
Draft Regulations

Draft Regulation

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, amended by S.Q., 2011, c. 35)

Register of enterprises ineligible for public contracts and oversight and monitoring measures — Implementation

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 67 of the Act to prevent, combat and punish certain fraudulent practices in the construction industry and make other amendments to the Building Act (2011, c. 35), that the Regulation respecting the register of enterprises ineligible for public contracts and oversight and monitoring measures, appearing below, may be made by the Government on the expiry of 21 days following this publication.

The draft Regulation determines the offences in respect of which conviction is considered for the purposes of the ineligibility of a contractor or contractor's associate for public contracts and specifies for each offence or group of offences the period of ineligibility.

It also determines the cases and conditions in which and the procedure by which a contractor or an associate of the contractor must have been convicted by a final judgment of a minimum number of offences, and it sets the minimum number of offences required.

The draft Regulation also determines the offences under the regulatory provisions respecting the attestation from Revenu Québec in respect of which a conviction may not be considered by the Minister of Revenue in computing the minimum number of offences required.

It also designates the public bodies and bodies referred to in section 7 of the Act respecting contracting by public bodies that must provide to the Chair of the Conseil du trésor the information that must be recorded in the register of ineligible enterprises and it determines the cases, conditions and manner in which the information must be communicated.

The draft Regulation also establishes oversight measures that may be applied to an ineligible contractor by an accredited person, and determines the cases, conditions, period and manner in which those measures are to be applied to the contractor.

Lastly, the draft Regulation establishes the procedure and conditions for the issue of the accreditation enabling a person to apply oversight and monitoring measures to an ineligible contractor and it fixes the conditions for the renewal, suspension or cancellation of accreditation.

The draft Regulation has no impact on the public. As for enterprises, the proposed measures are likely to affect only enterprises that enter into contracts with the State and that have been convicted of any of the offences determined in the Regulation. The enterprises that will be entered in the register of ineligible enterprises will indeed be banned from public contracts for the period indicated, unless they are granted authorization. They will not be allowed either to continue the performance of contracts in progress starting from their entry in the register. They will however be allowed to keep operating in the private sector.

Further information on the draft Regulation may be obtained by contacting Robert Villeneuve, Director, Réglementation et politiques de gestion contractuelle, Secrétariat of the Conseil du trésor, 875, Grande Allée Est, bur. 2.339, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4938; fax: 418 528-6877; email: robert.villeneuve@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 21-day period to the Chair of the Conseil du trésor and Minister responsible for Government Administration, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MICHELLE COURCHESNE,
*Chair of the Conseil du trésor and
Minister responsible for Government
Administration*

Regulation respecting the register of enterprises ineligible for public contracts and oversight and monitoring measures

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpars. 8 to 10, 12 and 13; 2011, c. 35, s. 56)

CHAPTER I OFFENCES AND PERIOD OF INELIGIBILITY

1. The offences under a federal law or a Québec law or under a regulation under such a law in respect of which a conviction is considered for the purposes of ineligibility for public contracts are determined in Schedule 1, as well as the period of such ineligibility.

2. The convictions of a contractor or of an associate of a contractor in respect of the offences determined in Schedule 1 are considered as follows for the purposes of ineligibility for public contracts:

(1) a conviction in respect of an offence determined in Division I of Schedule 1 entails ineligibility for public contracts for the period indicated in the Schedule in respect of the offence concerned;

(2) 5 convictions in respect of one or more offences determined in Division II of Schedule 1 entail ineligibility for public contracts for the period indicated in that Division, if those convictions occur within a period of 36 consecutive months;

(3) a number of convictions equivalent to the number of offences established in accordance with section 3, in respect of one or more offences determined in Division III of Schedule 1 entails ineligibility for public contracts for the period indicated in that Division, if those convictions occur within a period of 36 consecutive months.

Five convictions cumulated by a contractor or an associate of a contractor within a period of 36 consecutive months in respect of offences determined in part in Division II and in part in Division III of Schedule 1 entail ineligibility for public contracts for the period indicated in Division II of the Schedule.

