



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 101

(2005, chapter 24)

**An Act respecting the Ministère de
l'Immigration et des Communautés
culturelles**

**Introduced 4 May 2005
Passage in principle 2 June 2005
Passage 10 June 2005
Assented to 17 June 2005**

**Québec Official Publisher
2005**

EXPLANATORY NOTES

This bill creates the Ministère de l'Immigration et des Communautés culturelles. To that end, the bill defines the mission of the new department as including the functions pertaining to immigration and intercultural relations formerly exercised by the Minister of Relations with the Citizens and Immigration.

The bill therefore repeals the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and reassigns the functions concerning relations with the citizens to other ministers.

The bill also contains amending and consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Travel Agents Act (R.S.Q., chapter A-10);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Health Insurance Act (R.S.Q., chapter A-29);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);
- Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2);
- Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);
- Public Curator Act (R.S.Q., chapter C-81);
- Executive Power Act (R.S.Q., chapter E-18);

- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Act respecting the Ministère de la Famille et de l'Enfance (R.S.Q., chapter M-17.2);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Government Departments Act (R.S.Q., chapter M-34);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the Ministère des Relations avec les citoyens et de l'Immigration (R.S.Q., chapter M-25.01).

Bill 101

AN ACT RESPECTING THE MINISTÈRE DE L'IMMIGRATION ET DES COMMUNAUTÉS CULTURELLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RESPONSIBILITIES OF THE MINISTER

- 1.** The Ministère de l'Immigration et des Communautés culturelles is under the direction of the Minister of Immigration and Cultural Communities appointed under the Executive Power Act (R.S.Q., chapter E-18).
- 2.** The Minister is responsible for immigration and cultural communities.
- 3.** The Minister is to develop policies and guidelines on immigration and immigrant integration as well as intercultural relations, and propose them to the Government.

The Minister is to coordinate the implementation of those policies and guidelines.

In addition, the Minister is to be responsible for fostering concerted action and partnership in the areas under the Minister's responsibility.

- 4.** Regarding immigration, the main functions of the Minister are

(1) to define objectives with respect to the number of eligible foreign nationals over a given period, according to the needs and capacity of Québec society and in keeping with the principles of family reunification and international solidarity;

(2) to inform, recruit and select immigrants and facilitate their settling in Québec;

(3) to see to the selection of foreign nationals wishing to settle in Québec temporarily;

(4) to take the measures necessary to enable persons settling in Québec to learn the French language on arrival or even before leaving their country of origin, and to foster the use of the French language by immigrants; and

(5) to facilitate the linguistic, social and economic integration of immigrants into Québec society.

5. Regarding cultural communities, the main functions of the Minister are

(1) to support cultural communities in order to facilitate their full participation in Québec society;

(2) to foster openness to pluralism;

(3) to foster closer intercultural relations among the people of Québec.

6. The Minister is to advise the Government and government departments and bodies on any matter under the Minister's authority and may, if necessary, make recommendations.

7. In the exercise of ministerial responsibilities, the Minister may, in particular,

(1) enter into agreements with any person, association, partnership or body;

(2) subject to the applicable legislative provisions, enter into agreements with a government other than the Gouvernement du Québec, with a department or body of that government, or with an international organization or one of its agencies;

(3) conduct or commission research, inventories, studies and analyses and publish them;

(4) take the necessary measures, in collaboration with the departments concerned, to facilitate the recognition in Québec of training and experience acquired outside Québec and the awarding of equivalences;

(5) obtain from departments and public bodies the information necessary to establish and implement the Minister's policies and guidelines.

8. The Minister is also responsible for the administration of the Acts assigned to the Minister, and assumes any other responsibility the Government assigns to the Minister.

CHAPTER II

ORGANIZATION OF THE DEPARTMENT

9. The Government appoints a Deputy Minister of Immigration and Cultural Communities, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

10. Under the direction of the Minister, the Deputy Minister administers the department.

The Deputy Minister also exercises any other function assigned to the Deputy Minister by the Government or the Minister.

11. The Deputy Minister has the authority of the Minister in the functions of office.

12. The Deputy Minister may, in writing and to the extent specified, delegate deputy-ministerial functions under this Act to a public servant or employee.

In the instrument of delegation, the Deputy Minister may authorize the subdelegation of specified functions, and, in such a case, identify the public servant or employee to whom the functions may be subdelegated.

13. The personnel of the department is composed of the public servants the Minister requires for the exercise of the functions of office; the public servants are appointed in accordance with the Public Service Act.

The Minister is to determine the duties of the public servants of the department to the extent that they are not determined by law or by the Government.

14. The signature of the Minister or the Deputy Minister gives authority to any document emanating from the department.

A deed, document or writing is binding on the Minister or may 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 an employee and, in the last two cases, only to the extent determined by the Government.

