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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 45

**An Act respecting the Ministère de  
l'Enseignement supérieur, de la  
Recherche, de la Science et de la  
Technologie**

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**Introduction**

**Introduced by  
Mr. Pierre Duchesne  
Minister of Higher Education, Research, Science and  
Technology**

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## **EXPLANATORY NOTES**

*This bill establishes the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie.*

*The Minister of Higher Education, Research, Science and Technology is entrusted with the mission of supporting the development and promotion of college education and university education in order to facilitate access to the highest forms of knowledge and culture for every person who has the will and the ability to pursue them. A further mission of the Minister is to contribute to the development of research, science, innovation and technology, in a knowledge development and sustainable development perspective.*

*The bill confers on the Minister functions relating to higher education and to research, science, innovation and technology that are presently assigned by law to the Minister of Education, Recreation and Sports or to the Minister of Economic Development, Innovation and Export Trade. It amends the constituting statutes of their departments accordingly, and modifies many other laws and regulations in order to reflect the transfer of functions.*

*Lastly, the bill contains transitional provisions.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting the accreditation and financing of students' associations (chapter A-3.01);
- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Individual and Family Assistance Act (chapter A-13.1.1);
- Act respecting financial assistance for education expenses (chapter A-13.3);
- Health Insurance Act (chapter A-29);
- Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);

- Charter of the French language (chapter C-11);
- Professional Code (chapter C-26);
- General and Vocational Colleges Act (chapter C-29);
- Act respecting the Commission d'évaluation de l'enseignement collégial (chapter C-32.2);
- Act respecting artistic, literary and scientific competitions (chapter C-51);
- Act respecting the Conseil du statut de la femme (chapter C-59);
- Act respecting the Conseil supérieur de l'éducation (chapter C-60);
- Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1);
- Act respecting the development of Québec firms in the book industry (chapter D-8.1);
- Act to promote workforce skills development and recognition (chapter D-8.3);
- Act respecting private education (chapter E-9.1);
- Pay Equity Act (chapter E-12.001);
- Act respecting educational institutions at the university level (chapter E-14.1);
- Executive Power Act (chapter E-18);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);
- Act respecting university foundations (chapter F-3.2.0.1);
- Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);
- Court Bailiffs Act (chapter H-4.1);
- Taxation Act (chapter I-3);

- Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02);
- Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);
- Act respecting the Institut national des mines (chapter I-13.1.2);
- Education Act (chapter I-13.3);
- University Investments Act (chapter I-17);
- Medical Act (chapter M-9);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);
- Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01);
- Government Departments Act (chapter M-34);
- Act respecting labour standards (chapter N-1.1);
- Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1);
- Pharmacy Act (chapter P-10);
- Police Act (chapter P-13.1);
- Act respecting educational programming (chapter P-30.1);
- Act respecting the legal publicity of enterprises (chapter P-44.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

- Act respecting occupational health and safety (chapter S-2.1);
- Fire Safety Act (chapter S-3.4);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting the Université du Québec (chapter U-1).

**REGULATIONS AMENDED BY THIS BILL:**

- Regulation respecting legal aid (chapter A-14, r. 2);
- Regulation respecting other terms and conditions for permits to be issued by the Ordre des architectes du Québec (chapter A-21, r. 3);
- Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1);
- Regulation respecting hearing devices and insured services (chapter A-29, r. 2);
- Regulation respecting insured visual aids and related services (chapter A-29, r. 3);
- Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (chapter A-29, r. 4);
- Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);
- Regulation respecting safety in public baths (chapter B-1.1, r. 11);
- Regulation respecting the determination of child support payments (chapter C-25, r. 6);
- Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances (chapter C-32.1.2, r. 1);

- Regulation respecting the application of the Real Estate Brokerage Act (chapter C-73.1, r. 1);
- Regulation respecting the accreditation of training bodies, training instructors and training services (chapter D-8.3, r. 1);
- Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1);
- Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2);
- Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec (chapter H-4.1, r. 7);
- Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);
- Regulation respecting the Taxation Act (chapter I-3, r. 1);
- Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons (chapter I-8, r. 4);
- Règlement sur l'exercice des pouvoirs et la régie interne de l'Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02, r. 1);
- Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1);
- Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care (chapter M-9, r. 2.1);
- Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1);
- By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4);
- Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);

- Regulation respecting the quality of drinking water (chapter Q-2, r. 40);
- Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium (chapter R-9, r. 11);
- Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Sweden (chapter R-9, r. 39);
- Règlement sur les régimes complémentaires d'avantages sociaux dans l'industrie de la construction (chapter R-20, r. 10);
- Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service (chapter S-3.4, r. 1);
- Regulation respecting the training required to obtain an agent licence to carry on private security activities (chapter S-3.5, r. 2);
- Reduced Contribution Regulation (chapter S-4.1.1, r. 1);
- Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1);
- By-law respecting housing (chapter S-8, r. 7);
- Regulation respecting the disposition of certain surplus or confiscated properties (chapter T-8.1, r. 2);
- Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202573 dated 21 June 2005 (2005, G.O. 2, 2423);
- Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202574 dated 21 June 2005 (2005, G.O. 2, 2449).





## **Bill 45**

### **AN ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **RESPONSIBILITY OF THE MINISTER**

**1.** The Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie is under the direction of the Minister of Higher Education, Research, Science and Technology, appointed under the Executive Power Act (chapter E-18).

**2.** The mission of the Minister is to support the development and promotion of college education and university education in order to facilitate access to the highest forms of knowledge and culture for every person who has the will and the ability to pursue them.

A further mission of the Minister is to contribute to the development of research, science, innovation and technology, including in academic, industrial and social environments, in a knowledge development and sustainable development perspective. To that end, the Minister promotes synergy in the actions of the various players in those fields.

**3.** The Minister is to develop policy directions and policies in the areas within the Minister's jurisdiction and propose them to the Government. A national research and innovation policy is among the policies the Minister is to develop.

The Minister is to coordinate and follow up on the implementation of those policy directions and policies.

**4.** The functions of the Minister are, more particularly, to

(1) promote higher education, research, science and technology and foster Québec's influence in those fields both within Canada and abroad;

(2) support and contribute to the development of those fields and to raising the level of scientific, cultural and professional achievement among the population of Québec;

(3) promote the development of higher education and research institutes and see to the quality of the educational services they offer;

(4) take coordinated action with the Minister of Education, Recreation and Sports to foster the continuity, development and integration of educational pathways;

(5) manage all financial assistance programs established by the Act respecting financial assistance for education expenses (chapter A-13.3);

(6) participate, with the ministers concerned and within the scope of Canadian intergovernmental affairs policy and international affairs policy, in devising and implementing external cooperation programs in sectors in which exchanges are conducive to the development of the fields within the Minister's jurisdiction; and

(7) advise the Government and government departments and bodies and make recommendations, where appropriate.

In addition, the Minister assumes any other responsibility conferred on the Minister by the Government.

**5.** In the pursuit of the Minister's mission, the Minister may, among other things,

(1) grant financial assistance out of the sums put at the Minister's disposal for that purpose, subject to the conditions determined by the Minister;

(2) obtain the necessary information from government departments and any public body to which the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) applies, and from any private body;

(3) enter into agreements, subject to the applicable legislative provisions, with a government other than that of Québec, with a department or body of such a government, or with an international organization or one of its agencies;

(4) conduct or commission research, studies and analyses; and

(5) provide any person, group or body with the services the Minister considers necessary.

