



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 77

**An Act respecting the Institut de
technologie agroalimentaire
du Québec**

Introduction

**Introduced by
Mr. André Lamontagne
Minister of Agriculture, Fisheries and Food**

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EXPLANATORY NOTES

This bill creates the Institut de technologie agroalimentaire du Québec (the Institute), whose main mission is to offer training in the agriculture and agri-food fields, as well as in any related fields. In addition to college-level technical training, the Institute is allowed to offer university-level programs or secondary-level vocational training programs. Various powers are conferred on the Institute for the pursuit of its mission.

The bill determines the Institute's organizational and operational rules. It establishes, among other things, that the Institute is to be administered by a board of directors composed of 15 members, including two students and one staff representative. A director general will be appointed by the Government, and an academic director, by the board of directors. The bill also makes it possible for an academic council to be established within the Institute. The main function of such a council would be to advise the board of directors concerning the education regulations, teaching programs and evaluation of learning achievement.

The bill grants the Minister of Agriculture, Fisheries and Food powers of supervision and control over the Institute's activities.

The General and Vocational Colleges Act is amended to allow, among other things, the allocation of subsidies for special programs at the Institute and at the Institut de tourisme et d'hôtellerie du Québec.

Lastly, the bill contains other amending provisions as well as transitional and final provisions necessary for the creation of the Institute, including provisions stating that the Institute is to succeed the administrative unit of the Minister of Agriculture, Fisheries and Food that administers the La Pocatière and Saint-Hyacinthe campuses, and provisions regarding the transfer of employees from that unit to the Institute.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (chapter A-6.001);

- General and Vocational Colleges Act (chapter C-29);
- Act to promote workforce skills development and recognition (chapter D-8.3);
- Election Act (chapter E-3.3);
- Act respecting educational institutions at the university level (chapter E-14.1);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);
- Consumer Protection Act (chapter P-40.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Regulations Act (chapter R-18.1).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the École de laiterie and intermediate agricultural schools (chapter E-1);
- Act to incorporate Ecole Supérieure d’Agriculture de Sainte-Anne de la Pocatière (1934, 24 George V, chapter 113).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting college or university level educational institutions (chapter A-3.01, r. 1).

Bill 77

AN ACT RESPECTING THE INSTITUT DE TECHNOLOGIE AGROALIMENTAIRE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT

- 1.** An agri-food technology institute is established under the name “Institut de technologie agroalimentaire du Québec” (the Institute).
- 2.** The Institute is a legal person and a mandatary of the State.
- 3.** The Institute’s property forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The Institute binds none but itself when it acts in its own name.

- 4.** The Institute’s head office is at the place determined by the Government. A notice of the location and of any change in location of the head office must be published in the *Gazette officielle du Québec*.

CHAPTER II

MISSION AND POWERS

- 5.** The Institute’s main mission is to offer college-level technical training, in both regular education and continuing education, in the agricultural and agri-food fields as well as in any related fields. The Institute may also offer training at other levels of instruction.

It is also the Institute’s mission to carry out research as well as knowledge transfer activities and to provide services to meet the needs of the community it serves.

- 6.** The Institute may carry out its mission at various campuses in Québec.
- 7.** The Minister may entrust the Institute with any mandate related to the fulfillment of its mission.

8. The College Education Regulations established under section 18 of the General and Vocational Colleges Act (chapter C-29) apply to any program of college studies that the Institute may offer with the authorization of the Minister of Higher Education, Research, Science and Technology.

The basic vocational training regulation established under section 448 of the Education Act (chapter I-13.3) applies to any secondary-level vocational training program that the Institute may also offer with the authorization of the Minister of Education, Recreation and Sports.

Any reference to a college or a school service centre, as applicable, in those Acts, is read as a reference to the Institute. Diplomas or other attestations relating to programs of college studies or to secondary-level vocational training programs are awarded pursuant to the College Education Regulations or the basic vocational training regulation, as applicable.

In addition, the Institute may offer any university-level program with the authorization of the Minister of Higher Education, Research, Science and Technology and award the related degrees, diplomas, certificates or other attestations of university studies.

9. The Institute may offer continuing education courses or activities for which the Institute awards its certificates or other attestations.

