



---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-NINTH LEGISLATURE

## **Bill 130**

(2011, chapter 16)

**An Act to abolish the Ministère des Services  
gouvernementaux and to implement the  
Government's 2010-2014 Action Plan to  
Reduce and Control Expenditures by  
abolishing or restructuring certain bodies  
and certain funds**

---

---

**Introduced 11 November 2010**

**Passed in principle 16 February 2011**

**Passed 8 June 2011**

**Assented to 13 June 2011**

## EXPLANATORY NOTES

*This Act restructures certain government departments, bodies and funds.*

*The Ministère des Services gouvernementaux is abolished and its responsibilities transferred to the Chair of the Conseil du trésor.*

*Certain funds are abolished or merged with other funds. Accordingly, the Act*

*(1) establishes the Natural Resources Fund to take over the activities of the forestry fund, the sustainable forest development fund and the mining heritage fund, and receives the revenues collected by the Agence de l'efficacité énergétique, which is abolished by this Act and whose activities are transferred to the Ministère des Ressources naturelles et de la Faune;*

*(2) creates the position of chief scientist, whose incumbent acts as chair of the board of directors of each of the three funds created under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation to support research and, more particularly, coordinates efforts on issues that are common to the three funds and advises the Minister on the development of research and science; the Act also provides for the appointment of a scientific director to each fund;*

*(3) establishes the Territorial Information Fund to take over the activities of the land information fund and the geographic information fund;*

*(4) establishes the Natural Disaster Assistance Fund to take over the activities of the ice storm fund and the financial assistance fund in respect of certain disaster-affected areas;*

*(5) abolishes the farm-loan insurance and forestry-loan insurance funds, and transfers their activities to La Financière agricole du Québec;*

*(6) abolishes the government air service fund and transfers its activities to the Centre de services partagés du Québec; and*

*(7) abolishes the Fonds de l'industrie des courses de chevaux.*

*The following advisory councils are integrated into the government departments they come under: the Conseil consultatif du travail et de la main-d'œuvre, the Conseil de la science et de la technologie, the Conseil des relations interculturelles, the Conseil de la famille et de l'enfance, the Conseil des aînés and the Conseil permanent de la jeunesse.*

*The activities of some bodies are integrated into another body or a government department. Thus, the activities of the Conseil des services essentiels are integrated into those of the Commission des relations du travail; those of the Corporation d'hébergement du Québec, into those of the Société immobilière du Québec, except those of its financial division, which are transferred to the Ministère des Finances; and those of Immobilière SHQ, into those of the Société d'habitation du Québec.*

*The Act abolishes the Société québécoise d'assainissement des eaux and creates the Commission sur l'éthique en science et en technologie to advise the Minister of Economic Development, Innovation and Export Trade on the ethical issues arising from science and technology.*

*For the purposes of such restructuring, a number of transitional measures are provided with regard to the transfer of the rights and obligations of abolished bodies and funds, the continuation of their activities, the transfer of their assets and personnel, and the terms of their members.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01);
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Public Administration Act (R.S.Q., chapter A-6.01);

- Act respecting the Agence du revenu du Québec (R.S.Q., chapter A-7.003);
- Act respecting legal aid and the provision of certain other legal services (R.S.Q., chapter A-14);
- Sustainable Forest Development Act (R.S.Q., chapter A-18.1);
- Archives Act (R.S.Q., chapter A-21.1);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1);
- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Forestry Credit Act (R.S.Q., chapter C-78);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- 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 municipal taxation (R.S.Q., chapter F-2.1);
- Public Service Act (R.S.Q., chapter F-3.1.1);

- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (R.S.Q., chapter M-17.2);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (R.S.Q., chapter M-30.01);
- Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Public Protector Act (R.S.Q., chapter P-32);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);
- Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01);
- Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (R.S.Q., chapter R-8.1.2);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20);
- Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2);
- Act respecting Services Québec (R.S.Q., chapter S-6.3);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Securities Act (R.S.Q., chapter V-1.1).

#### **LEGISLATION REPEALED BY THIS ACT:**

- Act respecting the Agence de l’efficacité énergétique (R.S.Q., chapter A-7.001);
- Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1);
- Act respecting the Conseil consultatif du travail et de la main-d’œuvre (R.S.Q., chapter C-55);
- Act respecting the Conseil de la famille et de l’enfance (R.S.Q., chapter C-56.2);
- 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);
- Act respecting the Corporation d’hébergement du Québec (R.S.Q., chapter C-68.1);
- Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2);
- Act respecting the government air service fund (R.S.Q., chapter F-3.2.2);
- Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);
- Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1);
- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45);
- Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9).

#### **LEGISLATION ENACTED BY THIS ACT:**

- Act to establish the Natural Disaster Assistance Fund (2011, chapter 16, Schedule I);
- Act respecting energy efficiency and innovation (2011, chapter 16, Schedule II).

#### **REGULATIONS AMENDED BY THIS ACT:**

- Regulation respecting the annual share payable to the Agence de l’efficacité énergétique (R.R.Q., chapter R-6.01, r. 5);

- Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758);
- Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, approved by Order in Council 566-98 (1998, G.O. 2, 1752);
- Regulation respecting the remuneration of arbitrators, approved by Order in Council 851-2002 (2002, G.O. 2, 3809).



## Bill 130

### AN ACT TO ABOLISH THE MINISTÈRE DES SERVICES GOUVERNEMENTAUX AND TO IMPLEMENT THE GOVERNMENT'S 2010-2014 ACTION PLAN TO REDUCE AND CONTROL EXPENDITURES BY ABOLISHING OR RESTRUCTURING CERTAIN BODIES AND CERTAIN FUNDS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

#### MINISTÈRE DES SERVICES GOUVERNEMENTAUX

#### DIVISION I

#### ABOLITION OF MINISTÈRE DES SERVICES GOUVERNEMENTAUX AND TRANSFER OF ITS ACTIVITIES TO CONSEIL DU TRÉSOR

- 1.** The Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1) is repealed.
- 2.** The Public Administration Act (R.S.Q., chapter A-6.01) is amended by inserting the following sections after section 77:

**“77.1.** The Chair of the Conseil du trésor shall also

(1) develop a variety of means to give individuals and enterprises, as well as departments and bodies of the Administration, simplified access to quality services throughout Québec;

(2) encourage optimal use of information and communications technologies in the delivery of public services while taking into consideration the choice of individuals regarding the mode of service delivery, and support methods that foster an efficient and economical delivery of services;

(3) encourage in particular the development of leading-edge expertise giving departments and bodies of the Administration access to shared services that they would not reasonably be able to develop on their own;

(4) prepare and propose to the Government policies and guidelines designed, on the one hand, to improve service delivery so that individuals and enterprises can access services more easily, and, on the other, to make shared services

available to the departments and bodies of the Administration, thus contributing to service improvement;

(5) coordinate the implementation of government policies and guidelines that concern information resources, and ensure follow-up;

(6) ensure the development, implementation and deployment of the e-government initiative and the promotion and implementation of any measure furthering the adaptation of public services to e-government;

(7) coordinate the efforts of departments and bodies of the Administration to achieve an integrated approach to the delivery of services to individuals and enterprises and a shared understanding of service quality standards;

(8) ensure the implementation of shared services for departments and bodies of the Administration where such an initiative answers a need for efficiency and profitability in the management of their human, financial, physical and information resources;

(9) propose standards to the Government for the Government's signature and visual identification to be complied with by the departments and bodies designated by the Government; and

(10) ensure that the immovables and other property the departments and bodies of the Administration require to deliver their services are made available to them.

**“77.2.** The Chair of the Conseil du trésor is also responsible for the register of civil status and appoints the registrar of civil status. The registrar of civil status works within Services Québec.”

**3.** The personnel members of the Ministère des Services gouvernementaux become, without further formality, employees of the Secrétariat du Conseil du trésor.

## **DIVISION II**

### **AMENDING PROVISIONS**

**4.** Section 18 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended

(1) by replacing “10” in the first paragraph by “11”;

(2) by striking out “, and the Deputy Minister of Government Services” in the first paragraph.

**5.** Section 21 of the Act is amended by striking out “, except for the Deputy Minister of Government Services” in the first paragraph.

**6.** Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by striking out subparagraph 36 of the first paragraph.

**7.** Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by striking out paragraph 36.

**8.** The words “Minister of Government Services” wherever they appear in the following provisions are replaced by “Chair of the Conseil du trésor”:

(1) sections 5 and 109 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);

(2) section 60 of the Act respecting Services Québec (R.S.Q., chapter S-6.3).

**9.** The words “At the Minister’s request” in section 11 of the English text of the Act respecting Services Québec are replaced by “At the request of the Chair of the Conseil du trésor”, and the word “Minister” is replaced by “Chair of the Conseil du trésor” everywhere it appears in the following sections, with the necessary modifications, that is, by using “Chair” in the English text whenever a preceding use of the full title makes its repetition unnecessary:

(1) sections 12, 39, 48, 50, 51, 53 and 108 of the Act respecting the Centre de services partagés du Québec;

(2) sections 11, 19, 20, 40, 44, 46, 47, 49 and 59 of the Act respecting Services Québec.

**10.** The words “Deputy Minister of Government Services” are replaced by “secretary of the Conseil du trésor” in 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).

## **CHAPTER II**

### **FONDS D’ASSURANCE-PRÊTS AGRICOLES ET FORESTIERS**

#### **DIVISION I**

##### **ABOLITION OF FUND AND TRANSFER OF ITS ACTIVITIES**

**11.** The Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) is repealed.

**12.** Section 19 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1) is amended

(1) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) guarantee to a lender the repayment of a financial commitment granted under a program it administers;”;

(2) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) determine what financial commitments granted under a program are covered by the repayment guarantee, and specify the extent and duration of the coverage.”

**13.** Section 20 of the Act is amended

(1) by replacing “the Fonds d’assurance-prêts agricoles et forestiers or by the agency” in subparagraph 4 of the first paragraph by “the agency, including a financial commitment covered by the right to insurance under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1) before 1 October 2011”;

(2) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) rules concerning financial commitment repayment guarantees.”

**14.** Section 22 of the Act is amended

(1) by adding the following subparagraph after subparagraph 11 of the first paragraph:

“(12) decide whether a claim presented by a lender who benefits from the financial commitment repayment guarantee is admissible and in good order, and decide on the amount of the repayment to be made under the rules of a program.”;

(2) by inserting “or 12” after “subparagraph 10” in the second paragraph;

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

“A person who is subrogated in the rights of a lender is entitled to a financial commitment repayment guarantee if the person is a designated lender designated under subparagraph 5 of the first paragraph of section 19 or a person authorized to act as a lender under subparagraph 3 of the first paragraph of this section.”

**15.** Section 24 of the Act is amended by adding the following paragraph at the end:

“In addition, at least once every five years, the agency shall conduct an actuarial analysis of the financial commitment repayment guarantee, to evaluate the risk of sustaining losses from financial commitments covered by the repayment guarantee.”

**16.** Section 30 of the Act is amended

- (1) by inserting “or a lender” after “enterprise” in the first paragraph;
- (2) by inserting “or the lender” after “enterprise” in the second paragraph.

**17.** Section 31 of the Act is amended by adding the following paragraph at the end:

“The agency may also refuse or cancel the financial commitment repayment guarantee of a lender who no longer meets the conditions under which it was granted or who fails to comply with a request made by the agency under section 30 or under the program governing the guarantee.”

**18.** The Act is amended by inserting the following section after section 34:

**“34.1.** With the sums at its disposal, the agency maintains an account exclusively dedicated to the coverage of potential losses resulting from financial commitments covered by the repayment guarantee.

The sums in this account which the agency does not expect to need in the short term to cover losses are deposited with the Caisse de dépôt et placement du Québec.”

## **DIVISION II**

### **AMENDING PROVISIONS**

**19.** Section 169 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1) is amended by replacing paragraph 4 by the following paragraph:

“(4) determine what financial commitments granted under the program are covered by the financial commitment repayment guarantee under subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1), and specify the extent and duration of the coverage.”

**20.** Section 170 of the Act is amended by replacing “the Fonds d’assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in paragraph 2 by “La Financière agricole du Québec”.

**21.** Section 29 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by replacing the third and fourth paragraphs by the following paragraphs:

“La Financière agricole du Québec guarantees to the lender, in accordance with the Act respecting La Financière agricole du Québec (chapter L-0.1), the

repayment of losses in principal and interest resulting from loans contracted on or after 1 August 1978, and of the expenses allowable under a program established under that Act that are incurred to claim or obtain payment.

A lender may benefit from the guarantee referred to in the first or third paragraph for two or more loans contracted under this subdivision by the same borrower, provided that the outstanding principal on such loans at no time exceeds the amounts indicated in section 13, subject to the right of the lender to the same guarantee for any additional amount representing the balance of a loan of which payment is assumed by the borrower as heir or legatee by particular title.”

**22.** Section 40 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by replacing “the loan insurance contemplated in section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” by “a financial commitment repayment guarantee provided for by subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1).”

**23.** Section 124.38 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “the Fonds d’assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in paragraph 2 by “La Financière agricole du Québec”.

**24.** Section 172.2 of the Act is amended by replacing paragraph 4 by the following paragraph:

“(4) determine what financial commitments granted under the program are covered by the financial commitment repayment guarantee under subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1), and specify the extent and duration of the coverage.”

### **DIVISION III**

#### **TRANSITIONAL PROVISIONS**

**25.** La Financière agricole du Québec replaces the Fonds d’assurance-prêts agricoles et forestiers, acquires its rights and assumes its obligations.

**26.** The records and other documents of the Fonds d’assurance-prêts agricoles et forestiers become records and documents of La Financière agricole du Québec.

**27.** The sums in the Fonds d’assurance-prêts agricoles et forestiers are transferred to the dedicated account provided for in section 34.1 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1) and are used not only to pay losses resulting from financial commitments covered by the repayment guarantee of La Financière agricole du Québec, but also to pay

losses resulting from financial commitments covered by loan insurance under the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1), repealed by section 11.

**28.** The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., chapter A-29.1, r. 1) continues to apply until it is replaced by a program established by La Financière agricole du Québec under subparagraph 6 of the first paragraph of section 20 of the Act respecting La Financière agricole du Québec.

However, the regulation continues to apply to claims received by La Financière agricole du Québec prior to the coming into force of the replacement program.

