

Draft Regulation

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

**Chartered administrators
— Code of ethics**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of chartered administrators, adopted by the Bureau of the Ordre des administrateurs agréés du Québec, may be submitted to the Government for its approval, with or without amendments, upon the expiry of 45 days following this publication.

The main purpose of that Regulation is to provide for conditions, obligations and prohibitions applicable to advertising by the members of the Ordre des administrateurs agréés du Québec. The Regulation will have a direct impact on chartered administrators, since they will have to observe certain advertising rules for the benefit of their clients; under section 87 of the Professional Code, those rules must be contained in the Code of ethics of chartered administrators of Québec.

For the public, the Regulation will contribute to the quality and excellence of the services provided by chartered administrators. There will be no impact on businesses, whether small or medium-sized.

Further information may be obtained by contacting Ms. Louise Champoux-Paillé, Director General and Secretary, Ordre des administrateurs agréés du Québec, bureau 640, 680, rue Sherbrooke Ouest, Montréal (Québec) H3A 2M7; tel.: (514) 499-0880, fax: (514) 499-0892.

Any interested person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place d'Youville, 10^e étage, Québec (Québec) G1R 5Z3. They will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the Regulation, as well as to interested persons, departments and bodies.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

**Code of ethics of chartered
administrators**

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

DIVISION I**DUTIES TOWARDS THE PUBLIC**

- 1.** A chartered administrator shall not utter statements, publish writings or take actions that violate any law, and shall not advise, recommend or encourage any other person to do so.
- 2.** A chartered administrator shall support every measure likely to improve the quality and availability of professional services in the field in which he practises.
- 3.** In the practice of his profession, a chartered administrator shall bear in mind all the foreseeable consequences that his research, work and interventions may have on society, particularly in a field of public interest.
- 4.** A chartered administrator shall refuse or cease to act where the foreseeable consequences of his work, assignment or research are such that they go against or are harmful to society or a field of public interest.

- 5.** A chartered administrator shall promote education and information measures in the field in which he practises. He shall also, insofar as he is able, take the necessary steps to ensure that such education and information are provided.

DIVISION II**DUTIES TOWARDS THE CLIENT****§1. General provisions**

- 6.** Before accepting to act or intervene for a client, a chartered administrator shall bear in mind the limitations on his skills, his knowledge, the situation and circumstances, as well as the means at his disposal. He shall not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance and informing the client thereof.
- 7.** A chartered administrator who realizes that it would be in the interest of his client to seek the services of another professional regarding an important aspect shall inform the client thereof without delay.
- 8.** A chartered administrator shall at all times recognize the client's right to consult another chartered administrator, a member of another professional order or any other competent person, with whom he shall, where necessary, work in close collaboration.

However, a chartered administrator may not act or intervene in a matter in which another professional or other competent person, in particular another chartered administrator, is already involved, without advising such person and informing the client thereof.

9. Before accepting to act or intervene, a chartered administrator shall ensure that there is no risk of a conflict of any sort whatsoever that could be detrimental to his client or to a potential client between the duties that have been or might be entrusted to him and those of any other professional involved.

10. A chartered administrator shall refrain from practising his profession under conditions or in situations likely to impair the quality of his services.

11. A chartered administrator shall refrain from interfering in the personal affairs of his client in matters that do not fall within his competence.

12. A chartered administrator shall, in the practice of his profession, identify himself in relation to his client as a chartered administrator. He shall, in particular, sign and make known his capacity as a chartered administrator on any report or document produced in the practice of his profession.

§2. Integrity

13. A chartered administrator shall discharge his professional duties with integrity and act in the client's best interest.

14. A chartered administrator shall avoid any false representations as to his level of competence or the effectiveness of his own services or of those generally offered by members of his profession. If the good of the client so requires and with the client's authorization, he shall consult a colleague, a member of another professional order or another competent person or refer the client to one of these persons.

15. A chartered administrator shall inform his client as soon as possible of the cost, extent and the terms and conditions of his assignment. He shall obtain the client's approval with this respect and ensure that the client understands the objectives and extent of the services involved, as well as the terms of billing.

