



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 7

(2006, chapter 19)

An Act to amend the Chartered Accountants Act

Introduced 13 April 2006

Passage in principle 16 May 2006

Passage 13 June 2006

Assented to 14 June 2006

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EXPLANATORY NOTES

This bill amends the Chartered Accountants Act to make it possible for the Ordre des comptables agréés du Québec to enter into an agreement with certain bodies exercising complementary functions with respect to the protection of the public. The agreement must specify the nature and scope of the information that may be exchanged, as well as the purpose of the communication.

The bill authorizes members of the Order to provide information relating to their professional activities or their clients, to the extent specified in the agreement.

The bill grants immunity to a body having entered into such an agreement with the Order.

Bill 7

AN ACT TO AMEND THE CHARTERED ACCOUNTANTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Chartered Accountants Act (R.S.Q., chapter C-48) is amended by inserting the following sections after section 22:

“22.1. The Bureau may enter into an agreement with the following bodies exercising complementary functions with respect to the protection of the public: the Autorité des marchés financiers and the Canadian Public Accountability Board incorporated under the Canada Business Corporations Act (R.S.C. 1970, chapter C-32). The term of the agreement may not exceed five years.

The agreement may, to the extent required for its implementation, derogate from the Acts and regulations governing the Order that pertain to the confidentiality of the information it holds. The agreement must define the nature and scope of the information the Order and the body may exchange concerning inspection, discipline or any inquiry conducted by the body or the Order regarding a professional or a professional partnership or company within which members of the Order practise, specify the purpose of the exchange of information and the conditions of confidentiality to be observed, including those pertaining to professional secrecy, and determine how information so obtained may be used.

The information that may be communicated under the agreement must be necessary for the exercise of the functions of the party receiving it.

The information communicated by the Order under the agreement must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the Order in the exercise of the powers granted by the Professional Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.

The agreement is published in the *Gazette officielle du Québec*. On the expiry of at least 45 days after the publication, it is submitted to the Government for approval, with or without amendments. The agreement comes into force after approval, on the date it is published again in the *Gazette officielle du Québec* or on any later date stated in the agreement.

The Order shall report on the implementation of the agreements entered into in the report it must produce under section 104 of the Professional Code.

“22.2. As long as an agreement under section 22.1 is in force, members of the Order are authorized, despite being bound by professional secrecy, to provide, to the extent specified in the agreement, information relating to their professional activities or clients to a representative of the body acting within the scope of its activities in Québec.

The information communicated under the agreement by a member of the Order must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the Order in the exercise of the powers granted by the Professional Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.

“22.3. No proceedings may be instituted against a body having entered into an agreement under section 22.1, or any of its directors or representatives, by reason of any act performed in good faith in the exercise of their functions in Québec on the basis of information obtained in accordance with the agreement, unless an Act of Québec concerning the body provides otherwise.”

2. This Act comes into force on 14 June 2006.