

(4) perform direct laryngoscopy on any person over one year of age whose airway is obstructed by a foreign body, to remove that foreign body.

**8.** From 1 October 2003 and after a notice has been filed by the Collège des médecins du Québec with Corporation d'urgences-santé attesting that, on the basis of the data gathered that pertain to the application of section 7, the presence of a physician attending the patient is no longer required for the protection of the public, the ambulance technician trained in advanced pre-hospital services may continue engaging in the activities described in that section, so long as he or she has access to medical support.

The notice of the Collège and the effective date after which the presence of a physician attending the patient is no longer required must also be communicated to the Office des professions du Québec, to the national medical director of pre-hospital emergency services and to the hospital centres in the regions of Montréal and Laval.

**9.** 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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Gouvernement du Québec

### O.C. 234-2003, 26 February 2003

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

#### Chartered administrators — Code of ethics

Code of ethics of chartered administrators

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des administrateurs agréés du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession;

WHEREAS the Bureau of the Ordre des administrateurs agréés du Québec has adopted the Code of ethics of chartered administrators to replace 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);

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 23 September 1998 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following this publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Code of ethics of chartered administrators, the text of which appears below, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Code of ethics of chartered administrators

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

#### CHAPTER I GENERAL

**1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that must be discharged by all members of the Ordre des administrateurs agréés du Québec, particularly in the performance of a professional service contract entrusted by a client.

More specifically, it determines acts that are derogatory to the dignity of the profession, provisions intended to preserve the secrecy of confidential information that becomes known by a member of the Order in the practice of the profession, terms and conditions governing the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code, as well as conditions, obligations and prohibitions respecting advertising by members of the Order.

**2.** Chartered administrators shall see that their employees or mandataries know the provisions of this Code, the Professional Code and the regulations made under the latter Code and ensure that they comply with them.

## **CHAPTER II**

### **DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC**

**3.** Chartered administrators shall not utter words, publish writings or commit acts which are contrary to law, nor may they advise, recommend or induce anyone to do so.

**4.** Chartered administrators shall support every measure likely to improve the quality and availability of professional services in the field in which they practise.

**5.** In the practice of the profession, chartered administrators must bear in mind all the foreseeable consequences which their research, work or interventions may have on society.

**6.** Chartered administrators shall promote measures of education and information in the field in which they practise. They shall also, as far as possible, perform the necessary acts to ensure such education and information.

## **CHAPTER III**

### **DUTIES AND OBLIGATIONS TOWARDS CLIENTS**

#### **DIVISION I**

##### **GENERAL**

**7.** Before accepting to act or to intervene for a client, chartered administrators shall bear in mind the extent of their proficiency, knowledge, professional experience, as well as the means available. Chartered administrators shall not, in particular, undertake work for which they are not sufficiently prepared without obtaining the necessary assistance and without informing their client.

**8.** Chartered administrators shall at all times respect the client's right to consult another chartered administrator, a member of another professional order or any other competent person with whom they must, where necessary, work in close cooperation.

Chartered administrators shall inform the client as soon as they realize that it would be in the client's interest to seek the services of another professional regarding an important aspect of the case.

Chartered administrators may not act or intervene if another professional or another competent person, such as another chartered administrator, is already involved in the case, unless they inform both that person and the client.

**9.** In addition to the provisions of section 54 of the Professional Code, chartered administrators shall not practise under conditions or in states likely to impair the quality of their services and the dignity of the profession.

**10.** Chartered administrators shall not interfere in the personal affairs of their clients in matters that do not fall within their competence.

**11.** Chartered administrators shall, in the practice of their profession, identify themselves in relation to the client as chartered administrators. They shall, in particular, sign and make known their capacity as chartered administrators on any report or document produced in the practice of their profession.

#### **DIVISION II**

##### **INTEGRITY AND OBJECTIVITY**

**12.** Chartered administrators shall discharge professional duties with integrity and act in the best interest of the client.

**13.** Chartered administrators shall avoid any misrepresentation with respect to their level of competence or the efficiency of their own services and of those generally provided by the members of the profession.

If the interest of the client so requires, the chartered administrator shall, with the latter's authorization, consult a colleague, a member of another professional corporation or another competent person, or send the client to one of those persons.

**14.** Chartered administrators shall inform the client as soon as possible of the cost, the extent and the terms and conditions of their intervention. The chartered administrator shall obtain the client's consent and ensure that the client understands the objectives and extent of the services involved and the billing method used.

**15.** Chartered administrators shall set out in a complete and objective manner to the client the nature and scope of the problem as they see it on the basis of all the facts brought to their attention.