### CHAPTER III

#### GOVERNMENT AIR SERVICE FUND

**29.** The Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is repealed.

**30.** Section 4 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended by adding the following paragraph at the end:

“A further mission of the Centre is to provide, in support of the mission of the Government, aircraft charter services and air transportation services for such uses as air ambulance transportation, forest fire fighting, territory surveillance and passenger transportation. In addition, the Centre may provide aircraft pilot accreditation, instruction and training services. For the provision of the latter services and forest fire fighting services, the Centre may enter into an agreement with a legal person established for a private interest.”

**31.** The Centre de services partagés du Québec is substituted for the Minister responsible for the administration of the Act respecting the government air service fund with regard to government air service fund activities; it acquires the rights and assumes the obligations of the Minister with regard to such activities.

The fund-related records and other documents of the Minister become records and documents of the Centre.

**32.** The Centre de services partagés du Québec becomes a party, without continuance of suit, to any proceedings to which the Attorney General of Québec was a party that relate to government air service fund activities.

**33.** Despite section 3, the personnel members of the government department under the responsibility of the Minister responsible for the administration of the Act respecting the government air service fund who are assigned to

government air service fund activities become, without further formality, employees of the Centre de services partagés du Québec.

#### CHAPTER IV

##### FONDS DE L'INDUSTRIE DES COURSES DE CHEVAUX

**34.** Division IV.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), comprising sections 21.1 to 21.12, is repealed.

**35.** Section 540.1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is repealed.

#### CHAPTER V

##### GEOGRAPHIC INFORMATION FUND AND LAND INFORMATION FUND

#### DIVISION I

##### INTEGRATION OF FUNDS TO FORM TERRITORIAL INFORMATION FUND

**36.** The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by replacing the heading of subdivision 1 of Division II.1 and section 17.2 by the following:

“§1. — *Territorial Information Fund*

“**17.2.** The Territorial Information Fund is established.”

**37.** Section 17.3 of the Act is amended

(1) by striking out “except interest” in the part before paragraph 1;

(2) by adding the following at the end:

“(4) the sums referred to in section 17.12.0.1;

“(5) the fees collected under section 8.1 of the Act to promote the reform of the cadastre in Québec (chapter R-3.1);

“(6) the sums specified in an order made under the second paragraph of section 17.4.

“These sums are credited to the Fund component, provided for in section 17.4, that corresponds to the purposes for which they are paid.”



**38.** Sections 17.4 to 17.7 of the Act are replaced by the following sections:

**“17.4.** The Fund shall be used to finance the costs of certain goods and services supplied by the Minister and shall comprise two components:

(1) the geographic component, dedicated to financing the costs of goods and services supplied under paragraphs 8.1 and 8.2 of section 12;

(2) the land component, dedicated to financing the costs of goods and services supplied under paragraphs 17.3, 17.4, 17.6 and 17.7 of section 12 and paragraph 3 of section 12.2.

The Government may, on the Minister’s recommendation, determine other activities that may be financed by the Fund, decide which component those activities fall under, create new components as needed and specify any new sums to be included in the Fund.

An order under the second paragraph may take effect as of the start date of the fiscal year in which it is made.

**“17.5.** The management of the sums making up the Fund shall be 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 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 Minister may advance sums credited to one component to another.

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

**39.** Section 17.10.1 of the Act is amended by adding the following paragraph at the end:

“Any sum advanced to the Fund is repayable out of that Fund.”

**40.** The Act is amended by inserting the following section after section 17.12:

**“17.12.0.1.** The Minister may, subject to the applicable legislative provisions and with the authorization of the Government, make agreements with any government, body or person to facilitate the production of the goods and services financed by the Fund. Any sums payable pursuant to such an agreement shall be paid into the Fund.”

**41.** The Act is amended by striking out subdivision 2 of Division II.1, comprising sections 17.12.1 to 17.12.11.

## **DIVISION II**

### **AMENDING PROVISIONS**

**42.** Section 87.2 of the Act respecting legal aid and the provision of certain other legal services (R.S.Q., chapter A-14) is amended by replacing “land information fund” by “land component of the Territorial Information Fund”.

**43.** Section 8.1 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by replacing “land information fund” in the fourth paragraph by “land component of the Territorial Information Fund”.

## **DIVISION III**

### **TRANSITIONAL PROVISIONS**

**44.** The assets and liabilities of the geographic information fund are transferred to the Territorial Information Fund established by section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) and credited to the geographic component.

**45.** The assets and liabilities of the land information fund are transferred to the Territorial Information Fund established by section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune and credited to the land component.

## **CHAPTER VI**

### **SUSTAINABLE FOREST DEVELOPMENT FUND, FORESTRY FUND AND MINING HERITAGE FUND**

**46.** Section 313 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1) is repealed.

**47.** Section 359 of the Act is repealed.

**48.** The Act is amended by replacing “forestry fund” wherever it appears in sections 336, 347, 349 and 362 by “forestry component of the Natural Resources Fund”.

**49.** Section 37 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “forestry fund” by “forestry component of the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)”.

**50.** The heading of subdivision iv of subdivision 4 of Division I of Chapter III of Title I of the Act is replaced by the following heading:

“iv. CONTRIBUTIONS TO FORESTRY COMPONENT OF NATURAL RESOURCES FUND”.

**51.** The Act is amended

(1) by replacing “forestry fund” wherever it appears in sections 73.1, 73.2, 79.2, 82, 92.0.2, 92.0.11 and 104.5 by “forestry component of the Natural Resources Fund”;

(2) by replacing “forestry fund established under section 170.2” in section 73.5 by “forestry component of the Natural Resources Fund”.

**52.** Title IV.1 of the Act, comprising sections 170.2 to 170.11, is repealed.

**53.** Division III of Chapter X of the Mining Act (R.S.Q., chapter M-13.1), comprising sections 305.6 to 305.16, is repealed.

**54.** The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by inserting the following subdivision after section 17.12.11:

“§3.—*Natural Resources Fund*

“**17.12.12.** A Natural Resources Fund is established to finance certain activities of the department. The Fund consists of the following components:

(1) a forestry component, whose purpose is to finance activities relating to seedling production, forestry inventory data and forestry research and other activities aimed at maintaining or improving the protection, development or processing of forest resources;

(2) a sustainable forest development component, whose purpose is to finance activities relating to sustainable forest development and forest management, increasing timber production, forestry research and other activities relating to forest education and awareness and to the protection, development or processing of forest resources;

(3) an energy efficiency and innovation component, whose purpose is to finance programs and measures relating to energy efficiency and innovation, and activities relating to the Minister’s responsibilities with regard to such programs and measures;

(4) a mining heritage component, whose purpose is to finance activities that foster the development of mineral potential, including such activities as geoscience knowledge acquisition, research and development in mining

exploration and development and mining site rehabilitation and restoration techniques, and support for the development of Québec entrepreneurship.

The Government may, on the Minister's recommendation, determine other activities that may be financed by the Fund, decide which component those activities fall under, create new components as needed and specify any new sums to be included in the Fund.

An order under the second paragraph may take effect as of the start date of the fiscal year in which it is made.

**“17.12.13.** The Fund is made up of the sums specified in an order made under the second paragraph of section 17.12.12, the sums specified in sections 17.12.14 to 17.12.17 and the following sums credited to the appropriate component according to the purpose for which they are paid:

(1) the sums paid into the Fund by the Minister out of the appropriations granted by Parliament for the purpose referred to in section 17.12.12;

(2) the sums paid into the Fund by the Minister of Finance under the first paragraph of section 17.10 and section 17.10.1;

(3) the gifts, legacies and other contributions paid into the Fund to further its objects.

**“17.12.14.** The following sums are credited to the forestry component of the Fund:

(1) the sums paid by the Minister under section 73.5 and the fourth paragraph of sections 92.0.2 and 92.0.11 of the Forest Act (chapter F-4.1) which, in addition to any related surplus, are allocated exclusively to the financing of activities connected with forest management and development;

(2) the sums collected in respect of the sale of property or services financed by the Fund;

(3) the part that exceeds \$500,000 of the fines paid by offenders during a fiscal year of the Fund for an offence under the Forest Act or the regulations;

(4) the sums collected after 31 March 2003 in respect of the sale of timber confiscated by the Minister under section 203 of the Forest Act and the proceeds of the sale of the timber deposited after that date with the Ministère des Finances under section 192 of that Act following the guilty plea or conviction of an offender;

(5) the damages, including any punitive damages awarded by the court under section 172.3 of the Forest Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular where the person responsible for the damage cut timber illegally;

(6) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 59.2 of the Forest Act to establish a general forest management plan;

(7) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 61 of the Forest Act to establish a corrective plan and the sums paid to reimburse the costs incurred by the Minister under section 61.1 of that Act to perform any contractual obligation referred to in section 60 of that Act which an agreement holder failed to perform;

(8) the interest on bank balances in proportion to the sums referred to in subparagraph 1 of this paragraph and paragraph 3 of section 17.12.13.

A portion of the sums paid under section 71 of the Forest Act by the holder of a timber supply and forest management agreement may, with government authorization, be credited to the forestry component of the Fund.

The Government determines the terms and conditions governing the payment of sums into the forestry component of the Fund as well as the activities, from among those referred to in subparagraph 1 of the first paragraph of section 17.12.12, that the sums are to be used for.

The surpluses accumulated in the forestry component are paid to the Consolidated Revenue Fund on the dates and to the extent determined by the Government, in proportion to the sums credited to the forestry component under subparagraph 2 of the first paragraph, the second paragraph and paragraph 1 of section 17.12.13.

**“17.12.15.** The following sums are credited to the sustainable forest development component of the Fund:

(1) the sums paid into the Fund under the second paragraph;

(2) the income generated by administrative fees paid for the examination of applications for forestry permits or wood processing plant operating permits issued under the Sustainable Forest Development Act (chapter A-18.1), or for the examination of applications for a forest producer’s certificate issued under that Act, including the fees paid for copies of those certificates;

(3) the sums collected in respect of the sale of property or services financed by the Fund;

(4) the fines paid by offenders against the Sustainable Forest Development Act or the regulations;

(5) the sums paid as a reimbursement of the costs incurred by the Minister under the second paragraph of section 65 of the Sustainable Forest Development Act to take the corrective measures required of those who carry out forest development activities;

(6) the sums collected from the sale of timber confiscated by the Minister under section 223 of the Sustainable Forest Development Act and the proceeds of the sale of timber deposited with the Ministère des Finances under section 215 of that Act following the guilty plea or conviction of an offender;

(7) the damages, including any punitive damages awarded by the court under section 226 of the Sustainable Forest Development Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular where the person responsible for the damage cut timber illegally;

(8) the income from investments of the sums making up the sustainable forest development component.

The Government may authorize the payment, into the sustainable forest development component of the Fund, of part of the following sums required for the financing of activities referred to in Chapter VI of Title II of the Sustainable Forest Development Act and of activities related to increasing timber production, or for the establishment of a reserve:

(1) the proceeds from the sale of timber and other forest products in the domain of the State;

(2) the fees paid by holders of forestry permits or wood processing plant operating permits issued under the Sustainable Forest Development Act.

The surpluses accumulated in the sustainable forest development component, except the sums referred to in the second paragraph, are paid into the Consolidated Revenue Fund in the proportion, on the dates and to the extent determined by the Government.

**“17.12.16.** The following sums are credited to the energy efficiency and innovation component of the Fund:

(1) the sums collected from energy distributors under section 17 of the Act respecting energy efficiency and innovation (2011, chapter 16, Schedule II);

(2) the fees or other sums collected for services provided by the Minister under an energy efficiency, energy innovation or greenhouse gas reduction program or measure;

(3) the sums paid as a reimbursement of the costs incurred by the Minister under section 9 or the second paragraph of section 13 of the Act respecting energy efficiency and innovation;

(4) the fines paid by offenders against the Act respecting energy efficiency and innovation;

(5) the income from investments of the sums making up the energy efficiency and innovation component.

**“17.12.17.** The following sums are credited to the mining heritage component of the Fund:

(1) the sums collected as mining duties under the Mining Duties Act (chapter D-15) and paid into the Fund on the dates and to the extent determined by the Government;

(2) the income from investments of the sums making up the mining heritage component.

The surpluses accumulated in the mining heritage component are paid into the Consolidated Revenue Fund on the dates and to the extent determined by the Government.

**“17.12.18.** Sections 17.5 and 17.8 to 17.12 apply to the Natural Resources Fund, with the necessary modifications.”

**55.** The Minister of Finance advances the required start-up sums to the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). The Government determines the sums advanced and the date on which they must be paid into the Fund. The sums are taken out of the Consolidated Revenue Fund.

**56.** The assets and liabilities of the forestry fund established under section 170.2 of the Forest Act (R.S.Q., chapter F-4.1) are transferred to the Natural Resources Fund and credited to its forestry component.

**57.** The forestry component of the Natural Resources Fund terminates on 31 March 2013.

The assets and liabilities of that component are transferred on 1 April 2013 to the sustainable forest development component of the same Fund.

If the assets and liabilities transferred to the sustainable forest development component are insufficient for the start-up of that component, sums from the Consolidated Revenue Fund may be paid into the Natural Resources Fund and credited to the sustainable forest development component, to the extent determined by the Government.

**58.** The assets and liabilities of the mining heritage fund, established under section 305.6 of the Mining Act (R.S.Q., chapter M-13.1), are transferred to the Natural Resources Fund and credited to its mining heritage component.

## CHAPTER VII

### FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA NATURE ET LES TECHNOLOGIES, FONDS DE LA RECHERCHE EN SANTÉ DU QUÉBEC AND FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA SOCIÉTÉ ET LA CULTURE

#### DIVISION I

#### QUÉBEC RESEARCH FUND

**59.** The heading of Chapter V of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is replaced by the following heading:

“QUÉBEC RESEARCH FUND”.

**60.** Section 46 of the Act is amended

(1) by replacing “Fonds québécois de la recherche sur la nature et les technologies” by “Québec Research Fund–Nature and Technology”;

(2) by replacing “Fonds de la recherche en santé du Québec” by “Québec Research Fund–Health”;

(3) by replacing “Fonds québécois de la recherche sur la société et la culture” by “Québec Research Fund–Society and Culture”.

**61.** Section 50 of the Act is amended

(1) by replacing “of not more than 14” in the first paragraph by “of an odd number of not more than 15”;

(2) by replacing “a chairman and managing director” in the first paragraph by “the chief scientist and the scientific director”.