3. The number of offences referred to in subparagraph 3 of the first paragraph of section 2 for a contractor that has reported, as an employer, hours of work to the Commission de la construction du Québec is established on the basis of the number of hours reported during the reference period and is

(1) 3 offences for a number of hours of work less than 50,000;

(2) 4 offences for a number of hours of work equal to or greater than 50,000 but less than 100,000;

(3) 5 offences for a number of hours of work equal to or greater than 100,000.

The number of offences is 3 in the case of a contractor that has not reported any hour of work to the Commission during the reference period.

The reference period corresponds to 12 monthly consecutive periods of work ending on the last Saturday in August of the calendar year prior to the year in which the last considered conviction occurred.

CHAPTER II OFFENCES THAT MAY BE DISREGARDED BY THE MINISTER OF REVENUE

4. A conviction for an offence referred to in Divisions II and III of Schedule 1 may, in accordance with section 21.2.1 of the Act, be disregarded by the Minister of Revenue in the computation of the number of offences required for the purposes of sections 2 and 3.

CHAPTER III COMMUNICATION OF INFORMATION TO THE CHAIR OF THE CONSEIL DU TRÉSOR

5. The following bodies must, in accordance with the provisions of this Chapter, communicate to the Chair of the Conseil du trésor the information provided for in paragraphs 1 to 3 of section 21.7 of the Act that is in their possession:

(1) the Agence du revenu du Québec;

(2) the Autorité des marchés financiers;

(3) the Director of Criminal and Penal Prosecutions.

6. Each body referred to in section 5 must designate from among the members of its personnel those who are authorized to send the information referred to in that section to the employees of the secretariat of the Conseil du trésor designated by the Chair of the Conseil du trésor.

7. The information referred to in section 5 must be sent by electronic means, using the form provided by the secretariat of the Conseil du trésor, within 10 business days following either the date on which the judgment

convicting for an offence determined in Division I of Schedule 1 becomes final, or the date on which the judgment that is the last relevant conviction for an offence determined in Divisions II and III of Schedule 1 becomes final.

Despite the first paragraph, where a request has been made to the Minister of Revenue under the second paragraph of section 21.2.1 of the Act in respect of a conviction which, if it was considered, would cause the minimum number of offences required for the purposes of sections 2 and 3 to be attained, the information referred to in section 5 must be sent within the 10 business days of the decision of the Minister of Revenue denying the contractor's request.

CHAPTER IV **OVERSIGHT AND MONITORING OF A** **CONTRACTOR INELIGIBLE FOR PUBLIC** **CONTRACTS**

DIVISION I **ESTABLISHMENT OF MEASURES**

8. The oversight measures for an ineligible contractor that may be applied in the course of the performance of a public contract include

(1) surveillance of the costs and deadlines for the goods provided, the planned services or work carried out in conformity with the public contract;

(2) surveillance of the progress reports produced by the contractor in accordance with the terms and conditions of the public contract;

(3) audit into any charges and hours billed in conformity with the terms and conditions of the public contracts and the amendments made to it;

(4) audit into the financial information contained in the progress reports produced by the contractor in accordance with the terms and conditions of the public contract;

(5) audit into the contractor's compliance with the formalities provided for in laws and regulations in fiscal matters in the course of the performance of the public contract;

(6) recommendations made to the contractor with respect to the corrections the contractor could make following the audit or surveillance work done by the accredited person; and

(7) follow-up of the implementation, by the contractor, of the recommendations made following the audit or surveillance work by the accredited person.

DIVISION II **OVERSIGHT AND MONITORING CONTRACT**

9. For the purposes of sections 21.3 and 21.5 of the Act, the body that is a party to a public contract is bound to designate the accredited person who will be responsible for the application of the oversight and monitoring measures determined, as the case may be, by the Conseil du trésor or the minister responsible for the body.

The body must so inform the secretariat of the Conseil du trésor.

