



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 391

An Act to amend the Public Protector Act

Introduction

**Introduced by
Mr. François Bonnardel
Member for Granby**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This bill provides that enterprises and other public bodies governed by the Act respecting the governance of state-owned enterprises fall under the jurisdiction of the Public Protector.

The same applies to bodies at least half of whose members or directors are appointed by the Government, and to bodies of whose capital stock more than 50% of the voting shares are part of the domain of the State or are owned by another public body or by a government agency.

In addition, the Public Protector may, at any time, submit a special report to the National Assembly on any matter of importance or urgency that, in the Public Protector's opinion, should not be deferred until the presentation of the annual report.

The Public Protector is to submit budget estimates to the Office of the National Assembly, which may authorize the Public Protector to derogate from any provision that constitutes a hindrance to the performance of the Public Protector's duties.

LEGISLATION AMENDED BY THIS BILL:

- Public Protector Act (chapter P-32).

Bill 391

AN ACT TO AMEND THE PUBLIC PROTECTOR ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 15 of the Public Protector Act (chapter P-32) is amended by inserting the following paragraphs after paragraph 8:

“(9) an enterprise or other agency listed in Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02);

“(10) any body or agency, other than one mentioned in section 14, that is instituted by or in accordance with an Act or by a decision of the Government, the Conseil du trésor or a minister, and that meets one of the following requirements:

(a) all or part of its appropriations for operating purposes are provided under that heading in the budgetary estimates tabled in the National Assembly;

(b) the Government or a minister appoints at least half of its members or directors;

(c) more than 50% of the voting shares of its capital stock are part of the domain of the State or are owned by another public body or by a government agency.”

2. The Act is amended by inserting the following section after section 28:

“**28.1.** The Public Protector may, at any time, submit a special report to the National Assembly on any matter of importance or urgency that, in the Public Protector’s opinion, should not be deferred until the presentation of his annual report.”

3. The Act is amended by inserting the following sections after section 35.3:

“**35.4.** The Public Protector submits his annual estimates to the Office of the National Assembly.

“**35.5.** After being examined and, if necessary, amended by the Office, the estimates of the Public Protector are incorporated into the budgetary estimates tabled in the National Assembly.

“35.6. The Public Protector may make a report to the National Assembly if he considers the estimates, as amended, to be insufficient. The Public Protector submits the report to the President of the National Assembly.

The President tables the report before the National Assembly within three days of receiving it or, if the Assembly is not sitting, within three days of the opening of the next session or resumption.

“35.7. If, during a fiscal year, the Public Protector foresees that the budget estimates approved by the Office of the National Assembly will be exceeded, the Public Protector prepares supplementary estimates and submits them to the Office of the National Assembly, which approves them with or without modification.

Sections 35.5 and 35.6 apply, as required, with the necessary modifications.

“35.8. Subject to this Act, the resources of the Public Protector are managed in accordance with the Acts, regulations and rules applicable to the Public Protector.

However, the Office of the National Assembly may, by regulation, authorize the Public Protector to derogate from any provision of a regulation made or approved by the Government or by the Conseil du trésor, or of a policy, directive or decision of the Government, a government department, the Conseil du trésor or a government agency if, in the opinion of the Public Protector, the requirement constitutes a hindrance to the performance of the Public Protector’s duties.

The regulation must specify the provision derogated from and the provision that is to apply in its place.

The President of the National Assembly tables the regulation before the National Assembly within three days after it is adopted or, if the Assembly is not sitting, within three days of the opening of the next session or resumption.”

4. This Act comes into force on *(insert the date of assent to this Act)*.