



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 63

(2004, chapter 30)

An Act respecting Services Québec

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Assented to 17 December 2004

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EXPLANATORY NOTES

This bill establishes Services Québec as a legal person and mandatary of the State.

The mission of Services Québec is to offer citizens and businesses throughout Québec a single window for simplified access to public services.

More particularly, Services Québec is responsible for developing an integrated approach to the delivery of public services to ensure efficiency and providing information and referral services to facilitate relations between the State and citizens or businesses. In addition, it is in charge of delivering public services on behalf of government departments, bodies and enterprises and ensuring optimal use of information technologies in the delivery of public services.

The bill provides that a public body and Services Québec may enter into an agreement by which the latter agrees to carry out specific operations related to the delivery of services on behalf of the public body and on the conditions stipulated in the agreement. The bill also provides that the Government may, on the conditions it determines, require one or more public bodies to have recourse to Services Québec for the carrying out of specific operations related to the delivery of services to citizens or businesses.

The bill defines Services Québec's organizational and operational rules and contains financial provisions specifying, among other things, the conditions applicable to the financial commitments Services Québec and its subsidiaries are authorized to make.

Moreover, the bill amends the Public Administration Act to provide for the appointment of a chief information officer and define the functions of that office.

Lastly, the bill contains transitional provisions and consequential amendments necessary for the establishment of Services Québec.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Public Administration Act (R.S.Q., chapter A-6.01);
- Act respecting the Ministère des Relations avec les citoyens et de l'Immigration (R.S.Q., chapter M-25.01).

Bill 63

AN ACT RESPECTING SERVICES QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT

- 1.** A legal person is established under the name “Services Québec”.
- 2.** Services Québec is a mandatary of the State.

The property of Services Québec forms part of the domain of the State, but the execution of its obligations may be levied against its property.

Services Québec binds none but itself when it acts in its own name.

- 3.** The head office of Services Québec is located where Services Québec determines in the territory of the Communauté métropolitaine de Québec. Notice of the location and any relocation of the head office of Services Québec is published in the *Gazette officielle du Québec*.

Exceptionally, Services Québec may hold its meetings anywhere in Québec.

CHAPTER II

MISSION AND POWERS

- 4.** The mission of Services Québec is to offer citizens and businesses throughout Québec a single window for simplified access to public services.
- 5.** In pursuing its mission, Services Québec

(1) develops an integrated approach to the delivery of public services to ensure effectiveness;

(2) provides information and referral services to facilitate relations between the State and citizens or businesses;

(3) carries out operations for the delivery of services to citizens and businesses under an agreement or an order referred to in this Act;

(4) promotes access by citizens and businesses to the documents of public bodies and makes them public;

(5) fosters concerted action and partnership in the delivery of public services; and

(6) ensures optimal use of information technologies in the delivery of public services.

Services Québec exercises any other function assigned to it by the Government.

6. For the purposes of this Act, public bodies include

(1) government departments;

(2) persons and government bodies and enterprises referred to in section 2 of the Financial Administration Act (R.S.Q., chapter A-6.001);

(3) bodies whose personnel is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1); and

(4) government agencies engaged in fiduciary activities listed in the appendices to the public accounts.

7. A public body and Services Québec may enter into an agreement by which the latter agrees to carry out specific operations related to the delivery of services to citizens or businesses on behalf of the public body and on the conditions stipulated in the agreement.

The remuneration of Services Québec may be provided for in the agreement.

Services Québec may also enter into such an agreement with the National Assembly, with any person appointed or designated by the Assembly to exercise a function under the authority of the Assembly or with any legal person established in the public interest.

8. The Government may, on the conditions it determines, require one or more public bodies to have recourse to Services Québec for the carrying out of specific operations related to the delivery of services to citizens or businesses.

The remuneration of Services Québec by the public body concerned may be provided for in the order.

This section does not apply to the Conseil de la magistrature, to the committee on the remuneration of the judges of the Court of Québec and the municipal courts or to administrative bodies exercising adjudicative functions.