**6.** A sharing of resources and services between the Minister and the Minister of Education, Recreation and Sports is to be encouraged whenever it can be instrumental in their pursuit of objectives associated with the continuity, development and integration of educational pathways or their fulfillment of efficiency and cost-benefit requirements in the management of human, financial, physical and information resources.

**7.** The Minister may delegate certain powers to the Deputy Minister, to a public servant or the holder of a position within the department or within another government department or a body whose personnel is appointed under the Public Service Act (chapter F-3.1.1), after consulting with the minister responsible for the department or the body's chief executive officer.

The Minister may, in writing, authorize the subdelegation of specified powers.

## **CHAPTER II**

### **ORGANIZATION OF THE DEPARTMENT**

**8.** The Government appoints a person as Deputy Minister of Higher Education, Research, Science and Technology, in accordance with the Public Service Act.

**9.** Under the direction of the Minister, the Deputy Minister administers the department.

The Deputy Minister also exercises any other function assigned by the Minister or the Government.

**10.** In exercising deputy-ministerial functions and powers, the Deputy Minister has the authority of the Minister.

**11.** The Deputy Minister may delegate any power assigned to the Deputy Minister to any public servant or holder of a position within the department. The Deputy Minister may likewise delegate any power to a person within another department or in a body described in section 7, after consulting with the minister responsible for the department or the body's chief executive officer.

The Deputy Minister may, in writing, authorize the subdelegation of specified powers.

**12.** The personnel of the department consists of the public servants needed to exercise the Minister's functions; they are appointed in accordance with the Public Service Act.

The Minister is to determine the duties of the public servants to the extent that they are not determined by law or by the Government.

**13.** The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

A deed, document or writing is binding on or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a personnel member of the department or the holder of a position and, in the last two cases, only so far as determined by the Minister.

**14.** The Minister may allow a required signature to be affixed by an automatic device or any other technology-based process, subject to the conditions the Minister determines.

**15.** A document or copy of a document emanating from the department or forming part of its records, signed or certified true by the Deputy Minister or any other authorized person, is authentic.

**16.** The Minister is to table a report on the activities of the department for each fiscal year in the National Assembly within 4 months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

## **CHAPTER III**

### **FUNDS**

#### **DIVISION I**

##### **UNIVERSITY EXCELLENCE AND PERFORMANCE FUND**

*(Insert here, as provided in section 192, sections 13.1, 13.3, 13.4 and 13.7 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15), and renumber them as sections 17 to 20.)*

#### **DIVISION II**

##### **QUÉBEC RESEARCH FUND**

*(Insert here, as provided in section 193, sections 46 to 83 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01), and renumber them as sections 21 to 63.)*

## **CHAPTER IV**

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

*(Insert here, as provided in section 194, sections 45.1 to 45.14 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01), and renumber them as sections 64 to 77.)*

## **CHAPTER V**

### **ADVISORY COMMITTEE ON THE FINANCIAL ACCESSIBILITY OF EDUCATION**

**78.** An advisory committee on the financial accessibility of education is established under the name “Comité consultatif sur l'accessibilité financière aux études”.

**79.** The advisory committee is composed of 16 members, including a chair, appointed by the Government after consultation with groups representing students, the staff of educational institutions and socio-economic circles. The appointments are made on the recommendation of the Minister after consulting with the Minister of Education, Recreation and Sports.

The members so appointed must be as follows:

(1) one member is to be a student at the secondary level, in vocational education;

(2) two members are to be students at the college level, one in a technical studies program and the other in a pre-university studies program;

(3) four members are to be university students, one at the undergraduate level, one at the Master's level, one at the doctoral level and one in a continuing education program;

(4) one member is to be a teacher;

(5) five members are to be persons assigned to administrative functions, two in a general and vocational college and the other three in an educational institution at the university level; and

(6) three members are to be persons representing socio-economic groups.

**80.** The Deputy Minister and the Deputy Minister of Education, Recreation and Sports are, by virtue of their office, associate members of the advisory committee, without voting rights. They may designate a substitute.

**81.** The members of the advisory committee are appointed for a term of not more than four years.

At the expiry of their term, they remain in office until reappointed or replaced.

The term of a member of the advisory committee may be renewed only once.

**82.** A vacancy on the advisory committee is filled in accordance with the rules of appointment to the committee.

Loss of the status required or an unexplained absence from the number of consecutive meetings stipulated in the by-laws of the advisory committee, in the cases and circumstances set out in the by-laws, constitutes a vacancy.

**83.** The members of the advisory committee 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.

**84.** The advisory committee adopts by-laws.

**85.** The secretariat of the advisory committee is within the territory of Ville de Québec.

The advisory committee may hold its meetings anywhere in Québec.

**86.** The quorum at meetings of the advisory committee is the majority of its members.

**87.** The secretary and the other personnel members of the advisory committee are appointed in accordance with the Public Service Act.

**88.** The advisory committee is responsible for advising the Minister and the Minister of Education, Recreation and Sports on any matter submitted to the committee by either Minister with regard to

(1) financial assistance programs established by the Act respecting financial assistance for education expenses;

(2) tuition fees, admission or registration fees for educational services and other fees relating to such services; and

(3) measures or policies that may affect the financial accessibility of education.

**89.** The advisory committee may

(1) refer any question concerning a matter coming under the advisory committee's jurisdiction to the Minister or to the Minister of Education, Recreation and Sports, according to their respective jurisdictions;

(2) commission studies and research;

(3) solicit and receive observations and suggestions from individuals or groups; and

(4) request any available information from the Minister or the Minister of Education, Recreation and Sports.

**90.** The Minister, after consulting with the Minister of Education, Recreation and Sports when the matter relates to a level of education within that Minister's jurisdiction, must seek the advice of the advisory committee on any draft regulation respecting the financial assistance programs referred to in paragraph 1 of section 88.

The Minister and the Minister of Education, Recreation and Sports must also seek the advice of the advisory committee on any condition they intend to include in the budgetary rules or in any directive they intend to give to

educational institutions with respect to matters referred to in paragraph 2 of section 88.

The Minister or the Minister of Education, Recreation and Sports, as applicable, informs the advisory committee of the time within which the advice must be sent to the Minister. That time cannot be less than 30 days.

If the advisory committee fails to send its advice within the time specified, the obligations of the Minister concerned under section 90 are deemed to be fulfilled.

**91.** Not later than 30 June each year, the advisory committee must submit a report to the Minister and to the Minister of Education, Recreation and Sports on its activities for the previous fiscal year.

That 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 VI**

### **AMENDING PROVISIONS**

#### **FINANCIAL ADMINISTRATION ACT**

**92.** Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Comité consultatif sur l’accessibilité financière aux études” in alphabetical order.

#### **ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES**

**93.** Section 10 of the Act respecting financial assistance for education expenses (chapter A-13.3) is amended

(1) by inserting “or the Minister of Education, Recreation and Sports, according to their respective jurisdictions,” after “Minister” in the first paragraph;

(2) by replacing “the Minister” by “either minister” in the second paragraph.

**94.** Section 11 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) he has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, for the granting of loans and bursaries or loans only, in order to pursue studies recognized by either minister on a full-time basis;”.

**95.** Section 18 of the Act is replaced by the following section:

**“18.** A student is eligible for a bursary provided that

(1) the student has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports for the granting of loans and bursaries in order to pursue studies recognized by either minister on a full-time basis; and

(2) the student is within the period of eligibility for a bursary as established by regulation.”