15. The Government may allow a signature to be affixed using an automatic device or electronic process, subject to the conditions it determines.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed, subject to the conditions it determines. Except in the cases prescribed by the Government, the facsimile must be authenticated by the countersignature of a person authorized by the Minister.

16. A document or copy of a document emanating from the department or forming part of its records is authentic, if signed or certified true by a person referred to in the second paragraph of section 14.

17. An intelligible transcription of a decision or other data stored by the department on a computer or on another electronic medium is a document of the department and is proof of its contents if certified true by a person referred to in the second paragraph of section 14.

18. The Minister must table the annual management report of the department in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

AMENDING PROVISIONS

19. Section 174 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is replaced by the following section:

“**174.** The minister designated by the Government is responsible for the administration of this Act.”

20. Section 42 of the Travel Agents Act (R.S.Q., chapter A-10) is replaced by the following section:

“**42.** The Minister responsible for the Consumer Protection Act (chapter P-40.1) is responsible for the administration of this Act.”

21. Section 82 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is replaced by the following section:

“**82.** The Minister responsible for the Consumer Protection Act (chapter P-40.1) is responsible for the administration of this Act.”

22. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 62 of chapter 11 of the statutes of 2004, is again amended by replacing “des Relations avec les citoyens et de l’Immigration” in the eighth and ninth lines of the sixth paragraph by “de l’Immigration et des Communautés culturelles”.

23. Section 65.2 of the Act is amended by replacing “des Relations avec les citoyens et de l’Immigration” in the fourth line of the first paragraph by “de l’Immigration et des Communautés culturelles”.

24. Section 138 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by striking out “, except sections 57 to 96, subparagraph 2 of the first paragraph of section 97 and section 99, the application of which is entrusted to the Minister of Relations with the Citizens and Immigration” at the end.

25. Sections 15 and 28 of the Act to promote good citizenship (R.S.Q., chapter C-20) are amended by replacing “of Relations with the Citizens and Immigration” by “of Justice”.

26. Section 2 of the Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01) is amended by replacing “19 members” by “18 members”.

27. Section 3 of the Act is amended

(1) by striking out “the Deputy Minister of Relations with the Citizens and Immigration,” in the second line of the second paragraph;

(2) by replacing “associate deputy minister at the Ministère de l’Emploi et de la Solidarité sociale having responsibility for the status of women” in the fourth and fifth lines of the second paragraph by “Deputy Minister of Families, Seniors and the Status of Women”.

28. Section 23 of the Act is amended by replacing “of Relations with the Citizens and Immigration” by “Families, Seniors and the Status of Women”.

29. Sections 4 and 8 of the Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2) are amended by replacing “of Relations with the Citizens and Immigration” by “of Immigration and Cultural Communities”.

30. Section 13 of the Act is replaced by the following section:

“**13.** The Conseil is responsible for advising the Minister on any matter related to intercultural relations or immigrant integration, particularly with regard to closer intercultural relations and openness to pluralism.”

31. Section 22 of the Act is amended by replacing “of Relations with the Citizens and Immigration” by “of Immigration and Cultural Communities”.

32. Section 33 of the Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01) is replaced by the following section:

“**33.** The minister designated by the Government is responsible for the administration of this Act.”

33. Sections 3, 17.1, 46, 55, 67 and 67.0.1 of the Public Curator Act (R.S.Q., chapter C-81) are amended by replacing “Minister of Relations with the Citizens and Immigration” by “minister responsible for the administration of this Act”.

34. Section 77 of the Act is amended by replacing “Minister of Relations with the Citizens and Immigration” by “minister designated by the Government”.

35. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 147 of chapter 29 of the statutes of 2003, is again amended by replacing subparagraph 32 of the first paragraph by the following subparagraph:

“(32) A Minister of Immigration and Cultural Communities;”.

36. Section 6.1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1), enacted by section 6 of chapter 31 of the statutes of 2004, is amended by striking out “the Deputy Minister of Relations with the Citizens and Immigration,”.

37. Section 63 of the Act, replaced by section 42 of chapter 31 of the statutes of 2004, is amended by striking out “, the Ministère des Relations avec les citoyens et de l’Immigration” in the fourth line of the second paragraph.

38. Section 3.1 of the Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by replacing “of Relations with the Citizens and Immigration” in the first paragraph by “of Immigration and Cultural Communities”.

39. Section 12.4.3 of the Act, enacted by section 12 of chapter 18 of the statutes of 2004, is amended by inserting “, “Ministère de l’Immigration et des Communautés culturelles”” after ““Immigration-Québec”” in the first and second paragraphs.

