

2. The following is inserted after section 6.1:

“6.2 Notwithstanding section 6, financial assistance granted under this Program for the establishment of a hotel that offers to the public from six to one hundred sleeping-accommodation units in a historic or heritage immovable may be combined with any other financial assistance from the Government for that kind of immovable.”.

3. The following clause is added to subparagraph *a* of paragraph 9 of Schedule II:

“iii. the establishment and expansion of hotels that offer to the public from six to one hundred sleeping-accommodation units in historic or heritage immovables;”.

4. 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. 824-98, 17 June 1998

An Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30)

Ethics and professional conduct of public office holders

Regulation respecting the ethics and professional conduct of public office holders

WHEREAS under section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30), inserted by section 1 of Chapter 6 of the Statutes of 1997, public office holders shall be subject to the standards of ethics and professional conduct enacted by government regulation, including those relating to remuneration;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the ethics and professional conduct of public office holders was published in Part 2 of the *Gazette officielle du Québec* of 22 October 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments that take into account the comments received;

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

THAT the Regulation respecting the ethics and professional conduct of public office holders, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation respecting the ethics and professional conduct of public office holders

An Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30, ss. 3.0.1 and 3.0.2; 1997, c. 6, s. 1)

CHAPTER I PURPOSE AND SCOPE

1. The purpose of this Regulation is to preserve and enhance the confidence of the public in the integrity and impartiality of the public administration, to promote openness within government agencies and corporations, and to render accountable the public administration and public office holders.

2. This Regulation applies to public office holders.

Public office holders are

(1) the members of the board of directors of, and members of, a government agency or corporation within the meaning of the Auditor General Act (R.S.Q., c. V-5.01) other than a legal person less than 100 % of the voting shares of which are held by a government agency or corporation to which this subparagraph applies, and the persons holding administrative offices provided for by law within such an agency or corporation; and

(2) the persons appointed or designated by the Government or by a minister to an office within any agency or corporation that is not a public body within the meaning of the Auditor General Act, and to whom subparagraph 1 does not apply.

Persons already governed by standards of ethics or professional conduct under the Public Service Act (R.S.Q., c. F-3.1.1) shall also be subject to this Regulation where they hold public office.

This Regulation does not apply to judges of a court within the meaning of the Courts of Justice Act (R.S.Q., c. T-16), to bodies every member of which is a judge of

the Court of Québec, to the Conseil de la magistrature nor to the committee on the remuneration of judges of the Court of Québec and the municipal courts.

It does not apply to the Conseil de la justice administrative, to the Administrative Tribunal of Québec and its members, to jurisdictional bodies in respect of whose members the Conseil is empowered by law to hear complaints concerning a violation of professional conduct or to members of such bodies.

3. For the purposes of this Regulation, councils and other collegial bodies are deemed to be boards of directors.

Likewise, any person who performs duties equivalent to those of a chairman of a board of directors is deemed to be such a chairman.

CHAPTER II ETHICAL PRINCIPLES AND GENERAL RULES OF PROFESSIONAL CONDUCT

4. Public office holders are appointed or designated to contribute, within the framework of their mandate, to the accomplishment of the State's mission and, where applicable, to the proper administration of its property.

They shall make their contribution in accordance with law, with honesty, loyalty, prudence, diligence, efficiency, application and fairness.

5. In the performance of his duties, a public office holder is bound to comply with the ethical principles and the rules of professional conduct prescribed by law and by this Regulation, as well as the principles and rules set forth in the code of ethics and professional conduct applicable to him. In case of discrepancy, the more stringent principles and rules shall apply.

In case of doubt, he shall act in accordance with the spirit of those principles and rules. He shall, in addition, arrange his personal affairs in such a manner that they cannot interfere with the performance of his duties.

A public office holder is bound by the same obligations where, at the request of a government agency or corporation, he performs his duties within another government agency or corporation, or is a member thereof.

6. A public office holder is bound to discretion in regard to anything that comes to his knowledge in the performance or during the performance of his duties and is at all times bound to maintain the confidentiality of information thus received.

That obligation does not have the effect of preventing a public office holder from reporting to a specific interest group that he represents or to which he is linked, except where the information is confidential by law or where the board of directors requires that confidentiality be maintained.

