



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 119

(2005, chapter 37)

An Act respecting the Ministère du Tourisme

Introduced 14 June 2005
Passage in principle 27 October 2005
Passage 2 December 2005
Assented to 13 December 2005

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EXPLANATORY NOTES

This bill creates the Ministère du Tourisme.

Accordingly, the bill confers upon the Minister of Tourism the mission of supporting tourism development and promotion in Québec by fostering concerted action and partnerships between the various stakeholders in that development and promotion, with a view to job creation, economic prosperity and sustainable development.

The bill confers upon the Minister the tourism functions formerly exercised by the Minister of Economic and Regional Development and Research. Accordingly, the bill amends the Act respecting the Ministère du Développement économique et régional et de la Recherche.

The bill also contains consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);
- Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1).

Bill 119

AN ACT RESPECTING THE MINISTÈRE DU TOURISME

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MINISTER'S RESPONSIBILITIES

- 1.** The Ministère du Tourisme is under the direction of the Minister of Tourism appointed under the Executive Power Act (R.S.Q., chapter E-18).
- 2.** The mission of the Minister is to support tourism development and promotion in Québec by fostering concerted action and partnerships between the various stakeholders in that development and promotion, with a view to job creation, economic prosperity and sustainable development.
- 3.** The Minister is to develop guidelines and policies in the areas under the Minister's authority and propose them to the Government.

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

- 4.** The functions of the Minister are, more particularly,
 - (1) to promote Québec as a tourist destination and further the development and marketing of its tourism products and experiences;
 - (2) to frame and implement development strategies and assistance programs, if necessary in collaboration with the public and private stakeholders concerned;
 - (3) to foster the consolidation and diversification of the tourism supply and the development of new tourism experiences;
 - (4) to support efforts to improve the quality of tourism products and services;
 - (5) to offer and provide a framework for tourist information, reservation and hospitality services;
 - (6) to ensure the development and management of tourism infrastructures;
 - (7) to foster access, for all clientele, to territories, products and services;

(8) to participate, with the government departments concerned and within the scope of the policy on Canadian intergovernmental affairs and the policy on international affairs, in establishing relations and implementing cooperation agreements and programs with parties outside Québec, in sectors in which exchanges encourage the export of Québec's tourism expertise and the development of its tourism industry; and

(9) to advise the Government and government departments and bodies and make recommendations, where appropriate.

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

(1) obtain from government departments and bodies the information needed to formulate guidelines and policies and follow them up;

(2) enter into agreements with a person, association, partnership or body;

(3) 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;

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

(5) administer, develop and operate tourism services, facilities or territories, and manage immovables for that purpose.

6. The Minister may take all appropriate measures in the pursuit of the Minister's mission. In particular, the Minister is to provide persons, businesses and bodies with the services the Minister judges necessary for the development of tourism in Québec. Subject to the conditions determined by the Minister under government guidelines and policies and, in certain cases, subject to the authorization of the Government, the Minister is also to provide financial and technical support for the realization of actions or projects.

The Minister may recognize community bodies, in particular regional tourism associations, for the purpose of carrying out the ministerial mission.

7. The Minister may, under a partnership initiative where appropriate, provide a person, enterprise or body with goods or services in or outside Québec, whether for remuneration or not, in areas under the Minister's authority.

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

CHAPTER II

ORGANIZATION OF THE DEPARTMENT

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

10. The Deputy Minister administers the department under the direction of the Minister.

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

11. In the exercise of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

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

In the instrument of delegation, the Deputy Minister may authorize the subdelegation of the specified functions and, in that case, identifies the public servant or office holder 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; they are appointed in accordance with the Public Service Act.

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

14. The signature of the Minister or 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 office holder and, in the last two cases, only to the extent determined by the Government.

15. The Government may allow a signature to be affixed, by means of an automatic device, on the documents and subject to the conditions it determines.

The Government may also allow a facsimile of a signature to be engraved, lithographed or printed on the documents 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, signed or certified true by a person referred to in the second paragraph of section 14, is authentic.

