



Part 2

LAWS AND REGULATIONS

10 May 2023 / Volume 155

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Part 2 – LAWS AND REGULATIONS

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Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

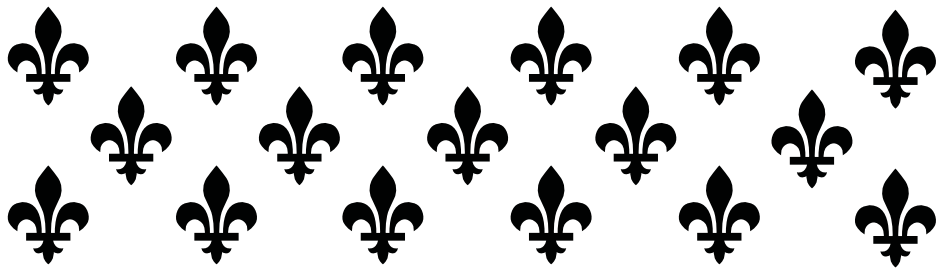
QUÉBEC, 20 APRIL 2023

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 20 April 2023*

This day, at nine o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 10 An Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 10
(2023, chapter 8)

**An Act limiting the use of personnel
placement agencies' services and
independent labour in the health and
social services sector**

**Introduced 15 February 2023
Passed in principle 22 February 2023
Passed 18 April 2023
Assented to 20 April 2023**

**Québec Official Publisher
2023**

EXPLANATORY NOTES

This Act amends the Act respecting health services and social services to limit the use of personnel placement agencies' services and of independent labour in the health and social services sector.

In that regard, the Act provides that a health and social services body cannot call on a personnel placement agency's services or on independent workers, except to the extent prescribed by regulation of the Government. To that effect, it grants the Government the power, among others, to determine, by regulation, the period during which a body may call on a personnel placement agency's services or on independent labour. It specifies that the provisions of a regulation may vary, in particular depending on the category of bodies, health regions or territories.

The Act confers on the Minister of Health the power to grant, in exceptional circumstances and subject to certain conditions, an authorization allowing a health and social services body to call on a personnel placement agency's services or on independent labour, for a period the Minister determines.

Lastly, the Act grants the Minister of Health inspection and investigation powers. It also contains penal, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting health services and social services (chapter S-4.2).

Bill 10

AN ACT LIMITING THE USE OF PERSONNEL PLACEMENT AGENCIES' SERVICES AND INDEPENDENT LABOUR IN THE HEALTH AND SOCIAL SERVICES SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting health services and social services (chapter S-4.2) is amended by inserting the following title after section 338.1:

“TITLE III

“PERSONNEL PLACEMENT AGENCIES AND INDEPENDENT LABOUR

“338.2. A health and social services body may not call on a personnel placement agency's services or on independent labour, except to the extent prescribed by regulation of the Government.

The Government may, in particular,

(1) define what constitutes a personnel placement agency and independent labour;

(2) set the period during which a body may call on a personnel placement agency's services or on independent labour;

(3) establish a maximum hourly rate for any day of work performed by a member of a personnel placement agency's personnel or by independent labour for any position title or any job class the Government identifies and whose services correspond to the tasks of the personnel of a health and social services body;

(4) determine the obligations incumbent on a body, a personnel placement agency or independent labour;

(5) establish any other terms and conditions relating to the use of a personnel placement agency's services or independent labour;

(6) determine the administrative measures applicable if the provisions of a regulation made under this section are not complied with; and

(7) identify, among the provisions of a regulation made under this section, those whose violation constitutes an offence and renders the offender liable to the fine provided for in section 531.4.

The provisions of a government regulation may vary depending on the categories of bodies, the sectors of activity of personnel placement agencies or of independent labour, the classes of personnel, the position titles, the health regions or the territories the Government determines.

For the purposes of this title, “health and social services body” means an institution, an intermediary resource, a family-type resource, a private seniors’ residence referred to in section 346.0.1, a palliative care hospice that holds an accreditation granted by the Minister under section 457 or a religious institution that operates an infirmary or maintains a residential and long-term care facility to receive its members or followers.

“338.3. In exceptional circumstances, the Minister may, on the Minister’s own initiative with regard to a health and social services body or at the request of such a body, grant an authorization allowing the body, for the period the Minister determines, to call on a personnel placement agency’s services or on independent labour. If the Minister considers it appropriate, the Minister may renew the authorization for any period he or she determines.

The provisions of a regulation made under section 338.2 apply to the body referred to in the first paragraph during any period determined by the Minister, with the necessary modifications. The Minister may, if the Minister considers it necessary, attach to the authorization or to the authorization’s renewal any conditions in addition to those prescribed by such a regulation.”

2. Section 489 of the Act is amended by replacing “or any specialized medical centre” in the first paragraph by “any private seniors’ residence, any specialized medical centre, any personnel placement agency, any palliative care hospice or any religious institution”.

3. The Act is amended by inserting the following section after section 489.2:

“489.2.1. A person authorized in writing by the Minister may conduct an investigation into any matter relating to the application of Title III of Part II.”

4. The Act is amended by inserting the following section after section 531.3:

“531.4. Every person, other than a public institution or a member of a personnel placement agency’s personnel, who contravenes a provision of a regulation whose violation constitutes an offence under subparagraph 7 of the second paragraph of section 338.2 is liable to a fine of \$1,000 to \$25,000 in the case of a natural person and of \$3,000 to \$75,000 in any other case. For a subsequent offence, the amounts are doubled.

On an application by the prosecutor, the judge may impose on the offender, in addition to any other penalty, a further fine whose amount is equal to any excess amount obtained by the offender as a result of the commission of the offence, even if the maximum fine has been imposed on the offender. A judge who does not impose this additional fine must give reasons for the decision.

If an offence under the first paragraph continues for more than one day, it constitutes a separate offence for each day it continues.”

5. The first regulation made under section 338.2 of the Act respecting health services and social services, enacted by section 1 of this Act, must, in particular, set out

(1) the definition of “personnel placement agency”, meaning a person, partnership or other entity that offers personnel leasing services to a health and social services body;

(2) the definition of “independent labour”, meaning a natural person who, under a service contract, provides services to a health and social services body; and

(3) the prohibition for an institution to call on a personnel placement agency’s services or on independent labour in the following territories:

(a) not later than from 31 December 2024, in urban territories, which must at least include all or part of each of the Capitale-Nationale, the Montréal and the Laval health regions, and

(b) not later than from 31 December 2025, in intermediate territories, which must at least include all or part of each of the Mauricie-et-Centre-du-Québec and the Estrie health regions.

The first regulation may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

6. The Minister must, not later than on the date that is four years after the date of coming into force of section 1 of this Act, report to the Government on the implementation of this Act.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days after resumption.

7. The provisions of this Act come into force on the date of coming into force of the first regulation made under section 338.2 of the Act respecting health services and social services, enacted by section 1 of this Act.

