

The documents referred to in subparagraph 8 must be distributed within 5 business days following the date on which they are sent to the applicant.

The documents or information referred to in subparagraphs 16 to 26 must be distributed within 45 days following the end of each quarter, in connexion with the expenses incurred during the quarter.

The information referred to in subparagraph 27 must be distributed within 45 days following the end of each fiscal year of the public body, in connexion with the expenses incurred during the fiscal year.

The document referred to in subparagraph 28 must be distributed within 45 days following the end of each fiscal year of the Government, in connexion with the salaries, indemnities and allowances relating to the fiscal year.”.

**3.** This Regulation comes into force on 1 April 2015.

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## Draft Regulation

Professional Code  
(chapter C-26)

### Agrologists — Code of ethics — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Code of ethics of agrologists, made by the board of directors of the Ordre des agronomes 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 draft Regulation adapts certain rules of conduct to the practice of agrology within a partnership or joint-stock company, as provided for in the draft Regulation respecting the practice of agrology within a partnership or a joint-stock company.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Louise Richard, Ordre des agronomes du Québec, 1001, rue Sherbrooke Est, bureau 810, Montréal (Québec) H2L 1L3; telephone: 514 596-3833; fax: 514 596-2974; email: agronome@oaq.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

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

## Regulation to amend the Code of ethics of agrologists

Professional Code  
(chapter C-26, s. 87)

**1.** The Code of ethics of agrologists (chapter A-12, r. 6) is amended by replacing the heading of Division I by “GENERAL”.

**2.** Section 1 is replaced by the following:

“**1.** This Code sets out, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations to be discharged by every agrologist towards the public, clients and the profession.

The duties and obligations of the agrologists under the Agrologists Act, the Professional Code and their regulations are not changed or reduced by the fact that an agrologist practises the profession within a partnership or joint-stock company.”.

**3.** The following is added after section 1:

“**1.1.** Agrologists must take reasonable measures to ensure that persons who collaborate with them in the practice of the profession and any partnership or joint-stock company within which they practise comply with the Agrologists Act (chapter A-12), the Professional Code and their regulations.

Agrologists must ensure that their obligations towards the partnership or joint-stock company within which they act as director or officer are not incompatible with their obligations towards their client.”.

**4.** Section 13 is replaced by the following:

“**13.** Agrologist must avoid any false, misleading or incomplete representations, in particular as to their level of competence or the effectiveness of their services and, where applicable, the level of competence or the effectiveness of the services offered under their supervision or by persons carrying on their activities within the same partnership or joint-stock company.”.

**5.** Section 18 is amended by inserting the following after the first paragraph:

“If the agrologist carries on professional activities within a partnership or joint-stock company, the agrologist must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements prescribed in the first paragraph when property is entrusted to the care of the partnership or joint-stock company.”

**6.** Section 19 is replaced by the following:

“**19.** Agrologists must assume full civil liability in the practice of their profession. They may not evade or attempt to evade the liability, by any means whatsoever, in particular by invoking the liability of the partnership or joint-stock company within which they carry on their professional activities or that of another person practising within the partnership or joint-stock company or by requesting that their client or the client’s representative renounce any recourse in case of professional negligence on their part.”

**7.** Section 25 is amended by inserting “or, where applicable, that of his employer or the partnership or joint-stock company within which he carries on his professional activities or within which he has interests, and the interest of any other person practising in that partnership or joint-stock company,” after “personal interest”.

**8.** The following is inserted after section 29:

“**29.1.** As soon as the agrologist notices that a partner, a shareholder, a director, a director or an employee of a partnership or joint-stock company within which the agrologist carries on professional activities or within which the agrologist has interests is in a conflict of interest, the agrologist must take necessary measures to ensure that the information and the documents protected by professional secrecy are not disclosed to that person.

The following factors must be taken in particular account in assessing the effectiveness of such measures:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the agrologist’s file by the person in the conflict of interest;
- (3) the instruction given to protect confidential information or documents relating to the conflict of interest;
- (4) the isolation of the person in the conflict of interest with respect to the agrologist.”

**9.** Section 30 is replaced by the following:

“**30.** Agrologists may only share their fees with another agrologist or a partnership or joint-stock company within which the agrologist carries on professional activities to the extent that such sharing corresponds to a distribution of services or responsibilities.”

**10.** Section 31 is amended by replacing “, nor shall he pay, offer to pay or agree to pay any such benefit, rebate or commission.” by the following:

“However, the agrologist may accept customary tokens of appreciation and gifts of small value.

The agrologist must refrain from paying, offering to pay or agreeing to pay any such benefit, rebate or commission.”

**11.** The following is inserted after section 44:

“**44.1.** An agrologist must ensure that an invoice issued by a third party for the agrologist’s professional services complies with the conditions set out in this subdivision.”

**12.** Section 49 is revoked.

**13.** Section 52 is amended by replacing “his accounts receivable, except to a colleague” by “or otherwise transfer his or her accounts of professional fees, except to an agrologist or a partnership or joint-stock company within which the agrologist is authorized to carry on professional activities pursuant to the Regulation respecting the practice of the profession of agrology within a partnership or a joint-stock company (insert the reference of the regulation)”.

**14.** Section 54 is replaced by the following:

“**54.** An agrologist who practises within a partnership or joint-stock company must ensure that professional fees related to professional services rendered by the agrologist are listed separately on any invoice or statement of fees given by the partnership or joint-stock company to the client.”

