke Street Ouest, 18<sup>e</sup> étage, Montréal, Québec, H3A 2S3.

Any person having comments to make is requested to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800 place D’Youville, 10<sup>e</sup> étage, Québec (Québec),