

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* dated 6 August 2003, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office des professions received no comments following the publication of the Regulation;

WHEREAS the Office has examined the Regulation and made its recommendation;

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 Regulation respecting a professional activity which may be performed by an employee or a technician in orthopedics, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting a professional activity which may be performed by an employee or a technician in orthopedics

Professional Code
(R.S.Q., c. C-26, s. 94 *h*; 2002, c. 33, s. 5)

1. The purpose of this Regulation is to determine amongst professional activities that may be performed by physicians that which, pursuant to the conditions provided therein, may be performed by a person who, on 11 June 1980, was qualified to act as employee or technician in orthopedics under the collective agreements then in force in Québec.

2. An employee or a technician in orthopedics may apply plaster casts in accordance with an individual prescription.

3. This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 775-2004, 10 August 2004

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

Notaires — Terms and conditions for the issuance of permits by the Chambre

Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *h* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS the Bureau of the Chambre des notaires du Québec made the Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec;

WHEREAS, under section 95 of the Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 January 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec examined the Regulation and made its recommendation;

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 Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. c and 94 par. h and i)

DIVISION I GENERAL

1. A candidate for a permit to practice the notarial profession must apply to the Administrative Committee and

(1) possess the character, conduct, competence, and qualities required to practise the notarial profession;

(2) hold a diploma determined by the government, pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as giving access to the permit issued by the Order, or hold diploma or training equivalence recognized by the Administrative Committee pursuant to Division II;

(3) have successfully completed the training period or obtained the training period equivalence recognized by the Administrative Committee pursuant to Division IV;

(4) have paid the fees prescribed in paragraph (8) of section 86.0.1 of the Code.

DIVISION II DIPLOMA AND TRAINING EQUIVALENCE

2. A candidate for diploma or training equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in paragraph (4) of section 1, and furnish the secretary with the following documents:

(1) the candidate's academic record, including a description of courses taken, the number of credits or hours relating thereto, and results obtained;

(2) proof of all diplomas;

(3) a document attesting to the candidate's participation in any training period or other continuing or refresher activity;

(4) a document attesting to and describing the candidate's relevant work experience.

3. Documents in support of an application for diploma or training equivalence written in a language other than French or English must be accompanied by a French translation certified under oath by a certified translator or by a translator who, if he is not from Québec, is recognized by the authorities in his province or country.

§1. *Diploma equivalence*

4. A candidate who holds a diploma that is awarded by an educational establishment outside Québec and does not give access to a permit issued by the Order pursuant to section 184 of the Professional Code may be granted diploma equivalence under the following conditions:

(1) the diploma was obtained within five years prior to the application, upon completion of university studies equivalent to those giving access to a permit issued by the Order;

(2) the university studies as a whole must have comprised at least 120 credits or the equivalent, 75 credits of which must have been obtained in the following subjects:

- (a) law of persons;
- (b) family law;
- (c) successions and gifts;
- (d) property;
- (e) obligations;
- (f) security on property;
- (g) nominate contracts;
- (h) civil evidence;
- (i) publication of rights;
- (j) civil procedure;

- (k) company law;
- (l) private international law;
- (m) tax law;
- (n) administrative law;
- (o) notarial practice;
- (p) title examination.

5. Where the diploma that is the subject of the application for equivalence has been obtained more than five years prior to the application, equivalence may be granted if the training or relevant work experience acquired by the candidate since that time has allowed the candidate to attain the level of legal knowledge possessed by a holder of a diploma giving access to a permit issued by the Order.

§2. *Training equivalence*

6. A candidate may be granted training equivalence where he demonstrates that he has the knowledge and skill of a holder of a diploma giving access to a permit issued by the Order.

7. The following factors must be taken into account in the determination of a candidate's training equivalence:

- (1) the nature and number of years of the candidate's experience;
- (2) the fact that the candidate holds one or more diplomas obtained in Quebec or elsewhere;
- (3) the nature, content, and number of courses taken or training periods served, the number of credits involved, and results obtained.

§3. *Recognition of equivalence*

8. The secretary of the Order shall send the documents listed in section 2 to the Admissions Committee formed by the Bureau pursuant to paragraph (2) of section 86.0.1 of the Professional Code.

9. The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 10.

Where the documents furnished pursuant to section 2 are insufficient to allow for an adequate appreciation of the candidate's training equivalence, the candidate shall be required to take an examination.

10. The Administrative Committee shall, upon the Admissions Committee's recommendation:

- (1) recognize diploma or training equivalence;
- (2) recognize partial training equivalence and determine the courses that must be successfully completed by the candidate; or
- (3) refuse to recognize diploma or training equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to paragraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

11. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

12. The Administrative Committee shall recognize a candidate's training equivalence where it is established that the candidate has successfully completed the courses required under a decision rendered under paragraph (2) of the first paragraph of section 10. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

DIVISION III PROFESSIONAL TRAINING PERIOD

13. A candidate who wishes to register for the professional training period must meet the conditions set out in paragraphs (1), (2), and (4) of section 1 and apply in writing to the Administrative Committee at least 90 days prior to the anticipated training period commencement date.

