

35. Sections 58 and 59 of the Regulation are repealed.

36. Section 60 of the Regulation is amended by replacing the words “professional titles he is authorized to use” with the words “titles he is authorized to use under the Act”.

37. Section 63 of the Regulation is replaced by the following:

“**63.** The Authority renews the certificate of a representative who has submitted a renewal application and who satisfies the conditions prescribed under paragraphs 4 to 6 of section 13, section 13.1 and the provisions of Division VII of Chapter II.”

38. Section 64 of the Regulation is amended:

(1) by replacing the words “A representative must renew his certificate prior to expiry thereof” in the first paragraph with the words “A certificate renewal application must be received by the Authority prior to expiry of the certificate”;

(2) by adding, following the word “renewal” at the end of the second paragraph, the words “or until a decision of the Authority refusing the renewal.”

39. Section 65 of the Regulation is replaced by the following:

“**65.** To be admissible, any application referred to hereunder must be duly submitted on the form provided by the Authority and received by it within the prescribed time period. The application must be accompanied, as applicable, by the required documents and information stipulated in the form and the related fees and contributions required by the Authority under the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9).”

40. Sections 69 to 72 of the Regulation are repealed.

41. The Regulation is amended by replacing the words “skill” and “skills” with, respectively, “competency” and “competencies”, wherever they appear.

42. The provisions of this Regulation will come into force on 1 April 2013, except for those under sections 13.1 and 13.2, which will come into force 1 April 2014.

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Regulation of the Ethics Commissioner

Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1)

Executive Power Act (chapter E-18)

Office staff of ministers — Rules of conduct

CONCERNING the Regulation respecting the rules of conduct applicable to the office staff of ministers

AS, under section 11.7 of the Executive Power Act (chapter E-18), the Ethics Commissioner shall, by regulation, after consultation with the Premier, adopt rules of ethics applicable to office staff;

AS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the rules of conduct applicable to the office staff of ministers was published in Part 2 of the *Gazette officielle du Québec* on 5 December 2012, with notice that the regulation could be made by the Ethics Commissioner, with or without amendments, on the expiry of 45 days following that publication;

AS the 45-day period has expired;

AS it is expedient to make the regulation, without amendments;

THEREFORE, the Ethics Commissioner, after consultation with the Premier, adopts the Regulation respecting the rules of conduct applicable to the office staff of ministers, attached to this notice.

In accordance with section 17 of the Regulations Act (chapter R-18.1) and section 44 of the regulation, the regulation comes into force on 30 April 2013.

15 March 2013

JACQUES SAINT-LAURENT,
Ethics Commissioner

Regulation respecting the rules of conduct applicable to the office staff of ministers

Code of ethics and conduct of the Members of the National Assembly
(chapter C-23.1, s. 123)

Executive Powers Act
(chapter E-18, s. 11.7)

CHAPTER I APPLICATION

1. The purpose of this regulation is to set out rules of conduct for the office staff of ministers.

2. The regulation applies to the executive secretary and other office staff, including electoral division staff and regional staff, if applicable, appointed by a minister in accordance with section 11.5 of the Executive Powers Act (chapter E-18).

The rules of conduct for the office staff of the House officers of the National Assembly and the staff of the Members are adopted by the Office of the National Assembly, in accordance with section 124.3 of the Act respecting the National Assembly (chapter A-23.1).

3. For the purposes of this regulation, “public body” and “family member” have the meanings given in section 5 of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1).

The “Ethics Commissioner” is the Ethics Commissioner appointed under section 62 of the Code.

CHAPTER II VALUES AND ETHICAL PRINCIPLES

4. Office staff adhere to the values of the National Assembly stated in section 6 of the Code.

5. Office staff recognize that these values must guide them in carrying out the duties of their position and in determining the rules of conduct applicable to them, and be taken into account in interpreting this regulation. They strive for consistency between their actions and the values of the National Assembly, even when their actions do not in themselves contravene the applicable rules of conduct.

CHAPTER III RULES OF CONDUCT

DIVISION I CONFLICT OF INTEREST

6. In the exercise of their functions, office staff may not

(1) place themselves in a situation where there is a conflict between their private interests and the duties of their position;

(2) act, attempt to act, or refrain from acting, so as to further their private interests or those of a family member, or to improperly further another person’s private interests; or

(3) use their position to influence or attempt to influence another person’s decision so as to further their private interests or those of a family member, or to improperly further another person’s private interests.

7. Office staff may not use, communicate or attempt to use or communicate information obtained in or in connection with the carrying out of the duties of their position that is not generally available to the public so as to further their or another person’s private interests.

8. Office staff may not, directly or indirectly, be party to a contract with the Government or a department or public body.

However, they may

(1) have interests in an enterprise that is party to such a contract, provided that the extent of the interests and the circumstances in which the contract is entered into make collusion or undue influence unlikely;

(2) receive a loan, a reimbursement, a grant, an indemnity or any other benefit from the Government or a department or public body under any Act, regulation or program; and

(3) hold securities issued by the Government or a public body on the same terms as are applicable to all.