**16.** Chartered administrators who consider that the client's interest requires a change in the original mandate shall so notify the client no matter the possible consequences on the duration of the mandate and obtain the client's consent before giving an opinion or advice.

**17.** Chartered administrators shall refrain from expressing opinions or giving advice that is contradictory or incomplete. To that end, they must endeavour to gain full knowledge of the facts before expressing an opinion or giving advice.

**18.** In the performance of their duties, chartered administrators shall maintain their independence of mind in relation to their client and ensure that their interventions, opinions and advice are based on an objective analysis of the facts.

**19.** Chartered administrators shall inform the client as soon as possible of any event likely to have, or that has had, a significant impact on their professional services.

**20.** Chartered administrators shall take reasonable care of the property entrusted to them by clients and they may not lend or use it for purposes other than those for which it was entrusted to them. Upon request by a client, they shall return the property to the client without delay or give it to the person designated by the client.

**21.** Chartered administrators shall submit to the client any offer received for the client in the practice of the profession.

**22.** Chartered administrators may not use any subterfuge, trick, pretension, declaration or other misleading means intended to induce a person to require their professional services, whether or not that person has required their services.

**23.** Chartered administrators may not use or provide third parties with procedures, techniques, information, data, documents or other property that are not their own without the express authorization of the owner, administrator or other authorized representative or authorized holder.

**24.** Chartered administrators may not withhold money, securities, documents or property belonging to a client or another person, unless authorized by law to do so or with the client's written permission.

### DIVISION III AVAILABILITY AND DILIGENCE

**25.** In the practice of the profession, chartered administrators shall display reasonable availability and diligence.

**26.** In addition to opinions and advice, chartered administrators shall provide the client with any explanation necessary to the understanding and application of the services rendered to the client.

**27.** Chartered administrators shall render an account to the client when so requested by the latter and display reasonable diligence and availability in that respect.

**28.** Chartered administrators shall display objectivity and impartiality when persons other than clients ask them for information.

**29.** Unless they have a compelling reason for doing so, chartered administrators may not cease or refuse to act for the account of a client.

The following shall, in particular, constitute compelling reasons :

(1) loss of trust between the chartered administrator and the client ;

(2) lack of cooperation on the client's part ;

(3) the fact that the chartered administrator is in a real or apparent situation of conflict of interest or in a situation such that their professional independence could be questioned ;

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

(5) refusal by the client to pay expenses or fees due to the chartered administrator ; and

(6) the fact that the foreseeable consequences of the work, interventions or research are such as to go against or be detrimental to society.

**30.** Before ceasing to exercise their functions for the account of a client, chartered administrators shall so inform the client within a time that is reasonable in the circumstances and ensure that no prejudice is caused to the client as a result.

### DIVISION IV LIABILITY

**31.** Chartered administrators may not, in the practice of the profession, elude or attempt to elude their liability.

**32.** Chartered administrators may not in any way claim or make believe that the benefits that may result from their services are guaranteed.

## DIVISION V INDEPENDENCE AND IMPARTIALITY

**33.** Chartered administrators shall subordinate their personal interest to those of their clients.

**34.** Chartered administrators shall ignore any intervention by a third party which could influence the performance of their professional duties to the detriment of the client.

**35.** Chartered administrators may not act under such conditions that their objectivity, professional independence or integrity could be questioned. They shall at all times avoid any situation likely to place them in a conflict of interest.

In particular, without limiting the generality of the foregoing, chartered administrators are in a conflict of interest

(1) when in such a situation that they might tend to favour certain interests over those of their client or where their judgment and loyalty towards the latter might be unfavourably affected; or

(2) when in such a situation that they could derive from it a direct or indirect, real or possible, personal benefit, in addition to the remuneration agreed upon.

**36.** As soon as they ascertain that they are likely to be in a situation of conflict of interest, chartered administrators shall notify the client thereof and, as soon as possible, rectify the situation by asking the client's authorization before pursuing their intervention or their contract for professional services. Failing such authorization, they shall terminate the intervention or contract.

**37.** Generally speaking, chartered administrators may act only for their client in a single case. If their professional duties require a different course of action, they shall inform their client and the third party, specify the nature of their responsibilities as chartered administrators and keep them informed that they will cease to act if the situation becomes irreconcilable or incompatible with the provisions of this Code, the Professional Code or the regulations made under the latter Code.

**38.** Chartered administrators may share their fees with another person only to the extent that such sharing corresponds to a distribution of services, responsibility, tasks, assignments or subcontracts entrusted to that person, provided that such sharing is not prohibited by law and that the client has been informed of it.