7. In the performance of his duties, a public office holder shall make decisions regardless of any partisan political considerations.

8. A chairman of the board of directors, a chief executive officer of an agency or corporation and a full-time public office holder shall demonstrate reserve in the public expression of their political opinions.

9. A public office holder shall avoid placing himself in a situation of conflict between his personal interest and the duties of his office.

He shall reveal to the agency or corporation within which he is appointed or designated to an office any direct or indirect interest that he has in an agency, corporation or association likely to place him in a situation of conflict of interest, as well as any rights that he may assert against the agency or corporation, and shall indicate, where applicable, their nature and value.

A public office holder appointed or designated to an office within another agency or corporation shall, subject to section 6, also reveal any such situation to the authority that appointed or designated him.

10. A full-time public office holder may not, on penalty of dismissal, have a direct or indirect interest in an agency, corporation or association entailing a conflict between his personal interest and that of the agency or corporation within which he is appointed or designated to an office. Notwithstanding the foregoing, such dismissal shall not occur if such interest devolves on him by succession or gift, provided that he renounces it or disposes of it promptly.

Any other public office holder who has a direct or indirect interest in an agency, corporation or association entailing a conflict between his personal interest and that of the agency or corporation within which he is appointed or designated to an office shall, on penalty of dismissal, reveal the interest in writing to the chairman of the board of directors and, where applicable, shall abstain from participating in any deliberation or any decision pertaining to the agency, corporation or association in which he has that interest. In addition, he shall withdraw from the sitting for the duration of the deliberations and the vote concerning that matter.

This section does not prevent a public office holder from expressing opinions about conditions of employment applied at large within the agency or corporation and that could affect him.

11. A public office holder shall not treat the property of the agency or corporation as if it were his own property and may not use it for his own benefit or for the benefit of a third party.

12. A public office holder may not use for his own benefit or for the benefit of a third party information obtained in the performance or during the performance of his duties.

That obligation does not have the effect of preventing a public office holder from consulting or reporting to a specific interest group that he represents or to which he is linked, except where the information is confidential by law or where the board of directors requires that confidentiality be maintained.

13. A full-time public office holder shall perform exclusively the duties of his office, except where the authority having appointed or designated him also appoints or designates him to other duties. Notwithstanding the foregoing, he may, with the written consent of the chairman of the board of directors, engage in teaching activities for which he may be remunerated or in non-remunerated activities within a non-profit organization.

The chairman of the board of directors may likewise be so authorized by the Secretary General of the Conseil exécutif. However, the chairman of the board of directors of a government agency or corporation that holds 100 % of the shares of a second government agency or corporation is the authority who may give such an authorization to the chairman of the board of directors of that second agency or corporation.

14. A public office holder may not accept any gift, hospitality or other advantage, except what is customary and is of modest value.

Any other gift, hospitality or advantage received shall be returned to the giver or shall be remitted to the State.

15. A public office holder may not, directly or indirectly, grant, solicit or accept a favour or an undue advantage for himself or for a third party.

16. In the decision-making process, a public office holder shall avoid allowing himself to be influenced by offers of employment.

17. A public office holder who has left public office shall conduct himself in such a manner as not to derive undue advantages from his previous service with the agency or corporation.

18. It is prohibited for a public office holder who has left public office to disclose confidential information or to give anyone advice based on information not available to the public concerning the agency or corporation for which he worked, or concerning another agency or corporation with which he had a direct and substantial relationship during the year preceding the end of his term of public service.

Within one year after leaving office, a public office holder shall not act for or on behalf of anyone else in connection with a proceeding, negotiation or other transaction to which the agency or corporation that he served is a party and about which he has information not available to the public.

A public office holder of an agency or corporation referred to in the second paragraph may not, in the circumstances referred to in that paragraph, deal with a public office holder referred to therein for one year following the end of his term of public service.

19. The chairman of the board of directors shall ensure that the public office holders of the agency or corporation comply with the ethical principles and rules of professional conduct.

CHAPTER III POLITICAL ACTIVITIES

20. A full-time public office holder, the chairman of a board of directors and the chief executive officer of an agency or corporation who intends to run for election to an elective public office shall so inform the Secretary General of the Conseil exécutif.