9. The Government may, to the extent and on the conditions it determines, transfer to Services Québec any document or property in the possession of a public body that is required for the carrying out of an agreement or order referred to in sections 7 and 8.

10. Services Québec may employ a person to see that an agreement or order is carried out; however, the carrying out of the agreement or order remains under the supervision and responsibility of Services Québec.

11. At the Minister's request, Services Québec advises the Minister on any matter under its jurisdiction and makes any recommendation it considers appropriate.

12. Services Québec may alienate the expertise it has acquired or developed and the related intellectual property. Services Québec may also provide consulting services related to its expertise.

13. Subject to the applicable legislative provisions, Services Québec may enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

14. With the authorization of the Government and if useful in the pursuit of its mission, Services Québec may acquire or constitute one or more subsidiaries.

A legal person more than 50% of whose voting rights attached to all issued and outstanding shares are held by Services Québec or a partnership in which more than 50% of the interest is held by Services Québec is a subsidiary of Services Québec. A legal person or partnership the majority of whose directors may be elected by Services Québec is also a subsidiary of Services Québec.

15. Sections 2 and 10, with the necessary modifications, apply to subsidiaries of Services Québec all of whose shares are held directly or indirectly by Services Québec. Such subsidiaries are considered mandataries of the State.

The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) and the Public Protector Act (R.S.Q., chapter P-32) apply to subsidiaries of Services Québec.

16. Services Québec may not, without the Government's authorization,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or contrary to the conditions determined by the Government;

(3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(4) dispose of shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or contrary to the conditions determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

The Government may determine that a provision of the first paragraph applies to all subsidiaries of Services Québec or to only one of them.

The first paragraph does not apply to transactions between Services Québec and its subsidiaries or between the subsidiaries of Services Québec.

17. Chapter II of the Public Administration Act (R.S.Q., chapter A-6.01) applies to Services Québec as if it were a body designated under the second paragraph of section 5 of that Act.

18. Services Québec must adopt a policy for the examination and handling of the complaints it receives in respect of its service delivery operations.

Services Québec reports on the policy in its annual management report and states the number and nature of the complaints received and the means used to settle the complaints.

CHAPTER III

ORGANIZATION AND OPERATION

19. The affairs of Services Québec are administered by a board of directors composed of

(1) ten members, including a president and director general, appointed by the Government; and

(2) the chief information officer appointed under section 66.1 of the Public Administration Act.

Except for the president and director general and the chief information officer, four board members must be deputy ministers, associate deputy ministers or assistant deputy ministers appointed under the Public Service Act or chief executive officers of public bodies, and five board members must be from sectors interested in the affairs of Services Québec, including a representative of the municipal sector and a representative of the Conseil des aînés.

20. The president and director general is appointed for a term not exceeding five years and the other board members, except for the chief information officer, for a term not exceeding three years.

On the expiry of their term, board members remain in office until replaced or reappointed.

21. The chair and vice-chair of the board of directors are appointed by the Government from among the members of the board.

22. The positions of president and director general and of chair of the board may not be held concurrently.

23. The chair calls and presides at meetings of the board of directors, sees to the proper conduct of the board's proceedings and exercises any other functions assigned by the board.

The vice-chair exercises the functions of the chair when the latter is absent or unable to act.

24. The president and director general is responsible for the administration and direction of Services Québec in keeping with its regulations, by-laws and policies. The functions of president and director general are exercised on a full-time basis.

25. A vacant position on the board of directors, other than that of chair or president and director general, is filled by the Government for the unexpired portion of the term of the member to be replaced.

Absence from the number of board meetings determined in the internal by-laws of Services Québec, in the cases and circumstances specified, constitutes a vacancy.

26. The remuneration, employment benefits and other conditions of employment of the president and director general are determined by the Government.

The other board members receive no remuneration except in the cases, on the conditions and to the extent that may be determined by the Government. They are entitled, however, to the reimbursement of expenses incurred in the exercise of their functions in the cases, on the conditions and to the extent determined by the Government.