Regulations and other Acts

Gouvernement du Québec

O.C. 729-2023, 26 April 2023

Act respecting the Barreau du Québec
(chapter B-1)

Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost (2022, chapter 26)

Practice of the profession of advocate within a non-profit legal person

Regulation respecting the practice of the profession of advocate within a non-profit legal person

WHEREAS, under the first paragraph of section 131.1 of the Act respecting the Barreau du Québec (chapter B-1), enacted by section 5 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost (2022, chapter 26), the board of directors of the Barreau du Québec may determine, by by-law, the terms, conditions and restrictions applicable to the practice of the profession of advocate within a non-profit legal person, such as one constituted under Part III of the Companies Act (chapter C-38) or under the Cooperatives Act (chapter C-67.2);

WHEREAS, under the second paragraph of section 131.1 of the Act respecting the Barreau du Québec, enacted by section 5 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, in the by-law, the board of directors of the Barreau du Québec must prescribe, among other things and with regard to the carrying on of professional activities within a legal person referred to in the first paragraph of section 131.1, standards of the same nature as those that it must prescribe under paragraphs g and h of section 93 of the Professional Code (chapter C-26) with regard to the carrying on of professional activities within a joint-stock company;

WHEREAS, under the third paragraph of section 131.1 of the Act respecting the Barreau du Québec, enacted by section 5 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, the regulatory standards determined under section 131.1 may vary according to the category of members to which the advocate belongs;

WHEREAS, in accordance with section 95.3 of the Professional Code and the second paragraph of section 131.3 of the Act respecting the Barreau du Québec, enacted by section 5 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, a draft Regulation respecting the practice of the profession of advocate within a non-profit legal person was sent to every member of the Barreau du Québec at least 30 days before its adoption by the board of directors of the Barreau du Québec on 5 December 2022;

WHEREAS, under section 12 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, and despite the fourth paragraph of section 131.1 of the Act respecting the Barreau du Québec, enacted by section 5 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, the first by-law or regulation adopted or made by the board of directors of the Barreau du Québec under section 131.1 must be transmitted, on the recommendation of the Minister of Justice, 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 (chapter R-18.1), the Regulation respecting the practice of the profession of advocate within a non-profit legal person was published as a draft in Part 2 of the *Gazette officielle du Québec* of 4 January 2023 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 12 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, the Office, on the recommendation of the Minister of Justice on 13 December 2022, examined the draft Regulation on 24 March 2023 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting the practice of the profession of advocate within a non-profit legal person, attached to this Order in Council, be approved.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting the practice of the profession of advocate within a non-profit legal person

Act respecting the Barreau du Québec
(chapter B-1, s. 131.1)

Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost (2022, chapter 26, s. 5)

DIVISION I GENERAL

1. A member of the Barreau du Québec may, subject to the terms, conditions and restrictions determined in this Regulation, carry on professional activities within a non-profit legal person for the purpose of providing legal services free of charge or at a moderate cost.

If any term, condition or restriction set out in Division XIII.1 of the Act respecting the Barreau du Québec (chapter B-1) or in this Regulation is no longer met, the member must, within 90 days after becoming aware of the non-compliance or within 90 days after being notified of it by the Barreau, whichever occurs first, take the necessary measures to comply, failing which the member may no longer engage in professional activities within the non-profit legal person.

2. The member must at all times ensure that the non-profit legal person within which the member engages in professional activities permits the member to comply with the Act respecting the Barreau du Québec (chapter B-1), the Professional Code (chapter C-26) and the regulations made for their application.

3. If a member is struck off the roll or has had his or her right to engage in professional activities suspended or limited for a period of more than 3 months, the member may not, during that period, act as director, officer or representative of the non-profit legal person. The same applies if a member has had his or her permit revoked.

DIVISION II TERMS, CONDITIONS AND RESTRICTIONS

4. A member may engage in professional activities within a non-profit legal person only if the Barreau has received the undertaking and the documents provided for in section 7 and the fees payable prescribed by the board of directors have been paid.

5. A member who begins to engage in professional activities within a non-profit legal person must send the Barreau a declaration, on the form prescribed by the Barreau, and pay the fees payable prescribed by the board of directors. The same applies to a member who ceases to engage in professional activities within a non-profit legal person.

The declaration must be sent within 15 days following the date on which the member begins or ceases to practise, as the case may be.

6. A member may engage in professional activities within a non-profit legal person if

(1) the non-profit legal person is constituted in particular under the following statutes:

(a) Part III of the Companies Act (chapter C-38);

(b) the Cooperatives Act (chapter C-67.2);

(c) the Canada Not-for-profit Corporations Act (S.C. 2009, c. 23);

(d) the Canada Cooperatives Act (S.C. 1998, c. 1);

(2) at least one of the directors of the board of directors is a practising advocate or a notary, and that condition is set out in the constituting documents of the legal person; and

(3) the constituting documents of the non-profit legal person stipulate that it is constituted for the purpose of providing, mainly or in part, legal services.

7. The undertaking of the non-profit legal person, required under section 4 and provided using the document prescribed by the Barreau, contains

(1) the names and membership numbers of all members who engage in professional activities within the non-profit legal person and, for each of them, an indication whether they practice within it exclusively;

(2) all the names used in Québec by the non-profit legal person as well as the Québec business number assigned by the enterprise registrar;

(3) the juridical form of the non-profit legal person and whether it complies with the conditions set out in section 6;

(4) the address of the head office of the non-profit legal person and the addresses of its establishments;

(5) the names and residential addresses of all directors, officers and representatives of the non-profit legal person and, if applicable, the professional order or similar organization to which they belong and their membership or permit numbers; and

(6) the names of the respondent or respondents and, if applicable, the substitute appointed under section 9.

The undertaking must also be accompanied with the following documents:

(1) an up-to-date copy of the constituting documents of the non-profit legal person issued by the competent authority attesting that the non-profit legal person exists;

(2) an up-to-date copy of all the by-laws of the non-profit legal person;

(3) written confirmation by the competent authority attesting that the non-profit legal person is duly registered in Québec;

(4) written confirmation by the competent authority attesting that the non-profit legal person is exempt, if applicable, from paying income tax or has registered charity status;

(5) written confirmation by the competent authority attesting that the non-profit legal person is covered by security in compliance with Division IV; and

(6) an undertaking by the non-profit legal person within which the member engages in professional activities to allow the Barreau and the committees, persons, council or tribunal mentioned in section 192 of the Professional Code (chapter C-26), in the exercise of their functions, to require any person to produce information or a document mentioned in this section, or a true copy thereof.

8. A retired advocate who engages in professional activities within a non-profit legal person may receive no remuneration, except for the reimbursement of any expenses and costs related to the carrying on of his or her activities.

DIVISION III RESPONDENT

9. A member may engage in professional activities within a non-profit legal person if the legal person designates one or two respondents or, if applicable, one respondent and one substitute.

A respondent or the substitute, as the case may be, must be a practising advocate who engages in professional activities in Québec within the non-profit legal person.

10. The respondent is mandated by the non-profit legal person to provide any record, document or information required by the Barreau or by any committee, person, council or tribunal mentioned in section 192 of the Professional Code (chapter C-26) and to reply to their requests.

The respondent is also mandated to receive all communications from the Barreau intended for the non-profit legal person, including any notice of non-compliance notified to the legal person or to a member who engages in professional activities within it.

11. The respondent must send to the Barreau, before 1 April each year and on the form prescribed by the Barreau, a declaration indicating any changes made to the undertaking or to the documents provided for in section 7. The declaration must be accompanied with the fees payable prescribed by the board of directors.

If any condition set out in section 6 is no longer met, the respondent must, within 15 days, notify the Barreau, except if the situation has been remedied.

DIVISION IV SECURITY AGAINST PROFESSIONAL LIABILITY

12. A member who engages in professional activities within a non-profit legal person must furnish and maintain security to cover professional liability for the non-profit legal person by subscribing to the professional liability insurance fund of the Barreau du Québec for professional liability that the non-profit legal person may incur through the fault of the member in the practice of the profession.

13. The security under the insurance fund must be at least \$5,000,000 per claim filed against the non-profit legal person, subject to a limit of that same amount for all claims filed within a coverage period not exceeding 12 months, regardless of the number of members who engage in professional activities within the non-profit legal person.

Despite the first paragraph, the minimum amount of the security must be at least \$1,000,000 in cases where a member who holds a special permit or a solicitor engages in professional activities within a non-profit legal person.

14. The rules governing the conduct of the professional liability insurance decision-making committee's affairs provided for in the regulation made under section 86.3 and paragraph *d* of section 93 of the Professional Code (chapter C-26) apply when the committee is addressing the security provided for in this Division.