10. For the training it offers, the Institute may, subject to section 8,

(1) adopt programs;

(2) establish a general framework for the organization of training services, in particular as regards the admission and registration of students, regular student attendance, the evaluation of learning achievement and the certification of training;

(3) prescribe tuition fees, admission or registration fees for the training services offered and other fees relating to such services; the fees may vary according to the category of students or the training program, course or activity involved;

(4) set the terms of payment for those fees and determine the sanctions and penalties in case of failure to pay or late payment;

(5) determine the cases where withdrawal from a course gives entitlement to a refund of all or part of the tuition fees and the terms of refund for the fees; and

(6) establish the rules of conduct and discipline applicable to the students, including the related sanctions.

The payability and amount of the above fees are governed by the rules applicable on the date the Institute registers a student for courses.

11. For the fulfillment of its mission, the Institute may

(1) manage and operate establishments or facilities for educational purposes, such as farming or food establishments or horticultural parks;

(2) enter into agreements or contracts, in accordance with the law, with any person, partnership or non-personified association, with a government other than the Gouvernement du Québec or one of its departments or bodies, or with an international organization or a body of such an organization;

(3) undertake and offer, in keeping with Québec policy on Canadian intergovernmental affairs and international relations, cooperation programs or activities with a person or entity referred to in paragraph 2 or take part in such programs or activities;

(4) establish a college centre for technology transfer in accordance with the third paragraph of section 17.2 of the General and Vocational Colleges Act;

(5) undertake and offer projects for knowledge transfer, labour training activities, consulting, research, technical assistance to enterprises, innovation and skills development or take part in such projects;

(6) carry out studies or research in education and support those members of its staff who take part in subsidized research programs;

(7) provide services or allow the use of its facilities and equipment for cultural, social, sporting or scientific purposes, priority being given, however, to the needs of its full-time students;

(8) establish the terms governing residency programs and bursaries programs or other forms of financial assistance to encourage excellency and to support, in particular, access to and attendance of the Institute;

(9) create competitions for the awarding of prizes and set the related conditions, and form the juries and determine the rules for evaluating candidates; and

(10) solicit and receive gifts, legacies, subsidies or other contributions, provided that any attached conditions are consistent with the fulfillment of its mission.

12. No person may, unless authorized by the Institute, lead others to believe that a title or designation or that a name of a course, diploma, prize or competition is from the Institute.

13. The Institute may, with the Government's authorization, be granted any immovable real rights or acquire by agreement immovable property in favour of the domain of the State. If the immovable property acquired forms part of the domain of the State, the Act respecting duties on transfers of immovables (chapter D-15.1) does not apply.

The Institute may also, with the Government's authorization, build, enlarge, convert, hypothecate or alienate immovable property.

14. Any contract that allows the total or partial use of an immovable of the Institute is deemed to contain a clause allowing the Institute to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation must be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.

15. The Minister may give the Institute directives concerning its policy directions and policies. The Institute must comply with the directives.

CHAPTER III

ORGANIZATION

DIVISION I

BOARD OF DIRECTORS

§1. — Composition

16. The Institute is administered by a board of directors composed of 15 members including the director general and the academic director, appointed in accordance with sections 40 and 43, respectively. The other members are appointed by the Government as follows:

(1) on the recommendation of the Minister, 10 independent members;

(2) one member representing the staff, chosen on an alternating basis from among the teachers and from among the other employment groups of the staff of a campus of the Institute, as well as from the Institute's different campuses; the member representing the staff is elected by the entire staff of the campus concerned at a meeting called and presided over by the director general at that campus; and

(3) two student members appointed one per campus or, if there are more than two campuses, on an alternating basis from the different campuses, in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (chapter A-3.01); in the absence of an accredited

association or students' association alliance, a meeting for the election of the two student members is called and presided over by the director general at each of the campuses concerned.

For the purposes of subparagraph 1 of the first paragraph, members who qualify as independent directors within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) are independent. Sections 5 to 8 of that Act apply to those members, with the necessary modifications. The independent members are appointed taking into consideration the expertise and experience profiles approved by the board and their interest in training and agri-food and after consultation with the education, agri-food and labour sectors. The independent members must include at least

(1) one member of the Ordre professionnel des comptables professionnels agréés du Québec; and

(2) one person from the vocational education sector, one from the college education sector and one from the university education sector.

For the purposes of subparagraph 3 of the first paragraph, section 32 of the Act respecting the accreditation and financing of students' associations is to be read without reference to the word "alone", wherever it appears.

17. The chair of the board of directors is designated by the Government from among the independent members.

The board members designate one of their number, other than the director general, to act as vice-chair.