**62.** The Act is amended by inserting the following sections after section 50:

“**50.1.** The Government chooses the chief scientist from among at least three persons approved by a committee following a selection process established by the Government. The committee is to be composed of at least three members appointed by the Government.

The selection process does not apply to a chief scientist whose term is renewed. However, within six months prior to the expiry of the chief scientist's term, each board of directors carries out a performance evaluation and sends it to the Minister, along with recommendations as to the advisability of renewing the chief scientist's term.



The Government determines the remuneration, employee benefits and other conditions of employment of the chief scientist. The office of chief scientist is a full-time position.

**“50.2.** The Government appoints a scientific director to each fund, on the recommendation of that fund’s board of directors. The scientific director ensures that the activities of the fund are properly run.

If the board of directors refuses or neglects to make the recommendation required under the first paragraph, the Government may appoint a scientific director after notifying the members of the board.

Within six months prior to the expiry of the scientific director’s term, the board of directors includes with the recommendation provided for in the first paragraph an evaluation of the scientific director’s performance.

The Government determines the remuneration, employee benefits and other conditions of employment of the scientific director. The office of scientific director is a full-time position.

**“50.3.** The members of the board of directors designate a vice-chair from among their number.”

**63.** Section 51 of the Act is replaced by the following section:

**“51.** The chief scientist is the chair of the board of directors of all three funds, and is responsible for calling meetings and ensuring that they run smoothly. The chief scientist exercises the powers assigned by the by-laws of each fund and the functions assigned by the boards of directors.

If absent from a board meeting, the chief scientist is replaced by the vice-chair of the board.”

**64.** Section 52 of the Act is amended by replacing “chairman and managing director is appointed” in the first paragraph by “chief scientist and the scientific director are appointed”.

**65.** Section 53 of the Act is amended by replacing “chairman and managing director” in the second paragraph by “chief scientist and the scientific director”.

**66.** Section 54 of the Act is amended by adding “, 50.1, 50.2 or 50.3, as applicable” after “section 50” in the first paragraph.

**67.** Sections 55 and 56 of the Act are replaced by the following sections:

**“55.** The chief scientist advises the Minister on the development of research and science and, in accordance with the mandate assigned by the

Minister, works to enhance Québec's position and influence in Canada and internationally.

The chief scientist coordinates efforts on issues that are common to the three funds, as well as intersectoral research activities.

The chief scientist is also responsible for administering the human, physical, financial and information resources of the three funds, and for consolidating and integrating the administrative activities of the funds.

**“56.** The members of the boards of directors other than the chief scientist and the scientific directors are not remunerated except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to a reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.”

**68.** Section 57 of the Act is replaced by the following section:

**“57.** In no case may the chief scientist or scientific directors, under pain of forfeiture of office, have any direct or indirect interest in an undertaking, body or association causing their personal interest to conflict with that of the Fund. However, such forfeiture is not incurred if such an interest devolves to them by succession or gift, provided that they renounce or dispose of it with all possible dispatch.

Any other member of the board of directors who has any interest in such an undertaking, body or association must, under pain of forfeiture of office, disclose it in writing to the chief scientist and abstain from participating in any deliberation and any decision concerning that undertaking, body or association. Such a board member must also withdraw from a meeting for the duration of the deliberations and the vote on the issue.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within the Fund which would also apply to the board member.”

**69.** Section 58 of the Act is amended by replacing “chairman and managing director” in the third paragraph by “chief scientist”.

**70.** Section 61 of the Act is amended by replacing “Fonds québécois de la recherche sur la nature et les technologies” by “Québec Research Fund–Nature and Technology”.

**71.** Section 62 of the Act is amended by replacing “Fonds de la recherche en santé du Québec” by “Québec Research Fund–Health”.

**72.** Section 63 of the Act is amended by replacing “Fonds québécois de la recherche sur la société et la culture” by “Québec Research Fund–Society and Culture”.

**73.** Section 70 of the Act is replaced by the following section:

“**70.** Each fund must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises (chapter G-1.02).

Each fund must adopt a policy for examining and dealing with complaints about operations connected with its activities.”

**74.** Section 73 of the Act is replaced by the following sections:

“**73.** In the pursuit of its objectives, a fund may receive gifts, legacies, subsidies and other contributions, provided that any conditions attached are compatible with the achievement of its mission.

“**73.1.** Each fund advises the Minister on any matter in its area of competence that is submitted to it by the Minister, and makes any recommendations it considers appropriate.”

**75.** Section 75 of the Act is amended

(1) by replacing “its chairman and managing director or by a member of its personnel” in the first paragraph by “the chief scientist, the scientific director or a member of the personnel of the Fund”;

(2) by replacing “chairman and managing director of the Fonds” in the second paragraph by “chief scientist”.

**76.** Section 76 of the Act is replaced by the following sections:

“**76.** The minutes of the meetings of the board of directors, approved by the board and certified by the chief scientist or any other person authorized by a fund, are authentic. The same applies to documents and copies of documents emanating from a fund or forming part of its records, if they are so certified.

“**76.1.** An intelligible transcription of a decision or other data stored in a computer or in a computer-readable medium by a fund is a document of that fund and constitutes proof of its contents if it is certified by a person referred to in section 75.”

## DIVISION II

### TRANSITIONAL PROVISIONS

**77.** The chairman and managing director of the Fonds québécois de la recherche sur la société et la culture is reintegrated into the public service under the conditions governing an eventual return to the public service.

The term of the chairman and managing director of the Fonds québécois de la recherche sur la nature et les technologies ends without compensation other than the transition allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

The term of the chairman and managing director of the Fonds de la recherche en santé du Québec ends without compensation in accordance with his deed of appointment.

**78.** The selection process provided for in section 50.1 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01), enacted by section 62, does not apply to the appointment of the first chief scientist.

**79.** The new names given to the funds under section 60 do not change the nature of the funds. They continue their activities under their new names, without other formality.

## CHAPTER VIII

### NATURAL DISASTER ASSISTANCE FUND

**80.** The Act to establish the Natural Disaster Assistance Fund, the text of which appears in Schedule I, is enacted.

## CHAPTER IX

### CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'ŒUVRE

## DIVISION I

### ABOLITION OF COUNCIL AND TRANSFER OF ITS ACTIVITIES TO MINISTÈRE DU TRAVAIL

**81.** The Act respecting the Conseil consultatif du travail et de la main-d'œuvre (R.S.Q., chapter C-55) is repealed.

**82.** The Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by inserting the following sections after section 12:

**“12.1.** The Minister shall establish a labour and workforce advisory committee under the name “Comité consultatif du travail et de la main-d’œuvre” to advise the Minister on any question that the Minister submits to it respecting matters within the Minister’s competence. It shall also advise any other minister on any question related to labour or the workforce that the Minister submits to it, at the request of the other minister, respecting matters within the competence of that other minister.

The advisory committee may also study any matter relating to labour or the workforce and, with the Minister’s approval, commission studies and research it judges conducive to or necessary for the achievement of its objects.

**“12.2.** The advisory committee shall release the general policy that guides it in advising the Minister in respect of the list of arbitrators referred to in section 77 of the Labour Code (chapter C-27) and advising the Minister under this section. The policy may include criteria for the appraisal of the arbitrators’ qualifications and conduct.

The Minister shall examine complaints about the remuneration and expenses claimed by arbitrators on the list, and about the conduct and qualifications of those arbitrators.

The Minister shall endeavour to resolve complaints to the satisfaction of the complainant and the arbitrator. If a complaint cannot be so resolved, the Minister may ask the advisory committee for its opinion before making a decision on the complaint.

**“12.3.** The advisory committee may solicit opinions and suggestions from the public on any matter it is studying or about to study, and may submit recommendations on the matter to the ministers referred to in section 12.1.

**“12.4.** The advisory committee may form special committees to study specific questions, gather pertinent information and report to the committee on their findings and recommendations.

A special committee is composed of an equal number of committee members appointed under each of subparagraphs 2 and 3 of the first paragraph of section 12.6.

At the request of the advisory committee, the Minister may appoint persons who are not members of the committee as temporary members of a special committee. These persons are not remunerated; however, they may be compensated for the costs they incur to attend meetings and may receive an attendance allowance and the fees set by the Government.

**“12.5.** The members of the advisory committee may not be prosecuted by reason of an act performed in good faith in the exercise of their functions under section 12.2, section 77 of the Labour Code (chapter C-27) or section 216 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

**“12.6.** The advisory committee is composed of the following members, appointed by the Minister:

- (1) a committee chair;
- (2) six persons chosen from among those recommended by the most representative employee associations;
- (3) six persons chosen from among those recommended by the most representative employer associations.

The Deputy Minister of Labour or the Deputy Minister's delegate is a member of the committee by virtue of office but is not entitled to vote.

**“12.7.** The members of the advisory committee, other than the chair and the Deputy Minister of Labour or the Deputy Minister's delegate, are appointed for three years; the chair is appointed for five years.

**“12.8.** The members of the advisory committee remain in office, despite the expiry of their term, until they are replaced or reappointed.

**“12.9.** A vacant position on the advisory committee, except that of the Deputy Minister of Labour or the Deputy Minister's delegate, is filled in the manner prescribed for the appointment of the member to be replaced.

**“12.10.** The chair of the advisory committee directs the committee's activities, prepares meeting agendas, calls and presides at meetings, coordinates and ensures the continuity of the committee's work, sees to the preparation of files, provides members with information on the matters to be studied and serves as liaison between the committee and the Minister of Labour or any other minister referred to in section 12.1.

The Minister sets the chair's fees, allowances, salary and, if warranted, additional salary.

**“12.11.** The chair of the advisory committee, if absent from a meeting, is replaced on an alternating basis by one of the members appointed under subparagraphs 2 and 3 of the first paragraph of section 12.6, after being designated for this purpose by the other members present.

**“12.12.** The members of the advisory committee other than the committee chair and the Deputy Minister of Labour or the Deputy Minister's delegate are not remunerated. However, they are entitled to a reimbursement of expenses

incurred in the exercise of their functions, on the conditions and to the extent determined by the Minister.”

**83.** Section 216 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“Each year, after consultation with the professional orders concerned and the Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the Minister draws up a list of health professionals who agree to act as members of the Bureau.”

**84.** Sections 228, 385 and 407 of the Act are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

**85.** Section 591 of the Act is repealed.

## DIVISION II

### AMENDING PROVISIONS

**86.** Sections 77 and 103 of the Labour Code (R.S.Q., chapter C-27) are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

**87.** Sections 20 and 21 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

**88.** Section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20) is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” in subparagraph 8.5 of the first paragraph by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

**89.** Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by replacing “the Conseil consultatif du travail et de la main-d’œuvre” in paragraph 3 by “the Comité consultatif du travail et de la main-d’œuvre

established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

**90.** Section 24 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, approved by Order in Council 566-98 (1998, G.O. 2, 1752), is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

**91.** Section 18 of the Regulation respecting the remuneration of arbitrators, approved by Order in Council 851-2002 (2002, G.O. 2, 3809), is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

### DIVISION III

#### TRANSITIONAL PROVISIONS

**92.** The Minister of Labour replaces the Conseil consultatif du travail et de la main-d’œuvre, acquires its rights and assumes its obligations.

**93.** The assets of the Conseil consultatif du travail et de la main-d’œuvre are transferred to the Minister of Labour.

The records and other documents of that council become records and documents of that Minister.

**94.** The examination of any complaint of which the Conseil consultatif du travail et de la main-d’œuvre was seized on or before 1 October 2011 under the second paragraph of section 2.1 of the Act respecting the Conseil consultatif du travail et de la main-d’œuvre (R.S.Q., chapter C-55) is continued by the Minister of Labour under section 12.2 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2).

**95.** The personnel members of the Conseil consultatif du travail et de la main-d’œuvre become, without further formality, employees of the Ministère du Travail.

**96.** The term of the members of the Conseil consultatif du travail et de la main-d’œuvre ends on 1 October 2011.

The president is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his deed of appointment.



## CHAPTER X

### CONSEIL DE LA FAMILLE ET DE L'ENFANCE

**97.** The Act respecting the Conseil de la famille et de l'enfance (R.S.Q., chapter C-56.2) is repealed.

**98.** The Minister of Families replaces the Conseil de la famille et de l'enfance, acquires its rights and assumes its obligations.

**99.** The assets of the Conseil de la famille et de l'enfance are transferred to the Minister of Families.

The records and other documents of that council become records and documents of that Minister.

**100.** The personnel members of the Conseil de la famille et de l'enfance become, without further formality, employees of the Ministère de la Famille et des Aînés.

**101.** The term of the members of the Conseil de la famille et de l'enfance ends on (*insert the date of coming into force of this section*).

The term of the chairman ends without compensation other than the allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

## CHAPTER XI

### CONSEIL DES AÎNÉS

**102.** The Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01) is repealed.

**103.** Section 3.1 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (R.S.Q., chapter M-17.2) is amended by adding the following paragraph at the end:

“(5) forming a national ethics committee on aging to give its opinion on any question submitted to it by the Minister with regard to these matters.”

**104.** Section 19 of the Act respecting Services Québec (R.S.Q., chapter S-6.3) is amended by striking out “and a representative of the Conseil des aînés” in the second paragraph.

**105.** The Minister responsible for Seniors replaces the Conseil des aînés, acquires its rights and assumes its obligations.

**106.** The assets of the Conseil des aînés are transferred to the Minister responsible for Seniors.

The records and other documents of that council become records and documents of that Minister.

**107.** The personnel members of the Conseil des aînés become, without further formality, employees of the Ministère de la Famille et des Aînés.

**108.** The term of the members of the Conseil des aînés ends on (*insert the date of coming into force of this section*).

## CHAPTER XII

### CONSEIL DES RELATIONS INTERCULTURELLES

**109.** The Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2) is repealed.

**110.** Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) a person designated by the Minister of Immigration and Cultural Communities;”.

**111.** Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraph 5.

**112.** The Minister of Immigration and Cultural Communities replaces the Conseil des relations interculturelles, acquires its rights and assumes its obligations.

**113.** The assets of the Conseil des relations interculturelles are transferred to the Minister of Immigration and Cultural Communities.

The records and other documents of that council become records and documents of that Minister.

**114.** The personnel members of the Conseil des relations interculturelles become, without further formality, employees of the Ministère de l'Immigration et des Communautés culturelles.