16. A chartered administrator shall set out in a complete and objective manner to his client the nature and implications of the problem as he sees it on the basis of all the facts brought to his attention.

17. Where a chartered administrator deems that the client's interest requires a change in the original assignment, he shall notify the client thereof no matter how the duration of the assignment may be affected thereby and obtain the client's consent before providing an opinion or advice.

18. A chartered administrator shall refrain from expressing an opinion or giving advice that is contradictory or incomplete. To this end, he shall endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

19. In the practice of his profession, a chartered administrator shall retain an independent mind with respect to his client and ensure that his acts, opinions and advice are based on an objective analysis of the facts.

20. A chartered administrator shall notify his client as early as possible of any fact, interest, circumstance or error of which he is aware and of any relationship or personal link that could affect the performance of his duties or be prejudicial to his client.

21. A chartered administrator shall take reasonable care of any property entrusted to him by a client, and he may not lend it or use it for purposes other than those for which it was entrusted to him.

22. A chartered administrator shall submit to his client any offer that he has received for the latter in the practice of his profession.

23. A chartered administrator may not use any subterfuge, device, claim, declaration or other means to mislead a person in order to encourage the latter to use his professional services, regardless of whether the person requires these services or not.

24. A chartered administrator may not use or forward to any third person procedures, techniques, information, data, documents or other property that do not belong to him without the specific authorization of the owner, administrator or other representative or duly authorized person.

25. A chartered administrator may not hold sums of money, securities, documents or property belonging to a client or any other person except in cases where he is so authorized by law or, in writing, by the client.

26. A chartered administrator may not profit from his work with a client to encourage an employee of the latter to consider accepting a different employment position, without providing the client with prior notice thereof.

§3. Availability and diligence

27. In the practice of his profession, a chartered administrator shall show a reasonable degree of availability and diligence.

28. In addition to opinions and advice, a chartered administrator shall provide his client with any explanation necessary for understanding and evaluating the services rendered to him.

29. A chartered administrator shall account for his services to his client when so requested by the latter and, in serving his client, show diligence with respect to reports, accounting and remittances.

30. A chartered administrator shall be objective and impartial when persons other than his clients ask him for information.

31. Unless he has fair and reasonable grounds for doing so, a chartered administrator may not cease to act for the account of a client.

Fair and reasonable grounds include the following, in particular:

(1) loss of the client's confidence;

(2) the fact that the chartered administrator is in a situation of conflict of interests or in a situation such that his professional independence could be called in question;

(3) the fact of being incited by the client to perform illegal, unfair or fraudulent acts;

(4) refusal by the client to honour an obligation with respect to costs, expenditures or fees owed to the chartered administrator;

(5) the circumstances contemplated in section 4.

32. Before ceasing to act for the account of a client, a chartered administrator shall send an advance notice of withdrawal within a reasonable time period and ensure that such termination of services is not prejudicial to his client.

§4. Liability

33. In the practice of his profession and within the limits of the assignment entrusted to him by his client, a chartered administrator may not evade or attempt to evade his civil or professional liability.

34. A chartered administrator may in no way claim or lead a person to believe that there exists any guarantee of profits resulting from his services.

35. A chartered administrator shall make the persons in his employment or under his supervision aware of this Code of Ethics.

§5. Independence and impartiality

36. A chartered administrator shall subordinate his personal interest to that of his client.

37. A chartered administrator shall ignore any intervention by a third party that could influence the performance of his professional duties to the detriment of his client.

38. A chartered administrator may not act in circumstances such that his objectivity, professional independence or integrity could be called into question. He shall at all times avoid any situation that might place him in a conflict of interests.

A chartered administrator is in a conflict of interests in the following cases, in particular:

(1) the interests in question are such that he might tend to favour certain of them over those of his client or that his judgment and loyalty towards the latter might be unfavourably affected;

(2) he finds himself in a situation where he might derive, in addition to the agreed remuneration, a direct or indirect, real or potential, personal benefit.