17. An intelligible transcription of a decision or other data stored by the department on a computer or any other 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 department's annual management report 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

TOURISM PARTNERSHIP FUND

19. The tourism partnership fund is governed by this chapter; the purpose of the fund is to promote and develop tourism.

20. The Government determines the assets and liabilities of the fund. It also determines the nature of the activities that may be financed by the fund and the nature of the costs that may be charged to the fund. Moreover, the Government may change the name of the fund.

21. The fund is made up of

(1) the proceeds from the sale of the goods and services financed by the fund;

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

(3) the gifts, legacies and other contributions paid into the fund to further the achievement of its objects;

(4) the sums paid into the fund by the Minister of Finance under section 23 and the first paragraph of section 24;

(5) the sums paid into the fund by the Minister of Revenue as proceeds from the specific accommodation tax collected under the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);

(6) the sums paid into the fund by the Minister of Revenue, out of the proceeds of the Québec sales tax collected under the Act respecting the Québec sales tax, on the dates and to the extent determined by the Government; and

(7) the interest earned on bank balances in proportion to the sums referred to in paragraphs 3 and 5.

22. 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 designated by that Minister.

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

23. As manager of the fund, the Minister of Tourism may borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).

24. With the authorization of the Government and subject to the conditions it determines, the Minister of Finance may 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 that Minister determines, any part of the sums paid into the tourism partnership fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

25. The sums referred to in paragraph 5 of section 21 and the related interest are paid out to the regional tourism associations recognized by the Minister and representing the tourism regions where the specific accommodation tax is applicable.

The Minister determines the dates and terms of payment and the manner in which the payments are to be made.

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

27. The surpluses accumulated in the fund are paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

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

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

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 tourism partnership fund the sums required for the execution of a judgment against the State that has become *res judicata*.

CHAPTER IV

AMENDING AND FINAL PROVISIONS

ACT RESPECTING ASSISTANCE FOR TOURIST DEVELOPMENT

31. Section 11 of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1) is amended by replacing “Economic and Regional Development and Research” wherever it appears by “Tourism”.

32. Section 37 of the Act is amended by striking out “prepared in consultation with the Minister of Economic and Regional Development and Research” in the fourth and fifth lines of the second paragraph.

33. Section 39 of the Act is amended by replacing “Economic and Regional Development and Research” in the first line by “Tourism”.

EXECUTIVE POWER ACT

34. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 23 of chapter 11 of the statutes of 2005, section 35 of chapter 24 of the statutes of 2005 and sections 195 and 196 of chapter 28 of the statutes of 2005, is again amended by adding the following subparagraph at the end of the first paragraph:

“(37) A Minister of Tourism.”

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET DE LA RECHERCHE

35. Section 3 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01) is amended by striking out “particularly tourism,” in the third line of the first paragraph.

36. Section 5 of the Act is amended by striking out paragraph 4.

37. Chapter III of the Act is repealed.

GOVERNMENT DEPARTMENTS ACT

38. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 25 of chapter 11 of the statutes of 2005, section 45 of chapter 24 of the statutes of 2005 and sections 195 and 196 of chapter 28 of

the statutes of 2005, is again amended by adding the following paragraph at the end:

“(37) The Ministère du Tourisme is under the direction of the Minister of Tourism.”

ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

39. Section 1 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by replacing “Economic and Regional Development and Research” in paragraph *c* by “Tourism”.

ACT RESPECTING THE SOCIÉTÉ DU PALAIS DES CONGRÈS DE MONTRÉAL

40. Section 30 of the Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1) is amended by replacing “Economic and Regional Development and Research” by “Tourism”.

41. In any Act or other document, unless the context indicates otherwise,

(1) a reference to the Minister or Deputy Minister of Economic and Regional Development or of Economic and Regional Development and Research, if made in connection with a tourism-related matter, is a reference to the Minister or Deputy Minister of Tourism, and a reference to the Ministère du Développement économique et régional or the Ministère du Développement économique et régional et de la Recherche, if made in connection with a tourism-related matter, is a reference to the Ministère du Tourisme;

(2) a reference to the Act respecting the Ministère du Développement économique et régional et de la Recherche or to any of its provisions, if made in connection with a tourism-related matter, is a reference to the Act respecting the Ministère du Tourisme or its corresponding provision.

42. This Act comes into force on 13 December 2005.