10. The accredited person may not, under penalty of accreditation,

(1) carry out an oversight and monitoring contract with an ineligible contractor if the person has a direct or indirect interest in that contractor that is likely to put his or her personal interest in conflict with the obligations resulting from his or her mandate;

(2) obtain assistance in the performance of such contract from a person who has a direct or indirect interest in the ineligible contractor subject to the oversight and monitoring measures that is likely to put his or her personal interest in conflict with the obligations resulting from his or her functions.

11. The application of the oversight and monitoring measures is preceded by the conclusion of a contract between the ineligible contractor and the accredited person responsible for applying the measures.

The oversight and monitoring contract must be completed from the standard contract prepared by the secretariat of the Conseil du trésor. That contract must specify the measures to be applied, indicate the hourly rate for fees payable to the accredited person and, if applicable, to the persons assisting the accredited person and, if applicable, provide for the payment by the contractor of an advance to the accredited person which may not exceed the amount of \$5,000.

The fees are established according to an hourly basis agreed upon by the body that is a party to the public contract and the accredited person. The hourly rate may not exceed \$175 and the amount payable for each fraction of an hour is calculated pro rata to the hourly rate agreed upon.

A copy of the duly signed oversight and monitoring contract must be sent without delay to the body by the accredited person.

A contractor who does not enter into the oversight and monitoring contract in accordance with this section and the conditions set pursuant to the second paragraph of section 21.3 of the Act is deemed to have defaulted on performance of the public contract.

For the purposes of this Division, an oversight and monitoring contract entered into by a for-profit legal person established for a private interest or a general, limited or undeclared partnership within which the designated accredited person practises his or her profession is deemed to be a contract entered into by the accredited person.

12. An ineligible contractor must take all necessary measures to enable the accredited person to adequately apply the measures to which the contractor is subject.

Without restricting the generality of the foregoing, the contractor must, upon request by the accredited person, send the latter all information and documents necessary for the application of those measures.

13. The oversight and monitoring measures apply until the public contract or the period of ineligibility for public contracts has ended, whichever comes first. After the end, a 30-day period is allocated to the accredited person to produce the final report referred to in section 15.

14. The accredited person must, as soon as possible, notify the body that is a party to the public contract of any contravention of the provisions of the oversight and monitoring contract by the ineligible contractor, including non-payment of fees. The body then sends a written notice to the contractor, enjoining the contractor to remedy the contravention within the time set by the body.

A contractor who does not remedy the contravention within the time set is deemed to have defaulted on performance of the public contract.

15. The accredited person must periodically report to the body that is a party to the public contract and to the ineligible contractor on the application of the oversight and monitoring measures.

The accredited person must also produce in triplicate a final report on the performance of the oversight and monitoring contract, including in particular a description of the actions taken and observations made by the accredited person within the context of that contract.

The final report must be sent to the contractor, to the body and to the Conseil du trésor or the minister responsible for the body, depending on whether the oversight and monitoring measures were imposed under section 21.3 or 21.5 of the Act.

CHAPTER V ACCREDITATION OF PERSONS RESPONSIBLE FOR APPLYING OVERSIGHT AND MONITORING MEASURES

DIVISION I PROCEDURE AND CONDITIONS FOR THE ISSUE OF ACCREDITATION

16. The accreditation allowing to apply the oversight and monitoring measures to a contractor ineligible for public contracts may be issued to a person who

(1) is a member of the Ordre professionnel des comptables agréés du Québec, the Ordre professionnel des comptables généraux accrédités du Québec or the Ordre professionnel des comptables en management accrédités du Québec;

(2) has a minimum of 10 years of experience in the carrying out of accounting audit mandates, including 5 years as project manager or main resource;

(3) holds a public accountancy permit issued by a professional order referred to in paragraph 1;

(4) within 5 years prior to the application for accreditation, has not been convicted of an indictable offence or offence listed below or, if convicted, has been granted a pardon;

(a) an offence provided for in sections 45, 46 and 47 of the Competition Act (R.S.C. 1985, c. C-34) regarding a public call for tenders or a contract from a public administration in Canada;

(b) an indictable offence or offence provided for, as the case may be, in sections 119 to 125, 346, 380, 382, 382.1, 462.31 and 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);