18. The composition of the board of directors must tend towards gender parity.

19. The chair of the board of directors is appointed for a term of up to five years, the other independent members are appointed for a term of four years, the staff representative is appointed for a term of three years, and the student members are appointed for a term of two years.

The term of an independent member may be renewed twice to serve in that capacity only, for a consecutive or non-consecutive term. In addition to terms served as a board member, the chair of the board may be reappointed twice to serve in that capacity, for a consecutive or non-consecutive term. The term of the staff representative and that of the students may not be renewed.

At the end of their term, those board members remain in office until replaced, reappointed or re-elected.

20. Board members, other than the director general and the academic director, 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.

21. Vacancies on the board of directors are filled in accordance with the rules of appointment to the board.

The position of a member whose number of absences reaches the threshold prescribed by the Institute's by-laws, in the cases and circumstances they specify, is vacant.

§2. — *Operation and responsibilities*

22. The board of directors exercises all the powers necessary to manage, or supervise the management of, the Institute's activities and internal affairs.

The board must adopt by-laws establishing its operating rules.

The board determines the Institute's strategic directions and sees to their implementation.

The board is accountable to the Government, and its chair is answerable to the Minister, for the Institute's decisions.

23. The board of directors exercises the functions described in sections 15 to 18 of the Act respecting the governance of state-owned enterprises, with the necessary modifications.

24. In preparing the Institute's strategic plan, the board of directors takes into account the strategic plans established by the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, the Ministère des Études supérieures, de la Recherche, de la Science et de la Technologie, and, if the Institute offers a secondary-level vocational training program, the Ministère de l'Éducation, du Loisir et du Sport.

The board sends its strategic plan and any update of the plan to the Minister.

25. The chair of the board of directors presides at board meetings, sees to the proper operation of the board and assumes any other functions assigned by the Institute's by-laws or entrusted to the chair by the board.

The chair of the board evaluates the performance of the other board members according to criteria established by the board and sees to the proper operation of the board committees.

In addition, the chair must call an extraordinary board meeting when he or she receives a written request of a majority of the board members in office.

26. If the chair is absent or unable to act, the vice-chair acts as the chair. If the vice-chair is also absent or unable to act, the board may designate an independent member to exercise the chair's functions.

27. The quorum at board meetings is the majority of the members, including the chair and the member who assumes the chair's functions.

In the case of a tie vote, the chair or, in the absence of the chair, the member who assumes the chair's functions, has a casting vote.

28. The board of directors may hold its meetings anywhere in Québec and the members may participate in the meetings by means of equipment enabling all participants to communicate with one another in real time. In such cases, they are considered to be present at the meeting.

29. The board members may waive notice of a meeting. Their attendance at a board meeting constitutes a waiver of notice, unless they are present to contest the legality of the calling of the meeting.

30. A written resolution signed by all the board members entitled to vote on that resolution has the same value as if adopted during a meeting of the board of directors.

A copy of the resolution must be kept with the minutes of the proceedings or any other equivalent record book.

31. The minutes of board meetings, approved by the board and signed by the chair or another person authorized to do so by the Institute's by-laws, are authentic, as are the documents and copies emanating from the Institute or forming part of its records, provided they are signed or certified by an authorized person.

32. No act, document or writing binds the Institute unless it is signed by the chair, the director general or, to the extent determined by the Institute's by-laws, a staff member of the Institute.

Unless otherwise provided in the by-laws, a signature may be affixed on a document by any means.

33. In no case may the director general, the academic director or the board member who is a member of the Institute's staff, on pain of forfeiture of office, have any direct or indirect interest in an enterprise causing their personal interest to conflict with the Institute's interest. 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 dispatch.

The other board members who have a direct or indirect interest in an enterprise causing their personal interest to conflict with the Institute's interest must, on pain of forfeiture of office, disclose it in writing to the chair and refrain from participating in any discussion or decision pertaining to the enterprise in which they have an interest or in any part of a meeting during which the interest is discussed.

34. The director general, the academic director or the board member who is a member of the Institute's staff must, on pain of forfeiture of office, refrain from voting on any matter concerning their employment status, remuneration, employee benefits and other conditions of employment, or those of the category of employees to which they belong. The director general, academic director or board member must also, after having been given an opportunity to submit observations on the matter, withdraw from the meeting while the matter is discussed or voted on.

The first paragraph applies in the same manner to the board member who is a member of the Institute's staff, with respect to any matter concerning the remuneration, employee benefits and other conditions of employment of other categories of employees of the Institute.

