

Draft Regulation

Legal Aid Act
(R.S.Q., c. A-14; 1996, c. 23)

Regulation

— Amendments

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and paragraph 2 of section 59 of the Act to amend the Legal Aid Act (1996, c. 23), that the Regulation to amend the Regulation respecting the application of the Legal Aid Act, made by the Commission des services juridiques at its sitting of 26 July 1996, the text of which appears below, may be submitted to the Government for approval at the expiry of 15 days following this publication.

The Draft Regulation falls within the scope of the reform of the legal aid plan and of the passage of the Act to amend the Legal Aid Act (1996, c. 23), assented to on 20 June 1996.

The Draft Regulation comprises

(1) amendments of a terminological nature, in order to harmonize the Regulation respecting the application of the Legal Aid Act with the concepts introduced in the Civil Code of Québec;

(2) amendments to ensure concordance between the Regulation and the provisions of the Act to amend the Legal Aid Act (1996, c. 23), particularly with respect to the introduction, under that Act, of contributory legal aid and with respect to the operations of the legal aid review committee; and

(3) amendments to the provisions pertaining to the administration of the Commission des services juridiques and the legal aid centres, specifically with respect to the annual general meetings of the regional centres, the date for submitting to the Commission annual reports by local and regional legal aid centres, and the documents and information that the legal aid centres must send to the Commission chairman.

The Draft Regulation pertains to the organization and operation of the agencies responsible for administering the legal aid plan and, in that sense, has no significant impact on businesses or the general public, other than the fact that the relaxing of the operating rules of the legal aid review committee should speed up the processing of applications for review submitted by persons seeking legal aid.

Further information may be obtained by contacting Mr. Jacques Lemaître-Auger, Secretary of the Commission des services juridiques, 2, complexe Desjardins, Tour de l'Est, suite 1404, Montréal (Québec), H5B 1B3; tel. (514) 873-3562, fax (514) 873-8762.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 15-day period, to Mr. Jacques Lemaître-Auger, Secretary of the Commission des services juridiques, 2, complexe Desjardins, Tour de l'Est, suite 1404, Montréal (Québec), H5B 1B3.

PIERRE LORRAIN,
*Chairman of the Commission
des services juridiques*

Regulation to amend the Regulation respecting the application of the Legal Aid Act

Legal Aid Act
(R.S.Q., c. A-14, s. 80, 1st par., subpars. c, d, e, f, g, i, j, k, m, n and p, and 2nd, 4th and 5th pars.; 1996, c. 23, s. 42)

1. The Regulation respecting the application of the Legal Aid Act (R.R.Q., 1981, c. A-14, r. 1), amended by the Regulations approved by Orders in Council 2416-82 dated 20 October 1982, 2873-82 dated 8 December 1982, 941-83 and 942-83 dated 11 May 1983, 1721-86 dated 19 November 1986 and 41-94 dated 10 January 1994, is further amended, in section 1, by substituting the following for paragraph a:

“(a) “general manager”: the general manager of a regional legal aid centre and the persons to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act;”

2. Section 2 is amended by substituting the words “head office” for the words “corporate seat”, wherever they appear.

3. Section 8 is amended by deleting the words “in writing”.

4. Section 11 is amended by substituting the words “The administrative committee, in addition to the functions assigned to it by the Act:” for the words “The administrative committee:”.

5. Section 15 is amended

(1) in the French text, by deleting the words “en corporation” after the word “constituées”; and

(2) by deleting the words “officers or other” before the word “persons”.

6. Section 17 is revoked.

7. Section 18 is amended by substituting the following for subparagraphs *a* and *b* of the first paragraph:

“(a) its name;

(b) its head office;”.

8. Section 20 is amended by substituting the numeral “3” for the numeral “4”.

9. Section 22 is amended by substituting the words “no later than 15 May each year” for the words “during the month of April” after the word “meeting”.

10. Section 27 is amended by substituting the word “inability” for the word “incapacity”.

11. Section 32 is amended by deleting the second sentence.

12. Section 35 is amended by substituting the numeral and words “15 May each year” for the numeral and word “30 April”.

13. Section 39 is amended by deleting the word “corporate” in paragraph *b*.

14. Section 40 is amended by substituting the word “established” for the word “incorporated” in paragraph *a*.

15. Section 50 is amended by substituting the numeral “30” for the numeral “15”.

16. The following is inserted after section 51:

“**51.1** Every legal aid centre shall, where so requested by the chairman of the Commission, send to the Commission any information or document pertaining to the administration of the Act and required by the chairman.”.