**115.** The term of the members of the Conseil des relations interculturelles ends on (*insert the date of coming into force of this section*).

The term of the president ends without compensation other than the allowance provided for in section 21 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

### CHAPTER XIII

#### CONSEIL PERMANENT DE LA JEUNESSE

**116.** The Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01) is repealed.

**117.** Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraph 7.

**118.** The Minister responsible for the Secrétariat à la jeunesse replaces the Conseil permanent de la jeunesse, acquires its rights and assumes its obligations.

**119.** The assets of the Conseil permanent de la jeunesse are transferred to the Minister responsible for the Secrétariat à la jeunesse.

The records and other documents of that council become records and documents of that Minister.

**120.** The personnel members of the Conseil permanent de la jeunesse become, without further formality, employees of the Ministère du Conseil exécutif.

**121.** The term of the members of the Conseil permanent de la jeunesse ends on (*insert the date of coming into force of this section*).

The term of the president and vice-president ends without compensation other than the allowance provided for in sections 21 and 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only), that is, a transition allowance if their term has expired or a separation allowance if it has not.

### CHAPTER XIV

#### CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE

**122.** Chapter IV of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01), comprising sections 31 to 45, is repealed.

**123.** Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) a person designated by the Minister of Economic Development, Innovation and Export Trade;”.

**124.** The Minister of Economic Development, Innovation and Export Trade replaces the Conseil de la Science et de la Technologie, acquires its rights and assumes its obligations.

**125.** The assets of the Conseil de la Science et de la Technologie are transferred to the Minister of Economic Development, Innovation and Export Trade.

The records and other documents of that council become records and documents of that Minister.

**126.** The personnel members of the Conseil de la Science et de la Technologie become, without further formality, employees of the Ministère du Développement économique, de l’Innovation et de l’Exportation.

**127.** The term of the members and observers of the Conseil de la Science et de la Technologie ends on (*insert the date of coming into force of this section*).

## CHAPTER XV

### ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION

**128.** The Act respecting energy efficiency and innovation, the text of which appears in Schedule II, is enacted.

## CHAPTER XVI

### CONSEIL DES SERVICES ESSENTIELS

#### DIVISION I

#### ABOLITION OF COUNCIL AND TRANSFER OF ITS ACTIVITIES TO COMMISSION DES RELATIONS DU TRAVAIL

**129.** Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by striking out “a mediator of the Conseil des services essentiels,” in subparagraph 3 of paragraph 1;

(2) by replacing subparagraph 7 of paragraph 1 by the following subparagraph:

“(7) a public servant of the Commission assigned to functions referred to in section 137.48 or 137.48.1;”.

**130.** Section 109.1 of the Code is amended by replacing “the Conseil des services essentiels” in subparagraph i of paragraph c by “the Commission”.

**131.** Division I of Chapter V.1 of the Code, comprising sections 111.0.1 to 111.0.14, is repealed.

**132.** The Code is amended by replacing, wherever they appear in Divisions II, III and IV of Chapter V.1, “Conseil des services essentiels” and “council” where it refers to the Conseil des services essentiels by “Commission”.

**133.** Section 111.20 of the Code is amended

(1) by replacing “may file a” in the first paragraph by “may file or, at the request of an interested party, authorize the filing of”;

(2) by adding the following paragraph after the second paragraph:

“Any person who transgresses or refuses to comply with an order or undertaking in which the person is named or designated, or who knowingly contravenes an order or undertaking in which the person is not designated, is guilty of contempt of court and may be condemned by the court having jurisdiction, in accordance with the procedure provided for in articles 53 to 54 of the Code of Civil Procedure (chapter C-25), to a fine not exceeding \$50,000 with or without a term of imprisonment not exceeding one year. These penalties may be re-imposed until the offender complies with the order or undertaking.”

**134.** The Code is amended by inserting the following division after section 111.20:

#### “DIVISION V

#### “MISCELLANEOUS PROVISIONS

“**111.21.** The Commission must brief the parties about the essential services to be maintained during a strike.

The Commission may also provide information to the public about any matter involving the maintenance of essential services.

“**111.22.** When the Commission acts under a provision of this chapter, sections 117, 121 to 123, 125, 129 and 133 do not apply.”

**135.** Section 114 of the Code is amended by striking out “sections 111.0.1 to 111.2, sections 111.10 to 111.20 and” in the second paragraph.

**136.** Section 115.1 of the Code is amended

(1) by replacing “two” in the portion before paragraph 1 by “three”;

(2) by inserting the following paragraph after paragraph 1:

“(1.1) the essential services division;”.

**137.** The Code is amended by inserting the following section after section 115.2:

“**115.2.1.** Matters arising from the enforcement of the provisions regarding essential services contained in Chapter V.1 of this Code, the Act respecting the Agence du revenu du Québec (chapter A-7.003), the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (chapter R-8.1.2) or the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2) shall be decided by the essential services division.”

**138.** Section 115.3 of the Code is replaced by the following section:

“**115.3.** Subject to sections 115.2 and 115.2.1, proceedings brought under this Code or an Act referred to in Schedule I shall be decided by the labour relations division.”

**139.** The Code is amended by inserting the following section after section 115.3:

“**115.4.** The commissioners may sit in any division.”

**140.** Section 124 of the Code is amended by replacing “A complaint, a proceeding or an application shall be heard and decided” in the first paragraph by “Every matter shall be heard and decided”.

**141.** Section 128 of the Code is amended by adding “or, if the decision was rendered under Chapter V.1, within the time determined by the president” at the end of the second paragraph.

**142.** Section 137.11.1 of the Code is repealed.

**143.** Section 137.40 of the Code is amended by replacing “either division” in the last paragraph by “any division”.

**144.** The Code is amended by inserting the following section after section 137.48:

“**137.48.1.** For the purposes of Chapter V.1, the Commission may engage persons to conduct an investigation or help the parties come to an agreement.”

**145.** Section 137.49 of the Code is replaced by the following section:

“**137.49.** When a commissioner is appointed, the president assigns the commissioner to one or more divisions of the Commission.

To expedite the business of the Commission, the president may reassign or temporarily assign a commissioner to another division.

In assigning work to commissioners, the president may take their specific knowledge and experience into account.”

**146.** Section 138 of the Code is amended

(1) by inserting the following paragraph after the second paragraph:

“The Commission may also establish rules to be observed by the parties in reaching an agreement or drawing up a list pursuant to Chapter V.1.”;

(2) by inserting “or third” after “second” in the third paragraph.

**147.** Section 139 of the Code is amended by striking out “the Conseil des services essentiels,”.

**148.** Section 140.1 of the Code is amended

(1) by replacing “council” wherever it appears by “Commission”;

(2) by replacing “sections 111.0.10 or 111.0.13” by “section 137.48.1”.

**149.** Section 143.1 of the Code is amended by replacing “of the council established by section 111.0.1 or by persons appointed by it” by “of the Commission or of a person appointed by it pursuant to Chapter V.1”.

**150.** Schedule I to the Code is amended

(1) by replacing “section 19” in paragraph 26 by “sections 12.7 to 12.9, the last paragraph of section 12.11 and section 19”;

(2) by replacing “54 and 127” in paragraph 27 by “the last paragraph of section 53 and sections 54 and 127”;

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

“(29) section 50 of the Act respecting the Agence du revenu du Québec (chapter A-7.003).”

## DIVISION II

### AMENDING PROVISIONS

**151.** Section 50 of the Act respecting the Agence du revenu du Québec (R.S.Q., chapter A-7.003) is amended by replacing “the Conseil des services essentiels” wherever it appears by “the Commission des relations du travail”.

**152.** Section 69 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by replacing “of the Conseil des services essentiels established by the Labour Code (chapter C-27)” in the second paragraph by “of the Commission des relations du travail”;

(2) by replacing “to the Conseil des services essentiels” in the third paragraph by “to the Commission des relations du travail”.

**153.** Section 12.5 of the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (R.S.Q., chapter R-8.1.2) is amended by replacing “the Conseil des services essentiels established by the Labour Code (chapter C-27)” in the first paragraph by “the Commission des relations du travail”.

**154.** The Act is amended by replacing “Conseil des services essentiels” and “council” where it refers to the Conseil des services essentiels by “Commission des relations du travail” and “Commission”, respectively.

**155.** Section 53 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.2) is amended

(1) by replacing “the Conseil des services essentiels established by section 111.0.1 of the Labour Code” in subparagraph 3 of the second paragraph by “the Commission des relations du travail”;

(2) by replacing “The Conseil des services essentiels” in the second paragraph by “The Commission des relations du travail”.

## DIVISION III

### TRANSITIONAL PROVISIONS

**156.** Section 115.4 of the Labour Code (R.S.Q., chapter C-27) applies to commissioners in office on 1 October 2011, despite any mention of a division to which they are assigned in their deeds of appointment.



These commissioners continue nonetheless, subject to the second paragraph of section 137.49 of the Labour Code, to be assigned to the division identified in their deeds of appointment.

**157.** The Commission des relations du travail replaces the Conseil des services essentiels, acquires its rights and assumes its obligations.

**158.** The assets, records and other documents of the Conseil des services essentiels become assets, records and documents of the Commission des relations du travail.

**159.** The term of the members of the Conseil des services essentiels ends on 1 October 2011.

With the authorization of the president of the Commission des relations du travail and for the period the president determines, members of the Commission may nonetheless continue to exercise their functions, for the same salary, in order to conclude cases they have begun but have yet to determine.

**160.** The full-time members of the Conseil des services essentiels are declared qualified to be appointed as commissioners of the Commission des relations du travail if they satisfy the requirements set out in section 137.12 of the Labour Code (R.S.Q., chapter C-27).

To determine whether those members satisfy the requirements referred to in the first paragraph, a selection committee is formed that acts in accordance with sections 5 to 14, 16 and 19 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail, enacted by Order in Council 500-2002 (2002, G.O. 2, 2319), except with regard to the prior notice of recruitment and the holding of an interview, with the necessary modifications.

A report containing the names of members who satisfy the requirements referred to in the first paragraph is submitted by the committee to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Labour.

The Minister of Labour recommends to the Government the appointment of the persons declared qualified to be appointed as commissioners to the Commission des relations du travail.

**161.** The full-time members of the Conseil des services essentiels who are not appointed as commissioners of the Commission des relations du travail and have job security in the public service are reintegrated into the public service under the conditions governing an eventual return to the public service set out in their deeds of appointment. The term of the other members ends without compensation other than that provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un

emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

**162.** The personnel members of the Conseil des services essentiels in office on 11 November 2010 and still in office on 30 September 2011 become, without further formality, employees of the Commission des relations du travail. These employees are deemed to have been appointed under the Public Service Act (R.S.Q., chapter F-3.1.1). For casual or contractual employees of the council, this applies only for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration, classification and any other applicable conditions of employment.

The same applies to personnel members of the Conseil des services essentiels appointed after 11 November 2010, provided the appointment was authorized by the secretary of the Conseil du trésor.

**163.** Matters pending before the Conseil des services essentiels are continued before the Commission des relations du travail by one of the members who has heard the parties.

**164.** The Commission des relations du travail becomes a party, without continuance of suit, to any proceedings to which the Conseil des services essentiels was a party.

## CHAPTER XVII

### CORPORATION D'HÉBERGEMENT DU QUÉBEC

#### DIVISION I

#### AMALGAMATION OF CORPORATION D'HÉBERGEMENT DU QUÉBEC AND SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

**165.** The Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1) is repealed.

**166.** Section 4 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1) is amended

(1) by replacing “nine” in the first paragraph by “11”;

(2) by inserting “, two of whom must have an appropriate profile for the health and social services sector,” after “members” in the second sentence of the second paragraph.

**167.** Section 5 of the Act is amended by replacing “six” by “eight”.

**168.** The Act is amended by inserting the following sections after section 20:

**“20.1.** The Société’s objects in respect of health and social service providers, and for a consideration, are

(1) to offer those providers and the Minister of Health and Social Services technical, contractual and financial expertise relating to the management, construction, maintenance and acquisition of health and social sector installations, equipment and infrastructures;

(2) to own movable and immovable property used or to be used by health and social service providers;

(3) to provide financial support to health and social service providers for the carrying out of projects, activities or particular operations falling within the scope of their mission;

(4) to develop property management expertise in the health and social sector in partnership with the private sector;

(5) at the request of the Minister of Health and Social Services, to transfer the ownership of any vacant immovable or other unused asset owned by the Société under subparagraph 2, subject to the conditions agreed between that Minister and the Société; and

(6) to carry out any other mandate the Minister of Health and Social Services entrusts to it.

For those purposes, it may, among other things, exercise its powers under paragraphs 1 to 3 of section 18, except the power to maintain an immovable occupied by a public or private institution under agreement within the meaning of either of the Acts mentioned in the fourth paragraph.

Section 260, paragraph 3 of section 263 and sections 263.1 and 264 of the Act respecting health services and social services (chapter S-4.2) apply, with the necessary modifications, to the property management operations the Société carries out under this section.

For the purposes of this Act, health and social services institutions, agencies and regional councils governed by the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and any other person, partnership or association designated for that purpose by the Minister of Health and Social Services or the Government are health and social service providers.

**“20.2.** The Société shall act as the manager of any project requiring authorization from the Minister of Health and Social Services and the Conseil du trésor and described in subparagraph 2 of the first paragraph of section 260

of the Act respecting health services and social services (chapter S-4.2) or subparagraph 1 of the first paragraph of section 72 of the Act respecting health services and social services for Cree Native persons (chapter S-5), whether the project concerns a public institution or a private institution under agreement, as well as any project of a health and social services agency requiring approval from that Minister.

The Minister of Health and Social Services may, however, if circumstances warrant it, authorize another manager for such a project.

If the Société acts, under this section, as manager of a project concerning a public institution or a health and social services agency and the project is a public infrastructure project within the meaning of the Act respecting Infrastructure Québec (chapter I-8.2), the first four paragraphs of section 9 of that Act apply to the Société, which remains responsible for the project and retains control over it.

**“20.3.** A health and social service provider may entrust asset maintenance work to the Société on entering into an agreement to that effect with the Société. However, an agreement for the performance of all or the major part of asset maintenance work on a facility maintained by a provider must first be authorized by the Minister of Health and Social Services. “Asset maintenance” has the meaning assigned to it by the second paragraph of section 263.1 of the Act respecting health services and social services (chapter S-4.2).