35. If a board member is sued by a third party for an act done in the exercise of the functions of office, the Institute assumes the board member's defence and pays any damages awarded as compensation for the injury resulting from that act, unless the member committed a gross fault or a personal fault separable from those functions.

In penal or criminal proceedings, however, the Institute pays the board member's defence costs only if the board member had reasonable grounds to believe that his or her conduct was in conformity with the law, or was discharged or acquitted.

§3. — *Committees of the board of directors*

36. The board of directors may establish an executive committee responsible for managing the Institute's current business, which sees to the implementation of the board's decisions and carries out the mandates given to it by the board.

The executive committee also exercises the functions and powers the board may delegate to it. However, no powers set out in section 10, paragraph 3 of section 11, section 13, the second and third paragraphs of section 22, and sections 23, 45 and 47 may be delegated to the executive committee.

37. The executive committee is composed of the chair, the director general and other persons elected by the board of directors from among the independent members.

The academic director attends the meetings of the committee but is not entitled to vote.

38. The board of directors must establish an audit committee and a governance, ethics and human resources committee.

Those committees are composed exclusively of independent members. In addition, the audit committee must include members with accounting and financial expertise and at least one of them must be a member of the Ordre professionnel des comptables professionnels agréés du Québec.

The chair of the board may participate in the meetings of the committees.

39. The audit committee and the governance, ethics and human resources committee exercise respectively the functions and obligations provided for in sections 24 and 25 of this Act and sections 22 and 27 of the Act respecting the governance of state-owned enterprises, with the necessary modifications.

DIVISION II

DIRECTOR GENERAL

40. The Institute's director general is appointed by the Government on the recommendation of the board of directors, taking into consideration the expertise and experience profile approved by the board.

If, within a reasonable time, the board does not recommend a candidate for the position of director general, the Government may appoint the director general after notifying the board members.

The director general is appointed for a renewable term of up to five years.

The director general's remuneration, employee benefits and other conditions of employment are determined by the Government.

41. Under the authority of the board of directors, the director general is responsible for the direction and management of the Institute, in accordance with its by-laws and policies. The office of director general is a full-time position.

The director general proposes strategic directions to the board, as well as a capital plan and an operating plan for the Institute.

42. If the director general is absent or unable to act, the academic director exercises the director general's functions and powers. If the academic director is also absent or unable to act, the board of directors may designate a person from among those who exercise a management function within the Institute to exercise the director general's functions and powers.

DIVISION III

ACADEMIC DIRECTOR AND OTHER STAFF MEMBERS

43. The Institute's academic director is appointed by the board of directors, taking into consideration the expertise and experience profile approved by the board.

The academic director is appointed for a renewable term of up to five years.

The academic director works under the authority of the director general and deals with academic matters.

44. The Institute's other staff members are appointed in accordance with the staffing plan and the standards established by a by-law of the Institute.

45. Subject to the provisions of a collective agreement, the Institute determines the standards and scales of remuneration, employee benefits and other conditions of employment of its staff members in accordance with the conditions defined by the Government.

46. Members of the Institute's staff who have a direct or indirect interest in an enterprise that may cause their personal interest to conflict with the Institute's interest must, on pain of forfeiture of office, disclose it in writing to the Institute's director general.

DIVISION IV

ACADEMIC COUNCIL

47. An academic council may be established within the Institute.

48. The functions of the academic council are to advise the board of directors and to give its opinion and make recommendations to the board on any matter concerning the education regulations, teaching programs and evaluation of learning achievement, including the procedures for the certification of studies applicable to those programs.

Likewise, the academic council may also make recommendations to the board and refer any matter to the director general that, in the academic council's opinion, requires the board's attention.

49. The Institute's by-laws determine the composition of the academic council and establish the council's operating rules.

The academic council must include at least the following persons:

- (1) the academic director, who is the chair;
- (2) at least one member of the Institute's staff who is responsible for programs of studies, appointed by the board;
- (3) at least one teacher and one member of the non-teaching professional staff, respectively elected by their peers; and

(4) at least one student attending the Institute, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations.

CHAPTER IV

FINANCIAL PROVISIONS

50. The Institute's fiscal year ends on 30 June.

51. Each year, the Institute submits its annual budget and multi-year budget estimates to the Minister, for approval, according to the form and content and on the date determined by the Minister.