9. Office staff who find themselves in a conflict of interest must put an end to the situation immediately.

As long as the situation remains unresolved, the staff member concerned may not discuss, even privately, any file that may be seen, however remotely, as being related to the interest in question, and must not exert or attempt to exert, directly or indirectly, any influence with regard to such a file.

10. An office staff member who simultaneously holds another position must avoid any conflict between the duties of the two positions.

DIVISION II GIFTS AND BENEFITS

11. Office staff must not solicit, elicit, accept or receive any benefit, whether for themselves or for another person, in exchange for intervening or taking a certain position on any issue they may be called upon to intervene or take a position on as part of their duties.

12. Office staff must refuse or, at the first opportunity, return to the donor or deliver to the Ethics Commissioner any gift, hospitality or other benefit, whatever its value, that may impair their independence of judgment in carrying out the duties of their position, or that may compromise their integrity or that of the office for which they work.

13. Office staff who have received, directly or indirectly, a gift, hospitality or other benefit that has a value of more than \$200 and choose not to return it to the donor or deliver it to the Ethics Commissioner must, within 30 days, file with the Ethics Commissioner a disclosure statement containing an accurate description of the gift, hospitality or other benefit received and specifying the name of the donor and the date on which and circumstances under which it was received.

14. For the purposes of section 13, the repeated receipt of gifts, hospitality and other benefits from the same source must be taken into account.

For the purposes of section 13, the \$200 is computed over a 12-month period.

15. Section 13 does not apply to gifts, hospitality or other benefits received by an office staff member in the context of a purely personal relationship.

16. Things received by the Ethics Commissioner under this Division are disposed of in accordance with section 34 of the Code.

DIVISION III USE OF STATE PROPERTY AND SERVICES

17. Office staff use State property, including property leased by the State and services made available to them by the State, for activities related to the carrying out of the duties of their position.

DIVISION IV DISCLOSURE STATEMENT

18. This division applies to executive secretaries.

19. Within 60 days after the notice of their appointment, and annually on or before the date set by the Ethics Commissioner, executive secretaries must file with the Ethics Commissioner a disclosure statement that

(1) gives the name of any enterprise, association or body, whether non-profit or for-profit, in which they or a family member have an interest, including shares, stocks, pecuniary benefits, claims, priorities or hypothecs;

(2) states the nature of any professional, commercial or industrial position, office or activity engaged in by them or a family member since the previous disclosure statement was made or since their appointment as executive secretary, and states the name of the enterprise, association or body, whether non-profit or for-profit, on whose behalf the position, office or activity was engaged in, or the fact that it was engaged in on their or the family member's own account;

(3) describes any other fact, situation or event of a personal, professional or philanthropic nature that could place them in a conflict of interest situation or be reasonably perceived as doing so;

(4) gives any other information requested by the Ethics Commissioner.

An executive secretary who has no information to provide under subparagraphs 1 to 3 must fill out a statement to that effect and file it with the Ethics Commissioner.

20. Executive secretaries must inform the Ethics Commissioner in writing of any material change in the information required in their disclosure statement within 60 days after the change occurs.

21. After reviewing a disclosure statement filed under section 19, the Ethics Commissioner may request a meeting with the executive secretary concerned to ensure that adequate disclosure has been made and to discuss the executive secretary's obligations under this regulation.

DIVISION V POST-TERM RULES

22. This division does not apply to support staff.

23. Former office staff must conduct themselves so as not to obtain undue benefit from their prior position.

24. Former office staff must not disclose confidential information obtained in or in connection with the carrying out of the duties of their former position, and must not give advice to any person based on information not available to the public, obtained in or in connection with the carrying out of those duties.

25. Office staff who acted in connection with a proceeding, negotiation or other transaction may not act for or on behalf of anyone else in the same proceeding, negotiation or other transaction after leaving their position.

26. Office staff may not, in the year after they leave their position,

(1) accept any appointment to a board of directors or as a member of any body, agency, enterprise or other entity that is not a State entity within the meaning of section 56 of the Code and with which they had official, direct and significant dealings in the year preceding their leaving the position, or accept employment, a position or any other post within such a body, agency, enterprise or entity; or

(2) intervene on behalf of anyone else with any department or other State entity within the meaning of section 56 of the Code and with which they had official, direct and significant dealings in the year prior to their leaving the position.

CHAPTER IV ADMINISTRATION AND ENFORCEMENT

DIVISION I ETHICS COMMISSIONER

27. The Ethics Commissioner is responsible for the administration of this regulation.

28. In exercising the duties of office, the Ethics Commissioner focuses on information and prevention and maintains high standards of confidentiality, objectivity and impartiality.

In all interventions and more particularly in determining the rules of conduct applicable to the office staff of ministers, the Ethics Commissioner takes into account their adherence to the values of the National Assembly.

