

Regulation to amend the Regulation respecting construction contracts of government departments and public bodies

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

1. The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994, 1106-94 dated 20 July 1994, 235-96 dated 28 February 1996, 332-96 dated 21 March 1996 and 1242-96 dated 2 October 1996, is further amended in section 10 by revoking subparagraph *c* of paragraph 7 and paragraph 7.01.

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 334-97, 19 March 1997

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

Exemption of the public bodies described in paragraph 1 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.4 of the Financial Administration Act (R.S.Q., c. A-6), the Government, on the conditions it determines, may exempt a public body described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1243-96 dated 2 October 1996, the Government exempted from the application of all regulations made under section 49 of the Financial Administration Act the public bodies described in paragraph 1 of section 5 of the Auditor General Act, on the following conditions;

(1) that they file, with the Chairman of the Conseil du trésor, the policy prescribed in section 49.4 of the Financial Administration Act as well as all amendments that will have been made thereto within 30 days following the making of the latter;

(2) that in the policy they provide for measures to fight undeclared labour in the construction industry in Québec, inspired by the provisions of sections 7.3, 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies;

(3) in the case of the bodies that already have such a policy, that they amend it in order to provide for the measures indicated in paragraph 2, that those amendments take effect on 1 January 1997 and that they be filed not later than on that date;

(4) that they report on the application of that policy in their annual report;

WHEREAS a policy filed with the Minister of Supply and Services, in accordance with Order in Council 1164-93 dated 18 August 1993, was equivalent to a policy filed with the Chairman of the Conseil du trésor, in accordance with paragraph 1 of the first paragraph of the operative part of Order in Council 1243-96 dated 2 October 1996;

WHEREAS it is expedient to eliminate the condition that obliges the bodies to apply measures intended to fight undeclared labour in the construction industry, which they had to include in their policy, inspired by regulatory provisions that will be revoked;

WHEREAS it is expedient that these bodies withdraw those measures from their policy and that they file the amendments thereto with the Chairman of the Conseil du trésor;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the public bodies described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted from the application of all regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6), on the following conditions:

(1) that they have filed, with the Chairman of the Conseil du trésor, the policy prescribed in section 49.4 of the Financial Administration Act as well as all amendments that will have been made thereto within 30 days following the making of the latter;

(2) that they report on the application of that policy in their annual report;

THAT, in the case of bodies already having such a policy:

(1) the policy filed with the Minister of Supply and Services, in accordance with Order in Council 1164-93 dated 18 August 1993, be equivalent to a policy filed with the Chairman of the Conseil du trésor, in accordance with paragraph 1 of the first paragraph of the operative part of this Order in Council;

(2) that those bodies no longer be required to apply their measures intended to fight undeclared labour in the construction industry from the date on which this Order in Council is made; that they file with the Chairman of the Conseil du trésor the amendments required to withdraw those measures from their policy, within 30 days following the making of the latter;

THAT this Order in Council replace Order in Council 1243-96, made on 2 October 1996.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 335-97, 19 March 1997

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

Exemption of the public bodies described in paragraph 2 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.3.1 of the Financial Administration Act (R.S.Q., c. A-6), the Government, upon the recommendation of the Conseil du trésor and with or without conditions, may exempt a public body described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1244-96 dated 2 October 1996, the Government exempted without conditions the public bodies described in paragraph 2 of section 5 of the Auditor General Act from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS, however, the bodies exempted hereinabove that are responsible for carrying out construction work for a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act are exempted under the following conditions:

(1) that they adopt measures to fight undeclared labour in the construction industry in Québec inspired by the provisions of sections 7.3., 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies and that they file the text of those measures and the text of any amendments that will have been made thereto with the Chairman of the Conseil du trésor, within 30 days following the making of the latter;

(2) in the case of the bodies existing at the time of the making of that Order in Council, that those measures take effect on 1 January 1997 and that they file the text of those measures with the Chairman of the Conseil du trésor, not later than on that date;

WHEREAS it is expedient to eliminate the condition that obliges the bodies to apply measures intended to fight undeclared labour in the construction industry, which they had to adopt under regulatory provisions that will be revoked;

WHEREAS it is expedient that these bodies withdraw these measures and that they so inform the Chairman of the Conseil du trésor;

WHEREAS the Conseil du trésor recommended that this Order in Council be made;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the public bodies described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted, without conditions, from the application of all regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6);

THAT these bodies no longer be obliged to apply their measures intended to fight undeclared labour in the construction industry from the date of making of this Order in Council; that they inform the Chairman of the Conseil du trésor that they have withdrawn their measures within 30 days of such withdrawal;