**“20.4.** The Société and the Minister of Health and Social Services shall enter into a management agreement applicable to the property management operations the Société carries out under sections 20.1 and 20.2.

**“20.5.** The rent of an immovable belonging to the Société the lessee of which is a health and social service provider is based on the actual costs the Société assumes for the immovable. As of the total repayment of the debt service, the rent of an immovable corresponds to the amount required to repay the actual costs assumed from then on by the Société in respect of the immovable.

The composition of the actual costs referred to in the first paragraph is determined in the management agreement entered into under section 20.4.

**“20.6.** In carrying out the objects described in sections 20.1 and 20.2, the Société shall act in accordance with the orientations determined by the Minister of Health and Social Services under section 431 of the Act respecting health services and social services (chapter S-4.2) and the management agreement required under section 20.4.”

**169.** The Act is amended by inserting the following sections after section 22:

**“22.1.** The Société may, in accordance with the applicable legislative provisions, 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.

The Société may, in the same manner, enter into an agreement and take part in joint projects with a Québec government department or body or with any person or body.

**“22.2.** If a public institution referred to in an Act mentioned in the fourth paragraph of section 20.1 must provide for the financing of major expenditures resulting from the carrying out of an investment project related to the institution’s installations or infrastructures, the Government may, on the recommendation of the Minister of Health and Social Services, if it considers that the circumstances so warrant and on the terms and conditions it determines, authorize the institution, despite any provision to the contrary,

(1) to transfer any property it owns to the Société to enable the Société to carry out any planned investment project, and to receive, as consideration, the sum necessary for the payment of any debt relating to the transferred property;

(2) to lease any property transferred to the Société in return for a rent that ensures the repayment of the principal of and interest on any sum transferred to the institution by the Société or paid by the Société for the carrying out of an investment project;

(3) to resume, if necessary, ownership of the property upon expiry of a lease entered into under subparagraph 2.

The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to a transfer or resumption of ownership of property referred to in this section.”

**170.** Section 24 of the Act is amended

(1) by replacing “100 000 000” in the first paragraph by “300 000 000”;

(2) by replacing “100 000” in the second paragraph by “300 000”.

**171.** The Act is amended by inserting the following section after section 32:

**“32.1.** For the achievement of the objects described in section 20.1, the Société may deposit with the Minister of Finance, to be managed by that Minister, sums intended for the payment of the principal of any loan, in order to constitute a sinking fund for the purpose of repaying the principal at the maturity dates of the loan.

The second paragraph of section 469 of the Act respecting health services and social services (chapter S-4.2) applies in respect of the use of the revenue of the sinking fund.”

**172.** Section 33 of the Act is amended by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) accept a gift or legacy to which a charge or condition is attached.”

**173.** Section 36 of the Act is amended by adding “, unless the immovable is used or intended to be used by a person mentioned in subparagraph *a* of paragraph 14 of section 204 of the Act respecting municipal taxation (chapter F-2.1)” at the end of the first sentence.

## DIVISION II

### AMENDING PROVISIONS

**174.** Section 2 of the Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01) is amended by replacing “, agencies referred to in that Act, except institutions and the agency referred to in Part IV.1 of that Act, and the Corporation d’hébergement du Québec” in subparagraph 4 of the first paragraph by “and agencies referred to in that Act, except institutions and the agency referred to in Part IV.1 of that Act”.

**175.** Section 7 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 amended by striking out “, the Corporation d’hébergement du Québec” in the first paragraph.

**176.** The schedule to the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing “, the agencies referred to in the said Act and the Corporation d’hébergement du Québec” in paragraph 6.1 by “and the agencies referred to in that Act”.

**177.** Section 65.4 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing “, a health communication centre referred to in the Act respecting pre-hospital emergency services (chapter S-6.2) or the Corporation d’hébergement du Québec” in subparagraph 5 of the first paragraph by “or a health communication centre referred to in the Act respecting pre-hospital emergency services (chapter S-6.2)”.

**178.** Section 20.5 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by striking out “and the Corporation d’hébergement du Québec”.

**179.** Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “Corporation d’hébergement du Québec” in subparagraph 2 of the first paragraph by “Société immobilière du Québec, so

that they may be occupied by a health and social service provider within the meaning of the fourth paragraph of section 20.1 of the Act respecting the Société immobilière du Québec (chapter S-17.1)”.

**180.** Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “Corporation d’hébergement du Québec” in subparagraph 2 of the first paragraph by “Société immobilière du Québec, so that they may be occupied by a health and social service provider within the meaning of the fourth paragraph of section 20.1 of the Act respecting the Société immobilière du Québec (chapter S-17.1)”.

**181.** Section 25 of the Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1) is amended by striking out “, the Corporation d’hébergement du Québec” in paragraph 1.

**182.** Section 4 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1) is amended by replacing “, health communication centres within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2) and the Corporation d’hébergement du Québec” in subparagraph 6 of the first paragraph by “and health communication centres within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2)”.

**183.** Section 54 of the Act is amended by striking out subparagraph 5 of the first paragraph.

**184.** Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out “, 1.2” in the third paragraph.

**185.** Section 204 of the Act is amended by striking out paragraph 1.2.

**186.** Section 208 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: “That rule also applies in the case of an immovable referred to in paragraph 1 of that section whose owner is the Société immobilière du Québec and that is used or intended to be used by a person referred to in subparagraph *a* of paragraph 14 of that section.”;

(2) by striking out “1.2 and” in the fourth paragraph;

(3) by adding the following sentence at the end of the fourth paragraph: “That rule also applies in the case of an immovable referred to in the second sentence of the second paragraph.”

**187.** Section 255 of the Act is amended

(1) by inserting “Subject to subparagraph 1 of the second paragraph,” at the beginning of the first paragraph;

(2) by replacing “the person mentioned in paragraph 1.2 of section 204” in subparagraph 1 of the second paragraph by “the Société immobilière du Québec and that is used or intended to be used by a person mentioned in subparagraph *a* of paragraph 14 of section 204”.

**188.** Section 350 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “Corporation d’hébergement du Québec” in the fourth paragraph by “Société immobilière du Québec”.

**189.** Section 468 of the Act is amended by replacing “, the public institution or the Corporation d’hébergement du Québec” in the third paragraph by “or the public institution” and by replacing “or public institution or of the Corporation” in that paragraph by “or public institution”.

**190.** Section 469 of the Act is amended

(1) by replacing “section 468 or 471” in the first paragraph by “section 468”;

(2) by striking out “or the loans of the Corporation d’hébergement du Québec” in the second paragraph.

**191.** Section 471 of the Act is repealed.

**192.** Section 472.1 of the Act is replaced by the following section:

**“472.1.** The Minister may, on the conditions determined by the Government, guarantee the performance of any obligation which an association recognized by the Minister under section 267 is required to discharge in connection with the management of a deductible on an insurance contract negotiated and concluded by the association in favour of its members. The Minister may also, on the conditions determined by the Government, advance to the association any sum it considers necessary in connection with such management.

The sums necessary for such purpose are taken out of the Consolidated Revenue Fund.”

**193.** Section 27 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2) is replaced by the following section:

**“27.** In exercising its functions, a health communication centre may not use property infrastructures, whether as owner or lessee, without first obtaining the authorization of the Minister, which may be subject to conditions.”

**194.** Section 41 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing “, a” in subparagraph *c* of paragraph 2 by “or a” and by striking out “, or the Corporation d’hébergement du Québec” in that subparagraph.



### DIVISION III

#### TRANSITIONAL PROVISIONS

**195.** The Corporation d'hébergement du Québec and the Société immobilière du Québec are amalgamated effective (*insert the date of coming into force of this section*).

From that date, those legal persons are continued under the name of Société immobilière du Québec, and their patrimonies are joined together to form the patrimony of the Société.

**196.** The amalgamation of the patrimonies of the Corporation d'hébergement du Québec and the Société immobilière du Québec under section 195 applies despite the non-fulfilment, upon the amalgamation of those legal persons, of an obligation or condition under an Act or contract. No proceedings may be brought against the Government, the Société or any of their members, employees or officers solely because the immovables and assets of the Corporation become immovables and assets of the Société or because of the non-fulfilment of such an obligation or condition.

**197.** The rights and obligations of the Corporation d'hébergement du Québec become rights and obligations of the Société immobilière du Québec.

**198.** The debt securities issued by the Corporation d'hébergement du Québec become debt securities of the Société immobilière du Québec.

**199.** The amalgamation entails the conversion by operation of law of the shares issued by the Corporation d'hébergement du Québec into shares of the Société immobilière du Québec.

Certificates for the converted shares are issued to the Minister of Finance.

**200.** The Minister of Health and Social Services may deposit with the Minister of Finance, to be managed by that Minister, all amounts intended for the payment of the principal on bonds issued by the Corporation d'hébergement du Québec, in order to constitute a sinking fund for the purpose of repaying the principal on the bonds out of those amounts and at the maturity dates of the loan, and repaying the Corporation's loans out of the proceeds or income of the fund.

The first paragraph applies only to loans contracted by the Corporation d'hébergement du Québec before 1 April 1991.

**201.** The Minister of Health and Social Services may deposit with the Minister of Finance, to be managed by that Minister, the sums intended for the payment of the principal of the loan contracted by the Corporation d'hébergement du Québec in respect of which a subsidy has been granted under section 200 or 202, in order to constitute a sinking fund for the purpose of repaying, out

of those sums, the principal of the loan, on the maturity dates under the terms of the loan.

The income of the sinking fund is to be used for the repayment of any duly authorized loan contracted by the Corporation d'hébergement du Québec, or allocated for the repayment of any loan of the Corporation for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

This section applies only to loans contracted by the Corporation d'hébergement du Québec on or after 1 April 1991.

**202.** The Minister of Health and Social Services may also, subject to the conditions the Minister determines, perform any obligation of the Corporation d'hébergement du Québec or grant, in the name of the Government, a subsidy of the same nature as that granted under section 200 to provide for the payment of any loan of that legal person, if the loan or obligation is contracted directly or indirectly

(1) to acquire, build or transform an immovable used or to be used by an institution, agency or any other person, association or legal person specially designated by the Minister;

(2) to administer and manage such an immovable, and acquire or obtain, by a supply contract, the equipment and furniture necessary in such an immovable and all the other services that may be required;

(3) to finance those activities; or

(4) to carry on the activities described in subparagraphs 1, 2 and 3 in respect of an institution governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) or a regional council established under that Act.

This section applies only to obligations and loans contracted by the Corporation d'hébergement du Québec before 1 April 2000.

**203.** Immovables, rights and obligations that become immovables, rights and obligations of the Société immobilière du Québec under section 195 or 197 need not be registered in the land registry.

However, the Société immobilière du Québec may, if it judges appropriate, publish a notice of the amalgamation that includes a reference to this Act and a description of the immovable.

**204.** The records, documents and archives of the Corporation d'hébergement du Québec become records, documents and archives of the Société immobilière du Québec, unless the Government decides otherwise.

**205.** The Société immobilière du Québec becomes a party, without continuance of suit, to any proceedings to which the Corporation d'hébergement du Québec was a party.

**206.** The term of office of the members of the board of directors of the Corporation d'hébergement du Québec ends on (*insert the date of coming into force of this section*).

The chief executive officer is reinstated in the public service subject to the conditions set out in his or her deed of appointment in the case of a return to the public service.

**207.** The personnel members of the Corporation d'hébergement du Québec in office on 11 November 2010 and still in office on (*insert the date preceding the date of coming into force of this section*) become, without further formality, employees of the Société immobilière du Québec, except those identified by a decision of the Conseil du trésor.

The personnel members of the Corporation identified by the Conseil du trésor pursuant to the first paragraph become employees of the Ministère de la Santé et des Services sociaux or of any other department the Conseil du trésor determines. Those employees are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). For casual or contractual employees of the Corporation, that presumption is valid only for the unexpired portion of their contract. The Conseil du trésor determines their remuneration and their classification and any other condition of employment applicable to them.

**208.** Section 207 applies to the members of the personnel of the Corporation d'hébergement du Québec appointed after 11 November 2010 if the appointment was authorized by the secretary of the Conseil du trésor.

**209.** Sections 64 to 69 of the Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1) as they read on (*insert the date preceding the date of coming into force of section 165*) continue to apply to employees transferred to the Société immobilière du Québec who, on that date, could avail themselves of the rights under section 64 of that Act.

**210.** The regulations, by-laws and administrative policies adopted by the Corporation d'hébergement du Québec respecting the fields and activities transferred to the Société immobilière du Québec remain applicable to the extent that they are consistent with this Act and until they are repealed, replaced or amended by the Société.

## CHAPTER XVIII

### IMMOBILIÈRE SHQ

#### DIVISION I

#### ABOLITION OF IMMOBILIÈRE SHQ AND TRANSFER OF ITS ACTIVITIES

**211.** The Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3) is repealed.

**212.** The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting the following sections before section 3.5:

“**3.4.1.** The Société may, in the pursuit of its objects, make loans.

“**3.4.2.** Aside from the powers it possesses for the pursuit of its objects, the Société may, occasionally and for purposes other than those provided for in section 3, transfer or lease its immovables, or constitute any real right in an immovable it owns.”

**213.** Section 3.5 of the Act is amended by inserting “or the Government” after “Conseil du trésor”.

**214.** The Act is amended by inserting the following sections after section 3.5:

“**3.6.** The Société determines by by-law the consideration to be paid by housing bureaus and other non-profit organizations for the use of its immovables.

“**3.7.** The Société is subrogated by operation of law in the rights of a housing agency within the meaning of section 85.1 as soon as proceedings are instituted before the competent court regarding a prejudice caused to the housing agency, up to the amount that the Société has paid or may pay to the housing agency because of the prejudice.”

**215.** Section 57 of the Act is amended

(1) by replacing “Société Immobilière SHQ” by “Société” and “that housing authority or organization” by “the Société or the organization” in subparagraph *d* of paragraph 3.1;

(2) by adding the following subparagraph after subparagraph *e* of paragraph 3.1:

“(f) with the authorization of the Société, enter into an agreement with a housing agency within the meaning of section 85.1 to provide the housing agency with certain services.”

## DIVISION II

### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

**216.** Immobilière SHQ is dissolved without other formalities than those provided for in this Act.

**217.** The term of the members of the board of directors and of the secretary of Immobilière SHQ ends on 1 October 2011.

**218.** The Société d’habitation du Québec reimburses an amount of \$13,530,000 to the Minister of Finance, under terms agreed between them, to redeem the 135,300 shares held by the Minister in Immobilière SHQ.

**219.** The Government is authorized to take \$255,405,103 out of the Consolidated Revenue Fund to provide for payment of the expenditures constituting Immobilière SHQ’s accumulated deficit as it stood on 31 March 2010, as well as the amounts required, in the course of subsequent fiscal years, to offset any excess of expenditure over revenue resulting from the transfer provided for in section 221 and assumed by the Société d’habitation du Québec.

**220.** The guarantee of the Government in respect of the repayment of the principal of and the interest on and of the costs and other accessories of any loan contracted by the Société d’habitation du Québec for the financing of the immovables transferred to Immobilière SHQ under the Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3), that are transferred to the Société d’habitation du Québec under this Act or in respect of the granting of loans to housing bureaus or other organizations remains without change or novation in respect of any beneficiary of that guarantee.

**221.** All property belonging to Immobilière SHQ, including housing immovables and the rights and obligations arising from loans granted by it or by the Société d’habitation du Québec to housing bureaus or other non-profit organizations, is transferred to the Société d’habitation du Québec.

The Société d’habitation du Québec acquires the rights and assumes the obligations of Immobilière SHQ with regard to the property thus transferred, including the rights and obligations arising from the loans contracted by it or by Immobilière SHQ to finance the construction of those immovables or to grant those loans.

**222.** The Société d’habitation du Québec becomes a party, without continuance of suit, to any proceedings to which Immobilière SHQ was a party.

**223.** The transfer under section 221 of immovables and of rights and obligations arising from loans need not be published in the land registry.

If it judges it expedient, however, the Société d'habitation du Québec may publish a notice of the transfer of authority meeting the requirements set out in the third paragraph of article 2940 of the Civil Code with respect to any of those properties.

**224.** Section 223 also applies to property transferred by the Société d'habitation du Québec to Immobilière SHQ under section 33 of the Act respecting Immobilière SHQ for which the declaration provided for in section 36 of that Act has not been published.

**225.** In an application presented to the registrar by the Société d'habitation du Québec for the cancellation or reduction of the entry made in favour of Immobilière SHQ in the land register, the Société d'habitation du Québec need only state that it is acting in the rights of Immobilière SHQ and make reference to this Act.

**226.** The Société d'habitation du Québec must advise the registrar that it is subrogated in the rights of Immobilière SHQ with regard to any address published in favour of the latter. The notice given by the Société, which needs not contain the registration numbers of the addresses that are registered for the benefit of Immobilière SHQ, is equivalent to a notice of change of name submitted under article 3023 of the Civil Code and has all the effects of such a notice for each address.

**227.** The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to a transfer made by Immobilière SHQ to the Société d'habitation du Québec under this Act.

**228.** Despite section 29 of the Act respecting Immobilière SHQ, the financial statements and report of operations for the fiscal year ending on 31 December 2010 must be filed with the Minister not later than 30 September 2011. Similarly, the financial statements and report of operations for the fiscal year that began on 1 January 2011 must be filed with the Minister not later than 30 September 2012.

**229.** The Regulation respecting the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of the immovables of Immobilière SHQ (R.R.Q., chapter I-0.3, r. 1), made under section 23 of the Act respecting Immobilière SHQ, is deemed to have been made under section 3.6 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

## CHAPTER XIX

### SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

#### DIVISION I

##### ABOLITION OF SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

**230.** The Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is repealed.

#### DIVISION II

##### AMENDING PROVISIONS

**231.** Section 489 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out paragraph 3.

**232.** Article 993 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out paragraph 3.

#### DIVISION III

##### TRANSITIONAL PROVISIONS

**233.** The rights and obligations of the Société québécoise d'assainissement des eaux, except rights and obligations under its bond loans and its loans contracted with the Minister of Finance as manager of the Financing Fund, are transferred to the Minister of Municipal Affairs, Regions and Land Occupancy.

**234.** The Minister of Municipal Affairs, Regions and Land Occupancy, or the person designated by the Minister, is responsible, among other things, for the management of the sinking-fund set up for and on behalf of municipalities, and for the collection of the sums receivable by the Société under a convention or an agreement made under the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1), which must be paid into the Consolidated Revenue Fund.

For the purposes of this collection, the obligations repayment schedule established before (*insert the date of coming into force of this section*) by the Société with regard to a municipality is maintained, even after repayment of the debt mentioned in section 236, and if there is a balance owing by the municipality when the schedule expires, the interest rate for the purposes of a new repayment schedule is that which would be obtained if, for the remaining term of that balance, a loan were contracted with the Minister of Finance as manager of the Financing Fund.

**235.** The records and other documents of the Société québécoise d'assainissement des eaux become records and documents of the Minister of Municipal Affairs, Regions and Land Occupancy.

**236.** The Minister of Municipal Affairs, Regions and Land Occupancy, or the person designated by the Minister, acts as liquidator of the Société québécoise d'assainissement des eaux. If necessary, the sums required for the liquidation, such as for repayment of the debt contracted with the Minister of Finance as manager of the Financing Fund, are taken out of the Consolidated Revenue Fund.

**237.** Despite section 236, the bond loans of the Société québécoise d'assainissement des eaux are fully administered by the Minister of Finance. The sums required for the purposes of those loans are taken out of the Consolidated Revenue Fund.

**238.** The Minister of Municipal Affairs, Regions and Land Occupancy pays any proceeds from the liquidation of the Société québécoise d'assainissement des eaux into the Consolidated Revenue Fund.

**239.** A notice of closure under article 364 of the Civil Code cannot be filed with respect to the liquidation so long as bond loans are outstanding.

**240.** The personnel members of the Société québécoise d'assainissement des eaux in office on 11 November 2010 and still in office on (*insert the date preceding the date of coming into force of this section*) become, without further formality, employees of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire. They are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). That presumption with respect to the casual and contractual employees of the Société is only valid for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration and classification and any other condition of employment applicable to them.

The same applies to the personnel members of the Société appointed after 11 November 2010, if their appointment was authorized by the secretary of the Conseil du trésor.

**241.** The Minister of Municipal Affairs, Regions and Land Occupancy becomes, without continuance of suit, a party to any proceedings to which the Société québécoise d'assainissement des eaux was a party.

**242.** A municipality may, in accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19) or, as applicable, with article 979 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), impose a special tax for the purpose of paying the sums it is required, under sections 233 and 234, to pay to the Minister of Municipal Affairs, Regions and Land Occupancy under a convention or an agreement entered into in accordance with the Act respecting



the Société québécoise d'assainissement des eaux, as it read on (*insert the date preceding the date of coming into force of section 230*).

## **CHAPTER XX**

### **COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE**

#### **DIVISION I**

##### **ESTABLISHMENT OF COMMISSION**

**243.** The Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is amended by inserting the following after section 45:

#### **“CHAPTER IV.1**

##### **“COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE**

#### **“DIVISION I**

##### **“ESTABLISHMENT AND ORGANIZATION**

**“45.1.** The Commission de l'éthique en science et en technologie is established.

**“45.2.** The secretariat of the Commission is located at the place determined by the Government. Notice of the location or any change of location of the secretariat is published in the *Gazette officielle du Québec*.

**“45.3.** The Commission is composed of 13 members, including a president, appointed by the Government. The members must possess expertise in ethics and be from the university and industrial research communities in the fields of social and human sciences, natural sciences, engineering and biomedical sciences and from the ethics community, the practice communities and civil society.

The Government may appoint an observer at the Commission; the observer participates in meetings of the Commission but is not entitled to vote.

**“45.4.** The members of the Commission, including the president, are appointed for not more than three years.

The term of office of the members may be renewed consecutively only once. At the expiry of their terms of office, the members remain in office until they are replaced or reappointed.

**“45.5.** Any vacancy occurring during the term of office of the members of the Commission is filled in accordance with the mode of appointment prescribed in section 45.3.

Absence from a number of meetings determined by the by-laws of the Commission constitutes a vacancy in the cases and circumstances specified in the by-laws.

**“45.6.** The president manages the Commission and supervises its personnel.

The Government determines the remuneration, employee benefits and other conditions of employment of the president.

**“45.7.** Members of the Commission other than the president are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**“45.8.** The meetings of the Commission and any committee of the Commission are held in camera. The Commission may invite other persons to take part in one of its meetings, or a meeting of any of its committees.

The Commission may hold its meetings anywhere in Québec.

Six members are a quorum at meetings of the Commission.

In the case of a tie vote, the president has a casting vote.

**“45.9.** The personnel members of the Commission are appointed in accordance with the Public Service Act (chapter F-3.1.1).

## **“DIVISION II**

### **“FUNCTIONS AND POWERS**

**“45.10.** The function of the Commission is to advise the Minister on any matter relating to ethical issues in the areas of science and technology. A further function of the Commission is to promote reflection on those issues.

**“45.11.** In performing its function, the Commission shall give the Minister its opinion on any matter the Minister submits to it relating to ethical issues in the areas of science and technology. The Commission may also take the initiative of submitting advisory opinions to the Minister or making recommendations on any matter within its purview.

Moreover, it must communicate its findings and conclusions to the Minister.

After giving the Minister reasonable notice, the Commission may make public its advisory opinions, recommendations, findings and conclusions.

**“45.12.** The Commission may establish committees for the proper conduct of its work. At the request of the Minister, it must form working groups to examine particular matters.

The members of committees and working groups are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**“45.13.** The Commission must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises (chapter G-1.02).

**“45.14.** Not later than 31 July each year, the Commission submits to the Minister an activity report for the preceding fiscal year.

The Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.”

## CHAPTER XXI

### COMMON AMENDING, TRANSITIONAL AND FINAL PROVISIONS

#### DIVISION I

##### AMENDING PROVISIONS

**244.** In any other Act, regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to the Minister of Government Services, the Deputy Minister of Government Services or the Ministère des Services gouvernementaux is a reference to the Chair of the Conseil du trésor, the secretary of the Conseil du trésor or the Secrétariat du Conseil du trésor;

(2) a reference to the Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1) or any of its provisions is a reference to the Public Administration Act (R.S.Q., chapter A-6.01);

(3) a reference to the Fonds d'assurance-prêts agricoles et forestiers is a reference to La Financière agricole du Québec, and “right to the insurance” (or any similar formulation) is replaced by “right to the repayment guarantee”;

(4) a reference to the Minister responsible for the administration of the Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is, with regard to Government Air Service Fund activities, a reference to the Centre de services partagés du Québec;

(5) a reference to the geographic information fund or the land information fund is a reference to the appropriate component of the Territorial Information Fund;

(6) a reference to the sustainable forest development fund, the forest fund or the mining heritage fund is a reference to the appropriate component of the Natural Resources Fund;

(7) a reference to the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture is a reference to the Québec Research Fund–Nature and Technology, the Québec Research Fund–Health, or the Québec Research Fund–Society and Culture;

(8) a reference to the Conseil consultatif du travail et de la main-d'œuvre is a reference to the Comité consultatif du travail et de la main-d'œuvre established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);

(9) a reference to the Conseil de la famille et de l'enfance is a reference to the Minister of Families;

(10) a reference to the Conseil des aînés is a reference to the Minister responsible for Seniors;

(11) a reference to the Conseil des relations interculturelles is a reference to the Minister of Immigration and Cultural Communities;

(12) a reference to the Conseil permanent de la jeunesse is a reference to the Minister responsible for the Secrétariat à la jeunesse;

(13) a reference to the Conseil de la Science et de la Technologie is a reference to the Minister of Economic Development, Innovation and Export Trade;

(14) a reference to the Conseil des services essentiels is a reference to the Commission des relations du travail;

(15) a reference to the Corporation d'hébergement du Québec is a reference to the Société immobilière du Québec or, if the Government so decides, to any other person designated by the Government;

(16) a reference to Immobilière SHQ is a reference to the Société d'habitation du Québec.

**245.** Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended

(1) by striking out “Conseil consultatif du travail et de la main d’œuvre”, “Conseil de la famille et de l’enfance”, “Conseil de la Science et de la Technologie”, “Conseil des aînés”, “Conseil des relations interculturelles”, “Conseil des services essentiels” and “Conseil permanent de la jeunesse”;

(2) by inserting “Commission de l’éthique en science et en technologie” in alphabetical order.

**246.** Schedule 2 to the Act is amended

(1) by striking out “Corporation d’hébergement du Québec”, “Fonds d’assurance-prêts agricoles et forestiers”, “Fonds de la recherche en santé du Québec”, “Fonds québécois de la recherche sur la nature et les technologies”, “Fonds québécois de la recherche sur la société et la culture”, “Immobilière SHQ” and “Société québécoise d’assainissement des eaux”;

(2) by inserting in alphabetical order “Québec Research Fund–Health”, “Québec Research Fund–Nature and Technology” and “Québec Research Fund–Society and Culture”.

**247.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by striking out “The Corporation d’hébergement du Québec”, “The Conseil des services essentiels”, “The Fonds de la recherche en santé du Québec”, “The Fonds québécois de la recherche sur la nature et les technologies” and “The Fonds québécois de la recherche sur la société et la culture”;

(2) by inserting in alphabetical order “Québec Research Fund–Health”, “Québec Research Fund–Nature and Technology” and “Québec Research Fund–Society and Culture”.

**248.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended

(1) by striking out “the Conseil des services essentiels” and “the Corporation d’hébergement du Québec”;

(2) by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health” and “the Fonds québécois de la recherche sur la société et la culture” by “the Québec Research Fund–Society and Culture”.

**249.** Schedule III to the Act is amended by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health”.

**250.** Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended

(1) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 1 by “the Québec Research Fund–Health”;

(2) by striking out “the Conseil de la Science et de la Technologie” and “the Fonds de la recherche en santé du Québec” in paragraph 3;

(3) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 4 by “the Québec Research Fund–Health”.

**251.** Schedule IV to the Act is amended by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health”.

**252.** Schedule I to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by striking out subparagraph 2 of paragraph 3 of Division I.

**253.** Schedule II to the Act is amended

(1) by striking out “the Conseil des services essentiels” and “the Corporation d’hébergement du Québec” in paragraph 1;

(2) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 1 by “the Québec Research Fund–Health” and “the Fonds québécois de la recherche sur la société et la culture” in that paragraph by “the Québec Research Fund–Society and Culture”;

(3) by striking out “the Fonds québécois de la recherche sur la société et la culture in office on 1 April 2002” in paragraph 6.

**254.** Schedule V to the Act is amended by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health”.

## **DIVISION II**

### **TRANSITIONAL AND FINAL PROVISIONS**

**255.** The Government may, by regulation, make any other transitional provision or measure for the carrying out of this Act.

A regulation under this section is not subject to the publication requirement of section 8 of the Regulations Act (R.S.Q., chapter R-18.1). If it so provides, a regulation under this section may apply from a date not prior to the date of coming into force of this section.

**256.** This Act comes into force on 1 July 2011 or on an earlier date or dates set by the Government, except

(1) Chapters II, IX, XVI and XVIII and sections 244 to 248, 252 and 253, insofar as they apply to those chapters, which come into force on 1 October 2011, subject to paragraphs 4 and 5;

(2) Chapter IV, which has effect from 31 March 2010;

(3) subparagraph 2 of the first paragraph of section 17.12.12 and section 17.12.15 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2), enacted by section 54, which come into force on 1 April 2013;

(4) sections 162, 208 and 240, insofar as they apply to the power of the secretary of the Conseil du trésor to authorize the appointment of personnel within certain bodies, which have effect from 11 November 2010; and

(5) sections 80, 128, 160 and 228, which come into force on 13 June 2011.

SCHEDULE I  
(Section 80)

AN ACT TO ESTABLISH THE NATURAL DISASTER ASSISTANCE  
FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** A Natural Disaster Assistance Fund is established at the Secrétariat du Conseil du trésor.

The Fund is dedicated to the management and financing of the exceptional expenditures borne by government departments and bodies and the expenditures pertaining to the various financial assistance programs established to provide compensation for damage caused by the following natural disasters:

- (1) the torrential rains of 19 and 20 July 1996 that affected the regions designated by the Government;
- (2) the ice storm of 5 to 9 January 1998.

For the purposes of this Act, a government body is any government agency or government enterprise within the meaning of sections 4 and 5 of the Auditor General Act (R.S.Q., chapter V-5.01).

**2.** The Fund is made up of

- (1) the sums deposited in the Disaster Assistance Account created under section 3;
- (2) the sums paid by the Minister of Finance under the first paragraph of section 7 or under section 8;
- (3) appropriations committed in the course of the 1996-1997 fiscal year and following fiscal years to pay expenditures incurred by a government department or body in relation to a natural disaster referred to in section 1;
- (4) the sums paid into the Fund by the Chair of the Conseil du trésor out of the appropriations granted for that purpose by Parliament;
- (5) the gifts, legacies and other contributions paid into the Fund to further its objects; and
- (6) the revenues allocated to that purpose by the Government, and any contribution determined by the Government on a proposal of the Minister of Finance.

**3.** A specific purpose account named “Disaster Assistance Account” is created at the Secrétariat du Conseil du trésor for the deposit of sums received



or to be received from the Government of Canada in relation to the natural disaster referred to in subparagraph 2 of the second paragraph of section 1, as financial assistance allocated in the event of a disaster or under any program or any intergovernmental agreement entered into for that purpose.

The costs chargeable to the account are the expenditures eligible for federal assistance in the event of a disaster, for such programs or for such agreements.

Disbursements from the account are limited to the amounts received or to be received from the Government of Canada.

**4.** The sums required for the following purposes are taken out of the Fund:

(1) the payment of the financial assistance granted by a government department or body under the financial assistance programs established, authorized or approved by the Government in relation to a natural disaster referred to in section 1;

(2) the payment of exceptional expenditures borne by a government department or body for emergency measures taken during or after a natural disaster referred to in section 1 and for the implementation of the programs referred to in paragraph 1;

(3) the implementation of a reconstruction and economic recovery program for recognized disaster-affected regions adopted by the Government following the natural disaster referred to in subparagraph 1 of the second paragraph of section 1;

(4) the payment of the remuneration and expenditures 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 of the Fund;

(5) the payment of any other expenditure related to a natural disaster referred to in section 1 and determined by the Government.

**5.** The Government determines the nature of the costs chargeable to the Fund.

**6.** 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 Chair of the Conseil du trésor keeps the books of account of the Fund and records the financial commitments chargeable to it, despite section 24 of the Financial Administration Act (R.S.Q., chapter A-6.001). The Chair also

certifies that commitments and the payments arising from them do not exceed the available balances and are consistent with them.

**7.** The Minister of Finance may, with the authorization of the Government and on the conditions it determines, advance to the Fund sums taken out of the Consolidated Revenue Fund.

The Minister may, conversely, make advances to the Consolidated Revenue Fund, on a short-term basis and on the conditions the Minister determines, out of sums paid into the Natural Disaster Assistance Fund that are not required for its operation.

Any advance paid into a fund is repayable out of that fund.

**8.** The Chair of the Conseil du trésor may, as the manager of the Fund, borrow from the Ministère des Finances sums taken out of the Financing Fund.

**9.** Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act apply to the Fund, with the necessary modifications.

**10.** The fiscal year of the Fund ends on 31 March.

**11.** 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 Fund the sums required for the execution of a judgment against the State that has become *res judicata*.

**12.** The Chair of the Conseil du trésor is responsible for the administration of this Act.

#### AMENDING, TRANSITIONAL AND FINAL PROVISIONS

**13.** The Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45) is repealed.

**14.** The Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9) is repealed.

**15.** The sums accumulated in the fund established by the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 and in the fund established by the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998, as well as the other assets and liabilities of those funds, are transferred to the Natural Disaster Assistance Fund established under this Act.

**16.** Management procedures with regard to the sums referred to in section 15 continue to apply, for their respective purposes, until they are amended, replaced or repealed.

**17.** The specific purpose account created under section 3 replaces the specific purpose account created under section 3 of the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998; the sums accumulated in the latter account, as well as the other assets and liabilities, are transferred to the former account.

**18.** In any regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications, a reference to the disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 or to the fund in respect of the ice storm of 5 to 9 January 1998 is a reference to the Natural Disaster Assistance Fund.

**19.** This Act comes into force on 1 July 2011.

This Act ceases to have effect on the date to be set by the Government, at which time any surplus of the Fund will be paid into the Consolidated Revenue Fund.

SCHEDULE II  
(Section 128)

AN ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION

**CHAPTER I**

ACTIONS TO FOSTER ENERGY EFFICIENCY AND INNOVATION

**DIVISION I**

FUNCTIONS AND POWERS OF THE MINISTER

**1.** The Minister of Natural Resources and Wildlife is responsible for fostering and promoting energy efficiency and innovation.

The Minister is to draw up a comprehensive energy efficiency and innovation plan and ensure that it is implemented and followed up.

The Minister defines the content of fuel efficiency programs and measures, multi-energy-source programs and measures, and energy innovation programs and measures.

**2.** The Minister may

(1) develop and implement energy efficiency and innovation programs and measures;

(2) provide technical support for research and development in the field of energy efficiency and innovation;

(3) implement energy efficiency and innovation measures to reduce greenhouse gases;

(4) delegate to another party the implementation of energy efficiency and innovation programs and measures, including measures to reduce greenhouse gas emissions;

(5) for the purposes of the comprehensive energy efficiency and innovation plan, follow up and assess the work done in the context of energy efficiency and innovation programs and measures, including measures to reduce greenhouse gases.

For the purposes of this section, the Minister may join forces with a partner active in the field of energy efficiency or energy innovation.

**3.** The Minister may require any person who is subject to this Act to provide, within the time specified, any information or document the Minister needs for the exercise of functions under this Act.

**DIVISION II****COMPREHENSIVE ENERGY EFFICIENCY AND INNOVATION PLAN**

**4.** For the purposes of this Act,

“diesel fuel” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and intended to supply diesel engines;

“electric power distributor” means Hydro-Québec when carrying on electric power distribution activities;

“energy distributor” means a distributor of electric power, natural gas or fuel, a municipal electric power system governed by the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) or the Coopérative régionale d’électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d’électricité de Saint-Jean-Baptiste de Rouville (1986, chapter 21);

“fuel” means gasoline, diesel fuel, heating oil or propane, but not aviation fuel, marine bunker fuel, hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes or renewable fuel content;

“fuel distributor” means

(1) a person who refines, manufactures, mixes, prepares or distils fuel in Québec;

(2) a person who brings or causes to be brought into Québec fuel contained in one or more receptacles with a total capacity of over 200 litres, except fuel contained in a fuel tank installed as standard equipment to supply the engine of a vehicle;

(3) a person who, in Québec, exchanges fuel with a person described in paragraph 1; or

(4) a legal person or partnership that brings fuel into Québec for a purpose other than resale;

“gasoline” means a liquid mixture of hydrocarbons obtained from the refining of petroleum mainly for use as spark ignition engine fuel;

“heating oil” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and used for domestic, commercial, institutional or industrial heating;

“natural gas distributor” means a natural gas distributor as defined in section 2 of the Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01);

“propane” means a liquid mixture of hydrocarbons obtained from the refining of petroleum or the processing of natural gas and used either as spark ignition engine fuel or for such purposes as cooking and domestic, commercial, institutional and industrial heating.

**5.** Based on the Government’s energy strategies and policies, the Minister draws up, at least once every five years, a comprehensive plan outlining the measures proposed to promote more efficient energy use and innovation in the energy sector.

The plan must address all energy uses and cover all forms of energy over a five-year period.

**6.** The comprehensive plan must include

(1) a status report with regard to energy efficiency and innovation in Québec;

(2) policy directions, priorities and targets with regard to energy efficiency and innovation;

(3) a summary of energy efficiency and energy innovation programs;

(4) the list of energy efficiency projects submitted by the electric power distributor under the fourth paragraph of section 8; and

(5) a summary of measures conducive to energy efficiency or innovation.

**7.** For the purpose of drawing up the comprehensive plan, the Minister

(1) prepares, based on the information and comments provided by energy distributors and government departments and based on the Minister’s own observations and assessments, a status report which allows energy efficiency and innovation needs and potential to be determined;

(2) prepares a consultation document, which includes the status report as well as the policy directions and priorities the Minister intends to pursue with regard to energy efficiency and innovation;

(3) consults the persons and bodies to whom those policy directions and priorities are to be applicable;

(4) establishes policy directions and priorities with regard to energy efficiency and innovation and communicates them to energy distributors and government departments so that they may follow them in preparing any programs or measures under the comprehensive plan; and

(5) develops fuel efficiency programs and measures, multi-source-energy programs and measures, and energy innovation programs and measures.

**8.** For the purposes of the comprehensive plan, the electric power distributor and natural gas distributors must establish energy efficiency programs or any other measures to promote more efficient energy use and innovation in the energy sector, in accordance with the policy directions and priorities established by the Minister.

A program or measure must include a description of the actions to be carried out, the cost of those actions and a time frame for their achievement.

By the date set by the Minister, each distributor must send to the Minister a description of its programs and measures for each form of energy and sector of activity.

The electric power distributor must also send to the Minister a list of the energy efficiency projects it has chosen in the course of the year by means of the tender solicitation procedure established under section 74.1 of the Act respecting the Régie de l'énergie.

**9.** On failure of the electric power distributor or a natural gas distributor to comply with section 8, the Minister defines the content of the distributor's programs and measures at the distributor's expense, after giving 30 days' written notice to that effect.

**10.** The Minister examines the programs and measures of the electric power distributor and natural gas distributors. The Minister also examines the programs and measures proposed by other energy distributors or by government departments, with a view to integrating them into the comprehensive plan.

All energy efficiency and innovation programs and measures financed by the annual contributions paid under section 17 are part of the comprehensive plan, as are the programs and measures chosen by the Minister from among those proposed.

The Minister sets energy efficiency and innovation targets, based on the information provided by energy distributors and government departments and on the programs and measures that are part of the comprehensive plan.

**11.** The comprehensive plan is submitted to the Government for approval; once approved, it is made available to the public.

**12.** With the Government's approval, the Minister may revise the comprehensive plan to reflect changes in the energy situation or in the programs and measures contained in the plan.

**13.** An energy distributor must carry out the programs and measures for which it is responsible under the comprehensive plan.

If an energy distributor is unable to carry out a program or measure within the time and in the manner specified in the comprehensive plan, it must notify

the Minister. The Minister may, at the distributor's expense, implement the programs and measures the distributor has failed to carry out, after giving 30 days' written notice to that effect.

**14.** In order to follow up the programs and measures that must be carried out by an energy distributor, the Minister may require that the distributor submit a status report on the actions undertaken under the comprehensive plan and on the results obtained.

**15.** The Minister may charge fees for services the Minister provides with regard to energy efficiency, greenhouse gas reduction or energy innovation programs or measures.

**16.** For the period and subject to the conditions it determines, the Government sets the overall financial investment for actions designed to foster energy efficiency and innovation. The Government allocates this investment among the different forms of energy in order to determine the contribution payable by energy distributors under section 17.

**17.** Energy distributors must pay their annual contribution to the Minister in accordance with the due dates, rate and calculation method determined in a government regulation. The regulation may set the interest rate on amounts due and the penalties for non-payment.

The rate, calculation method and other terms referred to in the first paragraph may vary from one distributor or category of distributors to another. The regulation may also exempt a distributor or category of distributors.

A penalty set by the Government under the first paragraph may not exceed 15% of the amount that should have been paid.

The first paragraph applies to Hydro-Québec despite section 16 of the Hydro-Québec Act (R.S.Q., chapter H-5).

**18.** Every distributor must file a statement with the Minister on the date set and in the form prescribed by the Minister, specifying, for the period covered by its preceding fiscal year,

(1) the volume of natural gas or electric power it distributed;

(2) the volume of fuel it brought into Québec for a purpose other than resale;

(3) the volume of fuel intended for consumption in Québec it sold and refined in Québec or brought into Québec and, where applicable, the volume it exchanged with a person described in paragraph 1 of the definition of "fuel distributor" in section 4; and



(4) any other information the Minister deems necessary for the purposes of this chapter, in the form prescribed by the Minister.

For the purposes of subparagraph 3 of the first paragraph, fuel sold in Québec is deemed to be intended for consumption in Québec.

**19.** The Minister determines the amount that each energy distributor must pay under the regulation referred to in section 17 and notifies the distributor of it.

The Minister may make an agreement with the Régie de l'énergie to entrust that body with such tasks as

(1) the examination of the annual volume statements filed by energy distributors; and

(2) the calculation of the annual contribution payable by each energy distributor.

The Minister collects the annual contributions and pays them, along with any interest and penalties, into the Natural Resources Fund established under section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). These sums are used for the purposes referred to in subparagraph 3 of the first paragraph of that section.

### **DIVISION III**

#### **ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN APPLIANCES**

**20.** In this Act, the term “appliance” means any new household, commercial, industrial or institutional electrical or hydrocarbon-fuelled appliance.

**21.** The Government may, by regulation, set energy efficiency and energy conservation standards for the appliances or categories of appliances it determines.

These standards may include manufacturing and assembly standards.

**22.** The Government may regulate the labelling of appliances, particularly as to the form, content, size, colour, manner of affixing and position of the labels and special stamps appliances must bear, and the materials of which such labels and stamps must be made.

It may also determine the information that must appear on appliance packaging.

**23.** A regulation may make mandatory the energy efficiency, energy conservation or labelling standards set by a certifying or standards body. It may also prescribe energy efficiency testing procedures for appliances and require that appliances be approved or certified by such a body.

The regulation may provide that references to other texts include any subsequent amendments to those texts.

**24.** The Minister may, by way of exception, permit a manufacturer to apply energy efficiency or energy conservation standards different from those set by regulation, for a period of not more than five years and on the conditions determined by the Minister, to appliances or categories of appliances incorporating innovative technology, if it is demonstrated that the resulting energy consumption is equal to or lower than that permitted by regulation.

**25.** No person may manufacture, offer, sell or lease an appliance or otherwise dispose of it by gratuitous or onerous title by way of a commercial transaction if the appliance does not conform to the applicable energy efficiency and energy conservation standards.

This section does not apply to appliances marketed exclusively for use outside Québec.

**26.** The Government may, by regulation, require a manufacturer, vendor, renter or lessor of appliances to keep a register in prescribed form containing information pertaining to the carrying out of this Act.

## CHAPTER II

### INSPECTION

**27.** The Minister may, in writing, designate personnel members of the department to act as inspectors.

**28.** An inspector may, for the purposes of this Act,

(1) enter at any reasonable hour the establishment or the property of an energy distributor or any place where an appliance is manufactured, warehoused or offered for sale or lease;

(2) examine any appliance, subject it to testing to see if it complies to this Act, take it to another place, if necessary, and return it as soon as possible once testing has been completed;

(3) examine and make copies of books, records, accounts, files and other documents;

- (4) require that information be given and documents be produced; and
- (5) require to be accompanied by the person or persons of the inspector's choice.

Any person who has the care, possession or control of books, registers, accounts, records or other documents must make them available to the inspector on request and facilitate their examination. The owner or person in charge of the premises referred to in subparagraph 1 of the first paragraph, or any person present on the premises, is required to assist the inspector in carrying out the inspection.

The inspector and any person accompanying the inspector must, if so requested, produce identification and proof of appointment.

**29.** Neither an inspector nor a person accompanying an inspector may be prosecuted by reason of an official act performed in good faith in the exercise of their functions.

**30.** No person may hinder the work of an inspector or a person accompanying an inspector in the exercise of their functions.

**31.** No person may refuse to provide information or documents required under this Act, or make, concur in or authorize a false or misleading statement in the course of an inspection.

**32.** If an inspector notes the absence of a prescribed label or the non-conformity of an appliance with energy efficiency or energy conservation standards, the inspector may affix a special stamp prescribed by regulation to the appliance, indicating that it cannot be marketed. The appliance cannot be marketed until the inspector acknowledges that it conforms to the prescribed standards and removes the stamp.

### CHAPTER III

#### PENAL PROVISIONS

**33.** A person who contravenes section 3, 30 or 31 is guilty of an offence and liable to a fine of \$1,000 to \$2,000.

**34.** An energy distributor who contravenes section 8, 13, 14 or 17 is guilty of an offence and liable to a fine of \$2,500 to \$25,000.

**35.** An energy distributor who fails to file the statement referred to in section 18, or files a statement containing false information, is liable to a fine of \$1,000 to \$2,000.

**36.** A manufacturer who contravenes a standard authorized by the Minister under section 24 is liable to a fine of \$500 to \$10,000 in the case of a natural person and \$1,000 to \$20,000 in the case of a legal person.

A person who contravenes section 25 is liable to the same penalty.

**37.** A manufacturer, vendor, renter or lessor who fails to keep a register as prescribed by a regulation made under section 26 is liable to the fine set out in section 36.

**38.** A person who offers, sells or leases an appliance or otherwise disposes of an appliance by gratuitous or onerous title by way of a commercial transaction without the prescribed label or with a label which does not conform to applicable labelling standards is liable to a fine of \$500 to \$10,000 in the case of a natural person and \$1,000 to \$20,000 in the case of a legal person.

**39.** A person who removes or alters a label affixed to an appliance pursuant to this Act or removes a special stamp affixed to an appliance by an inspector is liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$1,500 to \$10,000 in the case of a legal person.

**40.** For a second or subsequent offence, the fines provided for in sections 33 to 39 are doubled.

## CHAPTER IV

### AMENDING AND TRANSITIONAL PROVISIONS

**41.** The Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001) is repealed.

**42.** The Agence de l'efficacité énergétique is dissolved without any other formality than those provided for in this Act.

**43.** The Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2) is repealed.

**44.** Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by replacing paragraph 14 by the following paragraphs:

“(14) developing and implementing energy efficiency and innovation programs and measures;”

“(14.1) implementing energy efficiency and innovation measures to reduce greenhouse gas emissions;”.

**45.** Section 15 of the Public Protector Act (R.S.Q., chapter P-32) is amended by striking out paragraph 6.

**46.** Section 25 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is amended by striking out subparagraph 2.1 of the first paragraph.

**47.** Section 31 of the Act is amended by striking out subparagraph 4.2 of the first paragraph.

**48.** Section 32.1 of the Act is amended by adding the following paragraph at the end:

“For the purposes of Division II of Chapter I of the Act respecting energy efficiency and innovation (2011, chapter 16, Schedule II), the Régie may enter into agreements with the Minister of Natural Resources and Wildlife.”

**49.** Section 36 of the Act is amended by striking out “or, when holding hearings under Chapter VI.2, any energy distributor” in the second paragraph.

**50.** Section 49 of the Act is amended by replacing “must allocate to energy efficiency and new energy technologies” in the second paragraph by “allocates to energy efficiency and innovation”.

**51.** The Act is amended by striking out Chapter VI.2, comprising sections 85.24 to 85.32.

**52.** Section 102 of the Act is amended by striking out “, including an energy distributor to which Chapter VI.2 applies” in the first paragraph.

**53.** Section 112 of the Act is amended by striking out “, including an energy distributor to which Chapter VI.2 applies,” in subparagraph 1 of the first paragraph.

**54.** Section 114 of the Act is amended

- (1) by striking out subparagraph 10 of the first paragraph;
- (2) by replacing “subparagraphs 9 and 10” in the third paragraph by “subparagraph 9”;
- (3) by striking out “or 10” in the fourth paragraph.

**55.** Section 116 of the Act is amended by striking out subparagraph 7 of the second paragraph.

**56.** Section 117 of the Act is amended by striking out “, 85.31” in the third paragraph.

**57.** The assets and liabilities of the Agence de l'efficacité énergétique are transferred to the Minister of Natural Resources and Wildlife and are allocated to the energy efficiency and innovation component of the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

**58.** The financial assistance programs of the Agence de l'efficacité énergétique in force on 1 July 2011 continue to apply until they are replaced or abolished by the Minister of Natural Resources and Wildlife, with the approval of the Conseil du trésor.

**59.** The Regulation respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.R.Q., chapter E-1.2, r. 1) remains in force until it is replaced or repealed by a regulation made under this Act.

**60.** The Regulation respecting the annual share payable to the Agence de l'efficacité énergétique (R.R.Q., chapter R-6.01, r. 5) continues to apply, except sections 3, 8 and 9, until it is replaced by a regulation made under this Act.

Until that regulation is replaced, it continues to apply with the following modifications:

(1) a reference to the annual share payable to the Agence de l'efficacité énergétique is a reference to the annual contribution payable to the Minister of Natural Resources and Wildlife under section 17;

(2) a reference to the revenues required by the Agence for a form of energy or group of fuels is a reference to the overall financial investment allocated to each form of energy determined by the Government under section 16;

(3) a reference to the Régie de l'énergie is a reference to the Minister of Natural Resources and Wildlife;

(4) a reference to the fiscal year of the Agence is a reference to the fiscal year of the Natural Resources Fund of the Ministère des Ressources naturelles et de la Faune established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

**61.** The annual contribution payable by an energy distributor to the Minister of Natural Resources and Wildlife under section 17 is determined, for the 2011-2012 fiscal year, on the basis of the statements filed with the Régie de l'énergie in accordance with section 85.31 of the Act respecting the Régie de l'énergie.

For subsequent fiscal years, the contribution is determined on the basis of the statements filed with the Minister of Natural Resources and Wildlife in accordance with section 18.

**62.** The amount of the annual share determined by the Régie de l'énergie for the 2011-2012 fiscal year under paragraph 3 of section 85.25 of the Act respecting the Régie de l'énergie is replaced by the amount of the annual contribution determined by the Minister under section 19. The first quarterly payment that an energy distributor will have paid by 30 June 2011 under section 24.2 of the Act respecting the Agence de l'efficacité énergétique is deducted from the amount of that contribution. The remainder is payable in three equal quarterly payments.

**63.** The Régie de l'énergie sends to the Ministère des Ressources naturelles et de la Faune a copy of the annual statements of volumes filed by energy distributors under section 85.31 of the Act respecting the Régie de l'énergie for the 2010-2011 fiscal year.

**64.** The comprehensive energy efficiency and new technologies plan 2007-2010 developed by the Agence de l'efficacité énergétique is maintained until its replacement by the comprehensive energy efficiency and innovation plan provided for in this Act.

**65.** The Minister of Natural Resources and Wildlife replaces the Agence de l'efficacité énergétique, acquires its rights and assumes its obligations.

**66.** The term of the board members of the Agence de l'efficacité énergétique ends on 1 July 2011.

The term of the president and chief executive officer ends without compensation other than the allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

**67.** The personnel members of the Agence de l'efficacité énergétique in office on 11 November 2010 and still in office on 30 June 2011 become, without further formality, employees of the Ministère des Ressources naturelles et de la Faune except those exercising the powers and duties of jurists or legal managers, who become employees of the Ministère de la Justice. They are deemed to have been appointed under the Public Service Act (R.S.Q., chapter F-3.1.1). For casual employees of the Agence, this applies only to the unexpired portion of their contract.

The Conseil du trésor determines their remuneration and their classification and any other condition of employment applicable to them.

The same applies to personnel members of the Agence de l'efficacité énergétique who were appointed after 11 November 2010, provided the appointment was authorized by the secretary of the Conseil du trésor.

**68.** The records and other documents of the Agence de l'efficacité énergétique become records and documents of the Minister of Natural Resources and Wildlife.

**69.** Civil proceedings to which the Agence de l'efficacité énergétique is a party are continued by the attorney acting for or on behalf of the Attorney General of Québec, on an appearance on behalf of the Attorney General of Québec and without continuance of suit.

**70.** In any regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications, a reference to the minister designated by the Government as the Minister responsible for the administration of the Act respecting the Agence de l'efficacité énergétique is replaced by a reference to the Minister of Natural Resources and Wildlife.

In addition, any reference to the Agence de l'efficacité énergétique is struck out in

(1) Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001);

(2) Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

(3) Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(4) Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

## CHAPTER V

### FINAL PROVISIONS

**71.** This Act is binding on the Government and its departments and bodies.

**72.** The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

**73.** The provisions of this Act come into force on 1 July 2011, except section 67 insofar as it concerns the power of the secretary of the Conseil du trésor to authorize the appointment of personnel within the Agence de l'efficacité énergétique, which have effect from 11 November 2010.



## TABLE OF CONTENTS

		SECTION
<b>CHAPTER I</b>	MINISTÈRE DES SERVICES GOUVERNEMENTAUX	1
<b>CHAPTER II</b>	FONDS D'ASSURANCE-PRÊTS AGRICOLES ET FORESTIERS	11
<b>CHAPTER III</b>	GOVERNMENT AIR SERVICE FUND	29
<b>CHAPTER IV</b>	FONDS DE L'INDUSTRIE DES COURSES DE CHEVAUX	34
<b>CHAPTER V</b>	GEOGRAPHIC INFORMATION FUND AND LAND INFORMATION FUND	36
<b>CHAPTER VI</b>	SUSTAINABLE FOREST DEVELOPMENT FUND, FORESTRY FUND AND MINING HERITAGE FUND	46
<b>CHAPTER VII</b>	FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA NATURE ET LES TECHNOLOGIES, FONDS DE LA RECHERCHE EN SANTÉ DU QUÉBEC AND FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA SOCIÉTÉ ET LA CULTURE	59
<b>CHAPTER VIII</b>	NATURAL DISASTER ASSISTANCE FUND	80
<b>CHAPTER IX</b>	CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'ŒUVRE	81
<b>CHAPTER X</b>	CONSEIL DE LA FAMILLE ET DE L'ENFANCE	97
<b>CHAPTER XI</b>	CONSEIL DES AÎNÉS	102
<b>CHAPTER XII</b>	CONSEIL DES RELATIONS INTERCULTURELLES	109
<b>CHAPTER XIII</b>	CONSEIL PERMANENT DE LA JEUNESSE	116
<b>CHAPTER XIV</b>	CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE	122
<b>CHAPTER XV</b>	ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION	128

---

<b>CHAPTER XVI</b>	CONSEIL DES SERVICES ESSENTIELS	129
<b>CHAPTER XVII</b>	CORPORATION D'HÉBERGEMENT DU QUÉBEC	165
<b>CHAPTER XVIII</b>	IMMOBILIÈRE SHQ	211
<b>CHAPTER XIX</b>	SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX	230
<b>CHAPTER XX</b>	COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE	243
<b>CHAPTER XXI</b>	COMMON AMENDING, TRANSITIONAL AND FINAL PROVISIONS	244
SCHEDULE I	AN ACT TO ESTABLISH THE DISASTER ASSISTANCE FUND	
SCHEDULE II	AN ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION	