

## Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** The Code of ethics of the members of the Ordre des évaluateurs agréés du Québec is amended by inserting the following after section 51 :

“**51.1.** A professional who communicates information in accordance with the third paragraph of section 60.4 of the Professional Code must communicate such information without delay and enter in the record the reasons supporting the decision as well as the detailed information concerned, the mode of communication and the identity of the person to whom the information is communicated.

When in doubt and if the well-being of the person exposed to the danger requires it, and if doing so does not involve a detrimental delay in the process, the professional must consult with the syndic before communicating the information.”.

**2.** 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

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

### Geologists — Conciliation and arbitration procedure for accounts

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 the conciliation and arbitration procedure for the accounts of geologists, adopted by the Bureau of the Ordre des géologues du Québec, the text of which appears below, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

In accordance with article 88 of the Professional Code, this proposed regulation establishes the procedure for conciliation and arbitration of the accounts of geologists which may be used by persons calling upon their services. Specifically, the proposed regulation allows a person to use this procedure if the account has been paid in full or in part and provides for the creation of an arbitration council which may, if so determined, establish the reimbursement due to a person. The proposed regulation also states that, depending on the amount in dispute, the arbitration may be decided by a council made up of one or three members.

Further information may be obtained by contacting Mr. Alain Liard, geologist, Secretary, Ordre des géologues du Québec, bureau 912, 1117, Sainte Catherine Ouest, Montréal (Québec), H3B 1H9, 514-278-6220, info@ogq.qc.ca

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, Place D'Youville, 10th Floor, Québec, (Québec), G1R 5Z3. The comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions; they may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

JEAN-K. SAMSON,  
*Chairman of the Office  
des professions du Québec*

## Regulation respecting the conciliation and arbitration procedure for the accounts of geologists

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I CONCILIATION

**1.** A client who has a dispute with a geologist concerning the amount of an account for professional services, whether such account was paid in whole or in part or not paid, may apply in writing for conciliation by the syndic of the Ordre des géologues du Québec within 45 days following receipt of that account.

For the purposes of this Regulation, a client is a person required to pay the account of a geologist.

**2.** Where sums for payment of the account were withdrawn or withheld by the geologist from moneys kept or received by the geologist for or on behalf of the client, the time period begins to run when the latter becomes aware of the withdrawal or withholding.

**3.** An application for conciliation of an account for which no payment, withdrawal or withholding was made may be sent to the syndic after the expiry of 45 days prescribed in section 1, provided that it is sent before the client is served with proceedings concerning the account.

**4.** A geologist may not institute proceedings in respect of an account for professional fees within 45 days of the date of receipt of that account by the client.

**5.** Upon receipt of an application for conciliation, the syndic shall notify the geologist involved or, if unable to do so personally, the geologist's firm. The syndic shall also send the client a copy of this Regulation.

**6.** Once the geologist has been notified that the syndic has received the application for conciliation, the geologist may not institute proceedings in respect of an account for professional fees so long as the dispute may be settled by conciliation or arbitration. A geologist may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

**7.** The syndic shall proceed with the conciliation in the manner the syndic deems most appropriate.

To that end, the syndic may request from the geologist or client any information or document deemed appropriate.

**8.** Any agreement during conciliation shall be recorded in writing, signed by the client and the geologist and filed with the secretary of the Order.

**9.** If conciliation does not lead to an agreement within 30 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute by registered or certified mail to the client and the geologist.

The report must contain, where applicable, the following information:

(1) the amount of the account for professional fees in dispute;

(2) the amount that the client acknowledges owing;

(3) the amount that the geologist acknowledges having to reimburse or is willing to accept in settlement of the dispute;

(4) the amount, if any, suggested by the syndic during conciliation as payment to the geologist or reimbursement to the client.

The syndic shall also send the client a form provided for in Schedule I and describe the procedure and deadline for submitting the dispute to arbitration.

**10.** The conciliation record shall be filed with the secretary of the Order. The record shall include the application for conciliation and the conciliator's report. The record shall be kept for at least one year, but no longer than five years.

## DIVISION II ARBITRATION

### §1. *Application for arbitration*

**11.** Within 30 days of receiving the conciliation report, a client may apply for arbitration of the account by sending the form provided for in Schedule I to the secretary of the Ordre des géologues du Québec by registered or certified mail. The client shall enclose a copy of the conciliation report and a certified cheque in the amount the client acknowledges owing with the application for arbitration.

**12.** Upon receipt of an application for arbitration, the secretary of the Order shall notify the geologist involved or, if unable to do so personally, the geologist's firm.

**13.** An application for arbitration may only be withdrawn in writing and with the geologist's consent.

**14.** If an agreement is reached between the parties after the application for arbitration, the agreement shall be recorded in writing, signed by the parties and filed with the secretary of the Order.

Where the agreement is reached after the council of arbitration has been formed, the agreement shall be recorded in the arbitration award and the council shall decide the expenses in accordance with the manner provided for in section 31.