39. A chartered administrator shall notify his client of any direct or indirect advantage or benefit that he could receive further to the performance of his professional services.

40. As soon as he ascertains that he could be in a situation of conflict of interests, a chartered administrator shall notify his client accordingly and request the latter's authorization to continue the intervention, contract or assignment.

41. Generally speaking, in a given case, a chartered administrator may act for only one of the parties involved. If his professional duties require him to act otherwise, he shall advise the parties thereof, specify the nature of his responsibilities and inform all parties concerned that he will cease to act if the situation becomes irreconcilable or incompatible with the provisions of this Code of Ethics.

42. A chartered administrator may share his fees with another person only if this sharing corresponds to the apportionment of services provided and the responsibilities, duties, allocations and subcontracts entrusted to third persons, and provided that this sharing is not prohibited by law and that the client has been informed thereof.

43. A chartered administrator shall refrain from paying or offering or undertaking to pay any benefit, rebate or commission if this benefit, rebate or commission is charged to the client in addition to the agreed remuneration.

44. For a given service, a chartered administrator shall accept fees from only one source, unless explicitly agreed upon otherwise by all the parties concerned. Unless otherwise instructed by his client, he shall accept the payment of these fees only from his client or the latter's representative.

§6. Standards of professional practice

45. A chartered administrator shall comply with generally accepted administrative and management practices. In particular, he shall know and apply the principles, standards and practices contemplated in the Guide de la saine gestion des entreprises et des organisations, including any subsequent amendments thereto. A chartered administrator who serves as a management consultant (CMC) shall, in addition to the rules applicable to all chartered administrators, know and apply the consulting process as defined in Chapter 3 of the *Manuel de référence du professionnel*, including any subsequent amendments thereto.

§7. Professional secrecy

46. A chartered administrator shall respect the secrecy of all confidential information that he obtains in the practice of his profession.

47. A chartered administrator shall avoid indiscreet conversations concerning a client and the services provided to him.

48. A chartered administrator may not disclose the name of or personal information about his client without the client's written authorisation and shall take all reasonable steps to avoid the disclosure of such information by his partners and employees.

49. A chartered administrator may not make use of confidential information with a view to obtaining a direct or indirect benefit for himself or for another person.

50. A chartered administrator may be released from professional secrecy only by the written authorization of his client or where so ordered by law.

§8. Accessibility of records and corrections

51. A chartered administrator shall respect the right of his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents. However, a chartered administrator may refuse access to such information where its disclosure would be likely to cause serious harm to the client or to a third person.

52. A chartered administrator shall respect the right of his client to cause to be corrected, in a document concerning him in any record established in his respect, any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected. He shall also respect the right of his client to cause to be deleted any information that is outdated or not justified by the purpose of the record, or to prepare written comments and file them in the record.

53. A chartered administrator holding a record that is the subject of an application for access or correction by the person concerned shall follow up on such application with diligence, within 20 days of the date of the application.

54. Access to information in a record shall be free of charge. However, a fee not exceeding the cost for transcribing, reproducing or forwarding the information may be charged to the client. A chartered administrator who intends to charge a fee under this section shall inform the client of the approximate amount exigible before proceeding with the transcription, reproduction or forwarding.

55. A chartered administrator who refuses to grant a client's application for access or correction shall notify him of such refusal in writing, with reasons, and shall inform him of his recourses.

56. A chartered administrator who grants an application for correction shall issue to the client making such application, free of charge, a copy of any altered or added information or, as the case may be, an attestation that the information has been withdrawn.

This client may require that the chartered administrator forward a copy of said information or, as the case may be, of said attestation to the person who gave the information to the chartered administrator or to any person to whom the information was provided.

57. A chartered administrator who holds information that is the subject of an application for access or correction shall, if he does not grant the application, keep it as long as required for the client to exhaust the recourses provided for by law.