DIVISION V FINAL

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

106243

Gouvernement du Québec

O.C. 730-2023, 26 April 2023

Notaries Act
(chapter N-3)

Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost
(2022, chapter 26)

Practice of the notarial profession within a non-profit legal person

Regulation respecting the practice of the notarial profession within a non-profit legal person

WHEREAS, under the first paragraph of section 26.1 of the Notaries Act (chapter N-3), enacted by section 8 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost (2022, chapter 26), the board of directors of the Chambre des notaires du Québec may determine, by regulation, the terms, conditions and restrictions applicable to the practice of the notarial profession within a non-profit legal person, such as one constituted under Part III of the Companies Act (chapter C-38) or the Cooperatives Act (chapter C-67.2);

WHEREAS, under the second paragraph of section 26.1 of the Notaries Act, enacted by section 8 of the Act to improve access to justice by broadening the range of

legal services provided free of charge or at a moderate cost, in the regulation, the board of directors of the Chambre des notaires du Québec must prescribe, among other things and with regard to the carrying on of professional activities within a legal person referred to in the first paragraph of section 26.1, standards of the same nature as those that it must prescribe under paragraphs *g* and *h* of section 93 of the Professional Code (chapter C-26) with regard to the carrying on of professional activities within a joint-stock company;

WHEREAS, in accordance with section 95.3 of the Professional Code and the second paragraph of section 26.3 of the Notaries Act, enacted by section 8 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, a draft Regulation respecting the practice of the notarial profession within a non-profit legal person was sent to every member of the Chambre des notaires du Québec at least 30 days before its adoption by the board of directors of the Chambre des notaires du Québec on 7 December 2022;

WHEREAS, under section 12 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, and despite the third paragraph of section 26.1 of the Notaries Act, enacted by section 8 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, the first by-law or regulation adopted or made by the board of directors of the Chambre des notaires du Québec under section 26.1 must be transmitted, on the recommendation of the Minister of Justice, 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 (chapter R-18.1), the Regulation respecting the practice of the notarial profession within a non-profit legal person was published as a draft in Part 2 of the *Gazette officielle du Québec* of 4 January 2023 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 12 of the Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost, the Office, on the recommendation of the Minister of Justice on 13 December 2022, examined the draft Regulation on 24 March 2023 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting the practice of the notarial profession within a non-profit legal person, attached to this Order in Council, be approved.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting the practice of the notarial profession within a non-profit legal person

Notaries Act
(chapter N-3, s. 26.1)

Act to improve access to justice by broadening the range of legal services provided free of charge or at a moderate cost
(2022, chapter 26, s. 8)

DIVISION I GENERAL

1. A notary may, subject to the terms, conditions and restrictions determined by this Regulation, carry on professional activities within a non-profit legal person for the purpose of providing legal services free of charge or at a moderate cost, in particular a non-profit legal person constituted under Part III of the Companies Act (chapter C-38), the Cooperatives Act (chapter C-67.2), the Canada Not-for-profit Corporations Act (S.C. 2009, c. 23) or the Canada Cooperatives Act (S.C. 1998, c. 1).

If any term, condition or restriction set out in Division III.1 of Chapter II of the Notaries Act (chapter N-3) or in this Regulation is no longer met, the notary must, within 90 days after becoming aware of the non-compliance or within 90 days after being notified of it by the Order, whichever occurs first, take the necessary measures to comply, failing which the notary may no longer engage in professional activities within the non-profit legal person.

2. The notary must at all times ensure that the non-profit legal person within which the notary engages in professional activities permits the notary to comply with the Notarial Act and the Notaries Act (chapters N-2 and N-3), the Professional Code (chapter C-26) and the regulations made for their application, in particular those pertaining to professional secrecy and the notary's duty to act impartially when acting as a public officer.

3. If a notary is struck off the roll or has had his or her right to engage in professional activities suspended or limited, the notary may not, during the period of the striking off, suspension or limitation, act as a director, officer or representative of the non-profit legal person. The same applies if a member has had his or her permit revoked.

DIVISION II TERMS, CONDITIONS AND RESTRICTIONS

4. A notary may engage in professional activities within a non-profit legal person if

(1) at least one of the directors of the board of directors of the non-profit legal person is a notary or a practising advocate, and that condition is set out in the constituting documents of the legal person; and

(2) the constituting documents of the non-profit legal person stipulate that it is constituted for the purpose of providing, mainly or in part, legal services.

5. To engage in professional activities within a non-profit legal person, the notary must, in the 15 days preceding the date of beginning that engagement, pay the fees set by the Order, and provide it with

(1) the declaration provided for in section 6;

(2) written confirmation by the competent authority attesting that the non-profit legal person is covered by security in compliance with Division III;

(3) an up-to-date copy of the constituting documents of the non-profit legal person issued by the competent authority attesting that the legal person exists;

(4) an up-to-date copy of all the by-laws of the non-profit legal person;

(5) written confirmation by the competent authority attesting that that the non-profit legal person is duly registered in Québec;

(6) written confirmation by the competent authority attesting that that the non-profit legal person is exempt, if applicable, from paying income tax or has registered charity status; and

(7) an undertaking by the non-profit legal person within which the notary engages in professional activities to allow the Order and the committees, persons, council or tribunal mentioned in section 192 of the Professional Code (chapter C-26), in the exercise of their functions, to require any person to produce information or a document mentioned in this section or in section 6, or a true copy thereof.

The notary who ceases to engage in professional activities within the legal person must send the Order a declaration under the notary's oath of office in the 15 days preceding the date of the end of that engagement, and pay the fees prescribed by the Order.

6. The notary must make a declaration under the notary's oath of office on a document established by the Order containing

(1) the notary's name and membership number and an indication whether the notary engages in professional activities exclusively within the non-profit legal person;

(2) the name of the non-profit legal person within which the notary engages in professional activities, the other names it uses in Québec and the Québec business number assigned by the enterprise registrar;

(3) the juridical form of the non-profit legal person and whether it complies with the conditions set out in this Regulation;

(4) the address of the head office of the non-profit legal person and the addresses of its establishments;

(5) the names and residential addresses of the directors, officers and representatives of the non-profit legal person and, if applicable, the professional order or similar organization to which they belong and their membership or permit numbers;

7. Where more than one notary engages in professional activities within the same non-profit legal person, only one declaration may be made by one of those notaries acting in the capacity of respondent for all the notaries.

The respondent's declaration is deemed to be the declaration of each of those notaries, and each notary remains fully responsible for the accuracy of the information provided pursuant to paragraphs 1 and 2 of section 6.

8. To retain the right to engage in professional activities within a non-profit legal person, a notary must

(1) update and provide, before 1 April each year, the declaration provided for in section 6;

(2) promptly notify the Order of any change in the coverage provided for in Division III, as well as any change in the information contained in the declaration provided for in section 6 that might compromise compliance with the conditions set out in section 4.

The requirements provided for in the first paragraph may, if applicable, be carried out by the respondent.

9. In the course of engaging in professional activities within a non-profit legal person, the only sums the notary may hold in trust are advances on fees. The notary must deposit them in a trust account reserved for that sole purpose, of which the notary is the holder or a user, and which meets the requirements of the Regulation made under section 89 of the Professional Code (chapter C-26). The non-profit legal person may not be the holder of the trust account.

DIVISION III SECURITY AGAINST PROFESSIONAL LIABILITY

10. A notary who engages in professional activities within a non-profit legal person must furnish and maintain security to cover professional liability for the non-profit legal person by subscribing to the professional liability insurance fund of the *Chambre des notaires du Québec* for professional liability that the non-profit legal person may incur through the fault of the notary in the practice of the profession.

11. The security under the insurance fund must be at least \$1,000,000 per claim and for all claims filed against the non-profit legal person within a coverage period not exceeding 12 months, regardless of the number of notaries who engage in professional activities within the non-profit legal person.

12. The rules governing the conduct of the professional liability insurance decision-making committee's affairs provided for in a regulation made under section 86.3 and paragraph *d* of section 93 of the Professional Code (chapter C-26) apply when the committee is addressing the security provided for in this Division.