29. The Ethics Commissioner retains authority in respect of former office staff for a period of one year after they have left their position. Even after the expiry of that period, the Ethics Commissioner may continue an inquiry that had already begun.

30. The Ethics Commissioner must retain all documents relating to a office staff member for a period of 12 months after he or she has left the position of office

staff member. The documents are then to be destroyed unless an inquiry under this regulation is in progress or has been suspended or a charge has been laid against the office staff member, and the documents may be relevant.

DIVISION II ADVISORY OPINIONS OF THE ETHICS COMMISSIONER

31. In response to a request in writing from an office staff member on any matter respecting his or her obligations under this regulation, the Ethics Commissioner provides him or her with a written advisory opinion containing reasons and any recommendations the Ethics Commissioner considers appropriate.

The advisory opinion is confidential and may only be made public by the person who requested it or with that person's written consent, subject to the Ethics Commissioner's power to conduct an inquiry and report on the facts alleged in or discovered in connection with the person's request.

32. An act or omission by an office staff member is deemed not to be a breach of this regulation if he or she had previously requested an advisory opinion from the Ethics Commissioner and the advisory opinion concluded that the act or omission did not contravene this regulation, so long as the facts relevant to the request were fully and accurately presented to the Ethics Commissioner.

33. The Ethics Commissioner may publish guidelines for office staff regarding the application of this regulation, provided that no personal information is included.

DIVISION III INQUIRY AND REPORT

34. In response to a written request from the Premier or the Minister concerned, or on the Ethics Commissioner's own initiative, and after giving the office staff member concerned reasonable written notice, the Ethics Commissioner may conduct an inquiry to determine whether the office staff member has violated the rules of conduct set out in this regulation.

35. After receiving a request for an inquiry to determine whether there has been a violation of the rules of conduct set out in this regulation, the Ethics Commissioner informs the office staff member concerned.

36. If the Ethics Commissioner considers it necessary, the Ethics Commissioner may specially authorize a person to conduct an inquiry.

37. The Ethics Commissioner and any person specially authorized by the Ethics Commissioner have, for the purposes of an inquiry and in accordance with section 93 of the Code, the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

38. The Ethics Commissioner may make agreements with other persons such as the Auditor General and the Lobbyists Commissioner for the conduct of joint inquiries, each under the legislative provisions that person administers.

39. If, after a verification, the Ethics Commissioner is of the opinion that there are no grounds for a request for an inquiry, the Ethics Commissioner terminates the inquiry process and records that fact in the report on the matter.

40. The Ethics Commissioner must conduct inquiries in private and with due dispatch. The Ethics Commissioner must allow the office staff member concerned to present a full and complete defence, including an opportunity to submit observations and, if the office staff member so requests, to be heard, including on the question of whether he or she has violated the rules of conduct set out in this regulation.

The Ethics Commissioner must not comment publicly on a verification or inquiry but may confirm that a request for a verification or an inquiry has been received or that a verification or inquiry is under way or has been completed. The Ethics Commissioner may also state why, after a verification, the Ethics Commissioner decided not to conduct an inquiry.

41. The Ethics Commissioner's inquiry report is sent to the office staff member concerned, the Minister concerned and the Premier. If applicable, the Ethics Commissioner informs the person who submitted the inquiry request of the Ethics Commissioner's findings.

42. The Ethics Commissioner may include in the report any guidelines for the general interpretation of the rules of conduct set out in this regulation.

CHAPTER V COMING INTO FORCE

43. Executive secretaries who are employed as such on the day of the coming into force of this regulation must, within the following 60 days, file with the Ethics Commissioner the disclosure statement described in section 19.

44. This regulation comes into force on 30 April 2013.

M.O., 2013

Order number 2013-02 of the Minister of Transport dated March 11, 2013

Highway Safety Code
(chapter C-24.2, s. 633.1)

Use on public highways of immersed road vehicles

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport may, by order, restrict or prohibit, for up to 180 days, the use on public highways of any model or class of vehicle that endangers the safety of persons and property;

CONSIDERING the first paragraph of section 633.1 of the Code, which provides that any interested party may submit comments to the person designated in the order within 90 days after its publication in the *Gazette officielle du Québec*;

CONSIDERING the first paragraph of section 633.1 of the Code, which provides that at the expiry of 180 days, the Minister may, by order, make the restriction or prohibition permanent;

CONSIDERING the first paragraph of section 633.1 of the Code, which provides that a restriction or prohibition under that paragraph comes into force on the date the order is published in the *Gazette officielle du Québec*;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section;

CONSIDERING that it is expedient to prohibit, for 180 days, the use on public highways of certain road vehicles that have been immersed in water or contaminated with toxic fluid because they endanger the safety of persons and property;

CONSIDERING that the Société de l'assurance automobile du Québec was consulted on this draft Order by the Minister of Transport;

ORDERS AS FOLLOWS:

1. The use on public highways is prohibited for the following road vehicles manufactured after 1980 and registered or having to be registered in Québec: