



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 7

(2009, chapter 39)

**An Act to establish an early childhood
development fund and to amend the
Act to establish the Fund for the
promotion of a healthy lifestyle**

**Introduced 11 March 2009
Passed in principle 4 June 2009
Passed 24 September 2009
Assented to 30 September 2009**

EXPLANATORY NOTES

This Act establishes an early childhood development fund. The purpose of the fund is to support the overall development of children five years of age and under living in poverty.

The fund will be dedicated to the financing of activities, projects and initiatives that foster, as early as possible, the overall development of the children, targeting not only their physical development but also their psychological, cognitive, language, social and emotional development, with due recognition for the primary role the parents play. The fund will also be used to finance activities, projects and initiatives that support the parents from pregnancy onwards by providing them with the tools most likely to contribute to the development of their children, and that support innovation and the acquisition and transfer of knowledge in the area of early childhood development.

The Act also provides for the constitution and management of the fund and sets certain rules applicable to the Société de gestion du fonds pour le développement des jeunes enfants.

LEGISLATION AMENDED BY THIS ACT:

- Act to establish the Fund for the promotion of a healthy lifestyle (R.S.Q., chapter F-4.0021).

Bill 7

AN ACT TO ESTABLISH AN EARLY CHILDHOOD DEVELOPMENT FUND AND TO AMEND THE ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. An early childhood development fund is established at the Ministère de la Famille et des Aînés.

The purpose of the fund is to contribute to the achievement of the mission of the Minister of Families by supporting the overall development of children five years of age and under living in poverty, in order to promote their successful entry into the school system and the continuation of their schooling.

2. The fund is dedicated to the financing of activities, projects and initiatives that

(1) foster, as early as possible, the overall development of the children, targeting not only their physical development but also their psychological, cognitive, language, social and emotional development, with due recognition for the primary role the parents play;

(2) support the parents from pregnancy onwards by providing them with the tools most likely to contribute to such development; and

(3) support innovation and the acquisition and transfer of knowledge in the area of early childhood development.

Only activities, projects and initiatives that do not come under regular programs established or approved by the Government may be financed by the fund.

3. The Government sets the date on which the fund begins to operate and determines its assets and liabilities and the nature of the costs that may be charged to it.

4. The fund is made up of

(1) the sums paid into it by the Minister of Revenue under section 6;

(2) the sums paid into it by a minister out of the appropriations granted for that purpose by Parliament;

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

(4) the sums paid into it by the Minister of Finance under sections 7 and 8; and

(5) the interest earned on bank balances in proportion to the sums referred to in paragraphs 1 and 3.

5. The management of the sums making up 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 the Minister of Finance.

The Minister of Families 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.

The particulars of the management of the fund are determined by the Conseil du trésor.

6. On the dates and in the manner determined by the Government, the Minister of Revenue pays into the fund part of the proceeds of the tobacco tax collected under the Tobacco Tax Act (R.S.Q., chapter I-2) for a total amount of \$15,000,000 per year.

7. The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, subject to the conditions determined by the Minister of Finance, that minister may advance to the consolidated revenue fund on a short-term basis any part of the sums making up the fund that is not required for its operation.

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

8. The Minister of Families, as manager of the fund, may borrow sums from the Minister of Finance out of the financing fund of the Ministère des Finances.

9. The sums required for the following purposes are taken out of the fund:

(1) the payment of subsidies or contributions by the Minister of Families to the Société de gestion du fonds pour le développement des jeunes enfants or any other body for the purposes set out in sections 1 and 2;

(2) the payment of the remuneration and expenses pertaining to the employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the activities related to the fund; and

(3) the payment of any expense necessary for carrying out the functions entrusted to the Minister of Families by this Act.

The Government determines how and on what terms payments are to be made to the Société de gestion du fonds pour le développement des jeunes enfants or any other body.

10. The Société de gestion du fonds pour le développement des jeunes enfants is a non-profit legal person whose board of directors includes an equal number of women and men, for a total of 10 members, as follows:

(1) four members from among persons proposed as candidates by the Minister of Families;

(2) four members from among persons proposed as candidates by the Fondation Lucie et André Chagnon; and

(3) two members from among persons proposed jointly as candidates by the Minister of Families and the Fondation Lucie et André Chagnon.

The members referred to in subparagraph 3 of the first paragraph may not, in the three years preceding their election, have had a contractual or employment relationship with the Government, the Fondation Lucie et André Chagnon or the recipient of a subsidy or funding granted by the Société.

The chair of the Société's board of directors is a member proposed by the Minister of Families from among those referred to in subparagraph 1 of the first paragraph. In the case of a tie vote, the chair has a casting vote, except if the vote concerns the appointment of the Société's chief executive officer.

The Société's chief executive officer is appointed from among the persons proposed jointly by the Minister of Families and the Fondation Lucie et André Chagnon.

