



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 120

(2005, chapter 44)

**An Act to abolish certain public bodies
and transfer administrative
responsibilities**

**Introduced 15 June 2005
Passage in principle 8 November 2005
Passage 14 December 2005
Assented to 16 December 2005**

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EXPLANATORY NOTES

This bill abolishes certain public bodies and confers on ministers the responsibilities assigned to some of those bodies or to other public bodies.

Thus, the bill repeals the Act constituting the Observatoire québécois de la mondialisation and strikes out the provisions constituting the Commission des programmes d'études, the Comité d'évaluation des ressources didactiques, the Comité d'orientation de la formation du personnel enseignant and the Conseil de surveillance des activités de la Sûreté du Québec. It also enables the Government to dissolve the Société nationale de l'amiante or to change its status.

The bill also terminates the Fonds central pour le bénéfice des personnes incarcérées and establishes a trust patrimony designated as the "Fonds central de soutien à la réinsertion sociale", the administration of which will be entrusted to the Minister of Public Security as trustee.

Lastly, the bill transfers to the Minister of Revenue the provisional administration of property assigned to the Public Curator under the Public Curator Act.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64);
- Act respecting commercial aquaculture (R.S.Q., chapter A-20.2);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting registry offices (R.S.Q., chapter B-9);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);

- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Cooperatives Act (R.S.Q., chapter C-67.2);
- Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);
- Act respecting racing (R.S.Q., chapter C-72.1);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Deposit Act (R.S.Q., chapter D-5);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Forest Act (R.S.Q., chapter F-4.1);
- Education Act (R.S.Q., chapter I-13.3);
- Winding-up Act (R.S.Q., chapter L-4);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);
- Police Act (R.S.Q., chapter P-13.1);
- Food Products Act (R.S.Q., chapter P-29);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act respecting correctional services (R.S.Q., chapter S-4.01);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Professional Syndicates Act (R.S.Q., chapter S-40);
- Marine Products Processing Act (R.S.Q., chapter T-11.01);
- Act respecting the Québec correctional system (2002, chapter 24).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the Observatoire québécois de la mondialisation (R.S.Q., chapter O-1.1).

Bill 120

AN ACT TO ABOLISH CERTAIN PUBLIC BODIES AND TRANSFER ADMINISTRATIVE RESPONSIBILITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

OBSERVATOIRE QUÉBÉCOIS DE LA MONDIALISATION

1. The Act respecting the Observatoire québécois de la mondialisation (R.S.Q., chapter O-1.1) is repealed.

DIVISION II

COMMITTEES OF THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

2. The heading of Division II.1 of Chapter VII of the Education Act (R.S.Q., chapter I-13.3) is amended by striking out “COUNCIL AND”.

3. Subdivisions 1 and 2 of Division II.1 of Chapter VII of the Act are repealed.

4. Subdivision 4 of Division II.1 of Chapter VII of the Act is repealed.

5. Section 477.19 of the Act is amended by striking out “the council or of” in the first line of the first paragraph.

6. Section 477.22 of the Act is amended by striking out “the council or of” in the first line.

7. Section 477.23 of the Act is amended

(1) by replacing “of the council or committee and manage its operations” in the first and second lines of the first paragraph by “of the committee and manage its operations”;

(2) by striking out “council or” in the first line of the second paragraph.

8. Section 477.24 of the Act is amended by striking out “the council or” in the first line.

9. Section 477.25 of the Act is amended by striking out “council and the” in the first line.

10. Section 477.26 of the Act is amended by striking out “the council and” in the first line.

11. Section 477.27 of the Act is amended by replacing “The council and each of the committees” in the first line by “The committees”.

12. The records and documents of the Commission des programmes d’études, the Comité d’évaluation des ressources didactiques and the Comité d’orientation de la formation du personnel enseignant become the records and documents of the Minister of Education, Recreation and Sports.

DIVISION III

CONSEIL DE SURVEILLANCE DES ACTIVITÉS DE LA SÛRETÉ DU QUÉBEC

13. Section 264 of the Police Act (R.S.Q., chapter P-13.1) is amended by striking out the second paragraph.

14. Section 265 of the Act is amended by striking out the second paragraph.

15. Section 266 of the Act is amended by replacing “transmit to the Conseil de surveillance des activités de la Sûreté du Québec and to the Minister, at the latter’s request,” in the first, second and third lines by “, on request, transmit to the Minister”.

16. Chapter IV of Title V of the Act, comprising sections 290 to 303, is repealed.

17. Section 357 of the Act is repealed.

DIVISION IV

FONDS CENTRAL POUR LE BÉNÉFICE DES PERSONNES INCARCÉRÉES

18. Section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by inserting the following paragraph after paragraph 4:

“(4.1) to administer, as trustee, the Fonds central de soutien à la réinsertion sociale, advise the Government on regulations concerning programs of activity set up by the funds established in houses of detention, devise policies on the matter and advise those funds as regards the organization and development of those programs;”.