52. If, on 1 July, the Institute has not adopted its annual budget, it may incur, for that month, expenditures equal to one-twelfth of the amount of its expenditures for the preceding fiscal year.

The same applies for each month of the fiscal year in progress if, on the first day of the month, the budget has not been adopted.

53. The Institute may not, in a fiscal year, make payments or assume obligations in excess of the sums at its disposal for the fiscal year in which such payments or obligations are made or assumed.

This section does not prevent the Institute from making a commitment for a term that exceeds one fiscal year.

54. The Institute may not, without the Government's authorization, contract a loan that causes the total of its outstanding loans to exceed the amount determined by the Government.

55. The Government may, on the conditions and according to the terms it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the Institute and the performance of any of its obligations; and

(2) authorize the Minister of Finance to advance to the Institute any amount considered necessary to pursue its mission.

[[The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.]]

56. The Institute may invest funds, provided the investments are short-term and made as follows:

(1) in securities issued or guaranteed by the Government of Canada, the Gouvernement du Québec or the government of another Canadian province;

(2) in securities issued by the municipalities of Québec; or

(3) in deposits with a bank or deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2), or in certificates, notes or other short-term securities or instruments issued or guaranteed by a bank or any such financial institution.

57. Not later than 1 December each year, the Institute must file its financial statements with the Minister together with a report on its activities for the preceding fiscal year.

The financial statements and the activity report must contain all the information required by the Minister.

The Minister must table the financial statements and the activity report in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

58. The Institute's books and accounts are audited by the Auditor General every year and whenever so ordered by the Government; the Auditor General may, with the approval of the Government, designate another auditor.

The report of the Auditor General or of the auditor designated by the Auditor General must be submitted with the Institute's activity report and financial statements.

CHAPTER V

SUPERVISORY AND CONTROL MEASURES

59. The Institute must communicate to the Minister any information the Minister requires with respect to its activities.

60. The Minister may designate a person to investigate whether the Institute is complying with this Act or to inquire into any matter relating to the Institute's educational methods, administration or operation.

The person designated by the Minister has, for the purposes of the investigation or inquiry, the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

The Minister and Deputy Minister possess, by virtue of their office, the authority to make any investigation or inquiry.

61. The Minister may, after having given the Institute an opportunity to present its views, assume the administration of the Institute in the place and stead of the board of directors for a period of not more than 120 days,

(1) where the Institute engages in practices or tolerates a situation incompatible with the pursuit of its mission;

(2) where there has been a gross fault, such as embezzlement, breach of trust or other misconduct by one or more board members; or

(3) where the Institute has been seriously remiss in the performance of its obligations under this Act.

62. No person who acts under the authority of the Minister during the provisional administration period may be prosecuted for an official act performed in good faith in the performance of his or her duties.

63. On ascertaining that a situation described in section 61 has been corrected, the Minister may terminate the provisional administration of the Institute on the date the Minister sets and must subsequently make a report to the Government.

The Minister must also make a report to the Government if the Minister ascertains that it will not be possible to correct the situation before the end of the provisional administration. The Government may, in such a case,

(1) extend the provisional administration, provided each extension does not exceed 90 days; or

(2) declare the members of the board of directors forfeited of office and order the Minister to see to their replacement.

CHAPTER VI

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

64. Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Institut de technologie agroalimentaire du Québec” in alphabetical order.

GENERAL AND VOCATIONAL COLLEGES ACT

65. Section 17.2 of the General and Vocational Colleges Act (chapter C-29) is amended, in the third paragraph,

(1) by inserting “the Institut de technologie agroalimentaire du Québec and” after “section,”;

(2) by replacing “is considered to be a college” by “are considered to be colleges”.

66. Section 25 of the Act is amended by replacing the third paragraph by the following paragraph:

“Such rules may also provide for the allocation of subsidies to the Institut de technologie agroalimentaire du Québec or the Institut de tourisme et d’hôtellerie du Québec to establish and maintain a college centre for technology transfer, to offer special programs established by the Minister or to carry out activities agreed upon with the Minister. In such cases, the Minister shall also consult the institute concerned before establishing the rules.”

ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION

67. Section 7 of the Act to promote workforce skills development and recognition (chapter D-8.3) is amended by inserting the following paragraph after paragraph 5:

“(5.1) Institut de technologie agroalimentaire du Québec;”

ELECTION ACT

68. Section 301.23 of the Election Act (chapter E-3.3) is amended, in subparagraph 2 of the first paragraph,

(1) by striking out “the Act respecting the École de laiterie and intermediate agricultural schools (chapter E-1);”;

(2) by inserting “the Act respecting the Institut de technologie agroalimentaire du Québec (*insert the year and chapter number of this Act*),” after “(chapter E-14.1);”.

