



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 82

Public Administration Act

Introduction

Introduced by
Mr Jacques Léonard
Minister for Administration and the Public Service,
Chairman of the Conseil du trésor

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EXPLANATORY NOTES

This bill establishes a new results-based management framework in the Administration, centred on transparency and enhanced accountability to the National Assembly so as to affirm the priority given to the quality of the services provided to the public.

New responsibilities are conferred on the Administration. For instance, government departments and bodies that provide services to the public will be required to make a declaration setting forth their objectives as to the level and quality of their services. Moreover, each department or body will be required to prepare a strategic plan that will guide its actions over several years. Each department or body will also be required to report the results it has achieved in an annual management report.

Under a performance and accountability agreement, a more flexible management framework will be adapted to the particular situation of an administrative unit within a department or body and the administrative unit will be held accountable for the specific results targeted in the agreement. Performance and accountability agreements will be concluded between the Minister responsible and the director of the administrative unit, and will in certain cases include a management agreement with the Conseil du trésor.

All such documents emanating from the Administration will be public and will be tabled in the National Assembly.

This bill also replaces or revises and simplifies the management rules applicable to the human, financial, physical and information resources of the Administration which were contained until now in the Financial Administration Act and the Public Service Act.

The Conseil du trésor is continued under this bill, with new functions adapted to the characteristics of the new management framework.

Lastly, this bill contains amending and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01);
- Financial Administration Act (R.S.Q., chapter A-6);
- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2);
- Legal Aid Act (R.S.Q., chapter A-14);
- Archives Act (R.S.Q., chapter A-21.1);
- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Hospital Insurance Act (R.S.Q., chapter A-28);
- Health Insurance Act (R.S.Q., chapter A-29);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- General and Vocational Colleges Act (R.S.Q., chapter C-29);
- Act respecting the national capital commission (R.S.Q., chapter C-33.1);

- Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting the Conservatoire de musique et d’art dramatique du Québec (R.S.Q., chapter C-62.1);
- Real Estate Brokerage Act (R.S.Q., chapter C-73.1);
- Election Act (R.S.Q., chapter E-3.3);
- Public Officers Act (R.S.Q., chapter E-6);
- Pay Equity Act (R.S.Q., chapter E-12.001);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Act to establish a fund to combat poverty through reintegration into the labour market (R.S.Q., chapter F-3.2.0.3);
- Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01);
- Forest Act (R.S.Q., chapter F-4.1);
- Taxation Act (R.S.Q., chapter I-3);
- Education Act (R.S.Q., chapter I-13.3);
- Stationary Enginemen Act (R.S.Q., chapter M-6);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de l’Éducation (R.S.Q., chapter M-15);
- Act respecting the Ministère de l’Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);
- Act respecting the Ministère de l’Industrie et du Commerce (R.S.Q., chapter M-17);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);

- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001);
- Act respecting the Ministère des Relations avec les citoyens et de l’Immigration (R.S.Q., chapter M-25.01);
- Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);
- Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- National Museums Act (R.S.Q., chapter M-44);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting police organization (R.S.Q., chapter O-8.1);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Public Protector Act (R.S.Q., chapter P-32);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);
- Act respecting the Régie de l’assurance-maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting the salaries of officers of justice (R.S.Q., chapter S-2);

- Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2);
- Act respecting correctional services (R.S.Q., chapter S-4.01);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société de développement des entreprises culturelles (R.S.Q., chapter S-10.002);
- Act respecting the Société de la Place des Arts de Montréal (R.S.Q., chapter S-11.03);
- Act respecting the Société de télédiffusion du Québec (R.S.Q., chapter S-12.01);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);
- Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1);
- Act respecting the Société des Traversiers du Québec (R.S.Q., chapter S-14);
- Act respecting the Société du Centre des congrès de Québec (R.S.Q., chapter S-14.001);
- Act respecting the Société du Grand Théâtre de Québec (R.S.Q., chapter S-14.01);

- Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1);
- Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act respecting the Société québécoise d’information juridique (R.S.Q., chapter S-20);
- Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Securities Act (R.S.Q., chapter V-1.1);
- Auditor General Act (R.S.Q., chapter V-5.01);
- Act respecting assistance and compensation for victims of crime (1993, chapter 54);
- Act respecting the Société de tourisme du Québec (1994, chapter 27);
- Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45);
- Act respecting the Commission de développement de la Métropole (1997, chapter 44);
- Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9);
- Act respecting Investissement-Québec and Garantie-Québec (1998, chapter 17);
- Act respecting Société Innovatech du Grand Montréal (1998, chapter 19);

- Act respecting Société Innovatech Régions ressources (1998, chapter 20);
- Act respecting Société Innovatech Québec et Chaudière-Appalaches (1998, chapter 21);
- Act respecting Société Innovatech du sud du Québec (1998, chapter 22);
- Act respecting income support, employment assistance and social solidarity (1998, chapter 36);
- Act respecting the distribution of financial products and services (1998, chapter 37);
- Act to establish the Grande bibliothèque du Québec (1998, chapter 38);
- Act respecting Héma-Québec and the haemovigilance committee (1998, chapter 41);
- Act respecting Institut national de santé publique du Québec (1998, chapter 42);
- Act respecting the Ministère de la Recherche, de la Science et de la Technologie (1999, chapter 8);
- Act respecting Financement-Québec (1999, chapter 11);
- Act respecting the Corporation d’hébergement du Québec (1999, chapter 34).

LEGISLATION REPEALED BY THIS BILL :

- Act respecting the accountability of deputy ministers and chief executive officers of public bodies (R.S.Q., chapter I-4.1).

Bill 82

PUBLIC ADMINISTRATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

OBJECT AND APPLICATION

1. This Act affirms the priority given by the Administration, in developing and implementing the rules of public administration, to the quality of the services provided to the public ; thus, it establishes a results-based management framework centred on transparency.

This Act reaffirms the role played by parliamentarians with respect to government action and their contribution to the improvement of the services provided to the public by enhancing the accountability of the Administration to the National Assembly.

2. The government management framework shall focus more specifically on

(1) responsiveness, in making management decisions, to the expectations expressed by the public in light of available resources ;

(2) the achievement of results in relation to stated objectives ;

(3) greater flexibility, through the adaptation of management rules to the particular situations of departments and bodies ;

(4) recognition of the role of deputy ministers and chief executive officers in implementing controls in relation to results-based management ;

(5) accountability reporting based on performance in achieving results ;

(6) optimum use of the resources of the Administration ;

(7) giving the National Assembly access to relevant information on the activities of the Administration.

3. For the purposes of this Act, the Administration comprises

(1) the departments of the Government ;

(2) all budget-funded bodies, namely all bodies all or part of the expenditures of which are provided for in the estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(3) all bodies whose personnel is appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1);

(4) all bodies a majority of the members or directors of which are appointed by the Government or by a minister and at least half of the expenditures of which are borne directly or indirectly by the consolidated revenue fund.

A person appointed or designated by the Government or by a minister, together with the personnel directed by that person, is considered to be a body in the exercise of the functions assigned to the person by law, the Government or the Minister.

4. Section 3 shall not be construed as including the National Assembly or any persons appointed or designated by the National Assembly to exercise functions under the authority of the Assembly, or the personnel directed by that person. Certain provisions of this Act may, however, be made applicable to them by statute.

Section 3 shall not be construed as including the courts of justice within the meaning of the Courts of Justice Act (R.S.Q., chapter T-16), or bodies whose membership is wholly comprised of judges of the Court of Québec, the Conseil de la magistrature or the committee on the remuneration of the judges of the Court of Québec and the municipal courts.

CHAPTER II

GENERAL RESPONSIBILITIES

DIVISION I

APPLICATION

5. This chapter applies to the departments and budget-funded bodies of the Administration.

It also applies to any other body of the Administration that is designated for that purpose by the minister responsible and only to the extent determined by that minister. Notice of the designation must be published in the *Gazette officielle du Québec*.