**96.** Section 31.1 of the Act is amended by adding the following paragraph at the end:

“The Minister consults the Minister of Education, Recreation and Sports if the amount is related to studies in vocational training at the secondary level.”

**97.** Section 33 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the person has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports for the granting of loans, according to their respective jurisdictions, in order to pursue studies recognized by either minister on a part-time basis;”.

**98.** Section 44 of the Act is amended

(1) by replacing “in paragraphs 1 and 2 of section 18” in the first paragraph by “in paragraph 1 of section 18”;

(2) by replacing the fourth and fifth paragraphs by the following paragraphs:

“The Minister of Education, Recreation and Sports may, subject to the same conditions, exercise that power to grant financial assistance for vocational training at the secondary level.

The Ministers must include a statement of the financial assistance granted under this section and the reasons for such payments in their annual activity reports.”

**99.** Section 45 of the Act is amended by replacing the first paragraph by the following paragraph:

**“45.** An examination committee for exceptional cases is hereby established. The members of the committee are appointed by the Minister after consultation with groups representing the staff of educational institutions, students and socio-economic circles and after consultation with the Minister of Education, Recreation and Sports.”



**100.** Section 46 of the Act is amended by inserting “or the Minister of Education, Recreation and Sports, as the case may be,” after “Minister”.

**101.** Section 56 of the Act is replaced by the following section:

**“56.** The Minister may

(1) establish the list of educational institutions at the postsecondary level designated for the granting of loans and bursaries;

(2) establish the list of educational institutions at the postsecondary level designated for the granting of loans only;

(3) establish the list of educational institutions at the postsecondary level designated for the granting of loans for the purposes of the loans program for part-time studies at the postsecondary level;

(4) establish the list of courses or courses of study at the postsecondary level, including training periods or not, recognized for the purposes of eligibility for financial assistance; and

(5) establish the list of financial institutions recognized for the purposes of guaranteed loans both for studies in vocational training at the secondary level and for studies at the postsecondary level.

The Minister of Education, Recreation and Sports may, after consultation with the Minister,

(1) establish the list of educational institutions at the secondary level designated for the granting of loans and bursaries;

(2) establish the list of educational institutions at the secondary level designated for the granting of loans only;

(3) establish the list of educational institutions at the secondary level designated for the granting of loans for the purposes of the loans program for part-time studies in vocational training at the secondary level; and

(4) establish the list of courses or courses of study in vocational training at the secondary level, including training periods or not, recognized for the purposes of eligibility for financial assistance.

The lists referred to in subparagraphs 1 to 3 of the first and second paragraphs may be established by the Ministers in such a way that particular courses of study are identified for which an educational institution at the secondary or postsecondary level is designated for the granting of loans and bursaries or for the granting of loans.

The lists referred to in subparagraphs 4 of the first and second paragraphs may be established by the Ministers in such a way that a particular educational institution at the secondary or postsecondary level is designated in respect of one or more particular courses of study recognized for the purposes of eligibility for financial assistance.

Instead of drawing up a list, the Ministers may determine, for each level of education, for each cycle and for certain categories of institutions that the Ministers identify, the conditions that an educational institution must meet in order to be designated for the granting of loans and bursaries or the granting of loans, and the conditions that a course or course of study must meet in order to be recognized for the purposes of eligibility for financial assistance.”

**102.** Section 57 of the Act is amended by inserting “, on the recommendation of the Minister and after consultation with the Minister of Education, Recreation and Sports for matters related to a level of education under the latter’s jurisdiction,” after “by regulation” in the introductory clause of the first paragraph.

**103.** Section 65 of the Act is amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

#### GENERAL AND VOCATIONAL COLLEGES ACT

**104.** Section 17.2 of the General and Vocational Colleges Act (chapter C-29) is amended by striking out “after the latter has consulted the Minister of Economic Development, Innovation and Export Trade,” in the first paragraph.

**105.** Section 26 of the Act is amended by striking out the second paragraph.

#### ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L’ÉDUCATION

**106.** The preamble of the Act respecting the Conseil supérieur de l’éducation (chapter C-60) is amended

(1) by replacing “the Minister of Education, Recreation and Sports and to advise that Minister” in the fourth paragraph by “the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology and to advise the Ministers”;

(2) by striking out the fifth paragraph.

**107.** Section 3 of the Act is amended by striking out “, its committee”.

**108.** Section 4 of the Act is amended by replacing “of Education, Recreation and Sports” in the second paragraph by “after consultation with the Minister of Higher Education, Research, Science and Technology”.

**109.** Section 7 of the Act is replaced by the following section:

**“7.** The Deputy Minister of Education, Recreation and Sports and the Deputy Minister of Higher Education, Research, Science and Technology are ex officio associate members of the Council, but are not entitled to vote. They may designate a substitute.

The Deputy Ministers shall send to the Council and its commissions, if any, such available information as they require.”

**110.** Section 9 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph;

(2) by replacing “to the Minister” in the second paragraph by “to the Ministers”.

**111.** Section 10 of the Act is amended by replacing “to the Minister” in paragraph 1 by “to the Ministers”.

**112.** Section 10.1 of the Act is replaced by the following section:

**“10.1.** The Council shall advise the Minister or the Minister of Higher Education, Research, Science and Technology, as applicable, on draft regulations that they are required to submit to the Council and on any matter submitted to it by them.”

**113.** Section 12 of the Act is amended by striking out “and those of its committee” in the first paragraph.

**114.** Section 14 of the Act is amended by striking out “, its committee”.

**115.** Section 14.1 of the Act is amended by replacing “to the Minister of Education, Recreation and Sports” in the first paragraph by “to the Minister and the Minister of Higher Education, Research, Science and Technology”.

**116.** Sections 23.1 to 23.8 of the Act are repealed.

**117.** Section 28 of the Act is amended by replacing “The committee and any commissions” by “The commissions”.

**118.** Section 29 of the Act is amended

(1) by striking out “or of the committee”;

(2) by replacing “of the body of which he is a member” by “of the Council”.

## ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

**119.** Section 6 of the Act respecting the development of Québec firms in the book industry (chapter D-8.1) is amended

- (1) by replacing “16” in the second paragraph by “17”;
- (2) by replacing “Four” in the introductory clause of the fourth paragraph by “Five”;
- (3) by replacing subparagraph 2 of the fourth paragraph by the following subparagraphs:
  - “(2) one by the Minister of Education, Recreation and Sports;
  - “(2.1) one by the Minister of Higher Education, Research, Science and Technology”.

## ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION

**120.** Section 7 of the Act to promote workforce skills development and recognition (chapter D-8.3) is amended by replacing “under subparagraphs 1 to 3 of the first paragraph of section 56 of the Act respecting financial assistance for education expenses (chapter A-13.3), in relation to the study programs recognized by the Minister” in paragraph 8 by “or the Minister of Higher Education, Research, Science and Technology under subparagraphs 1 to 3 of the first and second paragraphs of section 56 of the Act respecting financial assistance for education expenses (chapter A-13.3), in relation to the study programs recognized by either of those ministers”.

## ACT RESPECTING PRIVATE EDUCATION

**121.** The Act respecting private education (chapter E-9.1) is amended by inserting the following section before section 1:

**“0.1.** The Minister of Education, Recreation and Sports shall exercise the ministerial functions and powers provided for in this Act in relation to preschool education services, elementary school instructional services, secondary school instructional services in general and vocational education and supplementary vocational training services related to any of those levels of education.