(c) an offence provided for in sections 238 and 239 of the Income Tax Act (R.S.C. 1985, c. 1, 5th Suppl.);

(d) an offence provided for in sections 96, 97, 101, 102, 108, 326, 327, 329 and 330 of the Excise Tax Act (R.S.C. 1985, c. E-15);

(e) an offence provided for in sections 60.1, 60.2, 62, 62.0.1, 62.1, 68 and 68.0.1 of the Fiscal Administration Act (R.S.Q., c. A-6.002);

(f) an offence provided for in section 14.2 of the Tobacco Tax Act (R.S.Q., c. I-2);

(g) an offence provided for in sections 42.1 and 43 of the Fuel Tax Act (R.S.Q., c. T-1);

(5) within 5 years prior to the application for accreditation, has not seen his or her accreditation cancelled by reason of a conflict of interest in the performance of an oversight or monitoring contract;

(6) is not registered in the register of enterprises ineligible for public contracts or, if such is the case, the period of ineligibility for public contracts is over.

17. To obtain accreditation, a person must

(1) file an application on the form prepared for that purpose by the secretariat of the Conseil du trésor, duly complete it and send it to the Chair of the Conseil du trésor before the date indicated in the notice of accreditation broadcast in the electronic tendering system;

(2) provide a document proving that the person is a member of a professional order referred to in paragraph 1 of section 16 and holds a public accountancy permit;

(3) provide a document issued by a police force of Québec certifying that the data banks accessible to the police force do not contain any information making it possible to establish the presence of an impediment referred to in paragraph 4 of section 16;

(4) meet the requirements provided for in paragraphs 2, 5 and 6 of section 16;

(5) pay the fees determined in section 18 for the examination of the application.

18. Non-refundable fees of \$200 are required upon the filing of an application for accreditation or application for renewal.

19. The accreditation of a person is valid for 3 years as of its issue or renewal.

DIVISION II RENEWAL, SUSPENSION AND CANCELLATION OF ACCREDITATION

20. To renew accreditation, an accredited person must

(1) file an application on the form prepared for that purpose by the secretariat of the Conseil du trésor, duly complete it and send it to the Chair of the Conseil du trésor at least 60 days before the expiry of the accreditation;

(2) provide the documents referred to in paragraphs 2 and 3 of section 17 proving that, on the date of the application for renewal, the person meets the requirements provided for in paragraphs 1, 3 and 4 of section 16;

(3) pay the fees determined in section 18 for the examination of the application.

21. The Chair of the Conseil du trésor suspends the accreditation of a person who

(1) is temporarily struck off the roll of the professional order to which the person belongs; or

(2) is registered in the register of enterprises ineligible for public contracts.

The suspension of an accreditation does not result in an extension of its validity period.

22. The Chair of the Conseil du trésor cancels the accreditation of a person who

(1) is permanently struck off the roll of the professional order to which the person belongs;

(2) is convicted of an indictable offence or offence set out in paragraph 4 of section 16;

(3) has made a false statement upon applying for or renewing accreditation; or

(4) has, or is assisted by a person having, in contravention of section 10, a direct or indirect interest in the ineligible contractor in respect of whom the person applies oversight and monitoring measures.

DIVISION III DECISIONS REGARDING ACCREDITATION

23. The Chair of the Conseil du trésor must, before refusing to issue or renew accreditation, or before suspending or cancelling it, inform in writing the person concerned of the grounds for such decision.

24. The person concerned may, within 30 days of receiving the grounds for the decision of the Chair of the Conseil du trésor, send the Chair any comments on those grounds.

25. Within 30 days following, as the case may be, the expiry of the 30-day period provided for in section 24 or receipt of the comments of the person concerned, the Chair of the Conseil du trésor upholds or not his or her decision and so informs the person concerned in writing. If the Chair fails to act within the prescribed time, accreditation must be issued, renewed or maintained, as the case may be.

26. The Chair of the Conseil du trésor informs the bodies that are parties to public contracts with an ineligible contractor subject to oversight and monitoring measures applied by the person whose accreditation was not renewed or was suspended or cancelled so that they may designate another accredited person who will take over the application of the current measures.

The provisions of Division II of Chapter IV apply with the necessary modifications.

CHAPTER VI

FINAL

27. The provisions of this Regulation come into force on (*insert the date of coming into force of section 49 of chapter 17 of the Statutes of 2011*), except the provisions of Division I of Chapter V, which will come into force on the fifteenth day following the date of publication of this Regulation in the *Gazette officielle du Québec*.

SCHEDULE 1

(s. 1)

OFFENCES AND PERIOD OF INELIGIBILITY

Acts and regulations	Sections	Summary description of offence	Period of ineligibility
DIVISION I			
Criminal Code (R.S.C. 1985, c. C-46)	119	Bribery of judicial officers	5 years
	120	Bribery of officers	5 years
	121	Frauds on the government	5 years
	122	Breach of trust by public officer	5 years
	123	Municipal corruption	5 years
	124	Selling or purchasing office	5 years
	125	Influencing or negotiating appointments or dealing in offices	5 years
	132	Perjury in connection with a public contract	5 years
	136	Witness giving contradictory evidence in connection with a public contract	5 years
	139	Obstructing justice	1 year
	220	Causing death by criminal negligence in connection with a public contract	5 years
	221	Causing bodily harm by criminal negligence in connection with a public contract	5 years
	236	Manslaughter committed in connection with a public contract	5 years
	336	Criminal breach of trust	5 years
	346	Extortion	2 years
	362	False pretence or false statement	5 years
	366	False document	5 years
	368	Use of forged document	5 years
	374	Drawing document without authority	1 year
	375	Obtaining something by instrument based on forged document	5 years
380	Fraud – property, money or valuable security or service	5 years	
382	Fraudulent manipulation of stock exchange transactions	2 years	
382.1	Prohibited insider trading	2 years	

Acts and regulations	Sections	Summary description of offence	Period of ineligibility
	388	Misleading receipt or acknowledgment	5 years
	390	Fraudulent receipts, certificates or acknowledgments under Bank Act	1 year
	392	Disposal of property to defraud creditors	1 year
	397	Falsification of books and documents	5 years
	398	Falsifying employment record	5 years
	402	Trader failing to keep accounts	1 year
	422	Criminal breach of contract	2 years
	423	Intimidation in connection with a public contract	2 years
	423.1	Intimidation of a justice system participant or a journalist	2 years
	425	Offences by employers	2 years
	425.1	Threats and retaliation against employees	2 years
	426	Secret commissions	5 years
	430 (2)	Mischief causing actual danger to life	2 years
	430 (5.1)	Omission likely to constitute mischief	2 years
	462.31	Laundering proceeds of crime	5 years
	463	Attempts and accessories	Period identical to the period relating to the offence concerned
	464	Counselling offence that is not committed	Period identical to the period relating to the offence concerned
	465	Conspiracy	Period identical to the period relating to the offence concerned
	467.11	Participation in activities of criminal organization	5 years
	467.12	Commission of offence for criminal organization	5 years
	467.13	Instructing commission of offence for criminal organization	5 years

Acts and regulations	Sections	Summary description of offence	Period of ineligibility
Competition Act (R.S.C. 1985, c. C-34)	45	Conspiracies, agreements or arrangements between competitors	5 years
	46	Implementation of foreign directives	5 years
	47	Bid-rigging	5 years
Corruption of Foreign Public Officials Act (S.C. 1998, c. 34)	3	Bribing a foreign public official	5 years
Controlled Drugs and Substances Act (S.C. 1996, c. 19)	5	Trafficking in substance and possession for purpose of trafficking	5 years
	6	Importing or exporting substances and possession for the purpose of exporting	5 years
	7	Production of substance	5 years
Income Tax Act (R.S.C. 1985, c. 1, 5th Supplement)	239 (1) (a)	Making, or participating in, assenting to or acquiescing in the making of, false or deceptive statements in a return, certificate, statement, document or answer	5 years
	239 (1) (b)	Having destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer to evade payment of a tax	5 years
	239 (1) (c)	Making, or assenting to or acquiescing in the making of, false or deceptive entries, or having omitted to enter a material particular, in records or books of account of a taxpayer	5 years
	239 (1) (d)	Having wilfully evaded or attempted to evade compliance with the Act or payment of taxes	5 years
	239 (1) (e)	Having conspired with any person to commit an offence described in paragraphs a to d of subsection 1 of section 239	5 years

