

Gouvernement du Québec

O.C. 434-2012, 2 May 2012

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

Géologues

— Compensation fund of the Ordre des géologues du Québec

Regulation respecting the compensation fund of the Ordre des géologues du Québec

WHEREAS, under section 89.1 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order authorizing the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the board of directors made the Regulation respecting the compensation fund of the Ordre des géologues du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the compensation fund of the Ordre des géologues du Québec was published in Part 2 of the *Gazette officielle du Québec* of 14 December 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting the compensation fund of the Ordre des géologues du Québec, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting the compensation fund of the Ordre des géologues du Québec

Professional Code
(R.S.Q., c. C-26, s. 89.1)

DIVISION I SETTING UP OF A COMPENSATION FUND

1. The board of directors of the Ordre des géologues du Québec is to set up a compensation fund to compensate a claimant if a geologist uses funds or property for purposes other than those for which they were entrusted by the claimant to the geologist in the practice of the profession.

2. The fund is a minimum amount of \$100,000, less administrative costs, and consists of

- (1) sums already allocated for compensation on 31 May 2012;
- (2) sums allocated to the fund by the board of directors;
- (3) assessments fixed for that purpose;
- (4) funds or property recovered from geologists under a subrogation or section 159 of the Professional Code (R.S.Q., c. C-26);
- (5) interest and other income generated by the sums and property making up the fund;
- (6) amounts paid by an insurer under an insurance or reinsurance contract entered into with the Order; and
- (7) sums received by the Order and intended for the fund.

DIVISION II ADMINISTRATION AND INVESTMENT RULES

3. The board of directors of the Order manages the compensation fund. It is authorized to enter into any insurance or reinsurance contract for the purposes of the fund and to pay the premiums out of the fund.

4. The fund accounting is separate from that of the Order.

5. The board of directors of the Order invest the sums making up the fund as follows:

(1) the portion of the sums that it anticipates using in the short term is deposited in a financial institution governed by the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Bank Act (S.C. 1991; c. 46), the Act respecting financial services cooperatives (R.S.Q., c. C-67.3) or the Trust and Loan Companies Act (S.C. 1991, c. 45); and

(2) the other portion is invested in accordance with article 1339 of the Civil Code.

DIVISION III **COMPENSATION PROCEDURE**

6. Claims addressed to the fund must

(1) be in writing;

(2) state the supporting facts and be accompanied by all relevant documents;

(3) indicate the amount claimed; and

(4) be sworn to by a person authorized to administer oaths under the Courts of Justice Act (R.S.Q., c. T-16) and filed with the secretary of the Order.

7. The secretary enters the claim on the agenda of the first meeting of the board of directors after the claim is filed.

8. To be admissible, a claim must be filed within 12 months from the time the claimant becomes aware that funds and property have been used for purposes other than those for which they were entrusted to a geologist in the practice of the profession.

9. The board of directors may relieve a claimant from the consequences of the claimant's failure to comply with the time limit provided for in section 8 if the claimant shows that, for reasons beyond the claimant's control, the claimant was unable to file the claim within that time.

10. A request made to the Order for an inquiry with regard to facts likely to give rise to a claim against the fund is deemed to be a claim within the meaning of section 6 if the request for an inquiry was filed within the time period provided for in section 8.

11. The board of directors decides on a timely basis whether it is expedient to grant the claim in whole or in part and, where applicable, fixes the compensation. Its decision is final.

Where the decision grants the claim, the compensation is paid to the claimant within 60 days of the decision.

12. A decision may be rendered in respect of a claim whether or not a decision has been rendered by the disciplinary council, the Professions Tribunal or any other competent tribunal in respect of the claimant and geologist concerned.

13. The maximum compensation payable from the fund for the period covering the fiscal year of the Order is \$100,000 for all claims in respect of a geologist.

Where the board of directors has reasonable grounds to believe that claims in excess of that amount may be filed in respect of the same geologist, it may have an inventory drawn up of the funds and property kept in trust by the geologist and notify in writing the persons likely to file a claim. It may also suspend the payment of compensation until it has reviewed all claims concerning the geologist.

The maximum compensation is reviewed every 5 years from 31 May 2012.

14. 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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O.C. 435-2012, 2 May 2012

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

Chiropractors **— Committee on training of chiropractors**

Regulation respecting the committee on training of chiropractors

WHEREAS, under the second paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), the Government may, by regulation and after having consulted the Office des professions du Québec and the persons or bodies referred to in subparagraph 7° of the third paragraph of