21. The chairman of a board of directors or a chief executive officer of an agency or corporation wishing to run for election to an elective public office shall resign from his position.

22. A full-time public office holder wishing to run for election to the National Assembly, the House of Commons of Canada or another elective public office whose functions will probably be performed on a full-time basis shall request, and is entitled to, leave without remuneration, from the day on which he announces that he is a candidate.

23. A full-time public office holder wishing to run for election to an elective office whose functions will probably be performed on a part-time basis, but whose

candidacy may make it impossible for him to demonstrate reserve as required, shall apply for, and is entitled to, leave without remuneration from the day on which he announces that he is a candidate.

24. A full-time public office holder who is granted leave without remuneration in accordance with section 22 or 23 is entitled to return to his duties no later than on the thirtieth day following the final date for nominations, if he is not a candidate, or, where he is a candidate, no later than on the thirtieth day following the date on which a person other than he is declared elected.

25. A full-time public office holder whose term of office is of fixed duration, who is elected to a full-time public office and who agrees to his election shall immediately resign from his position as a public office holder.

A full-time public office holder who is elected to a part-time public office shall, where that office may make it impossible for him to demonstrate reserve as required, resign from his position as a public office holder.

26. A full-time public office holder whose term of office is not of fixed duration and who is elected to a public office is entitled to leave without remuneration for the duration of his first elective term of office.

CHAPTER IV REMUNERATION

27. A public office holder shall be entitled, for the performance of his duties, solely to the remuneration related to those duties. Such remuneration may not include, even partially, monetary advantages such as those established, in particular, by a profit-sharing plan based on the variation in the value of shares or on a participation in the capital stock of the corporation.

28. A public office holder dismissed for just and sufficient cause may not receive a severance allowance or payment.

29. A public office holder who has left public office, who has received or is receiving a severance allowance or payment and who holds an office, employment or any other remunerated position in the public sector during the period corresponding to that allowance or payment shall refund the part of the allowance or payment covering the period for which he receives a salary, or shall cease to receive it during that period.

Notwithstanding the foregoing, where the salary he receives is lower than the salary he received previously, he shall be required to refund the allowance or payment only up to the amount of his new salary, or he may

continue to receive the part of the allowance or payment that exceeds his new salary.

30. Any person who has received or is receiving a severance allowance or payment from the public sector and who receives a salary as a public office holder during the period corresponding to that allowance or payment shall refund the part of the allowance or payment covering the period for which he receives a salary, or shall cease to receive it during that period.

Notwithstanding the foregoing, where the salary that he receives as a public office holder is lower than the salary he received previously, he shall be required to refund the allowance or payment only up to the amount of his new salary, or he may continue to receive the part of the allowance or payment that exceeds his new salary.

31. A full-time public office holder who has left public office, who has received so-called assisted departure measures and who, within two years after his departure, accepts an office, employment or any other remunerated position in the public sector shall refund the sum corresponding to the value of the measures received by him, up to the amount of the remuneration received, by the fact of his return to the public sector, during that two-year period.

32. Sections 29 to 31 do not apply to part-time teaching activities by a public office holder.

33. For the purposes of sections 29 to 31, “public sector” means the bodies, institutions and corporations referred to in the Schedule.

The period covered by the severance allowance or payment referred to in sections 29 and 30 shall correspond to the period that would have been covered by the same amount if the person had received it as a salary in his former office, employment or position.

CHAPTER V CODE OF ETHICS AND PROFESSIONAL CONDUCT

34. The members of the board of directors of each government agency or corporation shall adopt a code of ethics and professional conduct in conformity with the principles and rules established by this Regulation.

35. The code shall establish the ethical principles and the rules of professional conduct of the agency or corporation.

The ethical principles shall reflect the agency’s or corporation’s mission, the values underlying its operations and its general principles of management.

The rules of professional conduct shall pertain to the duties and obligations of public office holders. The rules shall explain and illustrate those duties and obligations in a concrete manner. They shall in particular cover

(1) preventive measures, specifically, rules concerning the declaration of interests held by a public office holder;

(2) identification of situations of conflict of interest; and

(3) the duties and obligations of public office holders even after they have left public office.