40. Section 40 of the Act is amended by replacing “of Relations with the Citizens and Immigration” by “of Immigration and Cultural Communities”.

41. The Act respecting the Ministère de la Famille et de l’Enfance (R.S.Q., chapter M-17.2) is amended by inserting the following section after section 4:

“**4.1.** The Minister shall also assume the following responsibilities:

(1) promoting solidarity between generations, taking into account the needs of families, the young and the elderly;

(2) ensuring that the Government and government departments and bodies take into account the needs of families, the young and the elderly;

(3) ensuring that persons who are not able to fully exercise their rights are protected.”

42. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by inserting the following paragraph after paragraph f:

“(f.1) is responsible for the register of civil status and appoints a public servant as registrar of civil status;”.

43. The Act is amended by inserting the following after section 32.22:

“DIVISION III.3**“CIVIL STATUS FUND**

“32.23. The civil status fund is governed by this division; the purpose of the fund is to finance the property and services furnished under the authority of the Minister in connection with the registration of acts of civil status.

The Government determines the assets and liabilities of the fund. It also determines the nature of the goods and services the fund finances and the nature of the costs chargeable to it.

“32.24. The fund is made up of the following sums, without the interest they generate:

- (1) the sums collected for the property and services financed by the fund;
- (2) the sums paid by the Minister out of the appropriations granted for that purpose by Parliament;
- (3) the sums paid under section 32.27 or the first paragraph of section 32.28.

“32.25. The sums required for the remuneration and expenses pertaining to employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act, to activities related to the fund are paid out of the fund.

“32.26. The management of the sums paid into the fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions the Minister determines.

The Minister of Justice keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister also ensures that the commitments and the payments arising from them do not exceed the available balances and are consistent with them.

“32.27. As manager of the fund, the Minister of Justice may borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

“32.28. With the authorization of the Government and subject to the conditions it determines, the Minister of Finance may advance to the civil status 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 the Minister determines, any part of the sums paid into the civil status fund that is not required for its operation.

An advance paid to the civil status fund or the consolidated revenue fund is repayable out of the fund that received it.

“32.29. All surpluses accumulated by the civil status fund are paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

“32.30. In the event of a deficiency in the consolidated revenue fund and despite any provision to the contrary, the Minister of Finance must draw from the civil status fund the sums required for the execution of a judgment against the State that has become *res judicata*.

“32.31. Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the civil status fund, with the necessary modifications.

“32.32. The fiscal year of the fund ends on 31 March.”

44. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by replacing “Minister of Relations with the Citizens and Immigration under the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration (chapter M-25.01)” in paragraph *k* by “Minister of Immigration and Cultural Communities under the Act respecting the Ministère de l’Immigration et des Communautés culturelles (2005, chapter 24)”.

45. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 153 of chapter 29 of the statutes of 2003, is again amended by replacing paragraph 32 by the following paragraph:

“(32) The Ministère de l’Immigration et des Communautés culturelles, presided over by the Minister of Immigration and Cultural Communities.”

46. Section 156 of the Youth Protection Act (R.S.Q., chapter P-34.1) is replaced by the following section:

“156. The Minister of Justice is responsible for the administration of sections 23 to 27, 47, 73 to 131, 134 to 136, 154 and 155. The Minister of Health and Social Services is responsible for the administration of the other sections of this Act.”

47. Section 98 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is replaced by the following section:

“98. The minister designated by the Government is responsible for the administration of this Act.”

48. Section 1 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing subparagraph *i* by the following subparagraph:

“(i) “Minister” means the Minister of Justice;”.

49. Section 67 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is replaced by the following section:

“**67.** The Minister responsible for the Consumer Protection Act (chapter P-40.1) is responsible for the administration of this Act.”

50. Section 98 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended by replacing “Ministère des Relations avec les Citoyens et de l’Immigration” in the fourth and fifth lines of the second paragraph by “Ministère de l’Immigration et des Communautés culturelles”.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

51. Unless the context indicates otherwise and depending on the subject matter, in any other Act or document,

(1) a reference to the Minister or the Deputy Minister of Relations with the citizens and Immigration or to the Ministère des Relations avec les citoyens et de l’Immigration is a reference to the Minister, the Deputy Minister or the department responsible for that subject matter; and

(2) a reference to the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration or to a provision of that Act is a reference to the Act respecting the Ministère de l’Immigration et des Communautés culturelles, the Act respecting the Ministère de la Justice or the Act respecting the Ministère de la Famille et de l’Enfance, or to the corresponding provision of those Acts.

52. The Act respecting the Ministère des Relations avec les citoyens et de l’Immigration (R.S.Q., chapter M-25.01) is repealed.

53. This Act comes into force on 17 June 2005.