ACT RESPECTING EDUCATIONAL INSTITUTIONS AT THE UNIVERSITY LEVEL

69. Section 4 of the Act respecting educational institutions at the university level (chapter E-14.1) is amended by inserting the following paragraph after paragraph 2.1:

“(2.2) the Institut de technologie agroalimentaire du Québec;”

ACT RESPECTING MUNICIPAL TAXATION

70. Section 204 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing “or the École nationale de police du Québec” in paragraph 2.1 by “, the École nationale de police du Québec or the Institut de technologie agroalimentaire du Québec”.

71. Section 236 of the Act is amended by replacing “or the École nationale de police du Québec” in subparagraph *a* of paragraph 1 by “, the École nationale de police du Québec or the Institut de technologie agroalimentaire du Québec”.

ACT RESPECTING THE MINISTÈRE DE L’ AGRICULTURE, DES PÊCHERIES ET DE L’ ALIMENTATION

72. Section 2 of the Act respecting the Ministère de l’ Agriculture, des Pêcheries et de l’ Alimentation (chapter M-14) is amended by striking out the second paragraph.

CONSUMER PROTECTION ACT

73. Section 188 of the Consumer Protection Act (chapter P-40.1) is amended by inserting the following paragraph after paragraph g.1:

“(g.2) the Institut de technologie agroalimentaire du Québec established under the Act respecting the Institut de technologie agroalimentaire du Québec (*insert the year and chapter number of this Act*);”.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

74. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting “— The Institut de technologie agroalimentaire du Québec” in alphabetical order.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

75. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by inserting “Institut de technologie agroalimentaire du Québec” in alphabetical order in paragraph 1.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

76. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by inserting “Institut de technologie agroalimentaire du Québec” in alphabetical order in paragraph 1.

REGULATIONS ACT

77. Section 3 of the Regulations Act (chapter R-18.1) is amended by inserting the following paragraph after paragraph 3.0.1:

“(3.0.2) draft by-laws or by-laws of the Institut de technologie agroalimentaire du Québec;”.

REGULATION RESPECTING COLLEGE OR UNIVERSITY LEVEL EDUCATIONAL INSTITUTIONS

78. Section 1 of the Regulation respecting college or university level educational institutions (chapter A-3.01, r. 1) is amended by striking out paragraph 3.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

79. The Institut de technologie agroalimentaire du Québec replaces the Minister of Agriculture, Fisheries and Food as concerns the “Institut de technologie agroalimentaire” administrative unit that administers the La Pocatière and Saint-Hyacinthe campuses. It acquires the rights and assumes the obligations of the Minister.

In addition, the Institute becomes, without continuance of suit, a party to all proceedings to which the Procureur général du Québec was a party with respect to that administrative unit.

80. All occurrences in any Act, regulation, by-law or document of the expressions “Institut de technologie agricole de Saint-Hyacinthe”, “Institut de technologie agroalimentaire”, “Institut de technologie agroalimentaire, campus de Saint-Hyacinthe”, “Institut de technologie agroalimentaire, campus de La Pocatière”, “Institut de technologie agroalimentaire de La Pocatière” or “Institut de technologie agroalimentaire de Saint-Hyacinthe” are, unless the context indicates otherwise and with the necessary modifications, replaced by the expression “Institut de technologie agroalimentaire du Québec”.

81. Despite the first and second paragraphs of section 16, the Institute’s first board of directors need not include the members referred to in subparagraphs 2 and 3 of the first paragraph of that section. The Government must appoint those members not later than one year after the first board is formed. In addition, when the Government appoints the independent members for the first time, it must take into account only their interest for training and agrifood.

The independent members from the Ordre professionnel des comptables professionnels agréés du Québec and those from the vocational sector, college education sector and university sector are, despite the first paragraph of section 19, appointed to the first board of directors for a term of up to three years.

82. Despite the first paragraph of section 43, the first appointment of the academic director is made by the Minister without taking into consideration the expertise and experience profile.

83. The admission, registration and tuition fees and the other fees related to the services referred to in sections 8 and 10 as well as their terms of payment and refund determined as at (*insert the date of coming into force of section 1 of this Act*) apply until they are replaced or modified in accordance with sections 8 and 10.

