



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 78
(2024, chapter 38)

**An Act to give effect to the agreement
between the Minister of Justice and
the Barreau du Québec to improve
the tariffs for legal aid**

**Introduced 6 November 2024
Passed in principle 21 November 2024
Passed 4 December 2024
Assented to 4 December 2024**

**Québec Official Publisher
2024**

EXPLANATORY NOTES

This Act gives effect to the commitments made under the agreement entered into on 6 June 2024 between the Minister of Justice and the Barreau du Québec in response to various recommendations made by the Groupe de travail indépendant sur la réforme de la structure tarifaire de l'aide juridique to improve the tariffs for legal aid.

The Act amends the Act respecting legal aid and the provision of certain other legal services to broaden certain eligibility criteria for legal aid in criminal and penal matters. It also amends that Act to provide that any agreement concerning the tariff of fees for legal aid will, from now on, be entered into between the Minister of Justice and an association representing notaries, advocates, bailiffs or stenographers recognized by ministerial order, while prohibiting the representing association from being a professional order or an association that the professional order controls, finances or is otherwise related to.

The Act also amends two regulations made under that Act, including the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services to allow an advocate or a notary to whom a legal aid mandate has been entrusted to be replaced, within the scope of that mandate, by another advocate or notary, even if the latter is not in the same practice.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting legal aid and the provision of certain other legal services (chapter A-14).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4);

– Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

Bill 78

AN ACT TO GIVE EFFECT TO THE AGREEMENT BETWEEN THE MINISTER OF JUSTICE AND THE BARREAU DU QUÉBEC TO IMPROVE THE TARIFFS FOR LEGAL AID

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LEGAL AID AND THE PROVISION OF
CERTAIN OTHER LEGAL SERVICES

1. Section 4.5 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by replacing “upon conviction there is likelihood either of imprisonment or committal to custody, or of loss of means of earning a livelihood or where it is in the interests of justice that legal aid be granted to the accused, having regard to exceptional circumstances, for instance the seriousness of the matter or the complexity of the case” in paragraph 3 by the following: “one of the following conditions is met:

(a) if the accused is found guilty, there is likelihood either of imprisonment or committal to custody or of loss of means of earning a livelihood;

(b) it is in the accused’s best interests that legal aid be granted to him; or

(c) it is in the interests of justice that legal aid be granted to the accused, having regard to exceptional circumstances, for instance the seriousness of the matter or the complexity of the case”.

2. Section 4.6 of the Act is amended by replacing “reasonably founded” in paragraph 2 by “founded on grounds that appear serious or where, in the case of an appeal, leave to appeal is granted”.

3. Section 83.21 of the Act is amended

(1) by replacing “bodies authorized to represent notaries, advocates, bailiffs or stenographers” in the first paragraph by “associations representing notaries, advocates, bailiffs or stenographers recognized by the Minister by ministerial order”;

(2) by adding the following paragraph at the end:

“A professional order or an association that the professional order controls, finances or is otherwise related to may not be recognized as a representing association under the first paragraph.”

REGULATION RESPECTING THE APPLICATION OF THE ACT
RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN
OTHER LEGAL SERVICES

4. Section 81.1 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) is amended by striking out “in the same practice”.

REGULATION RESPECTING THE REPORT RELATING TO
THE SERVICES RENDERED BY CERTAIN ADVOCATES
AND NOTARIES

5. Section 4 of the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8) is amended by replacing subparagraphs 1 to 4 of the second paragraph by the following subparagraphs:

“(1) in matters of immigration, for the preparation of personal information forms for the applicant or for each of the other family members in the same file;

“(2) within the framework of services rendered and billed under subdivision 3 of Division I of Chapter II of Part I of the Agreement dated 11 October 2024 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (2024, G.O. 2, 3947); or

“(3) on a quarterly basis in all other cases.”

FINAL PROVISION

6. The provisions of this Act come into force on 4 December 2024, except those of section 3, which come into force on the date or dates to be set by the Government.