DIVISION IV FINAL

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

106244

Gouvernement du Québec

O.C. 731-2023, 26 April 2023

Act respecting contracting by public bodies
(chapter C-65.1)

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18)

Act respecting the Autorité des marchés publics
(chapter A-33.2.1)

Fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics

Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics

WHEREAS, under the second paragraph of section 21.23 of the Act respecting contracting by public bodies (chapter C-65.1) and the third paragraphs of sections 21.5.1 and 21.41 of that Act, enacted respectively by sections 10 and 36 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18), the Authority determines the fees that must be filed with an application for an authorization to contract, an application for an examination of integrity and an application for the renewal of an authorization to contract, in accordance with section 84 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1);

WHEREAS, under the first paragraph of section 84 of the Act respecting the Autorité des marchés publics, the Authority determines the tariff of fees as well as the other forms of remuneration payable for the services it provides;

WHEREAS, under the first paragraph of section 27.16 of the Act respecting contracting by public bodies, enacted by section 54 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics, a regulation of the Authority determines the amount of the monetary administrative penalty relating to each specific failure to comply provided for in or under section 27.15 of the Act respecting contracting by public bodies;

WHEREAS, under section 27.34 of the Act respecting contracting by public bodies, enacted by section 54 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics, the debtor of a monetary administrative penalty is required to pay a recovery charge in the amount determined by regulation of the Authority;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics was published in Part 2 of the *Gazette officielle du Québec* dated 1 February 2023 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under the second paragraph of section 84 of the Act respecting the Autorité des marchés publics, such forms of remuneration require the Government's approval;

WHEREAS, under section 27.17 of the Act respecting contracting by public bodies, enacted by section 54 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics, any regulation made by the Authority under Subdivision 1 of Division II of Chapter VIII.2 is submitted for approval to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises and the amounts of the monetary administrative penalties that may be imposed by the Autorité des marchés publics

Act respecting contracting by public bodies (chapter C-65.1, s. 21.5.1, 3rd par., s. 21.23, 2nd par., s. 21.41, 3rd par., s. 27.16, 1st par and s. 27.34.)

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18, ss. 10, 36 and 54)

Act respecting the Autorité des marchés publics (chapter A-33.2.1, s. 84)

**CHAPTER I
FEES PAYABLE**

1. The fee payable by an enterprise applying to the Autorité des marchés publics for authorization under section 21.23 of the Act respecting contracting by public bodies (chapter C-65.1), hereinafter referred to as the Act, is \$467.

The fee payable by an enterprise applying for renewal of the authorization under section 21.41 of the Act is \$250.

An amount of \$234 is also payable by the enterprise for each person or entity that is being audited under Chapter V.1 of the Act.

2. The fee payable by an enterprise filing an application for examination of its integrity under section 21.5.1 of the Act is \$115.

3. The fees are not refundable.

4. The fees are adjusted, on 1 January each year, according to the rate of increase in the Consumer Price Index for Canada for the period ending on 30 September of the preceding year, as established by Statistics Canada. The adjusted fees and charges are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The result of the annual adjustment is published every year in the *Gazette officielle du Québec*.

**CHAPTER II
MONETARY ADMINISTRATIVE PENALTIES**

**DIVISION I
AMOUNTS OF PENALTIES**

5. A monetary administrative penalty of \$5,000 in the case of a sole proprietorship and \$10,000 in any other case may be imposed on an enterprise

(1) that submits a bid for a public contract or subcontract or enters into such a contract or subcontract although it is ineligible, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act;

(2) that, in the course of the performance of a public contract with a public body or a body referred to in section 7 of the Act, enters into a public subcontract with an enterprise that is ineligible, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act.

6. A monetary administrative penalty of \$3,500 in the case of a sole proprietorship and \$7,000 in any other case may be imposed on an enterprise

(1) that submits a bid for a public contract or subcontract or enters into such a contract or subcontract, although it does not hold the required authorization to contract, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act;

(2) that, in the course of the performance of a public contract with a public body or a body referred to in section 7 of the Act, enters into a public subcontract with an enterprise that does not hold the required authorization to contract, unless permission is given to enter into the contract or subcontract under section 25.0.3 of the Act.

7. A monetary administrative penalty of \$1,000 in the case of a sole proprietorship and \$2,500 in any other case may be imposed on an enterprise whose authorization to contract expires while it is in the process of performing a public contract or subcontract for which such an authorization is required.

8. A monetary administrative penalty of \$1,000 in the case of a sole proprietorship and \$2,000 in any other case may be imposed on an enterprise that, while a party to a public contract or subcontract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required in accordance with the second paragraph of section 21.12, the first paragraph of section 21.41.1 or section 21.48.8 of the Act.

9. A monetary administrative penalty of \$1,500 in the case of a sole proprietorship and \$4,000 in any other case may be imposed on an enterprise

(1) that, while a party to a public contract or sub-contract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required as part of an update made in accordance with section 7 of the Regulation to determine the fees payable by enterprises under Chapter V.1 of the Act respecting contracting by public bodies relating to the integrity of enterprises or in accordance with section 21.40 of the Act;

(2) that, while a party to a public contract or sub-contract or while holding an authorization to contract, omits or refuses to send to the Authority the information or documents required in accordance with section 21.48.9 of the Act;

(3) that fails to submit to an oversight or monitoring measure imposed on it by the Authority under Chapter V.1 of the Act or, where the measure was applied by the Authority, fails to pay to it the costs of such a measure.

10. A monetary administrative penalty of \$500 in the case of a sole proprietorship and \$1,000 in any other case may be imposed on an enterprise that fails or refuses to confirm the authenticity of documents or the veracity of information communicated to the Authority in accordance with the third paragraph of section 21.48.9 of the Act.

DIVISION II RECOVERY CHARGE PAYABLE

11. The debtor of a recoverable amount is required to pay a recovery charge of

(1) \$50 for the recovery certificate filed at the office of the competent court under section 27.33 of the Act;

(2) \$175 for each measure for securing a claim taken under Title Three of Book Six of the Civil Code and for each execution measure taken under Book VIII of the Code of Civil Procedure (chapter C-25.01).

The charges are part of the recoverable amount.

CHAPTER III TRANSITIONAL AND FINAL

12. Unless the context indicates otherwise, in any Act and regulation, a reference to the Fee related to an application for authorization filed by an enterprise with the Autorité des marchés publics for public contracts and subcontracts (chapter C-65.1, r. 7.2) is deemed to be a reference to this Regulation.

13. This Regulation replaces the Fee related to an application for authorization filed by an enterprise with the Autorité des marchés publics for public contracts and subcontracts (chapter C-65.1, r. 7.2).

14. This Regulation comes into force on 2 June 2023.
106245

Gouvernement du Québec

O.C. 739-2023, 26 April 2023

Act respecting legal aid and the provision of certain other legal services (chapter A-14)

Legal aid — Amendment

Regulation to amend the Regulation respecting legal aid

WHEREAS, under subparagraphs *a*, *a.2* and *s* of the first paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), regulations may be made for the purposes of Chapter II of the Act, unless the context requires a different meaning, in particular to

— determine, for the purpose of determining financial eligibility for legal aid, in what case a family is composed of a person, other than the father or mother or one of the parents, and children, designate that person and prescribe in what cases or circumstances and, where applicable, on what conditions a person ceases to be a member of a family;

— determine, for the purpose of determining financial eligibility for legal aid, in what cases and, if expedient, on what conditions and to what extent the income, liquidities and other assets of the applicant, of the spouse of the applicant and of a child, the only income, liquidities and other assets to be considered are those of a minor child and the income, liquidities and other assets of the spouse of the applicant are not to be considered;

— determine, for the purposes of the recovery of legal aid costs, in what cases and to what extent a person is required to repay such costs and determine the sums, or the portion of any sum, which the debtor is not required to repay;

WHEREAS, under the second paragraph of section 80 of the Act, the provisions of regulations under subparagraphs *a* to *a.8* of the first paragraph may vary in particular according to whether a person alone or a family is concerned, according to the composition of the family and according to the condition of the applicant or of a member of the family;

WHEREAS, under the third paragraph of section 80 of the Act, regulations under subparagraphs *a*, *a.2* and *s* in particular are made by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting legal aid was published in Part 2 of the *Gazette officielle du Québec* of 25 January 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting legal aid

Act respecting legal aid and the provision of certain other legal services (chapter A-14, s. 80, 1st par., subpars. *a*, *a.2* and *s*, and 2nd and 3rd pars.)

