



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 34

(2012, chapter 5)

An Act to ensure the occupancy and vitality of territories

Introduced 10 November 2011
Passed in principle 21 February 2012
Passed 5 April 2012
Assented to 3 May 2012

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EXPLANATORY NOTES

The purpose of this Act is to contribute to the occupancy and vitality of territories throughout Québec by adapting the management framework within the Administration and by inviting elected municipal officers to promote the occupancy and vitality of territories in the performance of their duties.

The Act provides that the contribution of the Administration to the occupancy and vitality of territories is to be based on a strategy which specifies the objectives and states the principles that are to guide the actions of the Administration.

The Act also proposes measures aimed at strengthening the efficiency and coherence of government actions relating to the occupancy and vitality of territories as well as to ensure the accountability of the Administration in this area by means of planning, monitoring and reporting procedures, including, in particular, the adoption of indicators and the publication of assessments and reports on the implementation of the strategy.

The Act specifies the functions of the Minister of Municipal Affairs, Regions and Land Occupancy with respect to the occupancy and vitality of territories.

Lastly, the Act proposes the establishment of coordination mechanisms specifically for the occupancy and vitality of territories, including the Table Québec-Montréal métropolitain pour l'aménagement et le développement, the Table Québec-Québec métropolitain pour l'aménagement et le développement, the Table gouvernementale aux affaires territoriales and regional administrative conferences.

LEGISLATION AMENDED BY THIS ACT:

- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1).

ORDER IN COUNCIL REPEALED BY THIS ACT:

- Order in Council 107-2000 (2000, G.O. 2, 1480, French only), respecting the recognition of regional administrative conferences.

Bill 34

AN ACT TO ENSURE THE OCCUPANCY AND VITALITY OF TERRITORIES

AS Québec is composed of territories that have their own particular challenges and potentials;

AS the occupancy and vitality of these territories, which is the result of the efforts of aboriginal peoples, the first European settlers and newcomers from neighbouring territories and elsewhere, as well as their descendents, must continue in a sustainable manner;

AS it is expedient to make the occupancy and vitality of territories a national priority and a full-fledged societal project;

AS this new objective for territories calls for a fresh approach in order to provide coherent support for the dynamism and aspirations of communities and is underpinned by the pride and the sense of identity and belonging that communities have toward their territories;

AS it is important for the Administration to better adapt its plans and actions to the realities of the territories and communities in them;

AS elected municipal officers are key players in matters relating to the occupancy and vitality of territories;

AS the occupancy and vitality of territories concerns the population and all socio-economic actors of a community;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND SCOPE

1. The purpose of this Act is to contribute to the occupancy and vitality of territories throughout Québec by adapting the management framework within the Administration and by inviting elected municipal officers to promote the occupancy and vitality of territories in the performance of their duties.

2. The measures introduced by this Act are intended, more specifically, to strengthen the efficiency and coherence of government actions benefiting communities in matters relating to the occupancy and vitality of territories and

to ensure the accountability of the Administration in such matters by means of monitoring and reporting procedures.

3. Within the scope of the proposed measures, “the occupancy and vitality of territories” means the development of the potential of each territory, in keeping with the principles of sustainable development, resulting from the commitment and actions of citizens, elected officers and socio-economic actors.

4. In this Act, unless the context indicates otherwise, “the Administration” means

(1) the secretariat of the Conseil du trésor and government departments, with the exception of the Ministère des Finances, the Ministère des Relations internationales and the Ministère du Travail;

(2) the Agence métropolitaine de transport, the Centre de services partagés du Québec, Hydro-Québec, Investissement Québec, the Société des établissements de plein air du Québec, the Société d’habitation du Québec and the Société des Traversiers du Québec; and

(3) any other government agency or enterprise designated by the Government and to which the Auditor General Act (R.S.Q., chapter V-5.01) applies.

CHAPTER II

STRATEGY TO ENSURE THE OCCUPANCY AND VITALITY OF TERRITORIES, IMPLEMENTATION AND REPORTING

DIVISION I

STRATEGY

5. The Administration’s contribution to the occupancy and vitality of territories is to be based on a strategy to ensure the occupancy and vitality of territories adopted by the Government and any revision of that strategy.

