

Draft Regulations

Draft Regulation

Professional Code
(chapter C-26)

Chartered administrators

—Code of ethics of chartered administrators —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 chartered administrators, adopted by the board of directors of the Ordre des administrateurs agréés du Québec, appearing below, has been published as a draft and may be examined by the Office des professions du Québec and then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation adjusts some obligations already provided for in the Code of Ethics of Chartered Administrators (chapter C-26, r. 14.1) and updates some of the duties of the members of the Ordre to take into account, in particular, the new context for the exercise of the profession and to ensure more effective protection for the public.

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

Further information about the draft Regulation may be obtained by contacting Mtre. Nathalie Parent, Executive Director and Secretary, Ordre des administrateurs agréés du Québec, 1050, côte du Beaver Hall, bureau 360, Montréal (Québec) H2Z 0A5; telephone: 514 499-0880 or 1 800 465-0880; email: nparent@adma.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Secretary of the Office des professions du Québec, Annie Lemieux, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Ordre des administrateurs agréés du Québec and to interested persons, departments and bodies.

ANNIE LEMIEUX

Secretary of the Office des professions du Québec

Regulation to amend the Code of ethics of chartered administrators

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

1. The Code of ethics of chartered administrators (chapter C-26, r. 14.1) is amended in section 12 by adding the following paragraph at the end:

“They must, in particular, refrain from committing any act involving collusion, corruption, malfeasance, breach of trust or influence peddling.”

2. Section 13 is amended by inserting “, their professional qualifications” after “competence”.
3. Section 20 is replaced by the following:

“**20.** Chartered administrators must take reasonable care of the sums and property entrusted to them by clients, including by their employer.

Except when specifically authorized by a client, chartered administrators must not, in any manner whatsoever, use, lend, transfer, withdraw or employ the entrusted property or sums as payment for their fees or for purposes other than those for which the property or sums were entrusted to them as part of their mandate or contract of employment.

The sums or property entrusted to chartered administrators must be computed and secured in accordance with the Règlement sur la comptabilité en fidéicommis des administrateurs agréés (chapter C-26, r. 16).”.

4. Section 27 is replaced by the following:

“**27.** Chartered administrators may not elude or attempt to elide professional liability. To that end, chartered administrators are prohibited in particular from

(1) accepting a waiver fully or partly releasing them from professional liability for a fault committed in the practice of their profession;

(2) accepting a waiver fully or partly releasing the partnership or joint-stock company within which the chartered administrator carries on professional activities from liability for a fault committed by them;

(3) invoking against their client the responsibility of the partnership or joint-stock company within which the chartered administrator carries on professional activities.”.

5. Section 39 is amended by striking out “in order to prevent an act of violence” in the portion before paragraph 1.

6. Section 56 is replaced by the following:

“56. Chartered administrators must, in a timely manner,

(1) inform the secretary of the Order if they have reason to believe that

(a) an applicant seeking admission to the profession does not meet the permit issue requirements or those for entry on the roll;

(b) another chartered administrator is not complying with permit-related conditions or restrictions placed on the member’s right to practise;

(c) that a person who is not a member of the Order is using the title “Chartered Administrator” or “Certified Management Advisor” or any other title or abbreviation which may lead to the belief that the person is a member;

(2) inform the syndic of the Order if they have reason to believe

(a) in the existence of a situation likely to affect the competence or the integrity of another chartered administrator;

(b) that an offence against the Professional Code (chapter C-26) or any of its regulations has been committed by another chartered administrator.”.

7. 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

Chartered Professional Accountants Act
(chapter C-48.1)

Cooperation agreement between L’Ordre des comptables professionnels agréés du Québec and The Canadian Public Accountability Board

Notice is hereby given, in accordance with section 9 of the Chartered Professional Accountants Act (chapter C-48.1), that the Cooperation agreement between L’Ordre des comptables professionnels agréés du Québec and The Canadian Public Accountability Board may be submitted to the Government, which may then approve it with or without amendment, on the expiry of 45 days following this publication.

The aim of the Agreement is to set the conditions that apply to exchanges of information between l’Ordre des comptables professionnels agréés du Québec and the Canadian Public Accountability Board when necessary to discharge their mandates. More specifically, the agreement aims to define the nature and scope of the information that the parties may exchange in connection with inspection, discipline and any investigation they undertake concerning a professional accountant or a firm whose members are members of the Ordre, to minimize the duplication of efforts. The Agreement also specifies the purposes for which information may be exchanged, the conditions that must be respected to ensure confidentiality, including professional secrecy, and the ways in which the information obtained may be used.

According to the Ordre, the agreement will have no financial impact on citizens and enterprises, and on SMEs in particular.

Further information on the agreement may be obtained by contacting Mtre. Stéphanie Vallée, lawyer, Ordre des comptables professionnels agréés du Québec, 5, place Ville-Marie, bureau 800, Montréal (Québec) H3B 2G2; telephone: 514 288-3256 or 1 800 363-4688; email: svallee@cptaquébec.ca.

Any person wishing to comment on the agreement is requested to submit written comments within the 45-day period to the Secretary of the Office des professions du Québec, Annie Lemieux, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor; they