19. Section 22.0.2 of the Act respecting correctional services (R.S.Q., chapter S-4.01) is amended

(1) by replacing “central fund for the benefit of confined persons” in the second line of the first paragraph by “Minister”;

(2) by replacing “central fund” in the last line of the first paragraph by “Minister”.

20. Section 22.0.19 of the Act is amended

(1) by replacing “central fund for the benefit of confined persons at the time fixed by the fund” in the first paragraph by “Fonds central de soutien à la réinsertion sociale at the time determined by the Minister”;

(2) by replacing “fixed by the central fund” in the second paragraph by “determined by the Minister”.

21. Section 22.0.22 of the Act is amended by striking out the second paragraph.

22. The heading of subdivision 2 of Division V.0.1 of the Act is replaced by the following heading:

“§2. — *Fonds central de soutien à la réinsertion sociale*”.

23. Section 22.0.26 of the Act is amended by replacing “Fonds central pour le bénéfice des personnes incarcérées” by “Fonds central de soutien à la réinsertion sociale”.

24. Section 22.0.27 of the Act is replaced by the following section:

“**22.0.27.** The central fund, established as a social trust patrimony, provides gifts or loans, with or without interest, to support funds established in houses of detention in financial difficulty.”

25. Section 22.0.28 of the Act is amended by replacing the portion before paragraph 1 by the following:

“**22.0.28.** The central fund is made up of”.

26. Sections 22.0.29 to 22.0.32 of the Act are replaced by the following sections:

“**22.0.29.** The Minister is the trustee of the central fund.

The Government shall determine by regulation the obligations of the Minister in the Minister's capacity as trustee of the central fund, the nature of the trust and its operating rules, which may vary from those provided for in Titles VI and VII of Book Four of the Civil Code of Québec.

“22.0.30. The expenses related to the administration of the central fund and to the Minister's responsibilities with respect to the programs of activities are payable by the central fund.

“22.0.31. The Minister must appoint a committee to advise the Minister in the administration of the central fund. The committee must include representatives of the Direction générale des services correctionnels of the Ministère de la Sécurité publique and representatives of the community sector.

“22.0.32. When the Minister withdraws a sum from the central fund, the Minister is acting as the trustee.”

27. Section 23.1 of the Act is amended by replacing “central fund” in paragraphs 4, 6 and 12 by “Minister”.

28. Section 75 of the Act respecting the Québec correctional system (2002, chapter 24) is amended

(1) by replacing “Fonds central de soutien à la réinsertion sociale, established under section 102” in the second and third lines of the first paragraph by “Minister”;

(2) by replacing “Fonds central” at the end of the first paragraph by “Minister”.

29. Section 94 of the Act is amended

(1) by replacing “central fund” in the second line of the first paragraph by “Minister”;

(2) by replacing “central fund” in the second paragraph by “Minister”.

30. Section 97 of the Act is amended by striking out the second paragraph.

31. Section 103 of the Act is replaced by the following section:

“103. The central fund, established as a social trust patrimony, provides gifts or loans, with or without interest, to support funds established in correctional facilities in financial difficulty.”

32. Section 104 of the Act is amended by replacing the part before paragraph 1 by the following part:

“104. The central fund is made up of”.

33. Sections 105 to 109 of the Act are replaced by the following sections:

“**105.** The Minister is the trustee of the central fund.

The Government shall determine by regulation the obligations of the Minister in the Minister’s capacity as trustee of the central fund, the nature of the trust and its operating rules, which may vary from those provided in Title VI and Title VII of Book Four of the Civil Code of Québec.

“**106.** The expenses related to the administration of the central fund and to the Minister’s responsibilities with respect to the programs of activities are payable by the central fund.

“**107.** The Minister must appoint a committee to advise the Minister in the administration of the central fund. The committee must include representatives of the Direction générale des services correctionnels of the Ministère de la Sécurité publique and representatives of the community sector.

“**108.** When the Minister withdraws a sum from the central fund, the Minister is acting as the trustee.”

34. Section 193 of the Act is amended by replacing “central fund” in paragraph 24 by “Minister”.

35. The Minister of Public Security, as trustee of the Fonds central de soutien à la réinsertion sociale, replaces the central fund for the benefit of confined persons. The Minister shall acquire the rights and assume the obligations of the fund.