1. The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 2 by inserting “or one of the parents” after “mother”.

2. Section 5 is replaced by the following:

“**5.** For the purposes of section 1.2 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), a minor child or a child of full age who meets any of the following conditions is considered to cease to be part of the family and to be an adult:

(1) no longer attends an educational institution on a full-time basis, holds employment and does not depend on the family for livelihood;

(2) holds an undergraduate university degree and attends an educational institution;

(3) met his or her own needs and did not reside with the family for at least 2 years, excluding any period of full-time attendance in an educational institution;

(4) held remunerated employment on a full-time basis or received, in respect of such employment, benefits under the Employment Insurance Act (S.C. 1996, c. 23), for at least 2 years;

(5) is or was married;

(6) lives or lived with another person in a de facto union and cohabits or cohabited at a given time with that person for at least 1 year;

(7) is or was the father or mother or parent of a child;

(8) has been pregnant for at least 20 weeks; or

(9) the child’s father or mother or parent cannot be found or they refuse to meet the child’s needs or the child is in the custody of a person referred to in section 2 who cannot be found or refuses to meet the child’s needs, as the case may be.”.

3. Section 6.1 is amended by striking out the second paragraph.

4. Section 7 is replaced by the following:

“**7.** Notwithstanding section 6.1, the financial eligibility of an applicant is determined not taking into consideration the income and assets of the applicant’s spouse where

(1) they have opposed interests in a case or recourse; or

(2) the applicant files an application for legal aid for the benefit of a minor child of whom the applicant has custody as the father or mother or parent or as a person referred to in section 2, as the case may be.”.

5. Section 39 is amended by replacing the first paragraph by the following:

“Once the legal aid services rendered to a minor child are completed, the father and mother or parents of that child or the person referred to in section 2, as the case may be, must repay to the legal aid centre, upon request, all the costs of the legal aid obtained by the child, without exceeding the contribution that would be exigible from them under Division III. Where such repayment is incumbent upon the father and mother or parents, they are jointly responsible for making it.”.

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

106246

Gouvernement du Québec

O.C. 741-2023, 26 April 2023

Act respecting the Ministère des Ressources naturelles et de la Faune
(chapter M-25.2)

Approval of the Program to authorize the annual harvesting of certain volumes of timber not included in the allowable cuts determined for fiscal years 2023-2024 to 2027-2028

WHEREAS, under subparagraph 16.1 of the first paragraph of section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the functions and power of the Minister of Natural Resources and Forests consist in particular in overseeing all aspects of forest management in forests in the domain of the State;

WHEREAS, under the first paragraph of section 17.13 of the Act, the Minister may, with the approval of the Government, prepare programs for the development of lands that are under her authority, as well as natural resources in the domain of the State, and its wildlife and wildlife habitats, in order to encourage regional development or implement any other governmental policy;

WHEREAS, under the first paragraph of section 17.15 of the Act, land, property, natural resources and wildlife the Minister includes in a program may be exempted from the application of the Acts for which the Minister is responsible to the extent specified in the program;

WHEREAS, under the second paragraph of section 47 of the Sustainable Forest Development Act (chapter A-18.1), the Minister may entrust any forestry mandate to the chief forester and ask the chief forester for advice on any matter related to private forests or the forests in the domain of the State;

WHEREAS, under subparagraph 5 of the first paragraph of section 46 of that Act, the functions of the chief forester consist in particular, in keeping with the policy directions and objectives of the sustainable forest development strategy, in determining allowable cuts for forest development units, local forests and certain residual forests, given the regional and local sustainable forest development objectives;

WHEREAS the chief forester, in a decision dated 1 November 2021 updated on 9 August 2022, identified volumes of timber that are not included in the allowable cuts for the period 2023 to 2028 but that may be harvested in addition to the allowable cuts, in accordance with the provisions of the Act and of the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01);

WHEREAS it is expedient to approve a program to allow the annual harvesting of certain volumes of timber not included in the allowable cuts determined for the period 2023-2024 to 2027-2028;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Forests:

THAT the Program to authorize the annual harvesting of certain volumes of timber not included in the allowable cuts determined for fiscal years 2023-2024 to 2027-2028, attached to this Order in Council, be approved.

YVES OUELLET

Clerk of the Conseil exécutif

Program to authorize the annual harvesting of certain volumes of timber not included in the allowable cuts determined for fiscal years 2023-2024 to 2027-2028

1. PURPOSE OF THE PROGRAM

The purpose of this program (hereinafter referred to as the “Program”), drawn up pursuant to the provisions of subdivision 1 of Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) (the “ARMRNF”), is to allow, during fiscal years 2023-2024 to 2027-2028, the harvesting of certain volumes of timber not included in the allowable cuts determined for forests in the domain of the State.

More specifically, the objective of the Program is to structure and permit the harvesting of volumes of

- sound dry timber;
- timber from wooded riparian strips; and
- timber from steep grades and from summit enclaves.

2. DEFINITIONS

Unless otherwise indicated by the context,

(1) “purchaser” means the holder of a timber sales contract from the Timber marketing board under the Sustainable Forest Development Act (chapter A-18.1) (SFDA);

(2) “merchantable trees or parts of trees” means trees or parts of trees with a small end diameter of over 9 centimetres (part of the merchantable class);

(3) “softwood” means merchantable trees or parts of trees in the species group that includes spruce, jack pine, fir and tamarack (SPFT);

(4) “timber from wooded riparian strips” means timber alongside an open peat bog with a pond, a marsh, a wooded riparian swamp, a lake or a permanent watercourse within the meaning of the Regulation respecting the sustainable development of forests in the domain of the State du domaine de l’État (chapter A-18.1, r. 0.01);

(5) “timber from steep grades and summit enclaves” means timber located in slope sectors of over 40% (class F) and enclaves surrounded by slopes of over 40% (class S), as described under point 3.2.1 of the document “Cartographie du cinquième inventaire écoforestier du Québec méridional, Méthode et données associées, Juin 2022, Ministère des Forêts, de la Faune et des Parcs”;

(6) “sound dry timber” means sound softwood timber from dead trees or parts of trees;

(7) “timber sales contract” means a contract referred to in section 46.1, 63, 102, 103.1 or 114 of the SFDA;

(8) “delegatee” means a person or body that has signed a management delegation agreement;

(9) “management delegation agreement” means an agreement referred to in section 17.22 of the ARMRF concerning forest resources;

(10) “harvest agreement” means an agreement referred to in section 103.4 of the SFDA;

(11) “supply guarantee” means a supply guarantee (SG) referred to in section 88 of the SFDA;

(12) “Minister” means the Minister of Natural Resources and Forests;

(13) “permit to harvest timber to supply a wood processing plant” or “permit” means a permit to harvest timber to supply a wood processing plant issued under section 74 of the SFDA;

(14) “allowable cut” means the annual cut allowing a sustained yield from a forest in the domain of the State, determined by the chief forester pursuant to section 46 of the SFDA and covering the period 1 April 2023 to 31 March 2028;

(15) “development unit” means a territorial unit within the meaning of section 16 of the SFDA;

(16) “wood processing plant processing wood for electrical power production or metallurgical purposes” means a wood processing plant referred to in subparagraph *f* of paragraph 1 of section 1 of the Regulation respecting operating permits for wood processing plants (chapter A-18.1, r. 8).

3. SCOPE

The Program applies to the forests in the domain of the State described in section 13 of the SFDA.

4. ELIGIBLE CLIENTS

The holders of permits to harvest timber to supply a wood processing plant, delegatees, and the holders of timber sales contracts are eligible clients for the Program.

The holder of a supply guarantee that provides for the allocation of jack pine for a pole plant is, with respect to that species, ineligible for the annual volume of sound dry timber authorized for harvesting under the Program.

