



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 171

(1997, chapter 91)

**An Act respecting the Ministère
des Régions**

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Passage in principle 2 December 1997
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Assented to 19 December 1997

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EXPLANATORY NOTES

This bill creates a new government department for the regions to be known as the “Ministère des Régions”, under the direction of the minister designated as the Minister of Regions.

The bill defines the areas in which the Minister will act, together with the main ministerial powers and functions relating to local and regional development.

The bill provides for the accreditation of local development centres and regional development councils. The mandate of each local development centre will, among other actions, require the development of a local action plan and a strategy for the development of entrepreneurship, including entrepreneurship in the third sector. The mandate of each regional development council, on the other hand, will consist primarily in promoting concerted action among all the regional partners and in developing a regional strategic plan.

In addition, the bill provides for the establishment of a regional development fund, dedicated to the financing of the measures provided for by agreement, and the financing of any other activity pursued by a regional development council.

Lastly, the bill contains provisions concerning the internal organization of the Ministère des Régions, together with transitional and consequential amendments.

LEGISLATION AMENDED BY THIS BILL :

- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01);
- Act to amend various legislative provisions concerning municipal affairs (1997, chapter 53);
- Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63).

Bill 171

AN ACT RESPECTING THE MINISTÈRE DES RÉGIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

MINISTER'S RESPONSIBILITIES

1. The mission of the Minister of Regions is to promote and support local and regional economic, social and cultural development while encouraging the communities involved to take responsibility for regional and local development in partnership with the State.

More particularly, the Minister shall endeavour to increase the effectiveness of initiatives aimed at stimulating local and regional development by promoting the harmonization, simplification and accessibility of entrepreneurial support services.

In deciding on any course of action, the Minister shall consider local and regional particularities as well as rural particularities and endeavour to stimulate job creation. The Minister shall act in cooperation with and facilitate the involvement of on-site partners.

2. The Minister shall formulate and propose to the Government orientations and policies conducive to local and regional development and oversee their implementation.

The Minister shall make agreements with government departments and bodies to establish modes of collaboration which facilitate the formulation and implementation of such orientations and policies.

3. The Minister shall, subject to conditions determined by the Minister within the scope of government orientations and policies, provide financial and technical support for the realization of actions aimed at local and regional development.

To that end, the Minister is responsible, in conjunction with the recognized local and regional authorities, for the funds made available to such authorities. The Minister shall also administer the other sums entrusted to the Minister for the carrying out of local or regional development projects.

4. The Minister shall advise the Government and government departments and bodies on any matter relating to local and regional development.

The Minister shall ensure that government action is coherent and concordant, and, to that end, the Minister shall be involved in the development of measures and the making of ministerial decisions relating to local and regional development, and shall give an opinion as Minister of Regions whenever appropriate.

The Minister shall obtain the necessary information for exercising such responsibilities from the government departments and bodies concerned.

5. The Minister shall, in addition, assume any other responsibility assigned by the Government.

6. In the exercise of ministerial responsibilities, the Minister may

(1) enter into agreements with any person, association, partnership or body, concerning any matter under the Minister's authority ;

(2) facilitate the development and signing of agreements, particularly between regional development councils and government departments and bodies ;

(3) enter into agreements in accordance with the law with a government other than that of Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization ;

(4) conduct or commission research, studies and analyses and make the findings public.

7. The Minister shall lay before the National Assembly an activity report for each fiscal year of the Government within six months of the end of the fiscal year or, if the Assembly is not sitting, within 30 days of resumption. The report shall reflect the contents of the activity reports sent to the Minister by the local centres and the regional councils pursuant to sections 15 and 23.

The Minister shall also lay before the National Assembly, every three years, a report on the fulfilment of the objects pursued by and on the achievements of each local development centre.

CHAPTER II

LOCAL AND REGIONAL AUTHORITIES

DIVISION I

LOCAL DEVELOPMENT CENTRES

8. A local development centre is a non-profit organization, constituted under Part III of the Companies Act (R.S.Q., chapter C-38), accredited by the

Minister to act in that capacity subject to the conditions determined by the Minister within the scope of government orientations and policies, after obtaining the advice of the municipal body party to the agreement referred to in section 12.