Excise Tax Act (R.S.C. 1985, c. E-15)	327 (1) (a)	Making, or participating in, assenting to or acquiescing in the making of, false or deceptive statements in a return, application, certificate, statement, document or answer	5 years
	327 (1) (b)	Destroying, altering or otherwise disposing of documents or making, or assenting to or acquiescing in the making of, false entries, or in the omission, to enter a material particular in the documents of a person for the purpose of evading payment or remittance of any tax or obtaining a refund or rebate to which the person is not entitled	5 years
	327 (1) (c)	Having wilfully evaded or attempted to evade compliance with the Act or payment or remittance of tax or net tax imposed under the Act	5 years
	327 (1) (d)	Having wilfully, in any manner, obtained or attempted to obtain a rebate or refund to which the person is not entitled	5 years
	327 (1) (e)	Having conspired with any person to commit an offence described in paragraphs a to c of subsection 1 of section 327	5 years
Tax Administration Act (R.S.Q., c. A-6.002)	60.1	Contravening section 34.1 – keeping a register in electronic form with a "zapper"	4 years
	60.2	Contravening section 34.2 – manufacturing or making a "zapper" available	4 years

	61	Contravening sections 38, 39, 43 or section 1015 of the Taxation Act, sections 59 and 63 of the Act respecting the Québec Pension Plan or sections 60 and 62 of the Act respecting parental insurance - hindering or attempting to hinder - contravening a formal demand, etc.	1 year
	61.0.0.1	Contravening sections 34, 35 to 35.5 or section 350.52 of the Act respecting the Québec sales tax - poor keeping of registers, supporting documents and other documents – not using a sales recording module for restaurant services, etc.	3 years
	61.0.1	Failing to comply with the requirement to be registered under the Act respecting the Québec sales tax	1 year
	61.2	Non-compliance with an order made under any of sections 39.2, 40.1.3 and 61.1 of the Tax Administration Act	3 years
	62	Making false or deceptive statements – evading payment or remittance of a duty – obtaining a refund without being entitled thereto – conspiring to commit such an offence	5 years
	62.0.1	Failing to pay, deduct, withhold, collect or remit a duty and failing to file a return - conspiring to commit such an offence	5 years
	62.1	Evading remittance or payment of a duty - destroying, altering or secreting registers and supporting documents - false entries - omitting to enter a material particular in the records or supporting documents - conspiring to commit such an offence	5 years

	68	Having directed, authorized or participated in the commission of an offence by a corporation	Period identical to the period relating to the offence committed by the corporation
	68.0.1	Aiding another person to commit a fiscal offence	Period identical to the period relating to the offence committed by the person helped
Deposit Insurance Act (R.S.Q., c. A-26)	46 (b)	Furnishing the Autorité des marchés financiers with false information	5 years
	46 (d)	Hindering or attempting to hinder the work of a person in the performance of his or her functions required or authorized by the Act	1 year
An Act respecting insurance (R.S.Q., c. A-32)	406 (c)	Knowingly giving the Autorité des marchés financiers incorrect information	5 years
	406 (e)	Hindering or attempting to hinder the work of a person in the performance of his or her functions obliged or authorized by the Act	1 year
	406 (g)	Publishing or filing with the Autorité des marchés financiers a statement or report that the person knows to be false or making in a book or register an entry that the person knows to be false or refusing or neglecting to make an entry which the person is bound to make under the Act	1 year
	406 (u)	Failing to comply with an order of the Autorité des marchés financiers	1 year
An Act respecting the Autorité des marchés financiers (R.S.Q., c. A-33.2)	19	Hindering the action of the Autorité des marchés financiers or a person it has authorized in the exercise of a power under section 9, 10, 12 or 13	1 year