**39.** Chartered administrators shall not receive, pay, offer to pay or undertake to pay a benefit, rebate or commission if the benefit, rebate or commission is charged to the client in addition to the remuneration agreed upon.

**40.** For a given service, chartered administrators must accept fees from one source only, unless explicitly agreed upon otherwise among all the parties concerned. Chartered administrators shall accept the payment of their fees only from the client or the client's representative, unless the client gives different instructions.

## DIVISION VI STANDARDS OF PROFESSIONAL PRACTICE

**41.** Chartered administrators shall act in accordance with accepted professional standards and generally recognized administration and management principles.

In addition, when acting as certified management advisors (CMC), they shall act in accordance with the rules and principles established in the various aspects of that practice and know and apply the advisory process, which includes the contact with the client, the exploratory assessment, the service offer, the wording of the contract, the organization of the intervention, the state of the situation, the preparation of recommendations, assistance to implementing them, the assessment of the intervention and the closing of the intervention.

## DIVISION VII PROFESSIONAL SECRECY

**42.** Chartered administrators must respect the secrecy of confidential information obtained in the practice of the profession.

**43.** Chartered administrators shall avoid any indiscreet conversation about a client or the services rendered to a client.

**44.** Chartered administrators shall not disclose personal or nominative information concerning their clients without their written authorization and they shall take reasonable measures to avoid such information being disclosed by their partners or employees.

**45.** Chartered administrators shall not use confidential information to the detriment of the client in order to obtain directly or indirectly a benefit for themselves or for third persons.

**46.** Chartered administrators may be released from professional secrecy only upon the written authorization of the client or when so ordered by law.

#### **DIVISION VIII** **ACCESSIBILITY OF RECORDS**

**47.** Chartered administrators may require that a request or right referred to in section 48, 51 or 55 be made or exercised at their professional domicile during regular business hours.

##### *§1. Terms and conditions governing the exercise of the right of access provided for in section 60.5 of the Professional Code*

**48.** In addition to the special rules prescribed by law, chartered administrators shall, within 30 days following receipt, follow up on any request made by a client with a view to examining documents concerning the client in any record established in the client's respect or to obtaining a copy thereof.

**49.** Access to the information in a record shall be free of charge. However, chartered administrators may require reasonable charges from a client who makes a request referred to in section 48 so long as the charges do not exceed the cost for reproducing or transcribing the documents or the cost for transmitting a copy of them.

A chartered administrator who requires such charges shall inform the client of the approximate amount payable before proceeding with the transcription, reproduction or transmission of the documents or copies requested.

**50.** Chartered administrators who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to give a client access to the information contained in a record established in the client's respect shall inform the client in writing of the reasons for refusal. The notice shall describe the nature of any serious harm that is likely to be caused to the client or a third person.

##### *§2. Terms and conditions governing the exercise of the right of correction provided for in section 60.6 of the Professional Code*

**51.** In addition to the special rules prescribed by law, chartered administrators shall, within 30 days following receipt, follow up on any request made by a client with a view to

(1) causing to be corrected, in a document concerning the client and contained in any record established in the client's respect, information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected;

(2) causing to be deleted any information that is outdated or not justified by the object of the record established in the client's respect; or

(3) filing in the record established in the client's respect comments that the client has prepared in writing.

**52.** Chartered administrators who grant a request referred to in section 56 shall issue to the client, free of charge, a copy of the document or part thereof where information has been corrected or deleted or, as the case may be, a certificate attesting that the written comments prepared by the client have been filed in the record.

**53.** Upon written request by a client, chartered administrators shall, free of charge, send a copy of the corrected information or a certificate attesting that information has been deleted or, as the case may be, that written comments have been filed in the record to any person from whom the chartered administrator received the information involved, as well as to any person to whom the information has been transmitted.

**54.** Chartered administrators who hold information that is the subject of a request for access or correction shall, if they deny the request, keep the information for the time needed by the person involved to exhaust all legal recourses.

##### *§3. Obligations for chartered administrators to release documents*

**55.** Chartered administrators shall promptly follow up on any written request by a client who wishes to recover a document that the client had entrusted to the chartered administrator.

The chartered administrator shall mention in the client's record, the reasons, if any, supporting the client's request.