The constituting instrument of a local development centre shall describe the objects pursued by local development centres.

9. The name of a local development centre shall include the words “local development centre” or the acronym “LDC”.

No person or body may use a name which includes the words “local development centre” or the acronym “LDC” unless it is accredited as such under this Act.

10. The board of directors of a local development centre shall include representatives of the different sectors of the community to be served by the centre, in particular business, including the industrial, manufacturing and commercial sectors, labour, including labour unions, as well as the farming community, municipal authorities, the cooperative sector, community groups and institutional organizations.

In addition, the following persons shall be non-voting members of the board of directors :

- (1) the head of the local development centre ;
- (2) the Assistant Deputy Minister of Regions for the region concerned, or the representative of that Assistant Deputy Minister ;
- (3) the director of the local employment centre.

The Member of the National Assembly for any electoral division whose territory is under the jurisdiction of the local development centre has the right to take part in the different proceedings, without the right to vote.

No sector represented on the board of directors may hold the majority of the seats on the board or hold a number of seats which prevents a suitable balance in the representation of the different sectors, according to the needs of the community concerned. Each board member has one vote only. The same rules apply to the executive committee, if any.

Board members shall be designated by the people in the sector they originate from and represent.

11. Local development centres shall be distributed as follows :

- (1) the territory of a regional country municipality may only be served by one local centre ; the territory of an urban community may be served by two or more, if need be ;

(2) the territories of two or more municipalities may be served by one local centre ;

(3) the territory of a local municipality comprised within the territory of an urban community may either be served by a local centre exclusively or be served by a local centre that also serves the territory of another local municipality comprised within the urban community or of an adjacent regional county municipality ;

(4) the territory of a local municipality not comprised within the territory of a regional county municipality or an urban community may either be served by a local centre exclusively or be served by a local centre that also serves the territory of another local municipality or of an adjacent regional county municipality.

12. The Minister shall enter into an agreement with each local development centre and the municipal body referred to in section 11 whose territory it serves determining the conditions to be met by the centre, and the role and responsibilities of each of the parties.

The municipal body party to the agreement holds the powers required for the carrying out of the agreement.

13. The mandate of a local development centre consists primarily in

(1) grouping, coordinating and providing funding to existing entrepreneurial support services ;

(2) developing a local plan of action to stimulate the economy and create employment which is in keeping with the strategic plan established by the regional development council serving its territory and with the general agreement to which the regional development council is a party, and in seeing to the implementation of such plan ;

(3) formulating a strategy, consistent with national and regional orientations, strategies and objectives, for the development of entrepreneurship, including entrepreneurship in the third sector ;

(4) acting as an advisory committee for the benefit of the local employment centre serving its territory.

With the authorization of the Minister, a local development centre shall also carry out any other mandate from government departments and bodies concerned by local development.

14. A local development centre shall administer the funds entrusted to it pursuant to the agreement referred to in section 12.

15. A local development centre must, annually, file a report on its activities with the Minister on the date and in the manner determined by the Minister, together with its financial statements for the preceding fiscal year.

The report shall contain any other information required by the Minister. The financial statements shall be filed together with the auditor's report.

The activity report, the financial statements and the auditor's report shall also be transmitted to the municipal body party to the agreement referred to in section 12.

DIVISION II

REGIONAL DEVELOPMENT COUNCILS

16. A regional development council is a non-profit organization, constituted under Part III of the Companies Act, accredited by the Minister to act in that capacity subject to the conditions determined by the Minister within the scope of government orientations and policies.

The constituting instrument of a regional development council shall describe the objects pursued by regional development councils.

17. The name of a regional development council shall include the words "regional development council" or the acronym "RDC".

No person or body may use a name which includes the words "regional development council" or the acronym "RDC" unless it is accredited as such under this Act.

18. Only one regional development council may be accredited per administrative region of Québec. The regional development council is the primary interlocutor of the Government for the region represented by the council.

19. The Minister shall enter into an agreement with each regional development council, determining the conditions to be met by the council, and the role and responsibilities of each of the parties.