**15.** Section 55 is amended

(1) by replacing “contemplated in sections 59 and 59.1 of the Professional Code (chapter C-26)” in the first paragraph by “referred to in sections 57, 58, 58.1, 59.1 and 59.1.1 of the Professional Code (chapter C-26) and those determined pursuant to the second paragraph of section 152 of the Code”;

(2) by striking out paragraph 2;

(3) by replacing “complainant” in paragraph 3 by “person requesting the inquiry”;

(4) by replacing paragraph 9 by the following:

“(9) failing to ensure the appropriate monitoring of a person who carries on an activity reserved for agrologists pursuant to subparagraph *c* of the second paragraph of section 28 of the Agrologists Act (chapter A-12);”;

(5) by replacing paragraph 10 by the following:

“(10) in the practice of the profession, signing or affixing the agrologist’s seal to any document that was not prepared by the agrologist or under the agrologist’s supervision;”;

(6) by adding the following after paragraph 10:

“(11) carrying on professional activities within a partnership or joint-stock company that holds itself out as or implies that it is a partnership or joint-stock company within the meaning of Chapter VI.3 of the Professional Code (chapter C-26), when the requirements of the Code or the Regulation respecting the practice of the profession of agronomy within a partnership or a joint-stock company (*insert the reference of the regulation*) are not met;

(12) entering into an agreement or permitting an agreement to be entered into, within a partnership or joint-stock company in which an agrologist is a partner or a shareholder, including a unanimous shareholders’ agreement, if the agreement operates to threaten the independence, objectivity and integrity required to practise the profession or to comply with the Agrologists Act, the Professional Code and their regulations;

(13) carrying on activities within a partnership or joint-stock company when the agrologist is no longer authorized to do so.”.

**16.** The following is inserted after section 63:

**“DIVISION IV.1  
SEAL AND SIGNATURE”.**

**17.** Section 65 is amended

(1) by inserting “and, where applicable, the name of the partnership or joint-stock company within which the agrologist carries on professional activities,” in the first paragraph after “agrologist’s title”;

(2) by striking out “advice,”;

(3) by replacing the second paragraph by the following:

“The agrologist must also ensure that his or her name and agrologist’s title, and, where applicable, the name of the partnership or joint-stock company within which the agrologist carries on professional activities, are clearly indicated on any document referred to in the first paragraph that is produced under the agrologist’s supervision.”.

**18.** The following is inserted after section 65:

**“65.1.** Where agrologists sign a document referred to in section 65, they must do so according to one of the following methods:

(1) sign the document by hand;

(2) sign the document using a technological means that guarantees the document’s integrity, within the meaning of the Act to establish a legal framework for information technology (chapter C-1.1).”.

**19.** Section 66 is amended by striking out “advice,”.

**20.** Section 73 is amended by inserting “and, where applicable, the name of the partnership or joint-stock company within which the agrologist carries on professional activities” after “agrologist”.

**21.** Section 76 is amended by replacing “who are partners in the practice of their profession” by “carrying out their professional activities within a same partnership or joint-stock company”.

**22.** Section 77 is replaced by the following:

**“77.** An agrologist may not carry on professional activities alone or within a partnership or joint-stock company under a name, corporate name or designation which is misleading or derogatory to the honour or dignity of the profession or is a number name.”.

**23.** The heading of Division VI is amended by replacing “COAT OF ARMS AND GRAPHIC SYMBOL OF THE ORDER” by “GRAPHIC SYMBOL”.

**24.** Section 79 is revoked.

**25.** Section 80 is replaced by the following:

**“80.** Where agrologists or a partnership or joint-stock company within which they carry on professional activities use the graphic symbol of the Order in their advertisement and documents, they must ensure that the symbol conforms to the original and is not represented in such a manner as to imply that the advertisement or documents come from the Order or are approved by the Order.”.

**26.** The following is inserted after section 80:

“**80.1.** An agrologist must ensure that a partnership or joint-stock company within which the agrologist carries on professional activities does not use the graphic symbol of the Order in connection with its advertising or name unless all the services provided by such partnership or joint-stock company are professional services rendered by agrologists.

In the case of a partnership or joint-stock company which provides the professional services of agrologists and the professional services of persons other than agrologists with whom the agrologist is authorized to carry on professional activities, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

However, the graphic symbol of the Order may always be used in connection with the name of an agrologist.”

**27.** 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  
(chapter C-26)

### Agrologists — Practice within a partnership or a joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of agrology within a partnership or a joint-stock company, made by the board of directors of the Ordre des agronomes 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 draft Regulation authorizes a member of the Order to carry on his or her professional activities within a joint-stock company or a limited liability partnership.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Louise Richard, Ordre des agronomes du Québec, 1001, rue Sherbrooke Est, bureau 810, Montréal (Québec) H2L 1L3; telephone: 514 596-3833; fax: 514 596-2974; email: [agronome@oaq.qc.ca](mailto:agronome@oaq.qc.ca)

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

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

## Regulation respecting the practice of agrology within a partnership or a joint-stock company

Professional Code  
(chapter C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

### DIVISION I TERMS AND CONDITIONS OF PRACTICE

**1.** An agrologist may carry on professional activities within a partnership or joint-stock company within the meaning of Chapter VI.3 of the Professional Code (chapter C-26), if

(1) more than 50% of the voting rights attached to the shares of the partnership or joint-stock company are held by

(a) at least one agrologist;

(b) a legal person, trust or any other enterprise whose voting rights attached to the shares or other rights are held wholly by at least one agrologist; or

(c) both a person, a trust or other enterprise referred to in subparagraphs a and b;

(2) a majority of the directors of the joint-stock company, the partners or, where applicable, the managers appointed by the partners to manage the activities of the limited liability partnership are agrologists;

(3) the board of directors or, where applicable, the internal management board, is formed of a majority of agrologists who constitute at all times the majority of the quorum of such boards; and