11. The Société de gestion du fonds pour le développement des jeunes enfants is not a government agency or enterprise within the meaning of the Auditor General Act (R.S.Q., chapter V-5.01).

However, the Auditor General has, with respect to the Société, the competence and powers conferred by section 30.2 of the Auditor General Act and, with respect to the auditor of the Société's books and accounts, the competence and powers conferred by section 32 of that Act. The Auditor General also has

the powers set out in section 30 of that Act with respect to any recipient of a subsidy or funding granted by the Société and, in all cases, enjoys the immunity attached to the Auditor General's activities under that Act.

12. The Société de gestion du fonds pour le développement des jeunes enfants may form a relevance and monitoring committee to advise the Société in assessing the activities, projects and initiatives that may be financed.

If a relevance and monitoring committee is formed, it must be made up of an odd number of members but not more than nine, including two members of the Société's board of directors. The committee members are chosen taking into consideration the expertise and experience profiles determined by the Société's board of directors.

The Société must also establish a code of ethics and professional conduct applicable to the members of the board of directors, the members of the relevance and monitoring committee, if such a committee is formed, and the Société's officers and personnel.

13. 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.

14. Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the early childhood development fund the sums required for the execution of a judgment against the State that has become *res judicata*.

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

16. For every fiscal year, the Minister of Families tables a report in the National Assembly on the activities of the fund and of the Société de gestion du fonds pour le développement des jeunes enfants or any other body to which the Minister pays subsidies or contributions for the purposes set out in sections 1 and 2. The report must include a list of the activities, projects and initiatives financed and highlight any amendments made to the partnership memorandum of agreement between the Minister of Families and the Fondation Lucie et André Chagnon. The report is examined by the competent committee of the National Assembly every three years.

Moreover, in the tenth report, the Minister of Families must assess all the activities of the fund and express an opinion on the relevance of maintaining or reviewing the fund's financing. The tenth report must also be examined by the committee referred to in the first paragraph.

AMENDING PROVISIONS

ACT TO ESTABLISH THE FUND FOR THE PROMOTION
OF A HEALTHY LIFESTYLE

17. The Act to establish the Fund for the promotion of a healthy lifestyle (R.S.Q., chapter F-4.0021) is amended by inserting the following headings before section 1:

“CHAPTER I

“FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE”.

18. The Act is amended by inserting the following section after section 8:

“8.1. The Société de gestion du Fonds pour la promotion des saines habitudes de vie is not a government agency or enterprise within the meaning of the Auditor General Act (chapter V-5.01).

However, the Auditor General has, with respect to the Société, the competence and powers conferred by section 30.2 of the Auditor General Act and, with respect to the auditor of the Société’s books and accounts, the competence and powers conferred by section 32 of that Act. The Auditor General also has the powers set out in section 30 of that Act with respect to any recipient of a subsidy or funding granted by the Société and, in all cases, enjoys the immunity attached to the Auditor General’s activities under that Act.”

19. The Act is amended by inserting the following after section 12:

“CHAPTER II

“OTHER PARTNERSHIPS

“12.1. A non-profit legal person whose board of directors is composed mainly and in equal numbers of persons proposed as candidates by the Fondation Lucie et André Chagnon and persons proposed as candidates by the Government or a Minister is not a government agency or enterprise within the meaning of the Auditor General Act (chapter V-5.01).

However, the Auditor General has, with respect to such a legal person, the competence and powers conferred by section 30.2 of the Auditor General Act and, with respect to the auditor of the legal person’s books and accounts, the competence and powers conferred by section 32 of that Act. The Auditor General also has the powers set out in section 30 of that Act with respect to any recipient of a subsidy or funding granted by the legal person and, in all cases, enjoys the immunity attached to the Auditor General’s activities under that Act.

In addition, the Minister responsible designated under section 13 must notify the Auditor General in writing of the existence of the legal person not later than the thirtieth day after the making of a partnership agreement between the Minister and the Fondation Lucie et André Chagnon.

“CHAPTER III**“MISCELLANEOUS AND FINAL PROVISIONS”.**

20. Section 13 of the Act is amended by inserting the following after “Act”:
“, except section 12.1, the administration of which falls under the responsibility of the Minister or Ministers designated by the Government”.

MISCELLANEOUS AND FINAL PROVISIONS

21. The Minister of Families is responsible for the administration of this Act.

22. The provisions of this Act cease to have effect on the date or dates to be set by the Government, which may not be prior to 1 April 2019.

Any sum remaining in the fund on the date section 1 ceases to have effect is paid into the consolidated revenue fund and appropriated, in the manner established by the Government, to the funding of such complementary measures consistent with the purpose of the early childhood development fund as are determined by the Government.

23. This Act comes into force on 30 September 2009.