

Mr. David Tilson (Dufferin—Caledon, CPC):

On this compensation fund that you're talking about, this doesn't preclude the client from bringing a personal action against the consultant or bringing a personal action against the lawyer, which they can do now. They can bring an action against a lawyer. Can they bring an action in the courts, aside from your compensation fund, against the consultant?

[Expand]

Ms. Natasha Kim:

Absolutely: they would still have the normal recourse that they currently have available.

[Expand]

Mr. David Tilson:

Yes, I assumed that.

I'm a little confused, Minister, by your comments about the bylaws and rules, in that you—not you personally, but the minister—would be setting forth the bylaws and rules. I was led to believe that the regulator would set the bylaws and rules, and that if you thought they were inappropriate, by using regulation through the Governor in Council you could override those rules. I wonder if you can clarify the rules and bylaws that will be set by someone, either by you or by the regulator?

[Expand]

Ms. Lori MacDonald:

Actually, the regulator will establish the rules and bylaws through the composition of the board, which will set up the framework for that, but ultimately, the minister, in terms of oversight, can have a direction or a say in terms of the code of conduct or the rules that are there, to ensure that the board that's establishing them is respecting the intent of the legislation and the regulations as they are set out.

[Expand]

Mr. David Tilson:

How would the minister do that? Are there guidelines?

[Expand]

Ms. Lori MacDonald:

The board of regulators will establish, based on advice and guidance from the department and from their own body, what they would see as prudent in terms of the code of conduct but also in terms of bylaws. They'll transfer a number of their best experiences and advice that they've established to date.