§9. Determination and payment of fees

58. A chartered administrator shall charge and accept fair and reasonable fees.

59. Fees are fair and reasonable if they are justified by the circumstances and are in proportion to the services rendered. In determining his fees, a chartered administrator shall, in particular, bear in mind the following factors:

- (1) the time spent in performing the professional service;
- (2) the complexity and extent of the service;
- (3) the performance of unusual services or services requiring exceptional competence or speed;
- (4) his own professional experience;
- (5) the efforts devoted to performing the professional service.

60. A chartered administrator shall ensure that his client is informed in advance of the approximate cost of his services, the form of remuneration, the terms and conditions of payment and the extent of the work.

61. A chartered administrator shall provide his client with all the explanations necessary for understanding his statement of fees, the justification of such fees and the terms and conditions of payment.

62. A chartered administrator may collect interest on outstanding accounts only after having duly notified his client to that effect. Interest charged shall be at a reasonable rate.

63. Before having recourse to legal proceedings, a chartered administrator shall exhaust all other means at his disposal to obtain payment of his fees.

64. A chartered administrator shall refrain from paying himself from the funds he holds for a client, unless the latter consents in writing thereto and has already received a statement of fees.

DIVISION III

§1. Restrictions and obligations with regard to advertising

65. A chartered administrator shall not, by any means whatsoever, engage in or allow the use of advertising that is false, misleading or likely to be misleading.

66. A chartered administrator shall not claim specific qualities or skills unless he is able to justify such claim.

67. A chartered administrator may not use advertising methods likely to denigrate or devalue the competence, knowledge or services of another chartered administrator.

68. Where a chartered administrator states his prices, rates, fees, commissions or other forms of remuneration in an advertisement, he shall avoid giving such advertisement an unreasonably monetary or commercial tone. He shall:

- (1) set fixed prices, rates, fees, commissions or other forms of remuneration;
- (2) specify the nature and extent of the services included in these prices, rates, fees, commissions or other forms of remuneration;
- (3) indicate whether expenses or other charges are included in these prices, rates, fees, commissions or other forms of remuneration;
- (4) indicate whether additional services might be required for which an additional amount might be charged.

These specifications and indications shall provide a person with reasonable information with respect to the professional services offered and the remuneration charged, on the basis of which he can make an enlightened choice.

69. Prices, rates, fees, commissions and other forms of remuneration shall remain in effect for a minimum period of 90 days after they are last broadcast or published.

70. A chartered administrator shall keep a complete copy of any advertising in its original form for a period of five years following the last broadcast or publication of such advertisement. Such copy shall be given on request to the syndic or to a member or an inspector of the professional inspection committee.

71. In his advertising, a chartered administrator may not use or allow the use of any endorsement or testimonial concerning him, except prizes for excellence and other distinctions awarded by the Order or by an organization recognized by the Bureau, or connected with a contribution or an achievement that has brought honour to the profession.

§2. Graphic symbol of the Order

72. The Ordre des administrateurs agréés du Québec is represented by a graphic symbol matching the original held by the general director of the Order.

73. Where a chartered administrator reproduces or allows the reproduction of the graphic symbol of the Order in an advertisement, he shall ensure that the symbol matches the original held by the general director of the Order.

74. Where a chartered administrator uses the graphic symbol of the Order in an advertisement carried by written or television media, he shall add the following notice to the advertisement:

“This advertisement does not originate from the Ordre des administrateurs agréés du Québec.”

§3. Firms of chartered administrators

75. The name, business name or other designation or qualification of a firm of chartered administrators may bear the indication “Chartered Administrators”, “Adm. A.” or “C. Adm.” only if all partners are members of the Order. The words “and partners” or a similar indication may be added only if the number of partners working for the firm is greater than the number of names shown in the business name.

76. A chartered administrator shall, upon request, provide the general director of the Order with a copy of the registration of the firm of which he is a partner and a copy of any amendment to or cancellation of such registration.

77. The name of a chartered administrator who ceases to belong to a firm shall be removed from the business name of the firm during the year following the departure of the chartered administrator, unless a notice requesting that the chartered administrator’s name be maintained is submitted to the general director of the Order within the same time period.