The Minister of Higher Education, Research, Science and Technology shall exercise the ministerial functions and powers provided for in this Act in relation to college-level general and vocational instructional services and college-level supplementary vocational training services.”

**122.** Section 10 of the Act is replaced by the following section:

**“10.** No person may operate a private educational institution to which this Act applies unless the person holds a permit for the institution and the educational services or categories of educational services that are dispensed.

The permit is issued

(1) by the Minister of Education, Recreation and Sports for educational services or categories of educational services referred to in paragraphs 1 to 5 of section 1;

(2) by the Minister of Higher Education, Research, Science and Technology for educational services or categories of educational services referred to in paragraphs 7 and 8 of section 1; or

(3) by either of those ministers for supplementary vocational training services referred to in paragraph 9 of section 1, according to the level of education to which they could be considered to belong.

If an institution dispenses services under both ministers’ responsibility, a permit issued by each minister is required.”

**123.** Section 16 of the Act is amended by replacing the first paragraph by the following paragraph:

**“16.** The Ministers may establish separate permits for the various educational services within their jurisdiction.”

**124.** Sections 47 and 48 of the Act are replaced by the following section:

**“47.** The Government may, by regulation, determine rules governing the pedagogical aspects of the supplementary vocational training services dispensed by private educational institutions.

The regulation may prescribe that the following are subject to the Minister’s approval:

(1) the programs of studies;

(2) the instructional material to be used by the institutions;

(3) the form and content of the training attestation to be issued by an institution to a student who has achieved the objectives of the programs of studies in a field authorized by its permit;

(4) the standards and procedures for the evaluation of students’ learning achievement; and

(5) the rules governing certification of studies by an institution.”

**125.** Section 49 of the Act is replaced by the following section:

“**49.** The institution shall issue a training attestation to a student who has achieved the objectives of the programs of studies in a field authorized by its permit. The attestation must not contain any mention which may lead to believe that the attestation has been awarded by the Minister or that it is equivalent to a diploma, certificate or other attestation referred to in paragraph 4 or 8 of section 1.”

**126.** Section 96 of the Act is replaced by the following section:

“**96.** The Commission is composed of nine members, including a chairman, appointed by the Government. The members, other than the chairman, shall represent the following fields:

(1) five members shall represent the field of preschool, elementary and secondary education; and

(2) three members shall represent the field of college education.

The members referred to in subparagraph 1 of the first paragraph are appointed on the recommendation of the Minister of Education, Recreation and Sports. At least three of those members are chosen from a list of at least six candidates proposed by the groups which the Minister considers, with regard to the services within the Minister’s jurisdiction, to be representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of the students attending those institutions.

The members referred to in subparagraph 2 of the first paragraph are appointed on the recommendation of the Minister of Higher Education, Research, Science and Technology. At least two of those members are chosen from a list of at least six candidates proposed by the groups which the Minister considers, with regard to the services within the Minister’s jurisdiction, to be representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of the students attending those institutions.

The chairman is appointed on the recommendation of the Minister of Education, Recreation and Sports, after consultation with the Minister of Higher Education, Research, Science and Technology.”

**127.** Section 104 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Sports”;

(2) by replacing “coming under his jurisdiction” by “within their respective jurisdictions”.

**128.** Section 105 of the Act is replaced by the following section:

**“105.** The Commission must advise the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, as the case may be, on any matter either minister submits to it respecting private education.

The advice of the Commission on any subject concerning which a Minister is required to consult the Commission pursuant to this Act must be given within 90 days of the date of the Minister’s request, failing which the obligation of the Minister is deemed to be fulfilled.”

**129.** Section 107 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) refer any matter relating to private education to the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions; and”.

**130.** Section 109 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Sports” in the first paragraph;

(2) by replacing “the Minister of Education, Recreation and Sports” in subparagraph 3 of the second paragraph by “either of those ministers”.

**131.** Section 111 of the Act is amended by inserting “on the recommendation of the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions,” after “by regulation,” in the introductory clause.

**132.** Section 174 of the Act is replaced by the following section:

**“174.** The Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology are responsible for the administration of this Act, in the areas within their respective jurisdictions.”

#### EXECUTIVE POWER ACT

**133.** Section 4 of the Executive Power Act (chapter E-18) is amended by adding the following paragraph at the end:

“(39) a Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF THE  
INFORMATION RESOURCES OF PUBLIC BODIES AND  
GOVERNMENT ENTERPRISES

**134.** Section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraphs:

“(4) school boards and the Comité de gestion de la taxe scolaire de l’île de Montréal;

“(4.1) general and vocational colleges and the educational institutions at the university level listed in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);”.

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

“**8.1.** The Minister of Higher Education, Research, Science and Technology, after consultation with the chief information officer, designates a network information officer for the public bodies referred to in subparagraph 4.1 of the first paragraph of section 2.”

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

(1) by inserting “, the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph 3;

(2) by replacing “in subparagraph 4 or 5” in paragraph 3 by “in subparagraph 4, 4.1 or 5”.

**137.** Section 15 of the Act is amended by replacing “4” in the fourth paragraph by “4.1”.

TAXATION ACT

**138.** The Taxation Act (chapter I-3) is amended by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in the following provisions:

(1) subparagraph *i* of paragraph *a* of section 358.0.2;

(2) paragraph *d* of section 752.0.1;

(3) subparagraph *a* of the first paragraph of section 752.0.2.1;



(4) the definition of “designated educational institution” and paragraph *a* of the definition of “recognized educational program” in the first paragraph of section 776.41.12.

**139.** The Act is amended by replacing “Minister of Education, Recreation and Sports” wherever it appears in the following provisions by “Minister of Higher Education, Research, Science and Technology”:

- (1) paragraph *c.1* of section 725;
- (2) paragraph *d* of the definition of “foreign researcher on a postdoctoral internship” in the first paragraph of section 737.22.0.0.1;
- (3) paragraph *d* of the definition of “foreign professor” in the first paragraph of section 737.22.0.5;
- (4) paragraph *b* of the definition of “recognized diploma” in the first paragraph of section 776.1.5.0.16;
- (5) paragraph *b* of the definition of “recognized diploma” in section 1029.8.122.

**140.** The Act is amended by replacing “Minister of Economic Development, Innovation and Export Trade” wherever it appears in the following provisions by “Minister of Higher Education, Research, Science and Technology”:

- (1) paragraph *d* of the definition of “foreign researcher” in the first paragraph of section 737.19;
- (2) paragraph *d* of the definition of “foreign expert” in the first paragraph of section 737.22.0.0.5;
- (3) paragraph *a.1.1* of section 1029.8.1;
- (4) the first paragraph of sections 1029.8.10 and 1029.8.11;
- (5) paragraph *a* and subparagraphs *i*, *i.1* and *i.2* of paragraph *b* of section 1029.8.16;
- (6) subparagraphs *b* of the fourth paragraphs of sections 1029.8.16.1.4 and 1029.8.16.1.5;
- (7) section 1029.8.16.1.9.

**141.** Sections 1029.8.33.2, 1029.8.33.11.1 and 1029.8.33.11.11 of the Act are amended, in the first paragraph,

(1) by inserting “or the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” after “Sport” in paragraph *a* of their definition of “recognized educational institution”;

(2) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph *c* of their definition of “recognized educational institution” and by replacing “first paragraph” in that paragraph *c* by “first and second paragraphs”;

(3) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph *d* of their definition of “recognized educational institution”.