§1. *Objectives and conditions of the training period*

14. The objectives of the training period are as follows:

- (1) assimilation of theoretical knowledge;
- (2) acquisition of the skills required for the practice of the notarial profession;
- (3) development of professional competence;

(4) integration of the preventive aspect into the practice of the notarial profession.

15. The training period, administered by the Admissions Committee, shall consist of 32 consecutive weeks, on a full-time basis, in an environment that offers learning possibilities compatible with the objectives set out in section 14, and shall include compulsory participation in the professional program activities described in section 23.

No training period may begin before the date determined by the Admissions Committee.

16. An eligible candidate must successfully complete the training period within two years after obtaining the diploma or recognition of equivalence contemplated in Division II.

However, a candidate who demonstrates to the Admissions Committee that he was unable to complete the training period within the prescribed time due to illness, accident, graduate studies, pregnancy, or superior force shall be granted additional time equal to the time during which he was unable to complete the training period, up to a maximum of three years. The same applies to a candidate who pursue superior studies.

17. The training period must be completed under the supervision of a tutor, who must

(1) have been entered on the roll of the Order for no fewer than five years and have practised the profession on a full-time basis for the previous five years in a position compatible with the objectives of the training period set out in section 14;

(2) not have been the subject of a penalty imposed by the committee on discipline of the Order or by the Professions Tribunal, in the five years prior to his application, other than the penalty provided for in paragraph *a* of the first paragraph of section 156 of the Professional Code;

(3) not have been required by the Bureau to take a course or serve a period of refresher training or have been suspended or limited in his right to practise pursuant to the Professional Code in the five years preceding the date of his application; and

(4) have paid all duties, fees, or assessments due to the Order.

18. A notary who wishes to act as a tutor must apply in writing to the Admissions Committee.

Authorization to act as a tutor is granted by the Admissions Committee for three years and may be withdrawn at any time if the tutor no longer meets the conditions set out in section 17 or if the committee considers that the tutor does not perform his duties in accordance with section 19.

19. The tutor shall contribute to the training of the trainee for whom he is responsible and shall adequately supervise the trainee in the work environment. The tutor shall, in particular:

(1) facilitate the trainee's integration into the work environment;

(2) inform the trainee of the functioning of the work environment and of available resources;

(3) determine the trainee's duties, specifying work methods to be used and the deadlines to be met;

(4) help the trainee organize his work and introduce him to office management;

(5) gradually allow the trainee to perform certain professional acts;

(6) carry out periodic assessments of the work performed by the trainee, jointly with the supervisor if necessary;

(7) contribute to the assessment of the trainee's attainment of his training objectives.

20. A candidate must obtain the Admissions Committee's approval of his training plan before beginning his period of training. The committee shall assess the submitted project on the basis of the objectives set out in section 14, and may require certain modifications where it considers that the objectives will not otherwise be met.

21. The Admissions Committee shall appoint a supervisor for each trainee and tutor. Several trainees and tutors may be under the supervision of the same supervisor.

22. The supervisor shall, in particular:

(1) support the trainee in his integration into the work environment;

(2) provide the pedagogical support needed by the trainees and tutors for whom he is responsible;

(3) prepare and conduct some of the professional program activities.

23. The training period shall include a professional program comprising the following activities:

(1) at least three integration seminars consisting of group sessions lasting one day or less and completed, according to the trainee's needs, with activities by correspondence aimed at aiding trainees to assimilate their training and practical experience through discussion and collective consideration of problems in the practice of the notarial profession;

(2) at least 10 analysis and synthesis sessions consisting of group sessions scheduled over at least 15 days and completed, according to the trainee's needs, with activities by correspondence aimed at developing the professional conduct and skills required in the practice of the notarial profession.

24. Upon a reasoned application in writing by the trainee or his supervisor, the Admissions Committee may authorize, subject to the conditions it deems appropriate:

- (1) a change of tutor;
- (2) an interruption in the training period lasting more than 10 business days;
- (3) modifications to the training period;
- (4) cancellation of the training period, where the elapsed portion has not exceeded eight consecutive weeks.

25. A trainee may, under the responsibility and close supervision of a tutor, perform all the professional acts of a notary except acts that fall within the province of a public officer.

§2. *Assessment*

26. Training period assessments are designed to measure the attainment of the objectives set out in section 14. A period of training is successfully completed if the trainee attains the following levels of mastery:

(1) for the objectives referred to in paragraphs (1) and (3) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills and be able to perform the tasks inherent thereto without help or supervision;

(2) for the objective referred to in paragraph (2) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he periodically needs help or supervision;

(3) for the objective referred to in paragraph (4) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he needs help or supervision to master the skill as a whole.