DIVISION V

PROVISIONAL ADMINISTRATION OF PROPERTY

§1. — *Transfer of responsibilities*

36. Section 12 of the Public Curator Act (R.S.Q., chapter C-81) is amended by inserting the following paragraph at the end:

“Certain powers set out in this Act are exercised, however, by the Minister of Revenue, in particular with regard to the provisional administration of property under Division V of Chapter II.”

37. Sections 24, 26 to 26.7, 26.9 and 27.1, the third paragraph of section 29, section 32, the second paragraph of section 41, the second paragraph of section 41.1 and paragraph 4 of section 68 of the Act are amended by replacing “Public Curator” wherever it appears by “Minister of Revenue”.

38. Section 28.1 of the Act is amended by striking out “by the Public Curator” in the first line of the first paragraph.

39. Section 40 of the Act is amended

(1) by inserting “or of the Minister of Revenue” after “Public Curator” in the first line of the first paragraph;

(2) by replacing “Public Curator” in the first and the fourth lines of the second paragraph by “Minister of Revenue”.

40. Section 55 of the Act, amended by section 33 of chapter 24 of the statutes of 2005, is again amended

(1) by adding “The fees are established by regulation.” at the end of the first paragraph;

(2) by striking out the first sentence of the second paragraph;

(3) by replacing “minister responsible for the administration of this Act” in the second paragraph by “Minister of Revenue”.

41. Section 69.1 of the Act is amended by replacing “or of a person authorized by the Public Curator” in the first and second lines by “, of the Minister of Revenue or of a person authorized by either of them”.**42.** Section 74 of the Act is amended

(1) by inserting “or the Minister of Revenue” after “Public Curator” in the first line;

(2) by replacing “Public Curator” in the second and third lines by “mover” and by replacing “Public Curator” in the fourth line by “Minister of Revenue”.

43. Section 76 of the Act is amended

(1) by replacing “The Public Curator may” by “The Public Curator and the Minister of Revenue may”;

(2) by replacing “The object of such agreements may, in particular, concern the delegation, to the Public Curator,” in the first and second lines of the second paragraph by “The object of the agreements entered into by the Minister of Revenue may, in particular, concern the delegation to the Minister”.

44. The Act is amended by inserting the following sections after section 76:

“76.1. Sections 10, 11, 27 and 28.2, the first and second paragraphs of section 29, sections 30, 31, 33 and 35 to 38, the first paragraph of section 41, the first paragraph of section 41.1, sections 42 to 44.1, 46 to 52, 54, the first paragraph of section 55, sections 57, 58 and 66, paragraphs 5, 6, 7 and 9 of section 68, sections 75 and 75.1, the second paragraph of section 204 and the regulations made under this Act and relating to the administration of property

apply, with the necessary modifications, to the provisional administration of property entrusted to the Minister of Revenue under this Act.

“76.2. A civil proceeding by the Minister of Revenue or against the Minister of Revenue or the Government in relation to the provisional administration of property entrusted to the Minister of Revenue by law is instituted in the name of the Deputy Minister of Revenue, despite any inconsistent provision.

A penal proceeding for an offence under section 69 or 69.1 may be instituted by the Deputy Minister of Revenue.

Sections 72.4 and 77 of the Act respecting the Ministère du Revenu (chapter M-31) and the second and third paragraphs of section 93 of that Act apply to such a civil or penal proceeding, with the necessary modifications.

“76.3. Proceedings, including judgments, to which the Public Curator is a party on 31 March 2006 in relation to the provisional administration of property entrusted to the Minister of Revenue by law are continued after that date by the Minister of Revenue, without continuance of suit.

“76.4. In any contract, agreement, accord, order in council or other document relating to the provisional administration of property entrusted to the Minister of Revenue by law, the exercise of the rights and the performance of the obligations of the Public Curator in that respect are continued, from 1 April 2006, by the Minister of Revenue.”

45. Section 77 of the Act, amended by section 34 of chapter 24 of the statutes of 2005, is replaced by the following section:

“77. The Minister of Families, Seniors and the Status of Women is responsible for the administration of this Act, except for the provisions relating to the provisional administration of property provided for in Division V of Chapter II, the third paragraph of section 12, section 27.1, the third paragraph of section 29, section 32, subparagraphs 3 and 4 of the first paragraph and the second paragraph of section 40, the second paragraph of section 41, the second and third paragraphs of section 41.1, the second paragraph of section 55, paragraphs 4 and 4.1 of section 68, section 69 and the second paragraph of section 76, the administration of which is entrusted to the Minister of Revenue.”

46. Section 2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting “the provisions relating to the provisional administration of property provided for in section 77 of the Public Curator Act (chapter C-81),” after “(chapter P-2.2),” in the second line of the second paragraph.

§2. — *Consequential provisions*

47. Article 92 of the Civil Code of Québec (1991, chapter 64) is amended by inserting “or the Minister of Revenue as provisional administrator of property” after “Public Curator” in the first paragraph.