However, this chapter does not apply to administrative bodies exercising adjudicative functions except as concerns management objectives for service accessibility, the effectiveness and efficiency of their decision-making process, and the results achieved.

DIVISION II

SERVICE STATEMENT

6. A department or body that provides services directly to the public shall publish a service statement setting out its objectives with regard to the level and quality of the services provided.

The statement shall specify the time frame within which services are to be provided and give clear information on their nature and accessibility.

For the purposes of this Act, services to the public comprise services to individuals and services to enterprises.

7. A department or body that provides services directly to the public must

- (1) remain receptive to public expectations ;
- (2) simplify service delivery rules and procedures to the greatest extent possible ;
- (3) encourage its employees to provide quality services and to collaborate in achieving the results targeted by the department or body.

Where the department or body considers it appropriate, it shall inform users of the cost of its services.

DIVISION III

STRATEGIC PLAN

8. Each department or body must adopt a strategic plan covering a period of more than one year.

9. The strategic plan must state

- (1) the mission of the department or body ;
- (2) the context in which the department or the body acts and the main challenges it faces ;
- (3) the strategic directions, objectives and lines of intervention selected ;
- (4) the results targeted over the period covered by the plan ;
- (5) the performance indicators to be used in measuring results ;
- (6) any other element determined by the Conseil du trésor.

The Conseil du trésor may determine the information to be included in the plan, the period it is to cover, its form, and the intervals at which it is to be reviewed.

10. The strategic plan of a department or body shall be forwarded to the Government by the minister responsible at least 60 days before it is to be tabled in the National Assembly.

11. The strategic plan of a department or body shall be tabled in the National Assembly by the minister responsible.

DIVISION IV

PERFORMANCE AND ACCOUNTABILITY AGREEMENT

12. A performance and accountability agreement may be entered into by a minister and the director of an administrative unit in a department or body under the responsibility of the minister.

The deputy minister or chief executive officer concerned shall also be a party to the performance and accountability agreement to ensure that its content is integrated with the activities of the department or body and shall subscribe, in the exercise of his or her responsibilities, to the undertakings set out in the agreement.

The performance and accountability agreement shall include a description of the administrative unit.

13. A performance and accountability agreement must contain

(1) a definition of the mission and strategic directions of the administrative unit and a description of the responsibilities of the director of the unit;

(2) an annual action plan describing the objectives for the first year of the agreement, the measures to be taken to meet the objectives, and the resources available, and an undertaking to produce such a plan on an annual basis;

(3) the main indicators to be used in measuring results;

(4) an undertaking to produce, at the end of each year, a management report describing the results achieved and, so far as possible, comparing them to the results achieved by similar bodies.

Any management agreement made pursuant to section 19 by the Minister and the Conseil du trésor shall be appended to the performance and accountability agreement and shall be binding on the parties.

A performance and accountability agreement may also provide for the formation of an advisory committee to enable client representatives or

specialists from outside the Administration to give their opinion on the execution of the agreement.

14. A performance and accountability agreement and management agreement are public documents which the minister responsible shall table in the National Assembly.

15. The annual action plan of an administrative unit covered by a performance and accountability agreement shall be submitted for approval to the minister responsible by the department or body concerned.

16. The director of an administrative unit having entered into a performance and accountability agreement must ensure that the mission and strategic directions of the unit are complied with, and that the unit achieves its annual objectives within the management framework applicable to it using the resources allocated to it.

17. The minister is, after entering into a performance and accountability agreement, empowered to exercise supervision and control over the achievement of the objectives of the administrative unit.

The deputy minister or chief executive officer responsible for the administrative unit is also empowered to exercise supervision and control.

18. A person exercising supervision and control over an administrative unit who considers that the unit has not achieved its annual objectives or that its director has not complied with the performance and accountability agreement may replace the director of the unit or, if the appointment of the director is not within that person's authority, recommend to the competent authority that the director be replaced.

In addition, the minister responsible for the administrative unit may suspend or cancel the performance and accountability agreement. The minister shall notify the Conseil du trésor immediately of the suspension or cancellation.