27. Upon a trainee's completion of the training period, the tutor and the supervisor shall prepare a written assessment.

The tutor shall assess the attainment of objectives in terms of the work environment. The supervisor shall assess the attainment of objectives for the training program as a whole, including the professional program.

28. The tutor and the supervisor shall each provide a copy of their report to the trainee and the Admissions Committee within 15 business days following the end of the training period.

29. After examining the report, the Admissions Committee shall recommend that the Administrative Committee issue a certificate of achievement if the trainee has attained the level of mastery required for all the objectives set out in section 14.

30. Where a candidate has not attained the required level of mastery, the Admissions Committee shall recommend that the Administrative Committee issue a notice of failure.

The recommendation of the Admissions Committee must be reasoned and must indicate any activities that must be repeated to enable the trainee to attain required levels for all the objectives.

31. The Administrative Committee shall, upon the Admissions Committee's recommendation:

- (1) issue a certificate of achievement; or
- (2) refuse to issue a certificate of achievement, and determine the training activities that must be repeated to allow the candidate to reach the required levels.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to paragraph (2) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his file.

32. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

33. The Administrative Committee shall issue a certificate of achievement where it is established that the candidate has successfully completed the activities that must be repeated in accordance with a decision rendered under section 31. The secretary of the Order shall notify the candidate in writing within 30 days following issuance of the certificate.

DIVISION IV **PROFESSIONAL TRAINING PERIOD** **EQUIVALENCE**

34. A candidate for recognition of training period equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in paragraph (4) of section 1, and furnish the following documents:

(1) a document attesting to and describing the candidate's relevant work experience;

(2) a document attesting to the candidate's participation in any training period or other continuing or refresher activity.

35. Documents in support of an application for professional training period equivalence that are written in a language other than French or English must be accompanied by a French translation certified under oath by a certified translator or by a translator who, if he is not from Québec, is recognized by the authorities in his province or country.

36. A candidate may be granted training period equivalence where he has attained the levels of mastery required under section 26.

37. The secretary of the Order shall send the documents listed in section 34 to the Admissions Committee.

38. The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 40.

39. The following factors must be taken into account in the determination of a candidate's training period equivalence:

(1) the nature and the number of years of the candidate's work experience;

(2) the nature and content of continuing or refresher training that the candidate has received.

Where the documents furnished pursuant to section 34 are insufficient to allow for an adequate appreciation of the candidate's training period equivalence, the candidate shall be required to take an examination.

40. The Administrative Committee shall, upon the Admissions Committee's recommendation:

(1) recognize training period equivalence;

(2) recognize partial training period equivalence and determine the training period activities that must be successfully completed by the candidate; or

(3) refuse to recognize training period equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to paragraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

41. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

42. The Administrative Committee shall recognize a candidate's training period equivalence where it is established that the candidate has successfully completed the activities required under a decision of the Administrative Committee rendered under paragraph (2) of the first paragraph of section 40. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

DIVISION V **FINAL PROVISIONS**

43. This regulation replaces the Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec, approved by Order in Council 593-98 dated April 29, 1998, and the Regulation respecting the standards for equivalence of training for the issue of a permit by the Chambre des notaires du Québec, approved by Order in Council 1430-92 dated September 23, 1992.

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

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Gouvernement du Québec

O.C. 776-2004, 10 August 2004

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

Certified general accountants

— Code of ethics

— Amendments

Regulation to amend the Code of ethics of certified general accountants

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that section, such code must contain, *inter alia*:

(1) provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

(2) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code, and provisions concerning a professional's obligation to release documents to his or her client;

(3) provisions setting out conditions, obligations and prohibitions in respect of advertising by the members of the order;

WHEREAS the Bureau of the Ordre des comptables généraux licenciés du Québec made the Regulation amending the Code of ethics of certified general accountants;

WHEREAS, in accordance with 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 being made by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 January 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that 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 Regulation to amend the Code of ethics of certified general accountants, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of certified general accountants*

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

1. The Code of ethics of certified general accountants is amended by adding the following section after section 3.01.06:

“**3.01.07.** A member who is informed that an inquiry is being held or who has been served notice of a complaint regarding the member's conduct or competence shall not harass, intimidate or threaten the person who requested the inquiry or any other person involved in the events relating to the inquiry or complaint.”

2. Subdivisions 6 and 7 of Division III are replaced by the following:

* The Code of ethics of certified general accountants (R.R.Q., 1981, c. C-26, r.30) has been amended once, by the regulation approved by Order in Council 441-90 dated 4 April 1990 (1990, G.O. 2, 741).