17. Section 53 is amended by substituting the words “or the person to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act” for the words “or director”.

18. Section 54 is amended by substituting the words “or a person to whom the powers of the general manager have been delegated in accordance with the second paragraph of section 50 of the Act” for the words “or a director”.

19. Section 70 is amended by striking out subsection 4.

20. Section 72 is amended

(1) by inserting the following after paragraph *b*:

“(b.1) an indication that the recipient qualifies for free legal aid or for contributory legal aid and, in the latter case, an indication of the maximum contribution payable, less the administrative costs paid by the recipient;” and

(2) by substituting the word “conditional” for the word “temporary” in paragraph *g*.

21. The following is substituted for section 73:

“**73.** Refusal: A notice of the refusal, suspension or withdrawal of legal aid shall give the reasons therefor. In the case of a refusal or a withdrawal, the notice shall indicate that the applicant or, as the case may be, the recipient is entitled to apply for a review of the decision and shall state the deadline by which such application must be filed.”.

22. The French version of section 74 is amended by substituting the words “l’officier de la publicité des droits” for the words “le registrateur”.

23. Section 77 is amended in the third sentence of the first paragraph by inserting the words “, less any contribution payable by the recipient,” after the word “fees”.

24. Sections 83 to 87 are revoked.

25. The following is substituted for section 88:

“**88.** The committee shall keep minutes of its meetings.”.

26. Section 89 is revoked.

27. The following is substituted for section 90:

“**90.** The committee shall immediately send a copy of its decisions to the Commission chairman.”.

28. Section 91 is revoked.

29. The following is substituted for section 92:

“**92.** Where the general manager issues a conditional certificate of qualification within the scope of an application for review, he shall immediately send a copy thereof to the review committee.”.

30. Following approval by the Government, this Regulation will come into force the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9938

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Services contracts of government departments and public bodies — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting services contracts of government departments and public bodies, the text of which appears below, may be made by the Government, with or without amendments, at the expiry of 45 days following this publication.

The Draft Regulation provides for the replacement of specific criteria for registration under certain environmental specialties in the central register of suppliers of services and goods to the Government, by a certification requirement in the area of ISO international standards for quality management, that is, ISO Standard 9001 or 9002. For other specialties in the same field, the requirement pertains to accreditation based on the ISO/IEC Guide 25 and issued by the Minister of the Environment and Wildlife.

The Draft Regulation also contains provisions that apply specifically to general maintenance contracts estimated at \$50 000 or more, by imposing the use of a public call for tenders from that cutoff price and ISO 9003 certification as a condition of eligibility to tender or, in cases where that requirement is not imposed, by applying a contract award rule making it possible, when evaluating tenders, to determine the lowest qualifying bid after subtracting 10 % of the price tendered in the case of a tender submitted by a supplier holding ISO 9003 certification.

The Draft Regulation also provides that the majority of the rules currently applying to contracts for less than \$100 000 under the Regulation respecting travel services contracts of government departments and public bodies will be included in the Regulation respecting services contracts of government departments and public bodies. Certain amendments to those rules are nonetheless provided for and will eliminate the random selection of travel agencies referred from the central register, will make it possible to register suppliers in the register on a regional rather than a sub-regional basis and will enable the department or body to determine the agency with which it will sign a contract from amongst those registered under the specialty and in the region covered by the contract.

The Draft Regulation will impact on suppliers affected by the introduction of requirements in the area of quality management certification, as well as on suppliers providing general maintenance services. However, the process for implementing these requirements and the rules specific to general maintenance contracts were developed in close cooperation with the major clients and the representatives of the suppliers concerned.

The Draft Regulation constitutes a considerable relaxing of the regulations governing travel services contracts, while the supplier selection criteria proposed will make it possible to encourage competition among suppliers, as to both the quality and the cost of the services, and will make it possible to favour the awarding of contracts on a regional basis.

Further information may be obtained by contacting Mr. Paul Périard, Secrétaire du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8; telephone (418) 643-2755, fax (418) 646-8103.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,
Minister for Administration and the Public Service, Chairman of the Conseil du trésor
