

Regulations and other Acts

Gouvernement du Québec

O.C. 937-2010, 10 November 2010

Environment Quality Act
(R.S.Q., c. Q-2)

Correction to the English text of the Regulation to prohibit the sale of certain dishwashing detergents

WHEREAS the Regulation to prohibit the sale of certain dishwashing detergents was made by Order in Council 544-2008 dated 28 May 2008;

WHEREAS the French and English texts of the first paragraph of section 3 differ;

WHEREAS it is expedient to correct the English text of the first paragraph of section 3 of the Regulation to ensure consistency between the French and English texts;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the English text of the Regulation to prohibit the sale of certain dishwashing detergents, made by Order in Council 544-2008 dated 28 May 2008, be amended by replacing the first paragraph of section 3 by the following:

“3. As of 1 July 2010, no dishwashing detergent may be offered for sale, sold, distributed or otherwise made available to consumers unless

(1) it contains less than 0.5% phosphorus by weight; and

(2) the package indicates the percentage by weight of the phosphorus content of the product.”.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 944-2010, 10 November 2010

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

Chartered Accountants
— Code of Ethics
— Amendments

Regulation to amend the Code of Ethics of Chartered Accountants

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

WHEREAS the board of directors of the Ordre des comptables agréés du Québec made the Regulation to amend the Code of Ethics of Chartered Accountants;

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 being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors 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 sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Code of Ethics of Chartered Accountants was published in Part 2 of the *Gazette officielle du Québec* of 28 July 2010 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 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 of Justice:

THAT the Regulation to amend the Code of Ethics of Chartered Accountants, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of Chartered Accountants*

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

1. Section 1 of the Code of Ethics of Chartered Accountants of Quebec is amended:

(1) by inserting the words “that are not intended solely for internal management purposes,” after the words “compilation engagements” in subsection (1) of the third paragraph;

(2) by replacing subsection (2) of the third paragraph with the following:

“(2) public accountancy services, other than compilation engagements that are not intended solely for internal management purposes, and other assurance services within the meaning of the Canadian Institute of Chartered Accountants Handbook;”

2. Section 11 of the Code is amended as follows:

(1) by inserting the following words after “Professional Code”: “and those that may be determined pursuant to the second paragraph of section 152 of the Professional Code”;

(2) by inserting the following words in subsection (2) after “company”: “within which he practices his profession”;

(3) by replacing subsection (3) with the following:

“(3) is in one of the situations contemplated in subsection (2) and fails to inform the Ordre without delay;”

3. Section 19 of the Code is amended as follows:

(1) by replacing, in the first paragraph, the words “, rules, and guidance and guidelines” with “or rules”;

(2) by replacing, in the second paragraph, the words “result in a fair presentation in accordance with generally accepted accounting principles” with “comply with the standards or rules contemplated in the first paragraph”;

(3) by removing the third paragraph.

4. Section 19.1 of the Code is amended as follows:

(1) by replacing, in the first paragraph, the words “presented fairly in accordance with generally accepted accounting principles” with “in accordance with the standards or rules contemplated in section 19”;

(2) by replacing, in the second paragraph, the words “presented fairly” with “in accordance with these standards or rules”;

(3) by removing, in the fourth paragraph, the words “under the standards, rules, and guidance and guidelines set out”.

5. Section 19.2 of the Code is amended as follows:

(1) by replacing, in the first paragraph, the words “generally accepted accounting principles” with “the standards or rules contemplated in section 19”, and the words “presented fairly in accordance with these principles” with “in accordance with these standards or rules”;

(2) by replacing, in the second paragraph, the words “presented fairly” with “in accordance with these standards or rules”.

6. Section 19.3 of the Code is replaced by the following:

19.3. A member who prepares or approves, in whole or in part, financial statements intended solely for an enterprise’s internal management purposes is dispensed from having to satisfy the obligations set out in sections 19 and 19.2.”

7. Section 22.1 of the Code is replaced by the following:

* The most recent amendments to the Code of Ethics of Chartered Accountants, approved by Order in Council 58-2003 of January 22, 2003 (2003, *G.O.* 2, 861), were made by the Regulation approved by Order in Council 712-2005 of August 3, 2005 (2005, *G.O.* 2, 3341) and by section 212 of Chapter 11 of the 2008 Statutes of Quebec. For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2010, updated to October 1, 2010.

22.1. A member who is responsible for issuing a report or an opinion in the practice of public accountancy, other than compilation engagement reports that are not intended solely for internal management purposes, shall include his name or permit number on such report or opinion.”.

8. Section 24 in the French version of the Code is amended by replacing, after the word “société”, the word “de” by the word “dans”.

9. Sections 25.1 and 25.2 of the Code are revoked.

10. Section 34 of the Code is replaced by the following:

“**34.** A member shall not sign, prepare, produce or even associate his name with any letter, attestation, opinion, report, statement, representation, financial statement or other document, which he knows, or should know, contains false or misleading information, out of complacency or without ensuring that such documents are in compliance with good practices or current scientific knowledge.”.

