



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 33

(2001, chapter 28)

An Act to amend the Act respecting the Ministère de la Recherche, de la Science et de la Technologie

Introduced 1 June 2001

Passage in principle 12 June 2001

Passage 21 June 2001

Assented to 21 June 2001

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EXPLANATORY NOTES

The object of this bill is to amend the Act respecting the Ministère de la Recherche, de la Science et de la Technologie to merge the Conseil québécois de la recherche sociale and the research support funds. For that purpose, the bill establishes the Fonds québécois de la recherche sur la société et la culture, which will assume the principal functions and obligations of the Conseil québécois de la recherche sociale, and the Conseil is abolished.

The bill establishes the Fonds québécois de la recherche sur la nature et les technologies, which replaces the Fonds pour la formation de chercheurs et l'aide à la recherche and assumes its principal functions.

The bill modifies the mandates of the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec and the Fonds québécois de la recherche sur la société et la culture.

The bill modifies the functions of the chairmen of the different Fonds as they become chairmen and managing directors. It includes modifications to the mechanisms adopted by the various Fonds for the approval of plans, scales and limits of the financial support.

The bill establishes the Comité permanent des présidents-directeurs généraux des Fonds de recherche du Québec. The committee is responsible, among other things, for harmonizing the strategic programming of the Fonds, ensuring the coherence and complementarity among their activities and advising the Minister of Research, Science and Technology on any question submitted by the Minister to the committee with respect to the development of research support programs.

Lastly, the bill contains transitional and final provisions to facilitate its application.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2);
- Financial Administration Act (2000, chapter 15).

Bill 33

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 15.16 of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2) is amended

(1) by replacing paragraph 1 by the following paragraph :

“(1) the “Fonds québécois de la recherche sur la nature et les technologies” ;”;

(2) by adding the following paragraph :

“(4) the “Fonds québécois de la recherche sur la société et la culture”.”.

2. Section 15.20 of the said Act is amended by replacing “a chairman and a managing director,” in the first paragraph by “a chairman and managing director”.

3. Section 15.21 of the said Act is amended by replacing “chairman” by “chairman and managing director”.

4. Section 15.22 of the said Act is amended by replacing “chairman and the managing director are appointed” in the first paragraph by “chairman and managing director is appointed”.

5. Section 15.23 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The appointment of the chairman and managing director may be renewed more than once ; the appointment of the other members may be renewed only once.”

6. Section 15.25 of the said Act is amended

(1) by replacing “chairman” in the first paragraph by “chairman and managing director” ;

(2) by replacing “managing director” in the second and third paragraphs by “chairman and managing director”;

(3) by striking out the last sentence of the second paragraph;

(4) by replacing “chairman and of the managing director” in the fourth paragraph by “chairman and managing director”.

7. Section 15.26 of the said Act is amended by replacing “chairman and the managing director” by “chairman and managing director”.

8. Section 15.27 of the said Act is amended by replacing “managing director” in the first and second paragraphs by “chairman and managing director”.

9. Section 15.28 of the said Act is amended by replacing “chairman” in the third paragraph by “chairman and managing director”.

10. Sections 15.31 to 15.33 of the said Act are replaced by the following sections:

“15.31. The functions of the Fonds québécois de la recherche sur la nature et les technologies are

(1) to promote and provide financial support for research in the fields of natural sciences, mathematical sciences and engineering;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of research related to natural sciences, mathematical sciences and engineering;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to manage scholarship programs for graduate and postgraduate students, on its own behalf and on behalf of the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture and through grant programs for teaching duties reduction;

(5) to create any necessary partnership, in particular with universities, colleges and the industry, and the government departments and public and private bodies concerned.

“15.32. The functions of the Fonds de la recherche en santé du Québec are

(1) to promote and provide financial support for all areas of research in the field of health, including basic, clinical and epidemiological research, research in the field of public health and research in the field of health services ;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of health research ;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced ;

(4) to create any necessary partnership, in particular with universities, colleges and health care institutions, and the government departments and public and private bodies concerned.