48. Section 12 of the Act respecting registry offices (R.S.Q., chapter B-9) is amended

(1) by replacing “Public Curator” in the text following the fourth dash by “Minister of Revenue”;

(2) by replacing “Public Curator’s capacity” in the first line of the text following the fourteenth dash by “capacity of the Public Curator or the Minister of Revenue”;

(3) by adding the following paragraph at the end:

“Notices given before 1 April 2006 by the Public Curator in the exercise of the functions of provisional administrator of property entrusted to the Minister of Revenue under the Public Curator Act (chapter C-81) are deemed to have been given by the Minister of Revenue.”

49. Section 145 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “, trustee or public curator” in the second line of the first paragraph by “or trustee”.

50. Section 15 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding “or to the Minister of Revenue as provisional administrator of property” at the end of paragraph 3.

51. Section 393 of the Code is amended

(1) by replacing “Public Curator” at the end of the first paragraph by “Minister of Revenue”;

(2) by replacing “Public Curator” and “Curator” in the second paragraph by “Minister of Revenue” and “Minister” respectively.

52. Section 6 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by inserting “or to the Minister of Revenue in the exercise of the functions of provisional administrator of property entrusted to him by law, or” after “curator” in the first line of paragraph 1.

53. Section 27 of the Professional Syndicates Act (R.S.Q., chapter S-40) is amended

(1) by replacing “The Public Curator appointed according to the Public Curator Act (chapter C-81)” in the first and second lines of the first paragraph by “The Minister of Revenue”;

(2) by replacing “Public Curator” in the first line of the second paragraph by “Minister of Revenue”.

54. Except in the expression “Public Curator Act”, the words “Public Curator” are replaced by “Minister of Revenue” wherever they appear in the following provisions:

(1) articles 363, 698, 699, 700, 701, 805, 936, 937, 1357 and 2279 of the Civil Code of Québec (1991, chapter 64);

(2) section 40 of the Act respecting commercial aquaculture (R.S.Q., chapter A-20.2);

(3) sections 93.118, 93.215 and 93.243 of the Act respecting insurance (R.S.Q., chapter A-32);

(4) sections 314, 325 and 326 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

(5) section 50 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5);

(6) articles 541 and 542 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(7) articles 137, 139 and 318 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(8) sections 185 and 191 of the Cooperatives Act (R.S.Q., chapter C-67.2);

(9) sections 173, 174, 184 and 185 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);

(10) section 100 of the Act respecting racing (R.S.Q., chapter C-72.1);

(11) section 22 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);

(12) sections 27 and 27.1 of the Deposit Act (R.S.Q., chapter D-5);

(13) section 36 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(14) section 196 of the Forest Act (R.S.Q., chapter F-4.1);

(15) sections 20 and 22 of the Winding-up Act (R.S.Q., chapter L-4);

(16) section 45 of the Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);

(17) section 33.5 of the Food Products Act (R.S.Q., chapter P-29);

(18) section 55.22 of the Animal Health Protection Act (R.S.Q., chapter P-42);

(19) sections 63 and 64 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);

(20) section 147.0.6 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(21) section 238 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);

(22) section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

(23) section 42 of the Marine Products Processing Act (R.S.Q., chapter T-11.01).

55. The exercise of the rights and the performance of the obligations of the Public Curator arising from responsibilities relating to the provisional administration of property entrusted to the Minister of Revenue are continued, as of 1 April 2006, by the Minister of Revenue.

56. Employees of the Public Curator assigned to functions relating to the provisional administration of property and other employees of the Public Curator become employees of the Ministère du Revenu on 1 April 2006 if a decision providing for their transfer is made by the Conseil du trésor before that date.

57. In any regulation, unless the context indicates otherwise, a reference to the Public Curator is a reference to the Minister of Revenue if the provisional administration of property is entrusted to that Minister under this Act.

DIVISION VI

SOCIÉTÉ NATIONALE DE L'AMIANTE

58. On the date and on the terms and conditions it determines, the Government may, by order, dissolve the Société nationale de l'amiante, constituted under the Act respecting the Société nationale de l'amiante (R.S.Q., chapter S-18.2) or provide for its continuance as a legal person established in the public interest governed by Part IA of the Companies Act (R.S.Q., chapter C-38).

The Act respecting the Société nationale de l'amiante is repealed from that date.

DIVISION VII

COMING INTO FORCE

59. This Act comes into force on 16 December 2005, except sections 18 to 27 and 35, which come into force on 1 January 2006, sections 36 to 57, which come into force on 1 April 2006, and sections 28 to 34, which come into force on the date or dates to be set by the Government.