5. ANNUAL VOLUME AUTHORIZED FOR HARVESTING

5.1 CALCULATION OF A VOLUME OF SOUND DRY TIMBER

The volume of sound dry timber that an eligible client is authorized to harvest annually under the Program is determined using the following calculation rules:

(1) The Minister first determines the volume of spruce included in the volume of spruce, jack pine, fir and tamarack (SPFT) in the forests in the domain of the State targeted by the Program.

(2) The Minister sets 5% of the net volume of spruce as the maximum volume of sound dry timber that may be harvested in each development unit.

(3) The Minister may, in the case of a natural or anthropogenic disturbance affecting a forest in the domain of the State, amend the percentage set in paragraph 2, depending on the severity of the disturbance.

(4) The Minister allocates the volume of sound dry timber in proportion to the rights granted in a forest in the domain of the State.

(5) When the chief forester amends the allowable cut for the SPFT species group during the five-year period, the maximum volume of sound dry timber that may be harvested in each forest is adjusted accordingly.

(6) When the Minister amends, during a fiscal year, the volume for the SPFT species group entered on a permit or harvest agreement, or when the chief forester amends the allowable cut for a residual forest to which a delegation agreement applies, the volume of sound dry timber may be harvested by the holder of the right is adjusted proportionately.

5.2 CALCULATION OF THE OTHER VOLUMES OF TIMBER AUTHORIZED FOR HARVESTING THAT ARE NOT INCLUDED IN THE ALLOWABLE CUT

The volume of timber other than sound dry timber that an eligible client is authorized to harvest annually under the Program is a maximum of 5% of the volume entered on the timber sales contract, permit or delegation agreement.

5.3 EXCESS VOLUME HARVESTED

If the volume of timber harvested by an eligible client exceeds the volume authorized for harvesting under the Program, the excess volume is deemed to be a volume harvested under the eligible client's timber sales contract, permit or management delegation agreement, as the case may be.

6. CONFIRMATION OF THE VOLUME OF TIMBER AUTHORIZED FOR HARVESTING

6.1 The Minister informs each eligible client, in writing, of the volume of sound dry timber that is authorized for harvesting, determined using the calculation method set out in paragraphs 1 to 6 of section 5.1.

6.2 For the holders of a timber sales contract and the holders of a permit, the other volumes authorized for harvesting are identified in the annual program authorized by the Ministère des Ressources naturelles et des Forêts and must be declared separately if they are to be considered under the Program.

7. OBLIGATIONS OF AN ELIGIBLE CLIENT

An eligible client is subject, for the timber targeted by the Program, to the same legal and contractual obligations as those that apply under the eligible client's timber sales contract, permit or management delegation agreement, and must in particular

(1) scale all timber harvested;

(2) pay all dues payable;

(3) comply with any special development plan for the salvaging of timber prepared and applied by the Minister pursuant to sections 60 and 61 of the SFDA;

(4) declare to the Minister, annually, the volumes harvested under the Program, specifying the type of land on which the timber not included in the allowable cut was harvested; and

(5) have the declaration referred to in paragraph 4 approved by a forest engineer before it is filed with the Minister.

8. MISCELLANEOUS

8.1 The Minister may enter into a sales contract under the Program by mutual agreement with the operator of a wood processing plant processing wood for electrical power production or metallurgical purposes for volumes of sound dry timber that have not been allocated pursuant to paragraph 4 of section 5.1.

8.2 The cancellation of an eligible client's timber sales contract, permit or management delegation agreement entails the revocation of the right to harvest timber under the Program.

8.3 An eligible client may not transfer the volume of timber the eligible client is authorized to harvest under the Program.

9. FINAL

9.1 The SFDA applies to the forests in the domain of the State that are covered by the Program, subject to the provisions of the Program.

9.2 The Program comes into force on the date of its approval by the Government and terminates on 31 March 2028.

106247

Gouvernement du Québec

O.C. 766-2023, 3 May 2023

Extension of the period during which Order in Council 1690-2022 dated 26 October 2022 concerning the designation of the Régie de l'assurance maladie du Québec to allow it to communicate, to the Ministère de la Cybersécurité et du Numérique, the personal information it holds that is necessary for the experimentation required prior to the deployment of the Government Authentication Service as part of a project of government-wide interest, the Québec Digital Identity Service Program has effect

WHEREAS, by Order in Council 1690-2022 dated 26 October 2022, made under section 3 of the Act to facilitate the public administration's digital transformation (chapter T-11.003), the Government designated the Régie de l'assurance maladie du Québec to allow it to communicate, to the Ministère de la Cybersécurité et du Numérique, the personal information it holds, as listed in the order, that is necessary for the experimentation required prior to the deployment of the Government Authentication Service as part of a project of government-wide interest, the Québec Digital Identity Service Program, despite section 63 of the Health Insurance Act (chapter A-29);

WHEREAS, under section 7 of the Act to facilitate the public administration's digital transformation, the Government fixes the period during which an order made under section 3 is to have effect, such a period may not exceed five years, the Government may extend the period not more than two years, and such an order ceases to have effect at the expiry of that period or, if it is earlier, on the date following the date on which all of the steps or stages for carrying out the information resource project of government-wide interest for which the order was made have been completed;

WHEREAS, in accordance with section 7 of the Act, the Government fixed the period during which Order in Council 1690-2022 dated 26 October 2022 has effect, and whereas that period ends at the latest on 13 May 2023;

WHEREAS it is expedient to extend the effect of the Order in Council until the experimentation required prior to the deployment of the Government Authentication Service is completed or, at the latest, 31 December 2023;

IT IS ORDERED, therefore, on the recommendation of the Minister of Cybersecurity and Digital Technology and the Minister of Health:

THAT the effect of Order in Council 1690-2022 dated 26 October 2022 concerning the designation of the Régie de l'assurance maladie du Québec to allow it to communicate, to the Ministère de la Cybersécurité et du Numérique, the personal information it holds that is necessary for the experimentation required prior to the deployment of the Government Authentication Service as part of a project of government-wide interest, the Québec Digital Identity Service Program be extended until the experimentation required prior to the deployment of the Government Authentication Service is completed or, at the latest, 31 December 2023;

THAT Order in Council 1690-2022 dated 26 October 2022 be amended accordingly.

YVES OUELLET
Clerk of the Conseil exécutif

106250

Gouvernement du Québec

O.C. 782-2023, 3 May 2023

Highway Safety Code
(chapter C-24.2)

Towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles

Regulation respecting the towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles

WHEREAS, under subparagraph 50 of the first paragraph of section 621 of the Highway Safety Code (chapter C-24.2), the Government may by regulation determine the towing and daily impounding charges for a road vehicle seized by a peace officer on behalf of the Société de l'assurance automobile du Québec;

WHEREAS, under subparagraph 50.1 of the first paragraph of section 621 of the Code, the Government may by regulation determine the threshold for the value of unclaimed seized vehicles that the Société may dispose of under sections 209.18 and 209.19 of the Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles was published in Part 2 of the *Gazette officielle du Québec* of 1 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Sustainable Mobility:

THAT the Regulation respecting the towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the towing and impounding charges for seized road vehicles and the threshold for the value of unclaimed seized road vehicles

Highway Safety Code
(chapter C-24.2, s. 621, 1st par., subpars. 50 and 50.1)

DIVISION I TOWING CHARGES

1. In this Division,

“protection vehicle” means a road vehicle equipped with an arrow light signal and belonging to a towing enterprise; (*véhicule de protection*)

“recovery” means all the manoeuvres required to place a road vehicle in the position necessary for the towing operation or to move a significant loss of the load or major debris of the vehicle to be towed. (*récupération*)

2. The basic charges for towing road vehicles seized under the Highway Safety Code (chapter C-24.2), in a place not covered by the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures (chapter M-28, r. 4), are those appearing in the following table according to vehicle class:

Vehicle class	Towing charges	
	Without recovery	With recovery
Road vehicle having a gross weight rating of less than 4,500 kg	\$112.48	\$209.64
Road vehicle having a gross weight rating of 4,500 kg to 8,000 kg	\$173.96	\$684.77
Road vehicle having a gross weight rating of more than 8,000 kg	\$262.44	\$1 357.43

The following charges are added to the basic charges:

(1) an amount of \$3.75 for each kilometre travelled beyond a distance of 10 kilometres for towing a road vehicle having a gross weight rating of less than 4,500 kg;

(2) an hourly rate of \$91.95, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of less than 4,500 kg after the first 30 minutes at the towing site where towing does not involve recovery or after the first 60 minutes where it involves recovery;

(3) an hourly rate of \$142.21, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of 4,500 kg to 8,000 kg after the first 30 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(4) an hourly rate of \$240.04, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of more than 8,000 kg after the first 30 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(5) an amount of \$31.45 for the use of an absorbent bag.