#### ACT RESPECTING THE INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

**142.** Section 5 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02) is amended

(1) by replacing “, including the chairman and a director general, appointed by the Government” in the first paragraph by “, including the chairman and a director general, appointed by the Government, on the recommendation of the Minister, after consultation with the Minister of Education, Recreation and Sports”;

(2) by replacing the second paragraph by the following paragraph:

“At least two members shall be from the college education sector, one member from the university-level education sector and one member from the secondary-level vocational training sector. In addition, one member of the board shall be appointed after consultation with the student body of the institute.”

**143.** Section 17 of the Act is amended

(1) by replacing “Minister of Education, Recreation and Sports” in subparagraph 3 of the first paragraph by “Minister”;

(2) by inserting “or the Minister” after “authorization of the Minister” in the second paragraph;

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

“As regards an agreement entered into under subparagraph 4 of the first paragraph, the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, is considered responsible for the institute for the purposes of Chapters III and III.1 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and Division II of the Act respecting the Ministère du Conseil exécutif (chapter M-30).”

**144.** Section 18 of the Act is amended

(1) by replacing “of Education, Recreation and Sports” in the first paragraph by “or the Minister of Education, Recreation and Sports, according to their respective jurisdictions”;

(2) by adding the following sentence at the end of the first paragraph: “The institute shall consult both ministers if it develops new programs that may concern both levels of education or if it amends existing programs that concern both levels of education.”

**145.** Section 19 of the Act is amended by striking out “of Education, Recreation and Sports”.

**146.** Section 23 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

**“23.** The institute must comply with any directives concerning its policy directions and policies which may be given to it by the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, as soon as those directives are approved by the Government.”;

(2) by replacing “of the Minister” in the second paragraph by “of either of those ministers”.

**147.** Section 28 of the Act is amended

(1) by inserting “the Minister and” after “year to” in the first paragraph;

(2) by replacing “the Minister” in the second paragraph by “either of those ministers”.

**148.** Section 30 of the Act is amended by replacing “any information he may require” by “or the Minister of Education, Recreation and Sports, as the case may be, any information either minister may require”.

**149.** Section 31 of the Act is replaced by the following section:

**“31.** Each year, the institute shall submit its budget estimates for the next fiscal year to the Minister and the Minister of Education, Recreation and Sports on the date and in the form and content determined by the Ministers.

The budget estimates must be approved by the Minister after consultation with the Minister of Education, Recreation and Sports.”

**150.** Section 42 of the Act is amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

## ACT RESPECTING THE INSTITUT NATIONAL DES MINES

**151.** Section 5 of the Act respecting the Institut national des mines (chapter I-13.1.2) is amended by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Minister” in subparagraph 3 of the second paragraph.

**152.** Section 6 of the Act is amended

(1) by adding “or the Minister of Higher Education, Research, Science and Technology” at the end of paragraph 6;

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

“As regards an agreement entered into under subparagraph 3 of the first paragraph, the Minister or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions, is considered responsible for the institute.”

**153.** Section 7 of the Act is replaced by the following section:

“**7.** The institute must give its opinion on any question the Minister or the Minister of Higher Education, Research, Science and Technology submits to it with respect to the fields or subjects within its purview. The institute’s opinion may include recommendations.”

**154.** Section 8 of the Act is replaced by the following section:

“**8.** Each year, the institute must prepare a plan of its activities and the related budget. The plan must reflect the policy directions and objectives determined by the Minister after consultation with the Minister of Higher Education, Research, Science and Technology. The plan must also contain the information specified by the Minister or the Minister of Higher Education, Research, Science and Technology.

The plan must be sent to the Minister in the form specified and on the date set by the Minister.

The plan must be approved by the Minister who, for that purpose, must consult the Minister of Higher Education, Research, Science and Technology.”

**155.** Section 10 of the Act is amended by inserting “or the Minister of Higher Education, Research, Science and Technology, as the case may be,” after “Minister”.

**156.** Section 11 of the Act is amended

(1) by replacing “17” in the first paragraph by “18”;

(2) by replacing “The Government” in the introductory clause of the second paragraph by “On the recommendation of the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology, the Government”;

(3) by replacing subparagraph 3 of the second paragraph by the following subparagraphs:

“(3) four members from the mining-related sector of the secondary level in vocational education, appointed after consultation with that sector;

“(3.1) two members from mining-related sectors of the college or university level, appointed after consultation with those sectors;”;

(4) by inserting “, the Deputy Minister of Higher Education, Research, Science and Technology” after “Sports” in the third paragraph.

**157.** Section 28 of the Act is amended

(1) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph;

(2) by replacing “the Minister” in the second paragraph by “either of those ministers”.

**158.** Section 35 of the Act is amended by inserting “, after consultation with the Minister of Higher Education, Research, Science and Technology,” after “Minister” in the first paragraph.

EDUCATION ACT

**159.** Section 477.14 of the Education Act (chapter I-13.3) is amended

(1) by striking out “appointed by the Minister after consultation with the interested bodies” in the introductory clause;

(2) by replacing the third paragraph by the following paragraphs:

“The chair is appointed by the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology.

The members referred to in subparagraphs 2 and 3 of the first paragraph are appointed by the Minister, after consultation with the interested bodies. The members referred to in subparagraphs 4 and 5 of the first paragraph are appointed by the Minister of Higher Education, Research, Science and Technology, after consultation with the interested bodies.

In addition, the Minister may appoint two associate members to the committee, one chosen from among the employees of the Ministère de

l'Éducation, du Loisir et du Sport, the other from among the managerial staff of the school boards. An additional associate member, chosen from among the employees of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, may be appointed by the Minister of Higher Education, Research, Science and Technology.”

**160.** Section 477.15 of the Act is amended by adding the following paragraph at the end:

“In addition, the committee shall advise the Minister of Higher Education, Research, Science and Technology on the financing of university-level teacher education programs.

Before approving a program or making a recommendation, the committee shall consult the administrative committee set up by the Minister of Higher Education, Research, Science and Technology to provide advice on university training programs.”

#### ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

**161.** Section 1.1 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) is amended by replacing “, secondary and college education and university education and research, except where another minister is responsible” by “and secondary education”.

**162.** Section 1.2 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) taking coordinated action with the Minister of Higher Education, Research, Science and Technology to foster the continuity, development and integration of educational pathways;”.

**163.** Section 1.3 of the Act is amended by striking out “or research” in paragraph 3.

**164.** The Act is amended by inserting the following section after section 3.1:

**“3.2.** A sharing of resources and services between the Minister and the Minister of Higher Education, Research, Science and Technology is to be encouraged wherever it can be instrumental in their pursuit of objectives related to the continuity, development and integration of educational pathways or their fulfillment of efficiency and cost-benefit requirements in the management of human, financial, physical and information resources.”

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA  
SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES  
DU MARCHÉ DU TRAVAIL

**165.** Section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended by inserting the following subparagraph after subparagraph 2 of the third paragraph:

“(2.1) the Deputy Minister of Higher Education, Research, Science and Technology or an Associate or Assistant Deputy Minister of Higher Education, Research, Science and Technology designated by the Deputy Minister;”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT  
ÉCONOMIQUE, DE L'INNOVATION ET DE L'EXPORTATION

**166.** Section 2 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01) is amended by striking out “innovation”, “, as well as research”, “scientific,” and “, scientific development”.

