



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 80

**An Act to amend the Financial
Administration Act, the Act
respecting the Ministère des
Approvisionnement et Services and
other legislative provisions**

Introduction

**Introduced by
Mr Robert Dutil
Minister of Supply and Services**

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EXPLANATORY NOTES

This bill provides that the Government will have the power to exempt certain public bodies, on the conditions it determines, from the application of all government regulations pertaining to conditions governing contracts made by public bodies and to the acquisition and supply of goods and services by these bodies. Every public body that is so exempt will have to adopt a policy on such subjects and make it public.

The bill introduces a preponderance clause in the Act respecting the Ministère des Approvisionnement et Services with regard to certain of its provisions relating to the acquisition and supply of goods and services by public bodies. It also introduces in the Act respecting health services and social services a specific provision applicable to the Corporation d'hébergement du Québec.

Lastly, the final date on which certain provisions of the Financial Administration Act and of the Act respecting the Ministère des Approvisionnement et Services will apply to all public bodies is postponed from 1 April 1993 to 1 November 1993.

ACTS AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6)
- Act respecting the Ministère des Approvisionnement et Services (R.S.Q., chapter M-23.01)
- Act respecting health services and social services and amending various legislation (1991, chapter 42)
- Act to amend the Act respecting the Ministère des Approvisionnement et Services and other legislation (1991, chapter 72)
- Act to amend the Financial Administration Act and other legislation (1991, chapter 73)

Bill 80

An Act to amend the Financial Administration Act, the Act respecting the Ministère des Approvisionnements et Services and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 49.3.2 of the Financial Administration Act (R.S.Q., chapter A-6), enacted by section 1 of chapter 50 of the statutes of 1992, is amended by replacing the figures and word “49.1, 49.3 and 49.4” in the first line by the figures and word “49.1 and 49.3”.

2. Section 49.4 of the said Act, enacted by section 1 of chapter 73 of the statutes of 1991, is replaced by the following section:

“49.4 The Government, on the conditions it determines, may exempt a public body described in paragraph 1 of section 5 of the Auditor General Act from the application of all regulations made under section 49.

The public body must adopt a policy governing the conditions of its contracts and make it public.”

3. Section 7.5 of the Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01), enacted by section 1 of chapter 72 of the statutes of 1991, is replaced by the following section:

“7.5 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., chapter V-5.01) from the application of all regulations made under section 7.1.

The public body must adopt a policy governing the matters referred to in section 7 and make it public.”

4. Section 7.7 of the said Act, enacted by section 2 of chapter 50 of the statutes of 1992, is amended by replacing the figures and word “7.2, 7.4 and 7.5” in the first line by the figures and word “7.2 and 7.4”.

5. The said Act is amended by inserting, after section 7.7, the following section:

“7.8 Except in respect of sections 49 to 49.4 of the Financial Administration Act (R.S.Q., chapter A-6), the provisions of sections 7.1 to 7.7 take precedence over any inconsistent provision of any earlier general law or special Act or of any later general law or special Act unless the latter expressly states that it applies notwithstanding the said provisions.”

6. The Act respecting health services and social services and amending various legislation (1991, chapter 42) is amended by inserting, after section 488, the following section:

“488.1 The provisions of sections 49 to 49.4 of the Financial Administration Act (R.S.Q., chapter A-6) and sections 7.1 to 7.7 of the Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01) do not apply to the Corporation d’hébergement du Québec when it acts for the purpose of carrying out a project involving the construction of an immovable.”

7. Section 18 of the Act to amend the Act respecting the Ministère des Approvisionnements et Services and other legislation (1991, chapter 72) is amended by replacing the figures and word “1 April 1993” in the third line by the figures and word “1 November 1993”.

8. Section 12 of the Act to amend the Financial Administration Act and other legislation (1991, chapter 73) is amended by replacing the figures and word “1 April 1993” in the third line by the figures and word “1 November 1993”.

9. This Act will come into force on the date to be fixed by the Government.