

The member shall send the notifications provided for in the first and second paragraphs prior to the issuance of the financial statements or, failing which, as soon as possible. He shall also record and retain in the file the purpose of the notifications and the date upon which the notifications were sent.

The information and the notifications referred to in the second paragraph shall be retained for a minimum of 24 months from the date they were sent.

3.02.13.03. A member who is responsible for applying generally accepted accounting principles or for overseeing their application within an enterprise that is the subject of an engagement contemplated in Section 3.02.13.02 shall notify his immediate superior if the financial statements are not presented fairly in accordance with these principles.

If, after such notification, the financial statements are still not presented fairly, the member shall also notify in writing the enterprise's audit committee or similar body or, where there is no audit committee or similar body, the board of directors and the professional responsible for the engagement.

A member shall satisfy the obligations provided for in the third and fourth paragraphs of Section 3.02.13.02.

3.02.13.04. A member who prepares or approves, in whole or in part, financial statements prepared solely for internal use within an enterprise or for a specified user within the meaning of the Independence Standard published and adopted by the Certified General Accountants Association of Canada, 2006, first edition, version 1.2, and any subsequent amendments thereto, is relieved from satisfying the obligations set out in Sections 3.02.13.01, 3.02.13.02 and 3.02.13.03.”

4. Section 3.02.18 of this code is amended by replacing the portion of the first paragraph preceding paragraph *a* by the following:

“**3.02.18.** A member holding a public accountancy permit and, in the cases where the law so permits, a member:”

5. This code is amended by adding, after Section 3.05.09, the following section:

“**3.05.09.01.** A member shall comply with the Independence Standard published and adopted by the Certified General Accountants Association of Canada, 2006, first edition, version 1.2, and any subsequent amendments thereto.”

6. Section 4.02.01 of this code is replaced by the following:

“**4.02.01.** A member shall cooperate with the Order or any person representing it and reply without undue delay to any letter from the Order or such person.”

7. Section 4.02.02 of this code is amended by replacing the words “A practicing member” by the words “A member”;

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

8907

Draft Regulation

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

Certified General Accountants — Continuing education for holding a public accountancy permit

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 continuing education for certified general accountants of Quebec holding a public accountancy permit”, passed by the Bureau of the Ordre des comptables généraux licenciés du Québec, may be submitted to the Government which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this draft Regulation is to determine the continuing education activities which the holder of a public accountancy permit must complete, the penalties applicable in the event of default and, as the case may be, the circumstances under which exemptions may be granted.

According to the Ordre des comptables généraux licenciés du Québec, this draft Regulation has no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting Mr. André Cantin at the Ordre des comptables généraux licenciés du Québec, 500, place d'Armes, Suite 1800, Montréal (Québec) H2Y 2W2; telephone: 514 861-1823 or 1 800 463-0163; facsimile: 514 861-7661; E-mail: acantin@cga-quebec.org

Any interested person having comments to make on the matter is asked to send them, prior to the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800 Place D'Youville, 10th Floor, Québec City (Québec) G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the enforcement of legislation applicable to professionals; they may also be forwarded to the professional corporation which passed the Regulation as well as to any interested persons, departments and organizations.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation respecting continuing education for certified general accountants holding a public accountancy permit

Professional Code
(R.S.Q., c. C-26, s. 187.10.2, 2nd para.; 2007, c. 42, s.3)

DIVISION I CONTINUING EDUCATION

1. A member of the Ordre des comptables généraux licenciés du Québec holding a public accountancy permit shall, unless exempt pursuant to division IV, accrue at least 60 hours of continuing education activities per three-year reference period, with a minimum of 20 hours in each reference year. The 60 hours shall relate to the audit engagement, the review engagement and other activities related to public accountancy.

The member shall choose the continuing education activities that are best suited to his needs. He shall choose continuing education activities among those provided for in the program developed by the Order in accordance with section 4.

Continuing education activities shall include:

- (1) continuing education courses organized or offered either by the Order or by a person or organization recognized by the Bureau;
- (2) courses offered by educational institutions or by other professional orders;
- (3) symposiums, seminars or conferences of a technical or educational nature;
- (4) participation in courses or structured training activities offered in the workplace;

(5) participation in various structured training sessions, particularly seminars or case studies;

(6) participation in distance learning activities;

(7) acting as a lecturer, instructor or preparer for activities contemplated in paragraphs 1 to 6;

(8) participation in research projects;

(9) authorship of specialized published articles.

However, as part of the 60 hours to be accumulated in a given reference period, the Bureau may impose on a member holding a public accountancy permit a specific continuing education activity listed among the activities provided for in the program contemplated in section 4.

2. A member to whom the Order issues a public accountancy permit after August 1 of a given year shall, unless exempt pursuant to division IV, accumulate a minimum of 1.5 continuing education hours for each full calendar month by the end of the current reference year. Such person shall also accumulate at least 20 hours per full reference year.

DIVISION II FRAMEWORK FOR CONTINUING EDUCATION ACTIVITIES

3. A continuing education activity must allow members to maintain and develop skills and professional, legal or ethical knowledge relating to the practice of public accountancy.

4. The Order shall establish the program of continuing education activities to be followed by the member holding a public accountancy permit. The Order shall:

- (1) set the start and end date of the reference period contemplated in the first paragraph of section 1;
- (2) determine which continuing education activities shall be provided as part of the program and the persons, organizations or educational institutions that may organize or offer them;
- (3) determine, as appropriate, the activities it will impose under paragraph 4 of section 1;
- (4) establish, where appropriate, criteria for calculating the eligible duration of these activities for the computation of the number of hours required under section 1, where that number differs from the actual duration of the activity.

When determining the activities that are included in the program and, where appropriate, establishing the criteria for calculating the eligible duration of an activity, the Order shall take into consideration the following criteria:

- (1) the relevance of the training activity;
- (2) the competence and qualifications of the instructor in relation to the subject matter;
- (3) the fact that the training activity meets a need;
- (4) compliance with the continuing education objectives set out in this Regulation;
- (5) the fact that the training activity objectives are verifiable and set out in a clear and concise manner;
- (6) the framework within which the training activities are provided;
- (7) if applicable, the quality of the materials provided;
- (8) the existence of a certificate of attendance or of an evaluation;
- (9) the fact that the continuing education activity has been developed, supervised or provided by the Order, an instructor or a team of competent instructors recognized by the Bureau.

DIVISION III VERIFICATION

5. Members shall submit to the Order, no later than 60 days after the end of each reference year within a reference period, a duly completed and signed training activity report using the form provided by the Order. They shall indicate therein the training activities engaged in during the reference year, the name of the person, body or educational institution organizing or offering the activity, the marks obtained, the number of hours completed, as well as the activities in respect of which they have obtained an exemption in accordance with division IV.

To determine whether the member has met the requirements of this Regulation, the Order may require relevant and reliable supporting documents in addition to the training activity report, including receipts identifying the activities engaged in, their duration and content, the organization and/or person offering the activity and, if applicable, a certificate of attendance or attestation of results obtained.

6. Successful completion of the training activity or, if there is no evaluation, the member's attendance, are the criteria by which the Order recognizes that members have engaged in a training activity for the purposes of meeting the requirements of this Regulation.

However, where the activity is not evaluated and attendance is not required, the Order shall recognize that members have engaged in a training activity if the members attest to having acquired sufficient knowledge of the activity's content to adequately carry out their professional activities.

Where the Order has identified training activities that members are required to attend, their attendance may be verified by any means established by the Order, such as an attendance sheet signed by the member.

7. No later than 180 days following the ultimate deadline for filing of the training activity report, the Order shall send a notice to the member specifying the hours which it recognizes and does not recognize as well as a statement listing the cumulative number of training activity hours for the previous year and for the given reference year.

8. Members may request a review of the Order's decision by submitting a written application to the committee set up by the Bureau within 30 days of receipt of the notice provided for in section 7.

This committee shall be made up of persons who have not taken part in the decision in respect of which a review is requested.

9. Members shall keep the documents in support of their reported hours, including the attendance sheet and proof of registration, for 24 months following the end of the reference period in question.

DIVISION IV EXEMPTIONS FROM CONTINUING EDUCATION ACTIVITIES

10. Members who have attended or intend to attend a training activity that is not listed in the program of activities adopted by the Order are exempted, for a given reference period, from having to attend a training activity provided for in this program as long as the content of the unlisted activity is equivalent to that of an activity listed in the program.

11. Members shall be exempted, for a given reference period, from having to attend training activities provided for in the program of activities adopted by the Order if they are able to demonstrate that they are unable to attend.

The fact that the Committee on Discipline or the Professions Tribunal has suspended or struck a member off the Roll, or that the Bureau has suspended or imposed limitations on a member's right to engage in professional activities, does not constitute an inability to attend.

Exemptions are not to exceed a maximum period of one year and are renewable.

12. Members may be exempted pursuant to section 10 if they submit a written request for recognition of the activity to the Secretary of the Order, at least 30 days before the scheduled date of the activity or within 60 days of having attended such activity, as the case may be.

The request shall include the following information:

- (1) a description of the training activity in question;
- (2) the duration of the activity;
- (3) the number of continuing education hours requested for this activity;
- (4) if the request is made prior to the training activity taking place, the name and address of the person, organization or institution responsible for the activity;
- (5) any other information deemed relevant for the purposes of recognition of the training activity.

13. Members may obtain an exemption pursuant to section 11 if they notify the Secretary of the Order in writing specifying the reasons for the exemption request and providing, as the case may be, a doctor's note or any other evidence attesting to the fact that they are unable to attend.

14. As soon as the circumstances referred to in the first paragraph of section 11 pursuant to which the member has been exempted have ceased to apply, the member shall notify forthwith the Secretary of the Order in writing and satisfy the obligations provided for in section 1, according to the terms and conditions set by the administrative committee.

15. Where the administrative committee grants an exemption to a member, it shall determine the number of hours which the latter is not required to complete during a given reference period.

The committee shall provide the member with its written decision setting out its reasons within 60 days following receipt of the application for exemption.

DIVISION V PENALTIES

16. The Order shall send a notice to those members who fail to comply with their continuing education requirements, which notice shall set out the unfulfilled obligations and the penalties members face and the timeframe allowed for remedial action, which cannot be less than 30 days or more than 60 days and begins with the receipt of the notice.

Training hours completed after receiving a default notice may only be credited to the reference period during which the member was in default.

17. The Order shall send a final notice to members who fail to cure their default before the deadline determined by the Order, specifying that they have an additional 15 days from the date of receipt of the final notice to comply.

18. The Order shall suspend or revoke the public accountancy permit of those members who have not cured the default described in the notice provided for in section 17 before the deadline set out therein.

The Order shall notify members in writing of the penalty imposed.

19. The suspension or revocation of the public accountancy permit shall remain in effect until the member provides evidence to the Order that he has met the requirements listed in the default notice provided for in section 17, and the penalty is lifted by the Order.

DIVISION VI FINAL PROVISION

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