27. The quorum at meetings of the board of directors is the majority of its members, including the president and director general or the chair.

Decisions of the board are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

28. The members of the board of directors may waive notice of a meeting. Attendance at a meeting of the board constitutes a waiver of notice, unless the members are present to contest the legality of the meeting.

29. If all agree, the board members may take part in a meeting by means of equipment enabling all participants to communicate directly with one another.

30. Written resolutions, signed by all board members entitled to vote, have the same value as if they had been adopted during a meeting of the board of directors.

A copy of all such resolutions is kept with the minutes of the proceedings or other equivalent record book.

31. The minutes of the meetings of the board of directors, approved by the board and certified by the chair, the vice-chair, the president and director general, the secretary or another person authorized by Services Québec, are authentic. The same applies to documents and copies emanating from Services Québec or forming part of its records, if they are so certified.

32. An intelligible transcription of a decision or other data stored by Services Québec in a computer or in a computer-readable medium is a document of Services Québec and is evidence of its contents if it is certified by a person referred to in section 31.

33. A deed, document or writing is binding on and may be attributed to Services Québec only if it is signed by the chair, the president and director general or another personnel member authorized by Services Québec and, in the latter case, only to the extent determined by regulation of Services Québec.

34. Services Québec may, by regulation and subject to specified conditions, allow a signature to be affixed by means of an automatic device, an electronic signature to be affixed, or a facsimile of a signature to be engraved, lithographed or printed on specified documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 31.

35. Services Québec may, in its internal by-laws, determine the mode of operation of the board of directors. It may form an executive committee and any other committee, determine their mode of operation and delegate powers of the board to them.

36. The standards of ethics and professional conduct adopted by Services Québec for the members of the board of directors in accordance with a regulation made under section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) are published by Services Québec in its annual management report.

37. The provisions relating to ethics and professional conduct adopted in accordance with a regulation made under section 3.0.1 of the Act respecting the Ministère du Conseil exécutif apply to a subsidiary of Services Québec, with the necessary modifications.

A subsidiary of Services Québec adopts standards of ethics and professional conduct for its personnel. The standards must contain provisions that include, as a minimum, the requirements for public servants under the Public Service Act.

A subsidiary makes public the standards it adopts under this section.

38. Services Québec must establish an audit committee under the authority of the board of directors.

The committee examines whether the resources of Services Québec are managed in accordance with the applicable rules and whether Services Québec uses its resources efficiently; the committee reports its findings and conclusions and any recommendations it may have to the board of directors.

The committee advises the board of directors on any matter submitted to it by the board.

39. The secretary and the other members of the personnel of Services Québec are appointed in accordance with the Public Service Act.

40. The Minister may issue directives concerning the policies and general objectives to be pursued by Services Québec.

Directives are submitted to the Government for approval. Once approved, they are binding on Services Québec.

Directives are laid before the National Assembly within 15 days of their approval by the Government or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER IV

FINANCIAL PROVISIONS

41. The Government may, subject to the conditions it determines,

(1) guarantee payment of the principal and interest on any loan contracted by Services Québec or a subsidiary referred to in section 15, and guarantee their obligations; and

(2) authorize the Minister of Finance to advance to Services Québec or one of its subsidiaries any amount considered necessary to meet their obligations or pursue their mission.

The sums required for the purposes of this section are taken out of the consolidated revenue fund.

42. The operations of Services Québec are funded by the revenue it derives from the commissions and professional and other fees it charges under an agreement or order, the proceeds from the goods and services it provides and the other monies it receives.

43. The monies received by Services Québec must be allocated to the payment of its obligations. Services Québec retains any surpluses, unless the Government decides otherwise.

44. Each year, Services Québec submits its budgetary estimates for the following fiscal year to the Minister, in accordance with the form and content and the schedule determined by the Minister.

The estimates are submitted to the Government for approval.

CHAPTER V

ACCOUNTS AND REPORTS

45. The fiscal year of Services Québec ends on 31 March.

46. Not later than 31 July each year, Services Québec files its financial statements for the preceding fiscal year with the Minister.