## §2. Council of arbitration

**15.** The council of arbitration shall be composed of three arbitrators when the amount in dispute is \$10 000 or more and of a single arbitrator when the amount in dispute is less than \$10 000.

**16.** The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order. If the council consists of three arbitrators, the Bureau shall appoint the chair and secretary.

**17.** The secretary of the Order shall inform the arbitrators and the parties by mail that a council of arbitration has been formed.

**18.** A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure, except paragraph 7 of that article. It must be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocate within ten days of receiving the notice provided for in section 15 or of the day on which the reason for the request becomes known.

The Bureau shall rule on such request and, where required, shall see that the recused arbitrator is replaced.

**19.** Before acting, the members of the council of arbitration shall take the oath in Schedule II to the Professional Code (R.S.Q., c. C-26).

## §3. Hearing

**20.** The secretary of the Order shall give the council of arbitration and the parties or their advocates at least ten days' written notice of the date, time and place of the hearing.

**21.** The parties are entitled to be represented by an advocate or to be assisted.

**22.** The council of arbitration may require the parties to submit to it, within a specified time limit, a statement of their claims together with supporting documents.

**23.** The council of arbitration shall, with diligence, hear the parties, receive their evidence or record their failure to appear. To that end, it shall follow the rules of procedure it deems most appropriate.

**24.** The chair shall draw up the minutes of the hearing and shall have them signed by the other members of the council, if applicable.

**25.** A party requesting that the testimony be recorded shall assume the cost thereof.

**26.** In the event of an arbitrator's death or inability to act, the other arbitrators shall see the matter to its completion. If that arbitrator is the chair of the council of arbitration, the Bureau shall designate one of the other two members to act as chair.

If the council of arbitration consists of a single arbitrator, that arbitrator shall be replaced by a new arbitrator appointed by the Bureau and the dispute shall be reheard.

## §4. Arbitration Award

**27.** The council of arbitration shall issue its award within 60 days of the end of the hearing.

**28.** The award shall be issued by a majority of the members of the council. Failing that, the award shall be issued by the chair.

The award shall give reasons and shall be signed by all the members. If an arbitrator refuses or is unable to sign, the others shall indicate that fact and the award shall have the same effect as though it had been signed by all the arbitrators.

**29.** In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute, determine the reimbursement or payment to which a party is entitled and, where applicable, rule on the amount that the client acknowledged owing and that the client sent with the application for arbitration.

**30.** The expenses incurred by the parties for the holding of the arbitration shall be paid by each of them.

**31.** In its award, the council of arbitration may rule on the arbitration expenses, namely the expenses incurred by the Order for the arbitration. However, the total amount of the expenses must not exceed 15% of the amount in dispute.

**32.** Where the account in dispute is upheld in whole or in part or where a reimbursement is granted, the council of arbitration may also add interest and an indemnity in accordance with articles 1618 and 1619 of the Civil Code, calculated from the date of the application for conciliation.

**33.** The arbitration award is binding on the parties and is subject to compulsory execution in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

**34.** An arbitration award shall be filed with the secretary of the Order by the council of arbitration. A copy of the arbitration award shall be sent to the parties or to their advocates within ten days after its filing.

**35.** The arbitration record shall be filed with the secretary of the Order. The record shall include the applications for conciliation and arbitration of accounts, the documents tabled by the parties and the award; the arbitration record shall be kept for at least one year, but no longer than five years.

Upon request, the secretary shall return to a party the documents it filed with the record.

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

## SCHEDULE I

(s. 9)

### APPLICATION FOR ARBITRATION OF ACCOUNT

I, the undersigned, \_\_\_\_\_  
(name of client)

\_\_\_\_\_  
(domicile)

Declare that:

1. \_\_\_\_\_ is claiming from me  
(name of geologist)  
(or refuses to reimburse me) a sum of money for professional services.
2. I have enclosed a copy of the conciliation report.
3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of geologists.
4. I declare that I have received and have taken cognizance of the above-mentioned Regulation.
5. I agree to abide by the procedure provided for in the Regulation and, wherever required, to pay to the amount of the arbitration award.

\_\_\_\_\_  
(name of geologist)

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## Draft Regulation

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

### Speech therapists and audiologists

#### — Code of ethics

#### — Amendment

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 Code of ethics of the Ordre des orthophonistes et audiologistes du Québec, adopted by the Bureau of the Ordre des orthophonistes et audiologistes du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to amend the Code of ethics of the Ordre des orthophonistes et audiologistes du Québec to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy so as to prevent an act of violence.

Those provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, where the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to a person exposed to the danger, to that person's representative, and to the persons who can come to that person's aid.

The Order expects the proposed amendments to have no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Louis Beaulieu, President and Director General of the Ordre des orthophonistes et audiologistes du Québec, 235, boulevard René-Lévesque Est, bureau 601, Montréal (Québec) H2X 1N8, telephone: (514) 282-9123, fax: (514) 282-9541.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by