“15.32.1. The functions of the Fonds québécois de la recherche sur la société et la culture are

(1) to promote and provide financial support for the development of research in the fields of social and human sciences and the field of education, management, arts and letters ;

(2) to promote and provide financial support for the dissemination of knowledge in fields of research related to social and human sciences and to education, management, arts and letters ;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced ;

(4) to create any necessary partnership, in particular with universities, colleges and cultural institutions, and the government departments and public and private bodies concerned.

“15.33. Each Fonds shall, every three years on the date fixed by the Minister, transmit to the Minister a three-year plan of activities describing

(1) the context in which the Fonds operates and the main issues it is concerned with ;

(2) the chosen strategic orientations, objectives and courses of action ;

(3) the results to be achieved at the end of the period covered by the plan ;

(4) the performance indicators used to measure the achievement of results.

The plan shall indicate separately, for the first year covered, the amounts estimated for the management expenditures of the Fonds and the amounts estimated for each of the financial support programs, and shall be accompanied with the budgetary estimates for the two following years.

The plan shall be submitted to the Government for approval and must take into account the directives that the Minister may give to the Fonds on its objectives and orientations.

The plan shall be tabled in the National Assembly within 15 days of its approval by the Government if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.

“15.33.1. Each Fonds shall, for each of the last two years covered by the plan, on the date fixed by the Minister, transmit to the Minister for approval the budgetary estimates for the year concerned accompanied with an update of the list of the activities proposed in the plan for that year.”

11. Section 15.35 of the said Act is replaced by the following section :

“15.35. A financial support program must determine

(1) the form and content of applications for financial support, the information they must contain and the documents which must accompany them ;

(2) the terms and conditions subject to which financial support may be granted and the criteria for the assessment of applications for financial support ;

(3) the scales and limits of the financial support.

The elements mentioned in subparagraphs 2 and 3 are subject to approval by the Government.”

12. Section 15.43 of the said Act is amended

(1) by replacing “chairman or managing director” in the first paragraph by “chairman and managing director” ;

(2) by replacing “chairman” in the second to the last line in the second paragraph by “chairman and managing director”.

13. Sections 15.45 and 15.46 of the said Act are replaced by the following sections :

“15.45. The fiscal year of each Fonds ends on 31 March.

“15.46. Not later than 31 July each year, each Fonds shall transmit to the Minister a report of its activities for the preceding fiscal year.

The report shall, in addition to the information the Minister may prescribe, contain a progress report on the three-year plan approved under section 15.33.

The report shall be tabled in the National Assembly within 15 days of its receipt by the Minister if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.”

14. The said Act is amended by inserting the following after section 15.51 :

“CHAPTER II.3

“COMITÉ PERMANENT DES PRÉSIDENTS-DIRECTEURS GÉNÉRAUX DES FONDS DE RECHERCHE DU QUÉBEC

“15.52. The “Comité permanent des présidents-directeurs généraux des Fonds de recherche du Québec” hereinafter called the “committee” is hereby established.

The functions of the committee are

(1) to harmonize the strategic programs of the different Fonds and ensure the coherence and complementarity of their actions ;

(2) to integrate, so far as possible, the management services of the different Fonds ;

(3) to simplify the research financing procedure ;

(4) to advise the Minister on the development of the research support programs of the different Fonds.

“15.53. The committee is composed of the chairmen and managing directors of the Fonds established under section 15.16.

Any member who is absent or unable to act may be replaced by the vice-chairman of the Fonds of which the member is chairman and managing director.

“15.54. The committee may adopt internal management by-laws.

“15.55. The committee shall have no equity resources ; its operating costs shall be paid out of the budgets of the Fonds.

“15.56. Each year, the committee shall, on the date fixed by the Minister, transmit to the Minister a report of its activities. The report must contain all the information the Minister may prescribe.

The report shall be tabled in the National Assembly within 15 days of its receipt by the Minister if the Assembly is in session or, if it is not sitting, within 15 days of the opening of the next session or resumption.”

15. Sections 45 to 51 of the said Act are repealed.

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

16. Schedule 2 to the Financial Administration Act (2000, chapter 15) is amended

(1) by replacing “Fonds pour la formation de chercheurs et l’aide à la recherche” by “Fonds québécois de la recherche sur la nature et les technologies”;

(2) by adding “Fonds québécois de la recherche sur la société et la culture”.