Any revision of the strategy must specify the objectives set for the Administration, including objectives regarding decentralization, delegation and regionalization of jurisdictions, powers, functions, responsibilities and resources agreed on. It must also state the principles which, in addition to sustainable development principles including subsidiarity, must guide the actions of the Administration.

The following must be included among these principles:

(1) “*Respect for the specificities of aboriginal nations and their contribution to the Québec culture*”: aboriginal nations constitute distinct nations, having their own specific cultures, languages, customs and traditions, as well as

recognized or claimed rights. Because of its inclusive nature, the occupancy and vitality of territories also concerns aboriginal peoples;

(2) “*Commitment of elected officers*”: the occupancy and vitality of territories is to be supported by elected members of the National Assembly, the council of a municipality, a band council, the council of a northern village, the Cree Regional Authority or the council of a school board;

(3) “*Concerted approach*”: a concerted approach by the elected officers and socio-economic actors of a community, supported by the aspirations and mobilization of citizens, constitutes an important contribution to the occupancy and vitality of territories;

(4) “*Territorial complementarity*”: the elected officers and socio-economic actors of neighbouring communities or communities sharing common interests are invited to form associations and join forces to collaborate, plan and act in a manner that is complementary and beneficial to those communities;

(5) “*Adaptable government action*”: government action is to be adapted to take into account the diversity and specificity of different territories, and to strive for equity between territories and communities; and

(6) “*Coherence and efficiency of planning and interventions in the territories*”: the best possible coherence is to be sought in the planning required of the municipalities, the regional conferences of elected officers and the metropolitan communities to ensure the optimal efficiency of decisions and interventions.

6. The Government is required, after consultation, to revise the strategy to ensure the occupancy and vitality of territories every five years. However, it may defer a revision for a period not exceeding two years.

In the intervals between revisions, the Government may also, after consultation, make any amendment to the strategy that allows the occupancy and vitality of territories to be better promoted.

Any revision of the strategy takes effect on the date it is adopted by the Government.

7. Any revision of the strategy is to be published and made accessible in the manner and under the conditions the Government considers appropriate. It must be tabled before the National Assembly by the Minister of Municipal Affairs, Regions and Land Occupancy.

8. Not later than one year after the end of the year in which any revision of the strategy is adopted, the Minister of Municipal Affairs, Regions and Land Occupancy must submit, after consultation, a list of the occupancy and vitality indicators that the Minister recommends for adoption by the Government. Once adopted, the indicators are made public by the Minister.

DIVISION II

IMPLEMENTATION OF STRATEGY AND REPORTING

9. Each department, agency or enterprise included within the Administration must, as part of its multi-year planning, present and make public its contribution to attaining the objectives of the strategy within its jurisdiction, in keeping with the principles stated in the strategy.

10. The Government may specify the conditions and procedures for the performance of the obligation set out in section 9. It may, in particular, issue directives concerning the form and content of the planning operation as well as the frequency of, or interval between, the required updates.

11. Each minister responsible for an administrative region of Québec

(1) assists the Minister of Municipal Affairs, Regions and Land Occupancy in promoting the occupancy and vitality of territories in the administrative region for which the minister is responsible by fostering a concerted approach and cohesive action by all stakeholders in order to encourage interventions in this area;

(2) participates in the proceedings of the Table Québec-Montréal métropolitain pour l'aménagement et le développement or the Table Québec-Québec métropolitain pour l'aménagement et le développement if the region the minister is responsible for is situated, in whole or in part, within the territory of the Communauté métropolitaine de Montréal or of the Communauté métropolitaine de Québec; and

(3) cooperates with the Minister of Municipal Affairs, Regions and Land Occupancy by communicating to the Minister any useful information concerning the occupancy and vitality of territories in the region the minister is responsible for.

12. The chair of each regional administrative conference lends support to the minister responsible for the region for which the conference is established.

13. Within the jurisdiction of any municipal body on whose council they sit, elected municipal officers

(1) exercise their functions, guided by the principles set out in this Act and in the strategy to ensure the occupancy and vitality of territories, more specifically those relating to a concerted approach and territorial complementarity; and

(2) work to achieve the objectives of the strategy.

For the purposes of this section, “municipal body” means a municipal body within the meaning of section 5 of the Act respecting Access to documents

held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

14. Each department, agency and enterprise that is subject to section 9 must state in its annual management report the results obtained in relation to the planning referred to in that section and to the indicators adopted by the Government.

15. Each year, the Minister of Municipal Affairs, Regions and Land Occupancy presents to the Government an assessment of the strategy's implementation within the Administration, and each time the strategy is revised, an implementation report based on the indicators and any other means set out in the strategy. The assessment and the report are made public by the Minister and tabled before the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER III

ROLE AND FUNCTIONS OF THE MINISTER

16. To ensure the carrying out of this Act, the functions of the Minister of Municipal Affairs, Regions and Land Occupancy consist more specifically in

(1) promoting the occupancy and vitality of territories within the Administration and among the general public, and fostering a concerted approach and cohesive action to encourage interventions in this area;

(2) coordinating efforts by the Administration to develop indicators and revise the components of the strategy, and recommending the adoption of the resulting revision and indicators by the Government;

(3) coordinating efforts to prepare the annual assessment of the strategy's implementation within the Administration and the implementation report each time the strategy is revised;

(4) enhancing knowledge in the area of the occupancy and vitality of territories and analyzing experiences elsewhere, in particular with respect to the policy directions set out in the strategies and action plans and their implementation, as well as the development of indicators or other methods to measure any progress made in relation to the occupancy and vitality of territories; and

(5) advising and providing expertise and assistance to the Government and third persons as regards the occupancy and vitality of territories to help achieve the objectives of the strategy.

CHAPTER IV

AMENDING PROVISIONS

17. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by adding the following subparagraph after subparagraph 37 of the first paragraph:

“(38) the ministers responsible for administrative regions.”

18. The Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (R.S.Q., chapter M-22.1) is amended by inserting the following divisions after section 21.4:

“DIVISION IV.2.1

“TABLE QUÉBEC-MONTRÉAL MÉTROPOLITAIN POUR L’AMÉNAGEMENT ET LE DÉVELOPPEMENT

“**21.4.1.** The mandate of the Table Québec-Montréal métropolitain pour l’aménagement et le développement is to foster a concerted approach with a view to ensuring the efficiency of government action toward the sustainable development of the metropolitan region of Montréal.

“**21.4.2.** The Table Québec-Montréal métropolitain pour l’aménagement et le développement is composed of the Minister, who is the chair, the ministers responsible for the administrative regions situated in whole or in part in the metropolitan region of Montréal, the mayor of Ville de Montréal, the mayor of Ville de Laval, the mayor of Ville de Longueuil and the two mayors designated to sit on the executive committee of the Communauté métropolitaine de Montréal under subparagraphs 5 and 6 of the second paragraph of section 34 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01).

The Minister invites any other minister as well as any officer of a government agency or enterprise to which the Auditor General Act (chapter V-5.01) applies to participate in the proceedings of the Table when the matters dealt with concern them directly.

“DIVISION IV.2.2

“TABLE QUÉBEC-QUÉBEC MÉTROPOLITAIN POUR L’AMÉNAGEMENT ET LE DÉVELOPPEMENT

“**21.4.3.** The mandate of the Table Québec-Québec métropolitain pour l’aménagement et le développement is to foster a concerted approach with a view to ensuring the efficiency of government action toward the sustainable development of the metropolitan region of Québec.

“21.4.4. The Table Québec-Québec métropolitain pour l’aménagement et le développement is composed of the Minister, who is the chair, the ministers responsible for the administrative regions of the Capitale-Nationale and Chaudière-Appalaches, the chair of the Communauté métropolitaine de Québec, the mayor of Ville de Lévis and the wardens of the regional county municipalities of La Jacques-Cartier, La Côte-de-Beaupré and L’Île-d’Orléans.

The Minister invites any other minister as well as any officer of a government agency or enterprise to which the Auditor General Act (chapter V-5.01) applies to participate in the proceedings of the Table when the matters dealt with concern them directly.

“DIVISION IV.2.3

“TABLE GOUVERNEMENTALE AUX AFFAIRES TERRITORIALES

“21.4.5. The mandate of the Table gouvernementale aux affaires territoriales is to foster a concerted approach and coherence of action between the government departments and agencies or enterprises to which the Auditor General Act (chapter V-5.01) applies, particularly in matters relating to the occupancy and vitality of territories.

“21.4.6. The Table gouvernementale aux affaires territoriales is chaired by the assistant deputy minister or associate deputy minister responsible for the occupancy and vitality of territories at the department. It is composed of the following persons:

- (1) the assistant deputy minister or associate deputy minister responsible for Greater Montréal at the department;
- (2) an assistant deputy minister or associate deputy minister of each department that is subject to the Act to ensure the occupancy and vitality of territories (2012, chapter 5); and
- (3) an officer of each government agency or enterprise that is subject to that Act.

The chair of the Table may solicit the participation, on an ad hoc or permanent basis, of chairs of the regional administrative conferences, deputy ministers, assistant deputy ministers or associate deputy ministers of other government departments or officers of other agencies whose actions could have an impact on the occupancy and vitality of territories.

“DIVISION IV.2.4

“REGIONAL ADMINISTRATIVE CONFERENCES

“21.4.7. A “regional administrative conference” is established for each administrative region of Québec.

“21.4.8. The mandate of each regional administrative conference is to foster a concerted approach and coherence of action at the regional level between the government departments and agencies or enterprises to which the Auditor General Act (chapter V-5.01) applies, particularly in matters relating to the occupancy and vitality of territories.

“21.4.9. Each regional administrative conference is chaired by the regional director of the department responsible for the region. However, the Montréal and Laval conferences are chaired by the assistant deputy minister or associate deputy minister responsible for Greater Montréal at the department, or a designated representative, and the conference for the Capitale-Nationale region is chaired by the assistant deputy minister or associate deputy minister responsible for the Bureau de la Capitale-Nationale or a designated representative.

“21.4.10. Each regional administrative conference is composed of a person who is responsible for the region, or a designated representative, from each government department and agency or enterprise that is subject to the Act to ensure the occupancy and vitality of territories (2012, chapter 5).

The chair of each regional administrative conference invites the director general of any regional conference of elected officers to participate in conference meetings when the matters dealt with concern the regional conference directly. The representatives of any other body whose actions have an effect on the occupancy and vitality of territories in the region may also be invited to participate in these meetings.

“21.4.11. The Government specifies the responsibilities and the mode of operation of the regional administrative conferences.”

19. Order in Council 107-2000 (2000, G.O. 2, 1480, French only), respecting the recognition of regional administrative conferences, is repealed.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

20. A regional administrative conference recognized under Order in Council 107-2000 (2000, G.O. 2, 1480, French only), respecting the recognition of regional administrative conferences, is deemed to be established under section 21.4.7 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1), enacted by section 18.

21. Despite section 19 and until the Government specifies the responsibilities of regional administrative conferences in accordance with section 21.4.11 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire enacted by section 18, the responsibilities determined

in Order in Council 107-2000 (2000, G.O. 2, 1480, French only) continue to apply to regional administrative conferences.

22. Each government department, agency and enterprise that is subject to section 9 has until 31 March 2013 to comply for the first time.

23. The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act.

24. No later than 3 January 2013, the Minister must submit a list of the occupancy and vitality indicators that the Minister recommends for adoption by the Government. Once adopted, the indicators are made public by the Minister.

25. No later than 31 March 2018, and thereafter every 10 years, the Minister must report to the Government on the carrying out of this Act.

The report must be tabled before the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

26. This Act comes into force on 3 May 2012.