**167.** Section 3 of the Act is amended by striking out “, and promoting research, science, technology and innovation” in the first paragraph.

**168.** Section 5 of the Act is amended by striking out paragraph 5.

GOVERNMENT DEPARTMENTS ACT

**169.** Section 1 of the Government Departments Act (chapter M-34) is amended by adding the following paragraph at the end:

“(38) the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, presided over by the Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING THE SECTORAL PARAMETERS OF CERTAIN  
FISCAL MEASURES

**170.** Section 2 of the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1) is amended by replacing “Minister of Education, Recreation and Sports” in paragraph 4 by “Minister of Higher Education, Research, Science and Technology”.

**171.** Section 1.1 of Schedule C to the Act is amended by striking out paragraphs 2, 3, 5 and 6.

**172.** Chapter III of Schedule C to the Act, comprising sections 3.1 to 3.5, Chapter IV of that schedule, comprising sections 4.1 to 4.6, Chapter VI of that schedule, comprising sections 6.1 to 6.5, and Chapter VII of that schedule,

comprising sections 7.1 to 7.5, become Chapter IV, comprising sections 4.1 to 4.5, Chapter V, comprising sections 5.1 to 5.6, Chapter VI, comprising sections 6.1 to 6.5, and Chapter VII, comprising sections 7.1 to 7.5, of Schedule D to the Act, with the necessary changes in numbering.

**173.** Section 8.10 of Schedule C to the Act is amended by replacing “Minister of Education, Recreation and Sports” in paragraph 1 by “Minister of Higher Education, Research, Science and Technology or the Minister of Education, Recreation and Sports”.

**174.** The heading of Schedule D to the Act is amended by replacing “MINISTER OF EDUCATION, RECREATION AND SPORTS” by “MINISTER OF HIGHER EDUCATION, RESEARCH, SCIENCE AND TECHNOLOGY”.

**175.** Section 1.1 of Schedule D to the Act is amended

(1) by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”;

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

“(3) the deduction in respect of foreign researchers provided for in sections 737.19 to 737.22 of the Taxation Act;

“(4) the deduction in respect of foreign experts provided for in sections 737.22.0.0.5 to 737.22.0.0.8 of the Taxation Act;

“(5) the refundable tax credit for university research and for research carried on by a public research centre or a research consortium and the tax credit for fees and dues paid to a research consortium provided for in sections 1029.8.1 to 1029.8.7 and 1029.8.9.0.2 to 1029.8.9.0.4 of the Taxation Act; and

“(6) the tax credit for private partnership pre-competitive research provided for in sections 1029.8.16.1.1 to 1029.8.16.1.9 of the Taxation Act.”

**176.** Schedule D to the Act is amended by adding the following after section 3.6:

#### **“CHAPTER IV**

#### **“SECTORAL PARAMETERS OF DEDUCTION IN RESPECT OF FOREIGN RESEARCHERS**

*(As provided for in section 172, insert sections 3.1 to 3.5 of Schedule C to the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1), after renumbering them as sections 4.1 to 4.5 of Schedule D to that Act.)*



## **“CHAPTER V**

### **“SECTORAL PARAMETERS OF DEDUCTION IN RESPECT OF FOREIGN EXPERTS**

*(As provided for in section 172, insert sections 4.1 to 4.6 of Schedule C to the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1), after renumbering them as sections 5.1 to 5.6 of Schedule D to that Act.)*

## **“CHAPTER VI**

### **“SECTORAL PARAMETERS OF TAX CREDIT FOR RESEARCH CARRIED ON BY RESEARCH CONSORTIUM AND OF TAX CREDIT FOR FEES AND DUES PAID TO RESEARCH CONSORTIUM**

*(As provided for in section 172, insert sections 6.1 to 6.5 of Schedule C to the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1), after renumbering them as sections 6.1 to 6.5 of Schedule D to that Act.)*

## **“CHAPTER VII**

### **“SECTORAL PARAMETERS OF TAX CREDIT FOR PRIVATE PARTNERSHIP PRE-COMPETITIVE RESEARCH**

*(As provided for in section 172, insert sections 7.1 to 7.5 of Schedule C to the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1), after renumbering them as sections 7.1 to 7.5 of Schedule D to that Act.)”.*

## **ACT RESPECTING EDUCATIONAL PROGRAMMING**

**177.** Section 3.1 of the Act respecting educational programming (chapter P-30.1) is amended by replacing “Minister of Economic Development, Innovation and Export Trade” in subparagraph 2 of the first paragraph by “Minister of Higher Education, Research, Science and Technology”.

**178.** Section 9 of the Act is amended by inserting “, to the Minister of Higher Education, Research, Science and Technology” after “members of the committee”.

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

**179.** Section 31 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is replaced by the following section:

**“31.** The committees established under paragraphs 1 and 2 of section 30 are composed of persons appointed by the Minister of Education, Recreation and Sports and the committee established under paragraph 3 of that section is composed of persons appointed by the Minister of Higher Education, Research, Science and Technology. The committees also include persons appointed, as the case may be, by the group of school boards referred to in paragraph 1 of section 30, the group of school boards referred to in paragraph 2 of that section or the group of colleges.

A group of school boards or a group of colleges is an association, federation or other organization to which the majority of the school boards referred to in paragraph 1 of section 30, of the school boards referred to in paragraph 2 of that section or of the colleges belong and which is considered to be representative of such school boards by the Minister of Education, Recreation and Sports or of such colleges by the Minister of Higher Education, Research, Science and Technology, if it is not already recognized as such by law.”

**180.** Section 32 of the Act is amended by inserting “of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph.

**181.** Section 33 of the Act is amended by inserting “or to the Minister of Higher Education, Research, Science and Technology, as the case may be” after “Minister of Education, Recreation and Sports”.

**182.** Section 43 of the Act is replaced by the following section:

**“43.** The Conseil du trésor shall invite the Minister of Education, Recreation and Sports, the Minister of Higher Education, Research, Science and Technology or the Minister of Health and Social Services, as the case may be, to participate in its deliberations where they deal with the negotiations referred to in sections 44 and 53.”

#### FIRE SAFETY ACT

**183.** Section 55 of the Fire Safety Act (chapter S-3.4) is amended by inserting “or the Minister of Higher Education, Research, Science and Technology, as the case may be” after “Sports” in the first paragraph.

**184.** Section 62 of the Act is amended

(1) by replacing “15” in the first paragraph by “16”;

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

“(6) a member of the personnel of the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie designated by the Deputy Minister of Higher Education, Research, Science and Technology.”

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**185.** Section 88 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by replacing “Minister of Education, Recreation and Sports and the Minister of Economic Development, Innovation and Export Trade” by “Minister of Higher Education, Research, Science and Technology”;

(2) by replacing “Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01)” by “Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie (*insert the year and chapter number of this Act*)”.

**186.** Sections 89 to 91 of the Act are amended by replacing “Minister of Education, Recreation and Sports and the Minister of Economic Development, Innovation and Export Trade” by “Minister of Higher Education, Research, Science and Technology”.

**187.** Sections 110, 436.1 and 436.8 of the Act are amended by replacing “Minister of Education, Recreation and Sports” wherever it appears by “Minister of Higher Education, Research, Science and Technology”.

