

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

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation to amend the Code of ethics of land surveyors*

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

1. The Code of ethics of land surveyors is amended by inserting the following section after section 1.02:

“1.03. Every land surveyor who carries on his professional activities within a partnership or joint-stock company within the meaning of the Civil Code of Québec or within a partnership or joint-stock company referred to in chapter VI.3 of the Professional Code (R.S.Q., c. C-26), who is a partner, shareholder, director or officer of a partnership or joint-stock company must ensure that the partnership or company complies with the Land Surveyors Act (R.S.Q., c. A-23), the Professional Code and the regulations thereunder.

Practising the profession within a partnership or company does not alter or reduce in any manner a land surveyor's duties and obligations under the Land Surveyors Act, the Professional Code and the regulations thereunder.”

2. Section 3.01.02 is amended by adding the following second paragraph:

“A land surveyor must inform a client when he or she foresees that essential aspects of all or a part of the services he was retained to perform may be provided by another person.”

3. Section 3.02.02 is amended by replacing the first sentence by the following:

“3.02.02. A land surveyor must avoid any misrepresentation with respect to his level of competence or the efficiency of his services, those generally provided by the members of the profession or, where applicable, those generally provided by the persons who carry on their professional activities within the same partnership or company as the land surveyor.”

4. Section 3.02.07 is replaced by the following:

“3.02.07. A land surveyor must handle with care any property entrusted to him. The land surveyor may not lend it or use it for purposes other than those for which it was entrusted to him and must return it to its rightful possessor once the professional services have been performed.

A land surveyor who carries on his professional activities within a partnership or company must take reasonable measures to ensure that the partnership or company complies with the requirements of the first paragraph when the property is entrusted to the partnership or company in the performance of the professional services.”

5. Section 3.04.01 is amended by adding the following at the end:

“or, where applicable, the liability of the partnership or company within which he carries on his professional activities or that of another person who also carries on his professional activities within the partnership or company.”

6. Section 3.05.01 is amended by adding the following three paragraphs:

“A land surveyor may not be party to an agreement under which the nature and extent of professional expenses may influence the quality of his professional activities.

In the same manner, a land surveyor may not be party to an agreement with another professional under which the nature and extent of the latter's professional expenses may influence the quality of his professional activities.

Any agreement entered into by a land surveyor in the exercise of his profession must be entirely in writing and include a statement that the obligations under it comply the provisions of this Code and include a clause authorizing the communication of the agreement to the Order.”

* The Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r.4) was last amended by the regulation approved by Order in Council 830-2003 dated 20 August 2003 (2003, *G.O.* 2, 2707). For previous amendments refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

7. The Code is amended by inserting the following section after section 3.05.02:

“3.05.02.01. A land surveyor must subordinate his personal interests, those of the partnership or company within which he carries on his professional activities or in which he has an interest and those of any person carrying on professional activities within that partnership or company or not, to the interests of the client.”.

8. Sections 3.05.03 and 3.05.04 are replaced by the following:

“3.05.03. A land surveyor may share his fees only with a person with whom he is authorized to practise under the Regulation respecting the practice of the land surveyor profession, within a partnership or joint-stock company (*enter the number and date of the Order in Council approving the Regulation*) or within a partnership within which he or she is authorized to practise under that Regulation.

3.05.04. A land surveyor may share his fees with a person referred to in section 3.05.03 only to the extent that such sharing corresponds to an apportionment of services and liabilities.”.

9. Section 3.05.05 is amended by adding the following at the end:

“except the customary thanks and gifts of small value.”.

10. Sections 3.06.03, 3.06.04 and 3.06.05 are replaced by the following:

“3.06.03. A land surveyor may not use confidential information obtained in the practice of his profession for his benefit, for the benefit of the partnership or company within which he carries on his professional activities or the benefit of a person other than the client.

3.06.04. A land surveyor may not agree to provide professional services if it entails or may entail the disclosure or use of information or confidential documents obtained from a client without the latter’s written consent, unless ordered by law.

3.06.05. A land surveyor must take reasonable measures to ensure that the absolute secrecy of the confidential information he receives in the practice of his profession is maintained by any employee or person who cooperates with the land surveyor or carries on his activities within the partnership or company within which the land surveyor carries on his professional activities.”.