3. The basic charges for towing road vehicles seized under the Highway Safety Code (chapter C-24.2), on parts of the public roads covered by the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures (chapter M-28, r. 4), are those appearing in the following table according to vehicle class:

Vehicle class	Towing charges	
	Without recovery	With recovery
Road vehicle having a gross weight rating of less than 4,500 kg	\$184.30	\$235.49
Road vehicle having a gross weight rating of 4,500 kg to 8,000 kg	\$285.55	\$1 166.09
Road vehicle having a gross weight rating of more than 8,000 kg	\$448.23	\$2 366.31

The following charges are added to the basic charges:

(1) an amount of \$3.75 for each kilometre travelled beyond a distance of 10 kilometres for towing a road vehicle having a gross weight rating of less than 4,500 kg;

(2) an hourly rate of \$142.21, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of less than 4,500 kg after the first 60 minutes at the towing site;

(3) an hourly rate of \$142.21, charged per 15 minutes for the time spent towing a road vehicle having a gross weight rating of 4,500 kg to 8,000 kg after the first 60 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(4) an hourly rate of \$240.04, charged per 15 minutes, for the time spent towing a road vehicle having a gross weight rating of more than 8,000 kg after the first 60 minutes at the towing site where towing does not involve recovery or after the first 120 minutes where it involves recovery;

(5) an hourly rate of \$142.21, charged per 15 minutes, for the use of an additional tow truck required for towing a road vehicle having a gross weight rating of 8,000 kg or less;

(6) an hourly rate of \$240.04, charged per 15 minutes, for the use of an additional tow truck required for towing a road vehicle having a gross weight rating of more than 8,000 kg;

(7) an hourly rate of \$57.65, charged per 15 minutes, per additional employee required for the manoeuvres required to move a significant loss of the load or major debris from a road vehicle;

(8) an hourly rate of \$91, charged per 15 minutes, for the use of a protection vehicle;

(9) an amount of \$31.45 for the use of an absorbent bag.

4. The towing charges set in this Division are indexed every 3 months as of 1 August 2023 according to the for-hire motor carrier freight services monthly price index for the Truck transportation category established by Statistics Canada. The result of the indexation is obtained by multiplying the charges set on 1 June 2023 by the ratio between the average of the indexes established for the quarter preceding by 4 months the date of indexation and the average of the indexes established for April, May and June of 2022.

If a quarterly average, the ratio between the averages or the result of the indexation has more than 2 decimals, only the first 2 decimals are retained and the second one is increased by one unit if the third decimal is equal to or greater than 5.

The indexation rule may not operate to decrease the charges payable.

The Minister of Transport publishes each quarter the result of the indexation in the *Gazette officielle du Québec*.

DIVISION II IMPOUNDING CHARGES

5. The daily charges for the impounding of road vehicles seized under the Highway Safety Code (chapter C-24.2) are

(1) \$15 for a vehicle having a gross weight rating of less than 4,500 kg;

(2) \$25 for a vehicle having a gross weight rating of 4,500 kg to 8 000 kg;

(3) \$35 for a vehicle having a gross weight rating of more than 8,000 kg.

DIVISION III THRESHOLD FOR THE VALUE OF UNCLAIMED SEIZED ROAD VEHICLES

6. The threshold for the value of unclaimed seized road vehicles that the Société de l'assurance automobile du Québec may dispose of under sections 209.18 and 209.19 of the Highway Safety Code (chapter C-24.2) is set at \$5,000.

DIVISION IV TRANSITIONAL AND FINAL

7. Despite section 5 of this Regulation, section 4 of the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26) continues to apply to the seizure of road vehicles carried out before 1 June 2023.

8. This Regulation replaces the Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26).

9. This Regulation comes into force on 1 June 2023.

106249

Treasury Board

Gouvernement du Québec

T.B. 228300, 24 April 2023

Act respecting contracting by public bodies
(chapter C-65.1)

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18)

Certain conditions governing the application of Chapter V.1 of the Act respecting contracting by public bodies with respect to the integrity of enterprises

Regulation respecting certain conditions governing the application of Chapter V.1 of the Act respecting contracting by public bodies with respect to the integrity of enterprises

WHEREAS the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18) has amended the integrity regime provided for in Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1);

WHEREAS, under the second paragraph of section 21.23 of the Act respecting contracting by public bodies, and the third paragraphs of sections 21.5.1 and 21.41 of the Act respecting contracting by public bodies, made respectively by sections 10 and 36 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics, the Authority determines the information and documents that must be filed with an application for authorization to contract, an application for renewal and an application for an examination of integrity;

WHEREAS, under section 21.40 of the Act respecting contracting by public bodies, made by section 35 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics, the Authority determines the information and documents that an enterprise holding

an authorization must annually update, as well as any terms or conditions relating to such communication of documents and information. The same applies to the terms and conditions for communicating documents and information in support of a periodic update;

WHEREAS, under section 21.8 of the Act respecting contracting by public bodies, the Authority determines the cases, conditions and manner relating to the communication, by the public bodies referred to in Schedule II of that Act, of the information that must be entered in the register of ineligible enterprises;

WHEREAS, under the second paragraph of section 21.45 of the Act respecting contracting by public bodies, made by section 42 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics, the Authority determines the information that must be entered in the register of authorized enterprises;

WHEREAS, under section 21.48.17 of the Act respecting contracting by public bodies, as renumbered by section 39 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics, a regulation of the Autorité des marchés publics under the Act respecting contracting by public bodies must be submitted for approval to the Conseil du trésor, which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Regulation respecting certain conditions governing the application of Chapter V.1 of the Act respecting contracting by public bodies with respect to the integrity of enterprises was published as a draft in Part 2 of the *Gazette officielle du Québec* of 8 February 2023 with a notice that it could be approved by the Conseil du trésor on the expiry of 45 days following that publication;

WHEREAS, on 12 April 2023, the Autorité des marchés publics made the Regulation respecting certain conditions governing the application of Chapter V.1 of the Act respecting contracting by public bodies with respect to the integrity of enterprises by Decision n° 2023-PDG-010;

WHEREAS it is expedient to approve the Regulation with amendments;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation respecting certain conditions governing the application of Chapter V.1 of the Act respecting contracting by public bodies with respect to the integrity of enterprises, attached to this Decision, be approved.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation respecting certain conditions governing the application of Chapter V.1 of the Act respecting contracting by public bodies with respect to the integrity of enterprises

Act respecting contracting by public bodies (chapter C-65.1, s. 21.5.1, 3rd par., s. 21.8, s. 21.23, 2nd par., s. 21.40, s. 21.41, 3rd par. and s. 21.45, 2nd par.)

Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18, ss. 10, 14, 22, 35, 36 and 42)

CHAPTER I
AUTHORIZATION TO CONTRACT

DIVISION I
SCOPE

1. This Chapter applies to all enterprises that wish to obtain or that hold the authorization to contract referred to in Division III of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1).

DIVISION II
APPLICATION FOR AUTHORIZATION

2. The respondent of the enterprise must file an application for authorization electronically using the form provided by the Autorité des marchés publics.