## REGULATION RESPECTING THE ACCREDITATION OF TRAINING BODIES, TRAINING INSTRUCTORS AND TRAINING SERVICES

**188.** Section 8 of the Regulation respecting the accreditation of training bodies, training instructors and training services (chapter D-8.3, r. 1) is amended by inserting “the ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie,” after “ministère de l’Éducation, du Loisir et du Sport,” in paragraph 3.

## RÈGLEMENT SUR L’EXERCICE DES POUVOIRS ET LA RÉGIE INTERNE DE L’INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

**189.** Section 11 of the Règlement sur l’exercice des pouvoirs et la régie interne de l’Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02, r. 1, French only) is amended by inserting “et au ministre de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” after “Sport” in paragraph 12.

## REGULATION RESPECTING THE DELEGATIONS OF POWERS AND DUTIES OF THE MINISTER OF EDUCATION, RECREATION AND SPORTS

**190.** Sections 3, 7 and 8 of the Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1) are repealed.

## OTHER AMENDING PROVISIONS

**191.** The expression “Minister of Economic Development, Innovation and Export Trade” is replaced by “Minister of Higher Education, Research, Science and Technology” in the following legislative provisions:

(1) section 42 of the Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);

(2) the second paragraph of section 1 of the Act respecting artistic, literary and scientific competitions (chapter C-51).

**192.** The expressions “Minister of Education, Recreation and Sports” and “Ministère de l’Éducation, du Loisir et du Sport” are replaced by “Minister of Higher Education, Research, Science and Technology” and “Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie”, respectively, wherever they appear in the following legislative provisions:

(1) section 64 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01);

(2) section 88.3 of the Charter of the French language (chapter C-11);

(3) sections 16.1, 51 and 72 of the General and Vocational Colleges Act (chapter C-29);

(4) section 47 of the Act respecting the Commission d’évaluation de l’enseignement collégial (chapter C-32.2);

(5) subparagraph 2 of the first paragraph of section 4 and sections 21 and 22 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1);

(6) section 10 of the Act respecting educational institutions at the university level (chapter E-14.1);

(7) section 24 of the Act respecting university foundations (chapter F-3.2.0.1);

(8) section 27 of the Court Bailiffs Act (chapter H-4.1);

(9) section 7 of the Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);

(10) paragraph *c* of section 1 of the University Investments Act (chapter I-17);

(11) subparagraph *b* of the first paragraph of section 29 of the Medical Act (chapter M-9);

(12) section 2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);

(13) paragraph *b* of section 15 of the Pharmacy Act (chapter P-10);

(14) section 15 and subparagraph 5 of the second paragraph of section 18 of the Police Act (chapter P-13.1);

(15) section 63 of the Act respecting pre-hospital emergency services (chapter S-6.2);

(16) paragraph *f* of section 1 and section 59 of the Act respecting the Université du Québec (chapter U-1).

The expression “Minister of Education, Recreation and Sports” is replaced by “Minister” in the following legislative provisions:

(1) sections 19, 34, 37 and 63 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01);

(2) section 2 of the General and Vocational Colleges Act (chapter C-29);

(3) section 5, subparagraph 3 of the second paragraph of section 13 and section 22 of the Act respecting the Commission d’évaluation de l’enseignement collégial (chapter C-32.2);

(4) paragraph 13 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(5) section 6.1 of the University Investments Act (chapter I-17).

**193.** The following legislative provisions are amended by inserting, depending on the context, “, the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” or “, the Deputy Minister of Higher Education, Research, Science and Technology” after “Ministère de l’Éducation, du Loisir et du Sport” or “Deputy Minister of Education, Recreation and Sports”:

(1) the second paragraph of section 84 of the Individual and Family Assistance Act (chapter A-13.1.1);

(2) the sixth paragraph of section 65 of the Health Insurance Act (chapter A-29);

(3) the third paragraph of section 7 of the Act respecting the Conseil du statut de la femme (chapter C-59);

(4) section 6.1 and the second paragraph of section 63 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1).

**194.** The following legislative provisions are amended by inserting, depending on the context, “or the Minister of Higher Education, Research, Science and Technology” or “or the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie”, with the necessary grammatical adjustments, after “Minister of Education, Recreation and Sports” or “Ministère de l’Éducation, du Loisir et du Sport” wherever they appear:

(1) subparagraph *o* of the second paragraph of section 69.1 of the Tax Administration Act (chapter A-6.002);

(2) subparagraph *d* of subparagraph 7 and subparagraph 7.1 of the third paragraph of section 12, subparagraph 3 of the first paragraph of section 16.10 and the second paragraph of section 95.0.1 of the Professional Code (chapter C-26);

(3) paragraph 1 of section 8 of the Pay Equity Act (chapter E-12.001);

(4) paragraph 5 of section 3 of the Act respecting labour standards (chapter N-1.1);

(5) the second paragraph of section 103 of the Act respecting the legal publicity of enterprises (chapter P-44.1);

(6) section 9 of Schedule I to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

(7) paragraphs 13 and 14 of section 167 of the Act respecting occupational health and safety (chapter S-2.1);

(8) section 125 of the Act respecting health services and social services for Cree Native persons (chapter S-5).

**195.** The expressions “Minister of Education, Recreation and Sports” or “Minister of Education”, “Ministère de l’Éducation, du Loisir et du Sport” or “Ministry of Education, Recreation and Sports”, and “Assistant Deputy Minister for Professional and Technical Training” are replaced wherever they appear in the following regulatory provisions by “Minister of Higher Education, Research, Science and Technology”, “Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” and “Assistant Deputy Minister for Higher Education”, respectively:

(1) any regulatory provision made under the Professional Code (chapter C-26) and any provision of a regulation respecting the committee on training of professionals of a professional order, except for the Regulation respecting the committee on training of nursing assistants (chapter C-26,

r. 155) and the Regulation respecting the joint committee on training in medicine (chapter M-9, r. 18);

(2) paragraph *a* of section 4.02 of the Regulation respecting other terms and conditions for permits to be issued by the Ordre des architectes du Québec (chapter A-21, r. 3);

(3) the third paragraph of section 11.2 of the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);

(4) the fourth paragraph of section 26 of the Regulation respecting safety in public baths (chapter B-1.1, r. 11);

(5) the definition of “annual income” in the first paragraph of section 9 of the Regulation respecting the determination of child support payments (chapter C-25, r. 6), the second paragraph of that section and line 208 of Schedule I to that Regulation;

(6) section 14 of the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care (chapter M-9, r. 2.1);

(7) the second paragraph of section 3 of the Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d’assurances (chapter C-32.1.2, r. 1);

(8) subparagraph 2 of the first paragraph of section 9 and subparagraph 3 of the first paragraph of section 13 of the Regulation respecting the application of the Real Estate Brokerage Act (chapter C-73.1, r. 1);

(9) section 20 of the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec (chapter H-4.1, r. 7);

(10) subparagraph iii of paragraph *b* of subsection 2 of section 99, subparagraph *d* of the first paragraph of section 132, section 133 and the third paragraph of section 228 of the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1);

(11) subparagraphs 4 and 8 of the first paragraph of section 4 of the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4);

(12) section 18 of the Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);

(13) section 2 and paragraphs 2 and 3 of section 10 of the Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service (chapter S-3.4, r. 1);

(14) paragraph 2 of section 1 of the Regulation respecting the training required to obtain an agent licence to carry on private security activities (chapter S-3.5, r. 2);

(15) subparagraph 3 of the first paragraph of section 15 of the Reduced Contribution Regulation (chapter S-4.1.1, r. 1);

(16) subparagraph 1 of the first paragraph of section 1 of the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1);

(17) the definitions of “Minister” and “Ministry” in section 1 and section 95 of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202573 dated 21 June 2005 (2005, G.O. 2, 2423) as amended;

(18) the definitions of “Minister” and “Ministry” in section 1 of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202574 dated 21 June 2005 (2005, G.O. 2, 2449) as amended.