11. The Code is amended by inserting the following section after section 3.08.04:

“3.08.04.01. A land surveyor who carries on his professional activities within a partnership or company must ensure that the fees and expenses for professional services provided by land surveyors are always indicated separately on any invoice or statement of fees sent by the partnership or company to a client, except if a lump sum payment was agreed upon in writing with the latter. However, in the latter case, the statement or invoice must detail the professional services provided by the land surveyor.”.

12. The Code is amended by inserting the following section after section 3.08.05:

“3.08.05.01. If a land surveyor carries on his professional activities within a joint-stock company constituted for the purposes of carrying on such activities, the fees and expenses related to professional services he provided within that company and on its account belong to that company, unless otherwise agreed.”.

13. Section 4.01.01 is amended

(1) by replacing “and 58” in the part preceding paragraph *a* by “, 58, 59.1, 59.2 and those that may be determined under the second paragraph of section 152.”;

(2) by adding “with whom he is not authorized to practise his profession within a partnership or company” at the end of paragraph *h*;

(3) by adding the following paragraph at the end:

“(p) carrying on his professional activities within a partnership or company with other persons while knowing that one or more of the conditions, terms or restrictions under which he is authorized to so practise his profession are not met.”.

14. Section 4.02.03 is replaced by the following:

“4.02.03. A land surveyor must respond to any communication from a syndic, inspector, investigator or member of the professional inspection committee or a member of an accounts arbitration council; the land surveyor must also respond within the deadline using the method of communication determined by them.”.

15. Section 5.01.04 is amended by adding the following paragraph:

“A land surveyor who carries on his professional activities within a partnership or company in which persons other than land surveyors also practise their profession must, in any advertising, describe separately the professional services of a land surveyor included in a lump sum fee.”.

16. Section 5.01.07 is replaced by the following:

“**5.01.07.** A land surveyor who carries on his professional activities within a partnership or company must take reasonable measures to ensure that advertising by the partnership or company or by any other person practising his profession within complies, as regards land surveyors, with the rules set out in this Division.”.

17. The Code is amended by inserting the following sections after section 6.0.2:

“**6.0.3.** When using the Order’s graphic symbol in advertising, a land surveyor must not mislead the public into believing that it is advertising by the Order.

6.0.4. A land surveyor who carries on his professional activities within a partnership or company must ensure that any use of the Order’s graphic symbol within the partnership or company complies with sections 6.0.2 and 6.0.3.

6.0.5. A land surveyor must ensure that a partnership or company within which he carries on his professional activities uses the Order’s graphic symbol in connection with advertising or its name only if all services provided by that partnership or company are the professional services of land surveyors.

In the case of a partnership or company providing the professional services of land surveyors and services of persons other than land surveyors with whom land surveyors are authorized to carry on their professional activities, the Order’s graphic symbol may be used in connection with the name or in the advertising of that partnership or company on the condition that the graphic symbols identifying each professional order to which those persons belong, are also used.

However, the Order’s graphic symbol may always be used in connection with the name of a land surveyor.”.

18. The title of Division VII is replaced by “NAME OF THE PARTNERSHIP OR COMPANY”.

19. Sections 7.01 and 7.02 are replaced by the following:

“**7.01.** A land surveyor must not carry on his professional activities within a partnership or company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.

7.02. A land surveyor who carries on his professional activities within a partnership or company must take reasonable measures to ensure that any document produced by the partnership or company within the land surveyor’s professional practice is identified in the name of a land surveyor.”.

20. Section 7.03 is revoked.

21. 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

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

Medical technologists — Diploma or training equivalence standards for the issue of a permit — Amendments

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 to amend the Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec, made by the Bureau of the Ordre professionnel des technologistes médicaux du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The main purpose of the Regulation is to determine, pursuant to paragraph c.1 of section 93 of the Professional Code, the equivalence recognition procedure which must provide among other things that the decision is to be reviewed by persons other than those who made it. This new enabling provision was introduced by the Act to amend the Professional Code as regards the issue of permits (2006, c. 20), which came into force on 14 June 2006.