36. Each agency or corporation shall take the necessary measures to ensure the confidentiality of the information provided by public office holders under this Regulation.

CHAPTER VI DISCIPLINARY PROCESS

37. For the purposes of this Chapter, the authority competent to act is the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif where the person concerned is the chairman of the board of directors, a public office holder appointed or designated by the Government or a Minister.

The chairman of the board of directors is the authority competent to act in respect of any other public office holder.

Notwithstanding the foregoing, the chairman of the board of directors of a government agency or corporation that holds 100 % of the shares of a second government agency or corporation is the authority competent to act in respect of the chairman of the board of directors of that second agency or corporation, except where he himself is its chairman.

38. A public office holder accused of a violation of ethics or professional conduct may be temporarily relieved of his duties, with remuneration, by the competent authority, in order to allow an appropriate decision to be made in an urgent situation requiring rapid action or in a presumed case of serious misconduct.

39. The competent authority shall inform the public office holder of the violations of which he is accused, of the possible penalty and that he may, within 7 days, provide it with his observations and, if he so requests, be heard regarding the alleged violations.

40. Where it is concluded that a public office holder has violated the law, this Regulation or the code of ethics and professional conduct, the competent authority shall impose a penalty.

However, where the competent authority is the Associate Secretary General referred to in section 37, the penalty shall be imposed by the Secretary General of the Conseil exécutif. Furthermore, if the penalty proposed is the dismissal of public office holder appointed or designated by the Government, the penalty may be imposed by the Government only; in that case, the Secretary General of the Conseil exécutif may suspend the public office holder immediately, without remuneration, for a period not exceeding 30 days.

41. The penalties that may be imposed on the public office holder is a reprimand, a suspension without remuneration for a maximum of three months or the dismissal.

42. Any penalty imposed on a public office holder, as well as the decision to temporarily relieve him of his duties, shall be in writing and give the reasons therefor.

CHAPTER VII MISCELLANEOUS

43. The obligation under section 34 for government agencies and corporations to adopt a code of ethics and professional conduct shall be fulfilled at the latest on 1 September 1999 and for agencies and corporations established after 31 August 1998, within one year of their establishment.

44. Sections 29, 30 and 31 apply to returns to the public sector taking place after 31 August 1998.

45. Notwithstanding the fifth paragraph of section 2, the provisions of this Regulation, except for Chapter III, sections 34 and 35 and Chapter VI, shall apply to the following persons and bodies:

(1) the Administrative Tribunal of Québec and its members, until the date of coming into force of the code of ethics made under section 180 of the Act respecting administrative justice (1996, c. 54);

(2) the Régie du logement and its commissioners, until the date of coming into force of the code of ethics adopted under section 8 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), and the content of which is specified in section 8.1 of the Act, enacted by section 605 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43); and

(3) the Commission des lésions professionnelles and its members, until the date of coming into force of the code of ethics adopted under section 413 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), enacted by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27).

The provisions that apply with respect to the processing of complaints pertaining to a violation of this Regulation by the persons referred to in the first paragraph, the penalties to be imposed where a violation is proved and the authorities responsible for the application of those provisions are as follows:

(1) for the members of the Administrative Tribunal of Québec, those provided for in the Act respecting administrative justice;

(2) for the commissioners of the Régie du logement, those enacted by the Act respecting the Régie du logement and references to the "Minister" in sections 186, 190, 191 and 192 of the Act respecting administrative justice mean the minister responsible for the administration of Title I of the Act respecting the Régie du logement; and

(3) for the members of the Commission des lésions professionnelles, those enacted by the Act respecting industrial accidents and occupational diseases and references to the "Minister" in sections 186, 190, 191 and 192 of the Act respecting administrative justice mean the minister responsible for the administration of the Act respecting industrial accidents and occupational diseases.

46. This Regulation comes into force on 1 September 1998.

SCHEDULE

(s. 33)

PUBLIC SECTOR

1. The Government and its departments, the Conseil exécutif and the Conseil du trésor.

2. The staff of the Lieutenant-Governor, the National Assembly, the Public Protector, any person designated by the National Assembly to perform duties that come under the National Assembly where its personnel is, by law, appointed and remunerated in accordance with the Public Service Act, and any body to which the National Assembly or a committee thereof appoints the majority of the members.