17. The Fonds québécois de la recherche sur la nature et les technologies, established by section 1 of this Act, succeeds to the Fonds pour la formation de chercheurs et l’aide à la recherche and assumes the rights and obligations thereof, subject to the rights and obligations relating to functions which, under sections 15.32 and 15.32.1 of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie, are assigned to the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture. A government order, issued on the recommendation of the Minister of Research, Science and Technology, may, in that case, determine the Fonds that will assume those rights and obligations.

18. The Fonds québécois de la recherche sur la société et la culture, established by section 1 of this Act, succeeds to the Conseil québécois de la recherche sociale established by Order in Council 2207-09 dated 8 August 1979 and assumes the rights and obligations thereof, subject to the rights and obligations relating to functions which, under sections 15.31 and 15.32 of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie, are assigned to the Fonds québécois de la recherche sur la nature et les technologies or the Fonds de la recherche en santé du Québec. A government order, issued on the recommendation of the Minister of Research, Science and Technology, may, in that case, determine the Fonds that will assume those rights and obligations.

19. The public servants of the Ministère de la Recherche, de la Science et de la Technologie assigned to the Conseil québécois de la recherche sociale on the day preceding the coming into force of this section become, subject to the conditions of employment applicable to them, employees of the Fonds québécois de la recherche sur la société et la culture, the Fonds québécois de la recherche sur la nature et les technologies or the Fonds de la recherche en santé du Québec to the extent provided for by a decision of the Conseil du trésor. The decision shall be taken before the date that is one year after the date of coming into force of this section.

20. Every employee transferred under section 19 may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) if, on the date of the transfer, the employee was a public servant with permanent tenure. Section 35 of the Public Service Act applies to any employee who enters such a competition for promotion.

21. Where an employee referred to in section 20 applies for a transfer or enters a competition for promotion, the employee may require the chair of the Conseil du trésor to give him or her an assessment of the classification that the employee would be assigned in the public service. The assessment must take account of the classification that the employee had in the public service on the date of the employee's transfer, as well as the years of experience and the formal training acquired while employed by the Fonds.

Where an employee is transferred under section 20, the deputy minister or chief executive officer shall assign to the employee a classification compatible with the assessment provided for in the first paragraph.

Where an employee is promoted under section 20, the employee's classification must take account of the criteria set out in the first paragraph.

22. Where a Fonds referred to in section 19 ceases all or part of its activities, or where there is a shortage of work, every employee referred to in section 20 is entitled to be placed on reserve in the public service with the classification the employee had before the date of transfer.

In such a case, the chair of the Conseil du trésor shall, where applicable, establish the employee's classification taking account of the criteria set out in the first paragraph of section 21.

23. Subject to the remedies which may exist under a collective agreement, every employee referred to in section 20 who is dismissed may file an appeal in accordance with section 33 of the Public Service Act.

24. The members of the Fonds pour la formation de chercheurs et l'aide à la recherche and of the Conseil québécois de la recherche sociale, other than the chairman and the managing director and the president, in office on 20 June 2001, become, respectively, members of the Fonds québécois de la recherche sur la nature et les technologies and of the Fonds québécois de la recherche sur la société et la culture, until they are replaced or reappointed.

The chairman and managing director of the Fonds pour la formation de chercheurs et l'aide à la recherche in office on 20 June 2001 and the president of the Conseil québécois de la recherche sociale in office on that same date become, respectively, the chairman and managing director of the Fonds québécois de la recherche sur la nature et les technologies and the chairman and managing director of the Fonds québécois de la recherche sur la société et la culture, until they are replaced or reappointed.

25. The chairman of the Fonds de la recherche en santé du Québec in office on 20 June 2001 becomes the chairman and managing director of that Fonds, until replaced or reappointed.

26. Order in Council 2207-09 dated 8 August 1979 establishing the Conseil québécois de la recherche sociale is repealed.

27. The provisions of this Act come into force on 21 June 2001.