19. A management agreement is an agreement entered into by the minister responsible for an administrative unit covered by a performance and accountability agreement and the Conseil du trésor. The management agreement shall define a management framework for human, financial, physical and information resources that is specific to the unit, the relevant conditions, and the administrative policies governing it.

Where applicable, the body concerned shall intervene in the management agreement.

20. The Conseil du trésor may, as part of a management agreement,

(1) delegate the exercise of any power, other than a regulatory power, conferred on it or on the chair of the Conseil du trésor by this Act, the Public

Service Act or any other Act governing the activities of the department or the body, and authorize the subdelegation of that power;

(2) exempt an administrative unit from the application of one of its decisions.

21. At the request of a minister or of a body, the minister responsible for the administration of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) and the General Purchasing Director may intervene in a management agreement to provide for the delegation and exercise of the powers conferred on them by the Act respecting government services to departments and public bodies and the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4), and which they may not otherwise delegate.

The minister responsible for the administration of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1) may also intervene in a management agreement to provide for the delegation of the powers conferred on the Société immobilière du Québec under that Act.

Any other minister or body may intervene in a management agreement to exempt the administrative unit from certain administrative procedures or from the obligation to provide information on the management of the administrative unit.

22. A management agreement may contain suppletory measures, procedural requirements and reporting requirements in respect of an administrative unit, in particular where

(1) the law provides for the transfer of the balance of an appropriation to a subsequent fiscal year;

(2) the law grants appropriations for a period exceeding one year;

(3) an expenditure in excess of the appropriation may be made in accordance with section 50;

(4) the administrative unit has been granted a delegation or an exemption under section 20 or 21;

(5) no staffing level is applicable to the administrative unit pursuant to section 32.

A management agreement may also set out procedural requirements and reporting requirements where, in a regulation made under section 58 or 59, the Government has prescribed specific conditions applicable to all contracts, certain categories of contracts or certain contracts made for the administrative unit.

23. The Conseil du trésor may, if it considers that a management agreement has not been complied with, recommend to the minister responsible for the unit that the performance and accountability agreement be suspended or cancelled.

DIVISION V

REPORTING

24. Every department and body must prepare an annual management report.

The report must include

(1) a presentation of the results obtained, measured against the objectives fixed in the strategic plan established pursuant to section 8 and in any annual expenditure management plan required under section 46;

(2) a statement by the deputy minister or chief executive officer concerning the reliability of the data and of the monitoring mechanisms;

(3) any other particular or information determined by the Conseil du trésor.

A separate report must be prepared for every administrative unit covered by a performance and accountability agreement, or be included in a separate section of the report prepared by the department or body. The required content of the report shall be determined in the performance and accountability agreement or, where applicable, in the management agreement.

25. The annual management report of a body shall be transmitted to the minister responsible, at least 15 days before the expiry of the four-month period prescribed by section 26, together with the annual management report of each administrative unit within the body that is covered by a performance and accountability agreement.

26. The annual management report of a department, and of the bodies and administrative units under a minister's responsibility, shall be tabled in the National Assembly by the minister concerned within 4 months after the end of their fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

27. The annual management report of a department or body shall replace the annual report of activities that is required by statute to be tabled in the National Assembly if the annual management report contains the information required to be included in the annual activities report.

28. A report on the administration of this Act shall be tabled in the National Assembly every year by the chair of the Conseil du trésor.

29. A deputy minister, or a person exercising the powers conferred by the Public Service Act on a deputy minister, and the chief executive officer of a

budget-funded body or a body whose personnel is appointed in accordance with the Public Service Act, are, as provided by law, in particular as concerns the exercise of the authority and powers of the minister under whose authority they fall, accountable to the National Assembly for their administrative management.

The competent parliamentary committee of the National Assembly shall hear the minister at least once each year, if the minister considers it appropriate and, where applicable, shall also hear the deputy minister or chief executive officer to examine their administrative management.

