

(b) checked and kept in good order; and

(c) in place and easily accessible on the work site to be able to respond rapidly.

The rescue plan must include a call and communication protocol to initiate rescue operations and a specific person must be appointed for directing rescue operations.

The rescue plan must be tested through drills that enable in particular workers to become familiar with their role, the communication protocol and the use of the rescue equipment provided.

312.99 Rescue boat: Where the rescue plan provides for the use of a rescue boat, such boat must meet the following conditions in addition to those set out in the second paragraph of section 312.98:

(a) be adapted and equipped for the search and recovery of persons;

(b) be equipped with a propulsion system adapted to the boat;

(c) be equipped with the following rescue equipment:

i. 2 rope bags, each containing 1 single-length buoyant heaving line that remains flexible, with a minimum diameter of 9.5 mm and a minimum length of 15 m;

ii. a life buoy with a minimum outside diameter of 762 mm attached to a buoyant heaving line and approved by Transport Canada as evidenced by the tag or approval stamp affixed to it;

iii. a boat hook;

(d) be used by a team of at least 2 rescue attendants trained in the approach and recovery of a person in the conditions set out in subparagraph 1 of the first paragraph of section 312.94.

312.100 Thermal protection: Where the response time provided for in the rescue plan is greater than 15 minutes and the water temperature is less than 15°C, a worker must wear thermal protective clothing.

The thermal protection must be sufficient to prevent hypothermia during the response time provided for in the rescue plan.”

3. Sections 355 to 357 are revoked.

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

104808

Draft Regulation

Professional Code
(chapter C-26)

Chartered appraisers — Compensation procedure of the Ordre des évaluateurs agréés du Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec, made by the board of directors of the Ordre des évaluateurs agréés du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to compensate a claimant in accordance with the compensation procedure of the Order following the use by a chartered appraiser of funds for purposes other than those for which they were entrusted to the chartered appraiser in the practice of the profession.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Lyne Tétreault, Coordinator of Legal Affairs and Assistant Secretary, Ordre des évaluateurs agréés du Québec, 415, rue Saint-Antoine Ouest, bureau 450, Montréal (Québec) H2Z 2B9; telephone: 514 281-9888, extension 205, or 1 800 982-5387, extension 205; email: ltetreault@oeaq.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, Acting Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office des professions du Québec to the Minister of Higher Education and may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

ROXANNE GUÉVIN,
*Acting Secretary of the
Office des professions du Québec*

Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec

Professional Code
(chapter C-26, s. 89.1)

1. A claimant may be compensated in accordance with this procedure following the use by a chartered appraiser of funds for purposes other than those for which they were entrusted to the chartered appraiser under a regulation of the Ordre des évaluateurs agréés du Québec made under section 89 of the Professional Code (chapter C-26).

2. The board of directors forms a committee charged with examining and deciding claims.

The committee is composed of at least 3 members, including 1 director appointed to the board of directors.

3. To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds have been used by a chartered appraiser for purposes other than those for which they were entrusted to the chartered appraiser;

(2) be accompanied by proof of the steps taken with the chartered appraiser to recover the funds;

(3) state the facts in support of the claim and be accompanied by all relevant documents; and

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the committee if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

4. A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 3.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 3 are met.

5. The secretary of the Order sends every admissible claim to the committee and the chartered appraiser within 15 days following the date on which the claim becomes admissible.

6. The secretary of the Order informs the chartered appraiser and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

7. The committee decides, within 90 days of the claim, whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the compensation.

The substantiated decision is final.

8. The maximum amount that may be paid for the period covering the fiscal year of the Order is

(1) \$5,000 for a claimant in respect of a chartered appraiser;

(2) \$25,000 for all the claimants in respect of a chartered appraiser;

(3) \$50,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$50,000, the amount paid to each claimant is paid in proportion to the amount of each claim.

9. Where the committee believes that a number of claims may be filed in respect of a chartered appraiser and the total of the claims may exceed \$25,000, the board of directors must suspend the payment of the compensations until it has reviewed all claims in respect of the chartered appraiser. If the circumstances allow it, the board of directors must draw an inventory of the funds received by that chartered appraiser and notify in writing the persons likely to file a claim.

10. Where the claimant is in a vulnerable situation, in particular because of age, physical or psychological state or social condition, the committee may, exceptionally and after having obtained the approval of the board of directors, pay an amount greater than those provided for in section 8.

11. 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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