The application must contain

- (1) the name of the enterprise and its Québec business number assigned by the enterprise registrar, if applicable;
- (2) the address and telephone number of the head office of the enterprise and of each of its establishments in the past 5 years;

- (3) the name and mailing address of the respondent and the respondent's functions within the enterprise;

- (4) the name, date of birth, if applicable, domiciliary address and telephone number of the natural person who operates a sole proprietorship, as the case may be, of the officers of the enterprise, its directors or partners, its shareholders, along with the percentage of the voting rights attached to the shares held by them, as well as of any person or enterprise that has direct or indirect legal or de facto control over the enterprise;

- (5) a declaration by the enterprise and the persons referred to in sections 21.26 and 21.28 of the Act as to whether they are in any of the situations set out in sections 21.26 to 21.28 of the Act; and

- (6) the nature of the activities of the enterprise.

3. An application for authorization must also indicate, as the case may be, the following information related to the call for tenders for which an enterprise wishes to obtain a public contract or subcontract:

- (1) the number of the call for tenders;
- (2) the deadline for submitting bids;
- (3) the estimated value of the contract or subcontract.

4. The application for authorization must be filed together with

- (1) an organization chart outlining the structure of the enterprise and including the names of its subsidiaries and parent company and any subsidiaries thereof;

- (2) in the case of an enterprise that has an establishment in Québec, the certificate from Revenu Québec referred to in subparagraph 1 of the first paragraph of section 21.24 of the Act and, in other cases, a document equivalent to the certificate, issued by the local authorities, including the Government or a government department or body;

- (3) the financial statements for the latest fiscal year of the enterprise along with at least a review engagement report or, if they cannot be provided when the application is filed due to the date of constitution or amalgamation of the enterprise, an opening balance sheet and supporting documents;

- (4) a list of the financial institutions with which the enterprise conducts business;

(5) a list containing the name, date of birth, if applicable, domiciliary address and telephone number of each of its lenders, other than those referred to in paragraph 4, along with the documents evidencing the loans;

(6) in the case of an enterprise that is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), the names and addresses of the enterprise's shareholders, the number of shares held by each shareholder and the date and details of their issuing and transfer in the past 5 years; and

(7) in the case of an enterprise that has an establishment in Québec, the natural persons referred to in sections 21.26 and 21.28 of the Act must provide the documents listed in subparagraphs 1 to 3 of the first paragraph of section 5 where they are not domiciled in Québec.

5. In the case of an enterprise that is not constituted under the laws of Québec and does not have its head office or an establishment in Québec where it primarily conducts its activities, the application for authorization filed by the enterprise must also contain

(1) a written consent to communicate with any police force or local source of information;

(2) a written consent to communicate with the local fiscal authorities;

(3) a certificate attesting to the absence of a criminal record or, failing that, a list of the criminal records of the natural persons referred to in sections 21.26 and 21.28 of the Act, issued by the local authorities, including the Government or a government department or body or their mandataries; and

(4) a declaration from the enterprise confirming the absence of a criminal record or a list of the criminal records.

For the purposes of this section, the location of the enterprise referred to in the first paragraph and the persons referred to in subparagraph 3 of that paragraph is the Canadian province or territory or other jurisdiction where the enterprise primarily conducts its activities or, in the case of a natural person, where the person is domiciled.

6. The application must also be filed, for every natural person referred to in sections 21.26 and 21.28 of the Act, together with a copy of photo identification issued by a government or a government department or body and bearing the person's name and date of birth.

DIVISION III UPDATING OF INFORMATION

7. The annual update of the documents and information of the authorized enterprise, as prescribed by section 21.40 of the Act, must be performed during the period beginning 45 days before the anniversary date of the issue of the authorization to contract of the enterprise and ending on that date. The enterprise indicates, using the electronic form provided by the Authority, whether the information previously provided is still accurate or if modifications must be made. In addition, the enterprise must file the financial statements referred to in paragraph 4 of section 4 on the first updating following their filing if the enterprise was unable to file them when filing its application for authorization.

Each time an enterprise notifies the Authority that the information previously provided must be modified, pursuant to the first paragraph or as part of the periodical update referred to in section 21.40 of the Act, the enterprise must file the documents evidencing the modifications, if such documents exist.

DIVISION IV APPLICATION FOR RENEWAL

8. An enterprise must, as part of an application for the renewal of its authorization to contract, indicate, using the electronic form provided by the Authority, whether the information previously provided is still accurate or if modifications must be made. In the latter case, the enterprise must file together with its application the documents evidencing the modifications, if such documents exist.

The application must also be filed together with

(1) the financial statements for the latest fiscal year of the enterprise along with at least a review engagement report;

(2) in the case of an enterprise that has an establishment in Québec, the certificate from Revenu Québec referred to in subparagraph 1 of the first paragraph of section 21.24 of the Act and, in other cases, a document equivalent to the certificate, issued by the local authorities, including the Government or a government department or body; and

(3) in the case of an enterprise that is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), the names and addresses of the enterprise's shareholders, the number of shares held by each shareholder and the date and details of their issuing and transfer in the past 5 years.

The documents and information provided for in subparagraphs 1 and 3 of the second paragraph need not be sent to the Authority if they have been sent in the 6 months preceding the deadline for submitting the application for renewal indicated in the second paragraph of section 21.41 of the Act and have not been modified since.

CHAPTER II APPLICATION FOR EXAMINATION OF INTEGRITY

9. An application for the examination of integrity filed under section 21.5.1 of the Act must contain

(1) the name of the enterprise and its Québec business number assigned by the enterprise registrar, if applicable;

(2) the address and telephone number of the head office of the enterprise;

(3) the name, date of birth, if applicable, domiciliary address and telephone number of the natural person who operates a sole proprietorship, as the case may be, of the officers of the enterprise, its directors or partners, the majority shareholder, along with the percentage of the voting rights attached to the shares held;

(4) the nature of the activities of the enterprise; and

(5) the section and description of the facts that led to the finding of guilty for an offence appearing in Schedule I to the Act, if applicable.

10. The application must be sent electronically using the form provided by the Authority. It must also be sent together with

(1) a copy of the final judgement of conviction with respect to an offence listed in Schedule I to the Act, where applicable; and

(2) a list of the public contracts and subcontracts entered into by the enterprise and that are in process.

CHAPTER III REGISTERS

DIVISION I REGISTER OF AUTHORIZED ENTERPRISES

11. The register of authorized enterprises kept in accordance with section 21.45 of the Act must contain, in addition to the information provided for in that section,

(1) the name of the authorized enterprise and its Québec business number assigned by the enterprise registrar, if applicable;

(2) the contact information for the head office of the enterprise; and

(3) the identification number assigned by the Authority.

DIVISION II REGISTER OF ENTERPRISES INELIGIBLE FOR PUBLIC CONTRACTS

12. Each body listed in Schedule II to the Act must designate, among the members of its staff, those that are authorized to file the information referred to in section 21.7 of the Act to the employees of the Authority designated by its president and chief executive officer.

13. The information referred to in section 21.7 of the Act must be filed electronically using the form provided by the Authority within 10 working days following the date on which the judgement with respect to a conviction related to an offence listed in Schedule I to the Act has become final.

CHAPTER IV FINAL

14. The annual update of the information that an enterprise carries out in accordance with section 146 of the Act mainly to promote Québec-sourced and responsible procurement by public bodies, to reinforce the integrity regime of enterprises and to increase the powers of the Autorité des marchés publics (2022, chapter 18) replaces the first update that the enterprise should carry out, in the period referred to in section 7 of this Regulation, on the first anniversary of the issue of its authorization to contract that follows 2 June 2023.

15. This Regulation replaces the Regulation of the Autorité des marchés publics under an Act respecting contracting by public bodies (chapter C-65.1, r. 0.1) and the Regulation respecting the register of enterprises ineligible for public contracts (chapter C-65.1, r. 8.1).

16. This Regulation comes into force on 2 June 2023.

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