20. The mandate of a regional development council consists primarily in promoting concerted action among partners in the region and giving advice to the Minister on all matters concerning the development of the region.

In order to fulfil its mandate, the council shall develop a strategic plan identifying overall development objectives for the region (referred to as "lines of development") and more specific objectives (referred to as "development priorities"). The plan must be consistent with the manpower strategies and objectives identified by the regional council of labour market partners serving the same territory.

Based on the strategic plan, the regional council shall enter into a general regional development agreement with the Government determining the lines of development and development priorities for the region as agreed by the parties.

The council shall also enter into specific agreements with government departments or bodies and possibly with other partners to provide for the implementation of the general agreement or for measures to adjust government action in the field of regional development in light of regional particularities.

The regional council shall carry out any other mandate received from the Minister.

21. A regional development council shall administer the funds entrusted to it by the Government under an agreement for the carrying out of any regional development project under the authority of the Minister.

22. A regional development council shall follow up its action and evaluate it periodically.

23. A regional development council must, annually, file a report on its activities with the Minister on the date and in the manner determined by the Minister, together with its financial statements for the preceding fiscal year.

The report shall contain any other information required by the Minister. The financial statements shall be filed together with the auditor's report.

CHAPTER III

REGIONAL DEVELOPMENT FUND

24. A regional development fund is hereby established.

The fund shall be dedicated to the financing of the measures provided for in the specific agreements entered into between a regional development council, a government department or body and, where applicable, any other partner.

The fund may also be dedicated to the financing of any other activity pursued by a regional development council.

25. The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities and the nature of the activities financed by and the costs that may be charged to the fund.

The particulars of the management of the fund shall be determined by the Conseil du trésor.

26. The fund shall be made up of the following sums :

(1) the sums paid into the fund by the Minister out of the appropriations granted for that purpose by Parliament;

(2) the sums paid into the fund by the Minister of Finance as advances taken out of the consolidated revenue fund;

(3) the sums paid into the fund by the Minister of Finance as borrowings from the financing fund established under section 69.1 of the Financial Administration Act (R.S.Q., chapter A-6);

(4) the gifts, legacies and other contributions paid into the fund to further the attainment of the objects of the fund.

27. The management of the sums making up the fund shall be entrusted to the Minister of Finance. Such sums shall be paid to the order of, and deposited with the financial institutions determined by, the Minister of Finance.

Notwithstanding section 13 of the Financial Administration Act, the Minister of Regions shall keep the books of account of the fund and record the financial commitments chargeable to it. In addition, the Minister of Regions shall certify that the commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

28. The Minister of Finance may, with the authorization of and subject to the conditions determined by the Government, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may advance to the consolidated revenue fund, on a short-term basis and subject to the conditions determined by the Minister of Finance, any part of the sums making up the fund that is not required for its operation.

Any advance paid to a fund shall be repayable out of that fund.

29. The Minister of Regions may, as the manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund established under section 69.1 of the Financial Administration Act.

30. The sums required for the payment of the remuneration and expenses relating to employment benefits and other conditions of employment of the persons who, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), are assigned to the operation of the fund shall be taken out of the fund.

31. Any surplus accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

32. Sections 22 to 27, 33, 35, 45, 46, 47 to 49, 49.2, 49.6, 51, 56, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

33. The fiscal year of the fund ends on 31 March.

34. Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the State that has become *res judicata*.

35. The Minister shall, not later than (*insert here the date occurring five years after the date on which the fund begins to operate as fixed under section 25*), submit to the Government an assessment report stating whether or not it is advisable to maintain the fund.

The Minister shall lay the report before the National Assembly within 30 days of its submission or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER IV

TABLE QUÉBEC-RÉGIONS

36. A consultative committee “Table Québec-régions” shall advise the Minister on any matter within its purview which is submitted to it by the Minister.

37. The composition of the consultation committee shall be determined by the Minister.

CHAPTER V

ORGANIZATION OF THE DEPARTMENT

38. The Ministère des Régions shall be under the direction of the Minister of Regions appointed under the Executive Power Act (R.S.Q., chapter E-18).