An Act respecting financial services cooperatives (R.S.Q., c. C-67.3)	605	Knowingly furnishing information, reports or other documents that are false or misleading	5 years
	608	Hindering a person who, as part of the person's duties, is making an inspection, an audit, an examination or an investigation	1 year
	609	Failing to comply with an order or written instructions issued by the Autorité des marchés financiers	1 year
An Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2)	16 with 485	Not acting with honesty and loyalty	4 years
	468 (4)	Attempting to hinder a representative of the Autorité des marchés financiers in the exercise of his or her functions for the purposes of an investigation or inspection	1 year
	469.1	Making a misrepresentation when pursuing activities governed by the Act	5 years
Money-Services Businesses Act (R.S.Q., c. E-12.000001)	66 (1)	Making a misrepresentation when pursuing activities governed by the Act	5 years
	66 (2)	Hindering or attempting to hinder the work of a person acting on behalf of the Autorité des marchés financiers	1 year
	66 (3)	Hindering or attempting to hinder an inspector or an investigator, refusing to provide an inspector or an investigator with information or a document, concealing or destroying a document or property	1 year
Tobacco Tax Act (R.S.Q., c. I-2)	14.2 (b)	Selling, delivering or being in possession of tobacco intended for retail sale in Québec and contained in a package which is not identified in accordance with section 13.1	2 years
	14.2 (c)	Using a certificate or a permit issued in the name of another person	1 year

Derivatives Act (R.S.Q., c. I-14.01)	65 with 160	Not acting with honesty and loyalty	4 years
	144 with 160	Using information on an investment program for the person's own benefit in trading in derivatives included in the program	2 years
	145.1 with 160	Trading in or recommending that a standardized derivative that is the subject of material order information be traded in or disclosing the information to anyone	2 years
	148 (6)	Providing false documents or information, or access to false documents or information, to the Autorité des marchés financiers	5 years
	150	Influencing or attempting to influence the market price or the value of a derivative by means of unfair, improper or fraudulent practices	2 years
	151	Defrauding, engaging in market manipulation, dishonest practices, fraudulent tactics	2 years
	152	Making a misrepresentation	2 years
	159	Hindering the Autorité des marchés financiers or a person it has authorized in the exercise of a power under section 115 or 116	1 year
An Act respecting trust companies and savings companies (R.S.Q., c. S-29.01)	356	Giving false or misleading information	5 years
	360	Hindering or attempting to hinder a person in the performance of his or her functions required or authorized by the Act	1 year
	361	Failing to comply with a written direction given by the Autorité des marchés financiers	1 year

Fuel Tax Act (R.S.Q., c. T-1)	42.1 (b)	Using a certificate or a permit issued in the name of another person	1 year
	43 (a)	Destroying or removing or attempting to destroy or remove the colouring or any other means of identifying fuel oil	2 years
	43 (b)	Storing, selling, using or carrying as uncoloured fuel oil any coloured fuel oil or fuel oil whose colouring or any other means of identifying it has been destroyed or removed	2 years
	43.1 (a)	Acquiring or using coloured fuel oil for purposes not permitted	1 year
	43.1 (b)	Having in his or her possession coloured fuel oil stored in a propulsion tank	1 year
	43.1 (c)	Selling coloured fuel oil in a filling station	1 year
	43.1 (d)	Having in his or her possession coloured fuel oil in a service station for purposes other than heating the building	1 year
	43.1 (e)	Filling, with coloured fuel oil, the tank supplying a propulsion engine	1 year
	44	Obtaining or attempting to obtain a refund by means of false or misleading statements	5 years
Securities Act (R.S.Q., c. V-1.1)	11 with 202	Making a distribution without a prospectus	2 years
	160 with 202	Not dealing fairly, honestly, loyally and in good faith	4 years
	187 with 202	Offence of an insider on securities of a reporting issuer or change in an economic interest in a financial instrument related to those securities	2 years
	188 with 202	Disclosing privileged information to a third person or recommending that a third person trade in the securities of the issuer of which the offender is the insider	2 years