11. Subdivision 1 of Chapter I, Division II.1 of the Code, including section 36.3, and Subdivision 2 of this Division, including sections 36.5 and 36.6, are revoked.

12. Section 36.4 of the Code is amended by the addition of the following paragraph at the end of the section:

“The member shall comply with the independence standards provided for in Rule 204 of the Harmonized Rules of Professional Conduct adopted on April 13, 2010 by the Public Trust Committee of the Canadian Institute of Chartered Accountants and any subsequent amendments thereto. These standards are disclosed in a publication sent by the Ordre to all its members and in an electronic document available to all on the Ordre’s website.”.

13. Subdivision 3 of Chapter 1, Division II.1 of the Code, including sections 36.7 to 36.11, is revoked.

14. Section 60.1 of the Code is amended by the addition of the following sentence at the end of the section: “The member may not communicate with the plaintiff without the prior written permission of the Syndic or Assistant Syndic.”.

15. Section 61 of the Code is replaced by the following:

“**61.** In all circumstances, a member shall ensure the accuracy and integrity of the information he provides to the Ordre. The member shall, at all times, honour his commitments to the Ordre in respect of the supervision of the practice of the profession.”.

16. Section 62 of the Code is amended as follows:

(1) by replacing the first paragraph with the following:

“Before practicing the profession in a new place of business or joining a partnership, joint-stock company or organization that offers professional services to the public, or before undertaking to practice public accountancy, a member shall notify the Ordre in writing and indicate the name of the partnership, joint-stock company or organization within which the member will be practicing.”;

(2) by removing the words “the Secretary of” from the second paragraph.

17. Section 75 of the Code is amended as follows:

(1) by replacing, in the first paragraph, the words “an official mark of the Canadian Institute of Chartered Accountants” by “a certification mark of the Canadian Institute of Chartered Accountants and an official mark of the Ordre”;

(2) by replacing the second paragraph with the following:

“A member who uses the graphic symbol of the Ordre in advertisements shall ensure that it complies with the one approved by the Ordre.”;

(3) by adding, in the third paragraph after the words “does not comply with”, the words “the conditions for using these marks and”.

18. A member who performs an audit engagement, has primary responsibility for the engagement or is on the engagement team or a team within a network partnership or joint-stock company, for a client that is a mutual fund or a reporting issuer not subject to the definition of “listed enterprise” set out in section 36.3 as approved by Order in Council 779-2004 of August 10, 2004, is in compliance with the independence rule contemplated in section 36.4, as amended by section 12, if the member complies with the requirements of sections 36.4 to 36.11 as approved by Order in Council 779-2004 during the period that covers the client’s two subsequent fiscal years beginning on or after 8 December 2010.

A member who acts as the engagement quality control reviewer on an audit engagement for a client referred to in the first paragraph, during the period specified in the first paragraph, is in compliance with the independence rule set out in section 36.4, as amended by section 12, if the member respects paragraph 4 of section 36.9 as approved by the 2004 Order in Council.

A member who is responsible for decision-making on auditing, accounting and reporting matters that affect the performance of the audit engagement for a client referred to in the first paragraph, or who maintains regular contact with the audit committee or management of this client or who provides, during the period of the audit engagement, more than ten hours of assurance services in connection with the annual financial statements or the interim financial information of the client, or who is responsible for an audit engagement for a subsidiary of the client, is in compliance with, for the period specified in the first paragraph, the independence rule contemplated in section 36.4, as amended by section 12, if the member complies with paragraph 5 of section 36.9, as approved by the 2004 Order in Council.

19. 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. 945-2010, 10 November 2010

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

Comptables en management accrédités — Indemnity fund of the Ordre

Regulation respecting the indemnity fund of the Ordre des comptables en management accrédités du Québec

WHEREAS, under section 89.1 of the Professional Code (R.S.Q., c. C-26), a board of directors of a professional order authorizing the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the board of directors made the Regulation respecting the indemnity fund of the Ordre des comptables en management accrédités du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors 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 sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the indemnity fund of the Ordre des comptables en management accrédités du Québec was published in Part 2 of the *Gazette officielle du Québec* of 9 June 2010 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 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 of Justice:

THAT the Regulation respecting the indemnity fund of the Ordre des comptables en management accrédités du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the indemnity fund of the Ordre des comptables en management accrédités du Québec

Professional Code
(R.S.Q., c. C-26, s. 89.1)

DIVISION I ESTABLISHMENT OF AN INDEMNITY FUND

1. The board of directors of the Ordre des comptables en management accrédités du Québec is to establish an indemnity fund to reimburse to claimants any funds or property used by a member of the Order for purposes other than those for which they were entrusted to the member acting in a professional capacity.

2. The fund must be maintained at a minimum balance of \$75,000. It particularly consists of

(1) amounts allocated to the fund by the board of directors;

(2) assessments fixed for that purpose;

(3) amounts recovered from members under a subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26);