39. The Government shall appoint, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), a person as Deputy Minister of the Ministère des Régions.

40. Under the direction of the Minister, the Deputy Minister shall administer the department.

In addition, the Deputy Minister shall exercise any other function assigned by the Government or the Minister.

41. In exercising deputy ministerial functions, the Deputy Minister shall have the authority of the Minister.

42. The Deputy Minister may, in writing and to the extent indicated, delegate to a public servant or the holder of a position the exercise of deputy ministerial functions under this Act.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions indicated and in that case shall specify the title of the public servant or holder of a position to whom the functions may be subdelegated.

43. The personnel of the department shall consist of the public servants required for the exercise of the functions of the Minister; the public servants shall be appointed and remunerated in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants where the law or the Government does not provide therefor.

44. The signature of the Minister or Deputy Minister shall give effect to any document emanating from the department.

A deed, document or writing may bind or be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position, and, in the latter two cases, only to the extent determined by the Government.

45. The Government may allow that the required signature be affixed by means of an automatic device to the documents determined by the Government, subject to the conditions determined by the Government.

The Government may also allow a facsimile of a signature to be engraved, lithographed or printed on the documents determined by the Government. In such a case, the facsimile shall be authenticated by the countersignature of a person authorized by the Minister.

46. Any document or copy of a document emanating from the department or forming part of its records and signed or certified by a person referred to in the second paragraph of section 44 is authentic.

47. An intelligible written transcription of a decision or other data stored by the department in a computer or in any other computer-generated medium is a document of the department and is proof of its contents where certified true by a person referred to in the second paragraph of section 44.

CHAPTER VI

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

48. The words “a non-profit organization having economic promotion and development as its object that acts in its territory and has been designated by

the Government” in the provisions listed below are replaced by the words “the local development centre accredited under the Act respecting the Ministère des Régions (1997, chapter 91) serving its territory”:

— section 466.2 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 4 of chapter 53 of the statutes of 1997;

— article 627.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 15 of chapter 53 of the statutes of 1997;

— article 688.10 of the said Code, enacted by section 17 of chapter 53 of the statutes of 1997;

— section 84.5.1 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1), enacted by section 26 of chapter 53 of the statutes of 1997;

— section 121.5 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), enacted by section 31 of chapter 53 of the statutes of 1997;

— section 96.0.1.1 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), enacted by section 35 of chapter 53 of the statutes of 1997.

49. Section 466.2 of the Cities and Towns Act and article 627.2 of the Municipal Code of Québec are further amended by adding the following paragraph:

“If two or more local development centres serve the territory of a municipality, the municipality shall, in the by-law adopted for the purposes of the first paragraph, establish rules governing the allotment of the funds between those centres.”

Section 84.5.1 of the Act respecting the Communauté urbaine de l’Outaouais, section 121.5 of the Act respecting the Communauté urbaine de Montréal and section 96.0.1.1 of the Act respecting the Communauté urbaine de Québec are further amended by adding the following paragraph:

“If two or more local development centres serve the territory of the Community, the Community shall, in the by-law adopted for the purposes of the first paragraph, establish rules governing the allotment of the funds between those centres.”

50. The word “organization” in the provisions listed below is replaced by the words “local development centre”:

— the first paragraph of section 466.3 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 4 of chapter 53 of the statutes of 1997;

— the first paragraph of article 627.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 15 of chapter 53 of the statutes of 1997;

— the first paragraph of article 688.11 of the said Code, enacted by section 17 of chapter 53 of the statutes of 1997;

— the first paragraph of section 84.5.2 of the Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1), enacted by section 26 of chapter 53 of the statutes of 1997;

— the first paragraph of section 121.6 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), enacted by section 31 of chapter 53 of the statutes of 1997;

— the first paragraph of section 96.0.1.2 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), enacted by section 35 of chapter 53 of the statutes of 1997.

51. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 47 of chapter 21 and paragraph 9 of section 43 of chapter 29 of the statutes of 1996, by section 44 of chapter 58 and paragraph 11 of section 128 of chapter 63 of the statutes of 1997, is again amended by adding, at the end, the following paragraph:

“(34) A Minister of Regions.”