	189.1 with 202	Unlawfully using privileged information	2 years
	190	Unlawfully using information concerning an investment program established by an investment fund or by an adviser who manages a portfolio	2 years
	191.1	Due to privileged information, trading in or recommending that a third person trade in a security that is the subject of material order information or disclosing such information	2 years
	195 (1)	Contravening a decision of the Autorité des marchés financiers or the Bureau de décision et de révision	1 year
	195 (5)	Attempting to hinder a representative of the Autorité des marchés financiers in the exercise of his or her functions in the course or for the purposes of an inspection or an investigation	1 year
	195 (6)	Providing the Autorité des marchés financiers with false documents or information, or access to false documents or information	5 years
	195.2	Influencing or attempting to influence the market price or the value of securities by means of unfair, improper or fraudulent practices	4 years
	196	Making a misrepresentation	5 years
	197	Making a misrepresentation	5 years
	199.1	Engaging or participating in any transaction in securities or any trading method relating to a transaction in securities, or in any act, practice or course of conduct knowing that it perpetrates a fraud or is misleading	2 years

Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (R.R.Q., c. C-65.1, r. 1.1)	7 with 10	Submitting an attestation from Revenu Québec that contains false or inaccurate information, submitting the attestation of a third person, or making a false declaration regarding the holding of an attestation	5 years
	8 with 10	Helping another person to contravene section 7	
Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2)	37.4 with 45.1	Submitting an attestation from Revenu Québec that contains false or inaccurate information, producing the attestation of a third person, or making a false declaration regarding the holding of an attestation	
	37.5 with 45.1	Helping another person to contravene section 37.4	
Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4)	50.4 with 58.1	Submitting an attestation from Revenu Québec that contains false or inaccurate information, producing the attestation of a third person, or making a false declaration regarding the holding of an attestation	
	50.5 with 58.1	Helping another person to contravene section 50.4	
Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5)	40.6 with 58.1	Submitting an attestation from Revenu Québec that contains false or inaccurate information, producing the attestation of a third person, or making a false declaration regarding the holding of an attestation	
	40.7 with 58.1	Helping another person to contravene section 40.6	

Regulation respecting construction contracts of municipal bodies (Order in Council 841-2011 dated 17 August 2011)	7 with 10	Forwarding an attestation from Revenu Québec that contains false or inaccurate information, using the attestation of a third person, or making a false declaration regarding the holding of an attestation	
	8 with 10	Assisting another person in contravening section 7	
DIVISION II			
Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (R.R.Q., c. C-65.1, r. 1.1)	5 with 10	Not obtaining a copy of the subcontractor's attestation from Revenu Québec or not ensuring that it complies with the Regulation	1 year
	6 with 10	Not forwarding a list relating to subcontracts or not forwarding an amended list relating to subcontracts	
Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5)	40.4 with 58.1	Not obtaining a copy of the subcontractor's attestation from Revenu Québec or not ensuring that it complies with the Regulation	
	40.5 with 58.1	Not forwarding a list relating to subcontracts or not forwarding an amended list relating to subcontracts	
Regulation respecting construction contracts of municipal bodies (Order in Council 841-2011 dated 17 August 2011)	5 with 10	Not obtaining a copy of the subcontractor's attestation from Revenu Québec or not making sure that it complies with the Regulation	
	6 with 10	Not sending a list relating to subcontracts or not sending an amended list relating to subcontracts	

DIVISION III			
Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (R.R.Q., c. C-65.1, r. 1.1)	2, second paragraph with 10	Subcontractor not holding an attestation from Revenu Québec	1 year
Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5)	40.1, second paragraph with 58.1	Subcontractor not holding an attestation from Revenu Québec	
Regulation respecting construction contracts of municipal bodies (Order in Council 841-2011 dated 17 August 2011)	2, second paragraph with 10	Subcontractor not holding an attestation from Revenu Québec	