3. Any body which is established by or under an act or by a decision of the Government, the Conseil du trésor or a minister and which meets one of the following conditions:

(1) all or part of its appropriations for operating purposes appear under that heading in the budgetary estimates tabled in the National Assembly;

(2) its employees are required by law to be appointed or remunerated in accordance with the Public Service Act; or

(3) the Government or a minister appoints at least half of its members or directors, and at least half of its operating expenses are borne directly or indirectly by the consolidated revenue fund or by other funds administered by a body referred to in section 1 or 2 of this Schedule, or both situations hold true at the same time.

4. The Public Curator.

5. Any body, other than those mentioned in sections 1, 2 and 3 of this Schedule, which is established by or under an act or by a decision of the Government, the Conseil du trésor or a minister and at least half of whose members or directors are appointed by the Government or a minister.

6. Any joint-stock company, other than a body mentioned in section 3 of this Schedule, more than 50 % of whose voting shares are part of the public domain or are owned by a body referred to in sections 1 to 3 and 5 of this Schedule or by a corporation referred to in this section.

7. Any educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1).

8. Any general and vocational college established under the General and Vocational Colleges Act (R.S.Q., c. C-29).

9. Any school board subject to the Education Act (R.S.Q., c. I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) and the Conseil scolaire de l'île de Montréal.

10. Any private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1).

11. Any other educational institution more than half of whose operating expenses are paid out of appropria-

tions appearing in the budgetary estimates tabled in the National Assembly.

12. Any public or private institution under agreement and any regional board referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2).

13. The regional council established by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

14. Any municipality, any body declared by law to be the mandatary or agent of a municipality, any body more than half of whose board of directors are members of a municipal council and any body otherwise under a municipal authority.

15. Any urban community, intermunicipal board, intermunicipal transit corporation, any intermunicipal board of transport, the Kativik Regional Government and any other body, except a private body, more than half of whose board of directors are elected municipal officers.

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Gouvernement du Québec

O.C. 827-98, 17 June 1998

An Act respecting the Ministère des Régions (1997, c. 91)

Signing of certain deeds, documents and writings

Signing of certain deeds, documents and writings of the Ministère des Régions

WHEREAS by Order in Council 409-98 dated 1 April 1998, sections 1 to 7, 16 to 66 and 68 of the Act respecting the Ministère des Régions (1997, c. 91) related to the creation of the Ministère des Régions came into force on 1 April 1998;

WHEREAS under the second paragraph of section 44 of the Act, the Government may determine the deeds, documents or writings that, when they are signed by members of the personnel of the department or the holder of a position, bind the Minister and may be attributed to him;

WHEREAS under section 46 of the Act, any document or copy of a document emanating from the department or forming part of its records and signed or certified by a

person referred to in the second paragraph of section 44 of the Act is authentic;

WHEREAS it is expedient that the Government determine the deeds, documents or writings that, when they are signed by members of the personnel of the department or the holder of a position, bind the Minister and may be attributed to him and it is expedient to authorize persons referred to in the second paragraph of section 44 of the Act to certify as true any document or copy of a document emanating from the department or forming part of its records;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Regions:

THAT the terms and conditions for the signing of certain deeds, documents and writings of the Ministère des Régions, attached to this Order in Council, be made;

THAT the terms and conditions come into force on the date of their publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

SCHEDULE

TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DES RÉGIONS

1. Public servants of the Ministère des Régions who hold the positions referred to below are authorized to sign alone, within the limits of their respective duties, the deeds, documents or writings listed under their positions, with the same authority as the Minister of Regions.

2. An assistant deputy minister is authorized to sign, in respect of the region for which he is responsible, an agreement referred to in paragraph 1 of section 6, in section 12 or in section 19 of the Act respecting the Ministère des Régions (1997, c. 91).

3. An assistant deputy minister or a director general is authorized to sign, in respect of the region or directorate for which he is responsible, the following documents:

(1) service contracts and public calls for tenders;

(2) purchase contracts including local orders and requests for goods and delivery;