#### **DIVISION IX** **DETERMINATION AND PAYMENT OF FEES**

**56.** Chartered administrators shall charge and accept fair and reasonable fees.

**57.** Chartered administrators shall charge fees that are warranted by the circumstances and that correspond to the services rendered. In determining their fees, chartered administrators must in particular take the following factors into account:

- (1) the time devoted to the professional service;
- (2) the complexity and importance of the service;
- (3) the carrying out of unusual services or services requiring exceptional competence or celerity;
- (4) their experience;
- (5) the result obtained in a matter involving particular difficulties having an uncertain outcome; and
- (6) the scope of the responsibility assumed.

**58.** Chartered administrators shall ensure that the client is informed in advance of the approximate cost of the services, of the remuneration and payment methods and of the scope of the work.

**59.** Chartered administrators shall provide the client with all the explanations necessary to the understanding and justification of their statement of fees and the method of payment.

**60.** Chartered administrators may collect interest on outstanding accounts only after notifying the client. The interest thus charged must be at a reasonable rate.

**61.** Before having recourse to legal proceedings, chartered administrators must have exhausted all the other means available for obtaining payment of their fees.

**62.** Chartered administrators shall refrain from taking their fees out of the funds they hold for a client, unless the client consents expressly thereto in writing and has received a statement of fees beforehand.

**63.** Chartered administrators who entrust the collection of their fees to another person must ensure that that person will act with tact and moderation.

#### CHAPTER IV DUTIES TOWARDS THE PROFESSION

##### DIVISION I RELATIONS WITH THE ORDER AND COLLEAGUES

**64.** Chartered administrators shall at all times act in such a way as not to discredit the profession, the Order or their colleagues.

**65.** Chartered administrators shall not make false representations with regard to their competence, abilities, rights or powers.

**66.** Upon request by the Bureau, chartered administrators shall, to the extent of their capacities, participate in a council for the arbitration of accounts, a committee on discipline, a professional inspection committee, a committee on a sector of professional activity, a regional committee or any other committee. Chartered administrators may request an exemption for good reasons.

**67.** Chartered administrators shall promptly answer all requests and correspondence addressed to them by the syndic, the assistant syndic, an inspector, an investigator or a member of the professional inspection committee.

**68.** Chartered administrators shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards a colleague. The chartered administrator shall not, in particular, take credit for work done by a colleague.

**69.** With the client's authorization, a chartered administrator consulted by a colleague or another professional about a record on the client shall cooperate and provide the colleague or professional with the relevant information in the most complete way possible.

**70.** Chartered administrators shall refrain from making remarks that undermine the credit, integrity and reputation of a colleague.

##### DIVISION II CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

**71.** Chartered administrators shall, to the extent of their capacities, contribute to the development of the profession through the exchange of their knowledge and experience with their colleagues and by their participation in tutorship or professional development activities that require their cooperation.

**72.** Chartered administrators shall seek to improve their knowledge in the fields related to their professional activity by taking part in seminars, courses, symposiums or other similar sessions and by professional readings.

##### DIVISION III DEROGATORY ACTS

**73.** In addition to the acts referred to in the Professional Code or that may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of that Code, the following acts are derogatory to the dignity of the profession of chartered administrator:

(1) inducing someone insistently or in a pressing, unreasonable, undue or repeated manner to have recourse to the chartered administrator's professional services ;

(2) communicating with the plaintiff without the prior written permission of the syndic or assistant syndic once informed of an investigation into the chartered administrator's professional conduct or a complaint has been served on the chartered administrator ;

(3) continuing to act on behalf of a client where once aware that the client is acting fraudulently ;

(4) advising or encouraging someone to commit an illegal, fraudulent or reprehensible act ;

(5) not informing the syndic or assistant syndic within a reasonable time after personally becoming aware of a derogatory act committed by another chartered administrator ;

(6) refusing or neglecting to fulfill the requirements of the syndic or assistant syndic ;

(7) charging fees to a client for interviews, communications or correspondence with the syndic or assistant syndic following requests made by them for information or explanations about a matter concerning the chartered administrator ;

(8) charging fees for professional acts that were not performed or providing a receipt or another document that falsely indicates that services have been rendered ;

(9) not informing the client as soon as the chartered administrator realizes there is a possible conflict of interest ;

(10) not informing the client when the chartered administrator is no longer capable of performing the work or intervention accepted or entrusted ; and

(11) continuing to act in violation of a provision of this Code, the Professional Code, a regulation made under the latter Code or a resolution of the Bureau.

## CHAPTER V CONDITIONS, OBLIGATIONS AND PROHIBITIONS RESPECTING ADVERTISING

### DIVISION I GENERAL

**74.** Chartered administrators may not, by any means whatsoever, engage in or allow the use of advertising that is false, deceptive, incomplete or liable to be misleading.