The financial statements must contain all the information required by the Minister.

47. The Minister lays the financial statements of Services Québec before the National Assembly within 30 days of their receipt or, if the Assembly is not sitting, within 30 days of resumption.

48. The Auditor General audits the books and accounts of Services Québec each year and whenever so ordered by the Government.

The Auditor General's report must be submitted with the financial statements of Services Québec.

The Auditor General may, as regards the subsidiaries of Services Québec, conduct a value-for-money audit without obtaining the concurrence provided for in the second paragraph of section 28 of the Auditor General Act (R.S.Q., chapter V-5.01).

49. The annual management report of Services Québec must include the information requested by the Minister.

CHAPTER VI

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

50. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting “Services Québec” in alphabetical order.

PUBLIC ADMINISTRATION ACT

51. Section 64 of the Public Administration Act (R.S.Q., chapter A-6.01) is amended by striking out “but not to bodies that are not budget-funded and whose personnel is not appointed in accordance with the Public Service Act (chapter F-3.1.1)”.

52. The said Act is amended by inserting the following sections after section 66:

“**66.1.** The Government appoints a chief information officer in accordance with the Public Service Act (chapter F-3.1.1).

“**66.2.** The functions of the chief information officer include

(1) advising the Conseil du trésor on information resources and information security;

(2) advising the Conseil du trésor on policies, management frameworks, standards, systems and acquisitions in the area of information resources to achieve an optimal use of information and communications technologies, and taking part in the implementation process;

(3) developing a global approach and strategy for the information resources of the Administration, and submitting it to the Conseil du trésor;

(4) directing and coordinating the plan to implement an e-government initiative centred on the needs of citizens, businesses and the Administration;

(5) following up on the implementation of government policies and guidelines on information resources; and

(6) developing and proposing an approach to integrate and simplify the delivery of services to citizens and businesses.

“**66.3.** The chief information officer exercises any other function assigned by the chair of the Conseil du trésor or the Government.”

ACT RESPECTING THE MINISTÈRE DES RELATIONS
AVEC LES CITOYENS ET DE L'IMMIGRATION

53. Section 11 of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration (R.S.Q., chapter M-25.01) is amended by striking out paragraph 8.

CHAPTER VII

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

54. Services Québec replaces the Minister of Relations with the Citizens and Immigration as regards the functions exercised under paragraph 8 of section 11 of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration (R.S.Q., chapter M-25.01). Services Québec acquires the related rights and assumes the related obligations of that Minister.

55. The Government may, to the extent and on the conditions it determines, transfer to Services Québec any document or property in the possession of the Minister of Relations with the Citizens and Immigration on (*insert the date preceding the date of coming into force of this section*) that is required for the exercise by Services Québec of the functions referred to in section 54. The same applies to any document and any property of the Direction générale du gouvernement en ligne of the Secrétariat du Conseil du trésor.

56. Services Québec becomes, without continuance of suit, a party to all proceedings to which the Minister of Relations with the Citizens and Immigration was a party in respect of the functions referred to in section 54.

57. The Government may, by a regulation made before (*insert the date occurring one year after the date of coming into force of this section*), adopt any other transitional provision or measure needed to carry out this Act.

A regulation made under the first paragraph is not subject to the publication requirement and date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1). The regulation may, if it so provides, apply from any date not prior to (*insert the date of coming into force of this section*).

58. The sums required to carry out this Act during the fiscal year 2005-2006 are taken out of the consolidated revenue fund to the extent determined by the Government.

59. Not later than (*insert the date occurring five years after the date of coming into force of section 5*) and subsequently every five years, the Minister must ensure that the carrying out of this Act is the subject of an independent report.

The Minister lays the report before the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 30 days of resumption. The report is examined by the appropriate committee of the National Assembly.

60. The Government designates the Minister responsible for the administration of this Act.

61. The provisions of this Act come into force on the date or dates to be set by the Government.