52. Division III of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), consisting of sections 3.23 to 3.29, is repealed.

53. Section 4 of the said Act is amended by replacing the words “Divisions II and III” in the third and fourth lines by the words “Division II”.

54. Section 4.1 of the said Act is replaced by the following section:

“**4.1.** The minister responsible for the administration of Division II shall table in the National Assembly a report on the activities of the department in the area of Canadian intergovernmental affairs for each fiscal year within six months of the end of that fiscal year if the Assembly is in session or, if it is not, within 30 days of the opening of the next session or of resumption.”

55. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 19 of chapter 13, section 60 of chapter 21 and paragraph 17 of section 43 of chapter 29 of the statutes of 1996 and by section 52 of chapter 58 and paragraph 13 of section 128 of chapter 63 of the statutes of 1997, is again amended by replacing paragraph 34 by the following paragraphs:

“(33) The Ministère de la Famille et de l'Enfance, presided over by the Minister of Child and Family Welfare;

“(34) The Ministère des Régions, presided over by the Minister of Regions.”

56. Section 6 of the Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01) is amended by replacing the words “responsible for the administration of Division III of the Act respecting the Ministère du Conseil exécutif (chapter M-30)” by the words “designated by the Government”.

57. Sections 55 and 56 of the Act to amend various legislative provisions concerning municipal affairs (1997, chapter 53) are amended by replacing the word “organization” in the second paragraph by the words “local development centre”.

58. Section 21 of the Act respecting the Ministère de l’Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63) is amended by replacing subparagraph 1 of the third paragraph by the following subparagraph :

“(1) the Deputy Minister of Regions, or an Assistant Deputy Minister of the Ministère des Régions designated by the Deputy Minister ;”.

59. Section 40 of the said Act is amended by replacing subparagraph 1 of the third paragraph by the following subparagraph :

“(1) the Deputy Minister of the Ministère des Régions or a regional representative of the Ministère des Régions designated by the Deputy Minister of Regions ;”.

60. In any other Act and in any regulation, order in council, ministerial order, proclamation, order, contract, agreement, accord or other document, any reference to sections 3.23 to 3.29 of the Act respecting the Ministère du Conseil exécutif is a reference to the corresponding provisions of this Act.

61. Regional authorities recognized by the Government under section 3.27 of the Act respecting the Ministère du Conseil exécutif are deemed to be regional development councils recognized under this Act.

Such recognition may be modified or replaced subject to conditions determined by the Government, or terminated by the Government.

62. Agreements entered into between a regional authority and the Minister under section 3.28 of the Act respecting the Ministère du Conseil exécutif are deemed to be agreements entered into under this Act.

Such agreements may, with the authorization of the Government, be modified, replaced or terminated by the Minister.

63. Regional development plans, programs and projects developed under Division III of the Act respecting the Ministère du Conseil exécutif and the

sums allocated for their implementation shall continue to be administered by the Minister. Such plans, programs and projects may be modified or terminated by the Government or by the Minister, according to whether they received government or ministerial approval.

64. Financial assistance and grants received under Division III of the Act respecting the Ministère du Conseil exécutif are deemed to be financial assistance and grants received under this Act.

65. The appropriations for the fiscal year 1997-98 allocated to the regional development program shall be transferred, to the extent determined by the Government, to the Ministère des Régions.

66. The Government may determine the extent to which the responsibilities under this Act are to be exercised by the Minister of State for Greater Montréal in the territory determined by the Government.

67. The Minister of State for Natural Resources and Minister responsible for Regional Development and, as concerns the administrative regions of Montréal and Laval, the Minister of State for Greater Montréal are responsible for the administration of Division I of Chapter II, which comprises sections 8 to 15, until (*insert here the date of coming into force of section 52*).

68. The Minister of Regions is responsible for the administration of this Act.

69. The provisions of this Act come into force on the date or dates to be fixed by the Government, except Division I of Chapter II, which comprises sections 8 to 15, and section 67 which come into force on 19 December 1997.