**75.** Chartered administrators may not claim to possess specific qualities or skills, in particular with regard to their level of competence or the scope or efficacy of their services, unless they can substantiate such claim.

**76.** Chartered administrators may not use advertising practices likely to denigrate or discredit a colleague.

**77.** Chartered administrators who advertise prices, rates, fees, commissions or other remuneration methods shall avoid giving the advertisement a profit-seeking or unreasonably commercial character. In particular, chartered administrators shall

(1) establish fixed prices, rates, fees, commissions or other remuneration methods ;

(2) specify the nature and extent of services included in the prices, tariffs, fees, commissions or other remuneration methods ;

(3) indicate whether expenses are included in the prices, tariffs, fees, commissions or other remuneration methods ;

(4) indicate whether additional services might be required for which an additional sum could be charged.

The particulars and indications shall be such as to reasonably inform a person so that an enlightened choice may be made among the professional services offered and the related remuneration.

**78.** The prices, tariffs, fees, commissions or other remuneration methods announced in such advertisement shall remain in force for at least 90 days following the last broadcast or publication.

**79.** Chartered administrators shall keep a complete copy of any advertisement in its original form for five years following the date of the last broadcast or publication. Upon request, that copy shall be handed over to the syndic or assistant syndic.

**80.** Chartered administrators may not, in their advertising, use or allow the use of an endorsement or statement of gratitude concerning them, except distinctions, awards for excellence and other prizes given by the Order or a body recognized by the Bureau, or underlining a contribution or an achievement the honour of which is shared by all the profession.

### DIVISION II GRAPHIC SYMBOL OF THE ORDER

**81.** The Ordre des administrateurs agréés du Québec is represented by a graphic symbol complying with the original held by the secretary of the Order.

**82.** Chartered administrators who reproduce or allow the reproduction of the graphic symbol of the Order for advertising purposes shall ensure that the symbol conforms to the original held by the secretary of the Order.

**83.** Chartered administrators who use the graphic symbol of the Order in advertising placed in printed or televised media shall include the following notice in the advertisement:

“This advertisement is not an advertisement of the Ordre des administrateurs agréés du Québec and does not commit its liability.”.

### **DIVISION III PARTNERSHIPS OF CHARTERED ADMINISTRATORS**

**84.** The name, as well as an appellation, designation or qualification of a partnership of chartered administrators may not include the designation “chartered administrators” or the initials “Adm. A”, “C. Adm.” or “C.M.C.” unless all partners are members of the Order. The addition of the words “and associates” or another similar designation may not be used unless the number of partners in the partnership is greater than the number of names appearing in the partnership’s name.

**85.** The name of a chartered administrator who leaves a partnership shall be withdrawn from the name of that partnership within one year of the chartered administrator’s departure, unless a notice that the name will be kept is given to the secretary of the Order within the same time.

However, the notice may not provide for a time period longer than one year.

**86.** This Code 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).

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

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Gouvernement du Québec

## **O.C. 236-2003, 26 February 2003**

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2)

Management Delegation Program for Lands in the Domain in the State in Regional Parks

WHEREAS, in accordance with article 688 of the Municipal Code of Québec (R.S.Q., c. C-27.1), amended by section 102 of chapter 37 and section 19 of chapter 68 of the Statutes of 2002, the regional county municipalities (RCM) may determine by by-law the location of a regional park on their territory;

WHEREAS, under that same article, for lands in the domain of the State, such a by-law has no effect as to third parties so long as the RCM has not entered into an agreement with the party that has authority over the land allowing the RCM to operate the park;

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2), the Minister may, with the approval of the Government, prepare programs for the development of lands in the domain of the State that are under the Minister’s authority or the forest resources in the domain of the State to encourage regional development or implement any other government policy;

WHEREAS, under the third paragraph of section 17.14 of that Act, the Minister may, for the purpose of the programs, entrust the management of such lands in the domain of the State to a legal person which may then exercise the powers and responsibilities determined by the Minister according to the program;

WHEREAS, under the fourth paragraph of section 17.14, the Minister may, to the extent required to implement a program and according to the terms and conditions set out in the program, determine which powers under section 71 of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) may be exercised by a municipality under by-laws;

WHEREAS, under articles 14.11 to 14.12.2 of the Municipal Code of Québec, every municipality may participate in a program prepared by the Minister of Natural Resources and the municipality has the necessary powers to meet the commitments and assume the responsibilities arising from the program with regards to any designated land in the domain of the State;