DIVISION IV
DUTIES TOWARDS THE PROFESSION

§1. Relations with the Order and colleagues

78. Through his acts, a chartered administrator shall at no time discredit the profession or the Order or its representatives.

79. A chartered administrator may in no way use false representations regarding his competence, skills, rights or powers.

80. At the request of the Bureau, a chartered administrator shall, insofar as he is able, participate in a council for the arbitration of accounts, a disciplinary committee, a professional inspection committee, a committee for a sector of professional activity, a regional committee or any other committee. He may ask to be excused from such participation for valid reasons.

81. A chartered administrator shall answer promptly all requests and correspondence received from the syndic of the Order, an inspector, an investigator or a member of the professional inspection committee.

82. A chartered administrator shall not abuse a colleague’s good faith or commit a breach of trust or use unfair practices in dealing with him. He shall not, in particular, take credit for work done by a colleague.

83. A chartered administrator who is consulted by a colleague or another professional with respect to a customer’s case shall, with the customer’s authorization, cooperate with such colleague or professional and provide him with pertinent information that is as complete as possible.

84. A chartered administrator shall abstain from uttering statements that discredit a colleague or the latter’s integrity or reputation.

§2. Contribution to the advancement of the profession

85. A chartered administrator shall, insofar as he is able, contribute to the development of the profession, particularly by sharing his knowledge and experience with his colleagues and by taking part in sponsorship or professional development activities requiring his collaboration.

86. A chartered administrator shall also strive to improve his knowledge in fields related to his professional activity by taking part in seminars, courses, colloquiums or other similar sessions and by reading material related to the profession.

DIVISION V DEROGATORY ACTS

87. In addition to those mentioned in the Professional Code, the following acts, in particular, by a chartered administrator are derogatory to the honour or dignity of the profession:

(1) urging a person in an insistent, unreasonable, unseemly or repetitive manner to use his professional services;

(2) communicating with the complainant without the prior written permission of the syndic or his assistant, when the chartered administrator is informed that an inquiry into his professional conduct or competence is being made or when a complaint has been served on him;

(3) continuing to act for the account of a client where, to his knowledge, the latter is acting fraudulently;

(4) advising or encouraging a person to perform an illegal, fraudulent or reprehensible act;

(5) failing to notify the syndic within a reasonable time period that another chartered administrator has, to his knowledge, committed a derogatory act;

(6) refusing or neglecting to reply to the syndic or his representative or to go to his office further to a request to this effect, or delaying such reply or compliance with such request;

(7) claiming fees for interviews, communication or correspondence with the syndic further to requests by the later for information or explanations about a matter concerning the chartered administrator;

(8) claiming fees for professional acts that have not been performed, are falsely described or are exaggerated;

(9) failing to notify his client as soon as he notes that he may be in a conflict of interests;

(10) failing to notify his client that he is no longer able to accomplish a duty or assignment entrusted to him or that he has accepted;

(11) continuing to act where he has violated a provision of this Code of Ethics, a by-law of the Order, the Professional Code or a Bureau resolution;

(12) failing to comply with a regulation, resolution, directive or decision of the Bureau regarding the various sectors of professional activity and the use of additional titles;

(13) using an additional title without being so authorised by the Bureau.

88. This Code of Ethics replaces the Code of ethics of chartered administrators (R.R.Q., 1981, c. C-26, r. 10) and the Regulation respecting advertising by chartered administrators (R.R.Q., 1981, c. C-26, r. 17).

89. 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

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Rivière-des-Milles-Îles Wildlife Preserve

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 Rivière-des-Mille-Îles Wildlife Preserve, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish the standards and conditions for the use of the territory and resources of the Rivière-des-Mille-Îles Wildlife Preserve.

To that end, it proposes to prohibit hunting and staying in that territory. It also determines the conditions to be complied with by a person who enters or travels about the wildlife preserve or who carries on an activity there.

To date, study of the matter has shown a positive impact on users and businesses.

Further information may be obtained by contacting:

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