**196.** The following regulatory provisions are amended by inserting, depending on the context, “or the Minister of Higher Education, Research, Science and Technology” or “or the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie”, with the necessary grammatical adjustments, after “Minister of Education, Recreation and Sports”, “Ministère de l’Éducation, du Loisir et du Sport” or “Ministère de l’Éducation du Québec” wherever they appear:

(1) the first and last paragraphs of section 3 of the Regulation respecting legal aid (chapter A-14, r. 2);

(2) paragraph 2 of section 3, paragraph 3 of section 4.2, subparagraph *b* of subparagraph 3 of the first paragraph of section 15 and subparagraph 2 of the first paragraph of section 23 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1);

(3) paragraph 2 of the definition of “person with a hearing deficiency” in section 1 and section 37 of the Regulation respecting hearing devices and insured services (chapter A-29, r. 2);

(4) subparagraph 1 of the first paragraph of section 26 of the Regulation respecting insured visual aids and related services (chapter A-29, r. 3);



(5) the third paragraphs of sections 16 and 50 of the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (chapter A-29, r. 4);

(6) the third paragraph of section 11.2 of the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);

(7) the introductory clause of the first paragraph of section 6.1 of the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1);

(8) subparagraph *d* of paragraph 3 of section 25 of the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2);

(9) subparagraph *i* of paragraph *b.2* of subsection 1 of section 1 and subsection 5.2 of section 47 of the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);

(10) the second paragraph of section 2 of the Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons (chapter I-8, r. 4);

(11) sections 890.15R1 and 1086R97 of the Regulation respecting the Taxation Act (chapter I-3, r. 1);

(12) subparagraph 1 of the fourth paragraph of section 44 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(13) paragraph 3 of article 26 of Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium (chapter R-9, r. 11);

(14) paragraph 3 of article 15 of Schedule II to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Sweden (chapter R-9, r. 39);

(15) paragraph 2 of the definition of “personne à charge” in section 1 of the Règlement sur les régimes complémentaires d’avantages sociaux dans l’industrie de la construction (chapter R-20, r. 10);

(16) section 6 of the By-law respecting housing (chapter S-8, r. 7);

(17) subparagraph 2 of the first paragraph of section 4 of the Regulation respecting the disposition of certain surplus or confiscated properties (chapter T-8.1, r. 2).

## CHAPTER VII

### INCORPORATION INTO THIS ACT OF PROVISIONS FROM OTHER ACTS

**197.** Sections 13.1, 13.3, 13.4 and 13.7 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) become sections 17 to 20 of this Act, respectively, after replacing “Minister of Education, Recreation and Sports” in paragraph 3 of section 13.3 of that Act by “Minister of Higher Education, Research, Science and Technology” and renumbering paragraphs 2 to 5 of section 13.3 of that Act as paragraphs 1 to 4 of the corresponding section of this Act.

**198.** Sections 46 to 83 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01) become sections 21 to 63 of this Act, respectively, after renumbering paragraph 5 of section 61 of that Act as paragraph 4 of the corresponding section of this Act and renumbering Divisions I to V of Chapter V of that Act as subdivisions 1 to 5 of Division II of Chapter III of this Act and after replacing

(1) the reference to sections 50, 50.1, 50.2 and 50.3 in section 54 of that Act by a reference to sections 25 to 28 of this Act;

(2) the reference to section 57 in section 60 of that Act by a reference to section 35 of this Act;

(3) the reference to section 75 in section 76.1 of that Act by a reference to section 54 of this Act;

(4) the expression “this Chapter” in section 81 of that Act by “Division II”;

(5) the reference to section 81 in section 82 of that Act by a reference to section 61 of this Act;

(6) the reference to sections 81 and 82 in section 83 of that Act by a reference to sections 61 and 62 of this Act.

**199.** Sections 45.1 to 45.14 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation become sections 64 to 77 of this Act, respectively, after renumbering Divisions I and II of Chapter IV.1 of that Act as Divisions I and II of Chapter IV of this Act and replacing the reference to section 45.2 in section 45.5 of that Act by a reference to section 66.

## CHAPTER VIII

### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**200.** Unless the context indicates otherwise, in any document other than an Act or a regulation, including in any order, order in council, policy, budget

rule, permit, certificate, proclamation, administrative document, judicial pleading or contract,

(1) a reference to the Minister or Deputy Minister of Education, Recreation and Sports or the Ministère de l'Éducation, du Loisir et du Sport, or to the Minister or Deputy Minister of Economic Development, Innovation and Export Trade or the Ministère du Développement économique, de l'Innovation et de l'Exportation is, if the matter is under the responsibility of the Minister of Higher Education, Research, Science and Technology, a reference to the Minister or Deputy Minister of Higher Education, Research, Science and Technology or the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie; and

(2) a reference to the Act respecting the Ministère de l'Éducation, du Loisir et du Sport or the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation, or to any of their provisions, concerning a matter within the jurisdiction of the Minister of Higher Education, Research, Science and Technology is a reference to this Act or to the corresponding provision of this Act.

**201.** The Regulation respecting private educational institutions at the college level (chapter E-9.1, r. 4) is deemed to have been made by the Minister of Higher Education, Research, Science and Technology.

**202.** The records and other documents of the Ministère du Développement économique, de l'Innovation et de l'Exportation and of the Ministère de l'Éducation, du Loisir et du Sport are transferred to the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, to the extent that they pertain to matters within the jurisdiction of the Minister.

**203.** Any proceeding relating to higher education, research, science, innovation or technology or to any other matter devolving upon the Minister of Higher Education, Research, Science and Technology to which the Minister of Education, Recreation and Sports or the Minister of Economic Development, Innovation and Export Trade is a party is continued by the Minister of Higher Education, Research, Science and Technology without continuance of suit.

**204.** The members of the councils, committees or commissions, whose composition is modified or in respect of which the authority responsible for appointments is changed by this Act continue in office on the same terms, until they are replaced or reappointed.

**205.** The members of the personnel of the Ministère de l'Éducation, du Loisir et du Sport and the Ministère du Développement économique, de l'Innovation et de l'Exportation who exercise functions relating to matters within the jurisdiction of the Minister of Higher Education, Research, Science and Technology become members of the personnel of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie.

**206.** The Conseil du trésor may, to the extent it determines, transfer appropriations between the Ministère de l'Éducation, du Loisir et du Sport and the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie or between the latter and the Ministère des Finances et de l'Économie, for the fiscal year 2013–2014, to reflect the sharing of responsibilities among the ministers.

**207.** The Government may, by regulation, prescribe any other consequential or transitional provision necessary for the carrying out of this Act.

Such a regulation is not subject to the publication requirement or the requirement as regards its date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1) and may, once published and if it so provides, apply from any date not prior to (*insert the date of coming into force of this Act*).

**208.** This Act comes into force on (*insert the date that is 30 days after the date of assent to this Act*).