



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 181

**An Act to amend the Financial
Administration Act and other
legislation**

Introduction

**Introduced by
Mr Daniel Johnson
Minister for Administration and the Public Service,
Chairman of the Conseil du trésor**



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EXPLANATORY NOTES

This bill amends the Financial Administration Act in order to subject all public bodies to government regulations in matters of conditions governing contracts made by them.

It defines the term “public body” and enables the Government to exempt some of the public bodies from all or some of the regulations, providing they meet certain conditions. It also enables a department or public body that has obtained authorization from the Government or from the Conseil du trésor to enter into a contract according to standards other than those which ordinarily apply.

Finally, the bill makes other amendments of a more technical nature or for concordance.

ACTS AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6);
- Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2);
- Election Act (R.S.Q., chapter E-3.3);
- Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);
- Act respecting the Ministère de l'Énergie et des Ressources (R.S.Q., chapter M-15.1);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1);
- Act respecting the Ministère des Communications (R.S.Q., chapter M-24);

- Act to preserve agricultural land (R.S.Q., chapter P-41.1);
- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

Bill 181

An Act to amend the Financial Administration Act and other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 49 of the Financial Administration Act (R.S.Q., chapter A-6) is replaced by the following sections:

“49. The Government may, by regulation, upon the recommendation of the Conseil du trésor,

(1) determine the conditions of contracts

(a) made in the name of the Government by a department;

(b) made by a public body whose operating budget is voted wholly or in part by the National Assembly;

(c) made by any other public body;

(2) specify the cases in which such contracts are subject to authorization by the Government, the Conseil du trésor or, depending on the public body, the board of directors of the public body.

The Conseil du trésor, any government body or agency subject to the Auditor General Act (R.S.Q., chapter V-5.01) by the effect of sections 4, 5 and 6 of that Act, any person designated by the Government by virtue of an Act and whose personnel is appointed and remunerated in accordance with the Public Service Act, any person designated by the National Assembly to perform duties that come under the National Assembly and any body, other than the Office of the National Assembly, to which the National Assembly or a committee thereof appoints the majority of the members, is considered to be a public body.

“49.1 The Government may exempt all contracts made by a public body from the application of certain provisions of a regulation made under section 49; it may also exempt certain categories of contracts made by a public body from the application of all or some of the provisions of such a regulation.

The public body must have adopted, by by-law, special rules governing the conditions of contracts or categories of contracts so exempted. The by-law has effect only when approved by the Government upon the recommendation of the Conseil du trésor.

“49.2 A department or public body, with the authorization of the Government upon the recommendation of the Conseil du trésor in the case of a contract which cannot be entered into without the authorization of the Government, or with the authorization of the Conseil du trésor in any other case, may enter into a contract according to different standards from those applicable to it under section 49 or 49.1. Upon giving authorization, the Government or the Conseil du trésor, as the case may be, may set the standards applicable to the contract.

“49.3 The Government, on the conditions it determines and upon the recommendation of the Conseil du trésor, may exempt a public body from the application of all regulations made under section 49.

The public body must have adopted, by by-law, special rules governing the conditions of its contracts.

“49.4 The provisions of sections 49 to 49.3 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.

“49.5 The Government may, by regulation, determine the cases in which the awarding of grants shall be subject to authorization by the Government or by the Conseil du trésor.

The Government or the Conseil du trésor, as the case may be, may attach conditions to its approval.”

2. Section 69.9 of the said Act, enacted by section 5 of chapter 66 of the statutes of 1990, is amended by inserting the figure “49.2,” after the figure “49,” in the first line.

3. Section 19 of the Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) is amended by inserting the figures “49.2, 49.5,” after the figure “49,” in the first line.

4. The Election Act (R.S.Q., chapter E-3.3) is amended by inserting, after section 488, the following section:

“488.1 Where an election is ordered in conformity with this Act, sections 49 to 49.3 of the Financial Administration Act (R.S.Q., chapter A-6) and the Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01) cannot apply to the chief electoral officer in matters concerning the acquisition or construction of property or the leasing and supply of goods and services necessary for the holding of the election.”

5. Section 13.8 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is amended by inserting the figure “49.2,” after the figure “49,” in the first line.

6. Section 17.8 of the Act respecting the Ministère de l'Énergie et des Ressources (R.S.Q., chapter M-15.1) is amended by inserting the figure “49.2,” after the figure “49,” in the second line.

7. Section 32.9 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19), enacted by section 2 of chapter 26 of the statutes of 1991, is amended by inserting the figure “49.2,” after the figure “49,” in the first line.

8. Section 35.8 of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1), enacted by section 2 of chapter 4 of the statutes of 1991, is amended by inserting the figures “49.2, 49.5,” after the figure “49,” in the first line.

9. Section 29 of the Act respecting the Ministère des Communications (R.S.Q., chapter M-24) is amended by inserting the figure “49.2,” after the figure “49,” in the first line.

10. Section 79.23 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by inserting the figures “49.2, 49.5,” after the figure “49,” in the first line.

11. Section 3.5 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by striking out the words “the first paragraph of” in the second line of the first paragraph.

12. The provisions of this Act apply to public bodies from the date fixed for each of them by the Government, but not later than 1 April 1993.

13. This Act will come into force on the date fixed by the Government.