84. The policies, directives, standards and rules applicable to the “Institut de technologie agroalimentaire” administrative unit of the Minister of Agriculture, Fisheries and Food become, with the necessary modifications, those of the Institute until they are replaced or amended by the Institute.

The records and other documents of the Minister of Agriculture, Fisheries and Food pertaining to the administrative unit become those of the Institute.

85. The standards of ethics and discipline prescribed in the Public Service Act (chapter F-3.1.1) and the Regulation respecting ethics and discipline in the public service (chapter F-3.1.1, r. 3) apply to the Institute’s employees until the Institute’s board of directors approves a code of ethics applicable to the Institute’s employees.

86. Subject to the conditions of employment applicable to them, all employees of the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation who are assigned to the “Institut de technologie agroalimentaire” administrative unit become employees of the Institute.

87. Any employee transferred to the Institute under section 86 who, on the date of the transfer, was a public servant with permanent tenure may apply for a transfer to a position in the public service or enter a promotion-only qualification process for such a position in accordance with the Public Service Act.

The same applies in the case of an employee transferred to the Institute who, on the date of the transfer, was a public servant who had not acquired permanent tenure, other than a casual employee.

Section 35 of the Public Service Act applies to an employee who participates in such a promotion-only qualification process.

88. An employee referred to in section 87 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification the employee had in the public service on the date of the transfer as well as the years of experience and the level of schooling attained while in the employ of the Institute.

However, before being able to apply for a transfer, an employee referred to in the second paragraph of section 87 who had not completed the probationary period required under section 13 of the Public Service Act before being transferred to the Institute must successfully complete the remainder of the probationary period at the Institute.

If an employee is transferred into the public service under section 87, the deputy minister or the chief executive officer of the body assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

However, an employee referred to in the second paragraph of section 87 who, at the time of his or her transfer to the Institute, had not completed the period of continuous employment required for the purposes of section 14 of the Public Service Act to acquire permanent tenure and who, at the time of his or her transfer to a position in the public service, still has not, after adding the time accumulated in the public service before being transferred to the Institute and the time accumulated as an employee of the Institute, completed the equivalent of that period must complete the remainder of that period from the day of the transfer before obtaining permanent tenure.

If an employee is promoted under section 87, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

89. If some or all of the Institute's operations are discontinued, an employee referred to in section 86 who had permanent tenure at the time of his or her transfer is entitled to be placed on reserve in the public service with the same classification the employee had on the date of the transfer.

An employee referred to in the second paragraph of section 87 is entitled to be placed on reserve in the public service only if, at the time some or all of the Institute's operations are discontinued, the time accumulated in the public service before the employee's transfer to the Institute and the time accumulated as an employee of the Institute is at least equivalent to the continuous period of employment provided for in section 14 of the Public Service Act.

If some of the Institute's operations are discontinued, the employee continues to exercise his or her functions within the Institute until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

When assigning a position to an employee referred to in this section, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 88.

90. An employee with permanent tenure referred to in section 86 who, in accordance with the conditions of employment applicable to him or her, refuses to be transferred to the Institute, is temporarily assigned to the Institute until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

91. Subject to remedies available under a collective agreement or provisions standing in lieu of such remedies, an employee referred to in section 86 who is dismissed may bring an appeal under section 33 of the Public Service Act if he or she was a public servant with permanent tenure on the date of the transfer to the Institute.

The same applies in the case of an employee referred to in the second paragraph of section 87. However, an employee referred to in that paragraph who had not completed the probationary period required under section 13 of the Public Service Act before being transferred to the Institute must successfully complete the remainder of the probationary period at the Institute before being able to bring such an appeal.

92. Until (*insert the date that is six months after the date of coming into force of section 1 of this Act*), the Institute may request personnel from the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation.

93. The Act respecting the École de laiterie and intermediate agricultural schools (chapter E-1) is repealed.

94. The Act to incorporate Ecole Supérieure d'Agriculture de Sainte-Anne de la Pocatière (1934, 24 George V, chapter 113) is repealed.

95. The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

96. The Minister must, not later than five years after (*insert the date of coming into force of section 1 of this Act*), submit to the Government a report on the carrying out of this Act that sets out the effects of the implementation of the Act on the Institute's mission, activities and management.

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

97. This Act comes into force on the date or dates to be determined by the Government.