The parliamentary committee may examine

(1) the service statement, and the results achieved in relation to the administrative aspects of a strategic plan or an annual expenditure management plan ;

(2) the results achieved in relation to the objectives of an affirmative action program or hiring plan for handicapped persons that is applicable to the department or body, and in relation to the hiring objectives determined by the Conseil du trésor with regard to the various segments of Québec society ;

(3) any other matter of an administrative nature under the authority of the department or body that is noted in a report of the Auditor General or the Public Protector.

CHAPTER III

HUMAN RESOURCES MANAGEMENT

30. The Conseil du trésor shall involve departments and bodies whose personnel is appointed in accordance with the Public Service Act in developing the management framework applicable to them.

31. The Conseil du trésor shall establish human resources management policies for the public service that are consistent with the objectives of the Public Service Act.

It shall facilitate the development of human resources development plans and future human resources plans by departments and bodies.

32. As concerns the public service, the Conseil du trésor shall

(1) establish a classification of positions or position holders and the minimum conditions of eligibility for classes of positions or grades ;

(2) define staffing practices to be used in filling positions ;

(3) determine the remuneration, employee benefits and other conditions of employment of public servants.

The Conseil du trésor may, in addition, establish the staffing level of a department or body.

33. No remuneration may be paid to public servants over and above the regular salary attached to their position except in accordance with a decision of the Conseil du trésor.

34. The Conseil du trésor shall establish the terms and conditions regulating

(1) the integration of public servants into a class of positions ;

(2) the identification, placing on reserve and assignment of tenured public servants who are surplus to the requirements of a department or body.

35. The Conseil du trésor shall set up affirmative action programs, applicable in the public service, to remedy the situation of persons belonging to groups discriminated against in employment.

36. The Conseil du trésor is responsible for negotiating collective agreements with the certified associations of employees in the public service.

The chair of the Conseil du trésor shall sign the collective agreements and supervise and co-ordinate their implementation.

37. As concerns a body whose personnel is not appointed in accordance with the Public Service Act, the Conseil du trésor shall exercise the powers conferred on the Government by law to define the conditions governing the determination, by the body, of the remuneration, employee benefits and other conditions of employment of its personnel. The Conseil du trésor may, in particular, provide that all or some conditions of employment determined by the body will be subject to its approval.

The Conseil du trésor may impose conditions that vary from one body to another or, where appropriate, impose no conditions.

38. The Conseil du trésor may consult associations representing personnel members not represented by a certified association concerning the conditions of employment for which it considers it appropriate to hold a consultation for the entire public and parapublic sectors.

39. The Conseil du trésor may establish group insurance plans for the personnel of the public and parapublic sectors and the bodies it designates, fix the terms and conditions applicable to them, in particular the premiums and contributions payable, and enter into agreements for that purpose.

40. The Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except

(1) the powers conferred by section 4.1, section 128 and the first paragraph of section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);

(2) the powers conferred by section 2, paragraph 7 of section 4, sections 10.1, 144 and 158.9, the second paragraph of section 173.1, section 177, Title IV.0.1 and the first paragraph of section 220.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(3) the power conferred by section 9.0.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(4) the powers conferred by the third paragraph of section 54 and section 99.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(5) the power of appointment and the power to establish the conditions of employment of appointees;

(6) the power to designate the minister responsible for the administration of those Acts.

CHAPTER IV

BUDGETARY CONTROL OF CURRENT AND CAPITAL EXPENDITURES

DIVISION I

APPLICATION

41. This chapter applies to the departments and budget-funded bodies of the Administration.

42. The provisions of this Act that relate to the current expenditures of a department or body also apply to their capital expenditures.

DIVISION II

EXPENDITURE PLANNING

43. Departments and bodies shall manage their expenditures on the basis of expected results. They are responsible for controlling their expenditures and complying with the resource envelopes allocated to them.

44. The Conseil du trésor is responsible for submitting draft estimates to the Government each fiscal year. For such purpose, it shall consider the budgetary implications of the proposals of the departments and bodies.

The Conseil du trésor shall determine the procedure for the preparation of draft estimates.

45. The estimates of the expenditures of departments and bodies shall be tabled in the National Assembly by the chair of the Conseil du trésor for the purpose of establishing the appropriations required during the fiscal year.

An appropriation may, however, cover a period of more than one year, without exceeding three years.

The estimates shall indicate the expenditures of the departments and budget-funded bodies that must be recorded in accordance with the Government's accounting policies and the extent to which the balance of an appropriation will not lapse.

The Government shall determine, on the joint recommendation of the Minister of Finance and the chair of the Conseil du trésor, the proportion of the appropriations shown in the estimates that may cover more than one year, and the proportion that will not lapse.

46. The annual expenditure management plans prepared by each minister shall be tabled in the National Assembly by the chair of the Conseil du trésor. The plans shall present, for the fiscal year concerned, the choices made with regard to the allocation of resources, and the actions envisaged to achieve the objectives stated in the strategic plan.

47. The estimates shall show separately the statutory appropriations that do not require an annual vote by Parliament, the appropriations which are already or are to be authorized for a period of more than one year, and the appropriations which must be authorized annually by a vote of Parliament.

DIVISION III

UTILIZATION OF APPROPRIATIONS

48. The expenditures chargeable against an appropriation shall be limited according to the division of such appropriation into allotments as shown in the expenditure budget.

The Conseil du trésor may, to the extent provided by law, authorize the transfer of part of an appropriation granted to a department or body to another appropriation of the department or body.

The Conseil du trésor may amend or subdivide an allotment. The Conseil du trésor may also, in the cases and circumstances and on the terms and conditions it determines, authorize a department or a body to transfer any portion of an appropriation between allotments or suballotments of that appropriation.

Amounts received during a fiscal year, as repayments of advances or loans granted during the same year out of an appropriation, shall be returned to the same appropriation and may be reutilized.

49. The proceeds derived from the alienation of property by a department or body shall constitute, for all purposes, an appropriation of the department or body for the fiscal year during which they are paid into the consolidated revenue fund, to the extent and according to the conditions determined by the Government.

The proceeds shall be added to the appropriation that would be utilized by the department or body to purchase similar property.

50. Where the law provides that an appropriation is a net voted appropriation, the amount of the expenditures chargeable against the appropriation is equal to the total of the amount of the net voted appropriation and the amount of the estimated revenues. A net voted appropriation is the amount by which the estimated expenditures exceed the amount of the estimated revenues as shown in the estimates.

If the revenues are less than those estimated, the amount of the expenditures chargeable against the appropriation is reduced accordingly.

If the revenues are greater than those estimated, the amount of the expenditures chargeable to the appropriation may exceed the total amount referred to in the first paragraph up to the amount of the surplus revenues.

The Government shall determine, on the joint recommendation of the Minister of Finance and the chair of the Conseil du trésor, the nature of the revenues other than revenues from levies or taxes that may constitute revenues for the purposes of a net voted appropriation, and the terms and conditions applicable to the utilization of a net voted appropriation.

51. Where the National Assembly is not in session by reason of a scheduled adjournment of at least 20 days and an unforeseen expenditure for which provision has not been made by Parliament is urgently and immediately required for the public good, the Government may, upon the report of the chair of the Conseil du trésor and of the Minister of Finance that there is no legislative provision under which payment of the unforeseen expenditure may be authorized and the report of the minister responsible that the payment is urgently required in the public interest, order a special warrant to be prepared authorizing payment of the amount it considers necessary; the warrant shall be signed by the Lieutenant-Governor and the amount shall be placed by the Minister of Finance in an account established for that purpose.

52. A special warrant issued under section 51 shall be an appropriation for the fiscal year in which it is issued.

53. The Conseil du trésor may order the suspension, for such period as it fixes, of the right to commit any appropriation or part thereof.

54. Where the personnel or a position of an administrative unit or any part thereof is transferred from one department or body to another department or body, the appropriations voted for the personnel or position shall also be transferred to the department or body provided, in the case of a body, that it is a budget-funded body.

55. Where a department or a body provides a service to another department or to another body, the appropriations for payment of the service may be transferred from the department or body that receives the service to the department or body that provides it, in the cases and according to the conditions determined by the Conseil du trésor.

56. Any balance of an appropriation granted for a fiscal year that remains unexpended once the expenditures for that fiscal year have been charged to it shall lapse, except to such extent as may be provided by law.

57. The Government may, by regulation, determine the cases in which the awarding of grants or other forms of financial assistance requires the authorization of the Government or the Conseil du trésor, and prescribe the cases in which the recipient of a grant must file a report.

The Government or the Conseil du trésor, as the case may be, may attach conditions to its authorization.

The Government may also determine the cases in which the capital program of a department or body, which has an impact on government expenditure, is subject to approval by the Conseil du trésor.

CHAPTER V

CONTRACT MANAGEMENT AND PHYSICAL RESOURCES MANAGEMENT

58. The Government may, by regulation, upon the recommendation of the Conseil du trésor,

(1) determine the terms of contracts

(a) entered into in the name of the Government by a minister;

(b) entered into by a body of the Administration;

(2) determine the cases in which such contracts are subject to authorization by the Government or the Conseil du trésor.

59. The terms of contracts and the cases in which they are subject to authorization pursuant to section 58 may vary in respect of all contracts, certain categories of contracts or certain contracts entered into by a minister or a body, as specified in the regulation referred to in that section.

60. A minister or a body, with the authorization of the Government upon the recommendation of the Conseil du trésor in the case of a contract that is subject to authorization by the Government, or with the authorization of the Conseil du trésor in any other case, may enter into a contract whose terms differ from those applicable to it pursuant to a regulation made under section 58. In such a case, the Government or the Conseil du trésor, as the case may be, may determine the terms applicable to the contract.

61. Every body referred to in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., chapter V-5.01) must adopt a policy concerning the terms of its contracts. The policy shall be filed with the Conseil du trésor and made public by the body not later than 30 days after its adoption.

The policy referred to in the first paragraph must be consistent with the agreements on the liberalization of public procurement applicable to that body.

62. The Conseil du trésor shall establish directories listing categories of goods, categories of services, and specialities under which suppliers may be registered for the purpose of the selection of suppliers. The directories shall be published in the *Gazette officielle du Québec*.

Suppliers are called upon to register by way of a public notice published by the chair of the Conseil du trésor in an electronic tendering system or in the manner considered appropriate by the chair of the Conseil du trésor. The information contained in the notice shall include

- (1) the categories and specialities under which suppliers may register;
- (2) the place where documents giving details on registration may be consulted and obtained, and where additional information may be obtained.

The documents referred to in the second paragraph must set out

- (1) the conditions suppliers must satisfy to be registered;
- (2) the rules relating to the preparation of lists of registered suppliers;
- (3) the rules relating to the transmission of the names of suppliers to departments or bodies for the purpose of the awarding of contracts.

63. The provisions of sections 58 to 61 prevail over any inconsistent provision of any earlier general law or special Act or of any subsequent general law or special Act unless the latter expressly states that it applies notwithstanding the said provisions.

CHAPTER VI

INFORMATION RESOURCE MANAGEMENT

64. This chapter applies to the Administration but not to bodies that are not budget-funded and whose personnel is not appointed in accordance with the Public Service Act.

65. The information resources of the Administration shall be managed in such a way as to

(1) ensure that the possibilities offered by information and communications technologies are used to optimum effect in managing human, financial and physical resources;

(2) enhance the accessibility of and simplify the services provided to the public;

(3) foster concerted action between departments and bodies and the pooling of expertise and resources.

66. The Conseil du trésor may, as regards information resources,

(1) adopt rules to ensure the security of information resources, including the protection of personal information and other confidential information;

(2) adopt measures to ensure coherence in government actions and to allow the pooling of infrastructures or services, and determine management procedures;

(3) determine the cases in which a development project must be subject to certain conditions or authorization procedures.

Departments and bodies shall manage their information resources in accordance with this section.

CHAPTER VII

CONSEIL DU TRÉSOR

DIVISION I

CONTINUANCE OF THE CONSEIL DU TRÉSOR

67. The Conseil du trésor shall be continued under this Act.

68. The Conseil du trésor shall be composed of a chair and of four other ministers designated by the Government.

The Government may designate, from among the members of the Conseil du trésor, a vice-chair to preside at sittings if the chair is absent or unable to act, and designate ministers to act as substitutes for the other members.

69. Three members of the Conseil du trésor constitute a quorum.

DIVISION II

FUNCTIONS

70. The Conseil du trésor shall exercise the functions and powers conferred upon it by this Act or another Act or by the Government.

In the exercise of its functions, the Conseil du trésor shall endeavour to adapt the management framework to the situation of each department and body while taking the necessary actions to ensure compliance with the Government's budget policy.

71. The Conseil du trésor shall advise the Government on the utilization of resources. It shall also advise the Government on the impacts which the strategic plans of the departments and bodies will have on resource allocation and management and, upon the Government's request, on any other project of a department or body.

72. The Conseil du trésor may determine guidelines concerning the principles or practices to be preferred with regard to the management of human, financial, physical and information resources.

Such guidelines shall serve as management references for the departments and the bodies concerned.

In addition, guidelines may be determined to assist a department or a body in achieving specific objectives.

73. The Conseil du trésor shall adopt the accounting policies to be followed by the departments and bodies of the Administration and by any other designated body, and the rules respecting the issuing of warrants for payment and the collection and administration of State revenue.

74. In addition to exercising the powers conferred upon it by this Act, the Conseil du trésor may, where it considers a matter to be of governmental import, prepare a directive on the management of human, financial, physical or information resources in the departments or bodies of the Administration concerned.

Such a directive requires the approval of the Government and is applicable from the date fixed therein. Once approved, the directive is binding on the departments and bodies concerned.

75. The Conseil du trésor may, where warranted by the circumstances, establish control mechanisms to verify compliance with this Act and the achievement of its objectives.

In particular, the Conseil du trésor may require a department or body of the Administration to establish an evaluation program, an internal audit program or a comparative cost study.

DIVISION III

CHAIR

76. The chair shall preside at sittings of the Conseil du trésor. The chair shall see that the decisions of the Conseil du trésor are implemented.

The chair shall exercise the functions and powers conferred on the chair by this Act or another Act and assume any other responsibility entrusted by the Government.

77. More specifically, the chair of the Conseil du trésor shall

(1) perform the analyses required for the preparation of the estimates and ensure, together with the Minister of Finance, that the estimates are consistent with the Government's budget policy ;

(2) monitor the expenditure budget and report to the Conseil du trésor ;

(3) collect information from departments on the budgets of bodies of the Administration other than budget-funded bodies and bodies determined by the chair, and monitor their budgetary results as compared to their estimated results ;

(4) assist departments and bodies in developing indicators or other management tools to facilitate results-based management ;

(5) coordinate and monitor negotiations relating to the determination of the conditions of employment in the public and parapublic sectors, and ensure that the financial commitments resulting from the renewal of collective agreements do not exceed the level fixed jointly with the Minister of Finance ;

(6) ensure that capital expenditures are consistent with the policies and guidelines determined jointly with the Minister of Finance ;

(7) establish interdepartmental coordination mechanisms with regard to information resources and facilitate partnership projects in that regard ;

(8) see to the implementation of the government information highway policy ;

(9) propose to the Government a general public procurement policy and coordinate its implementation;

(10) coordinate the implementation of agreements on the liberalization of public procurement entered into by Québec;

(11) at their request, assist departments and bodies in establishing their strategic plans;

(12) support departments and bodies in the implementation of government guidelines with regard to human, financial, physical and information resources.

78. Departments and bodies of the Administration must provide, at the request of the chair of the Conseil du trésor, any information relevant to the exercise of the functions of the chair or of the Conseil du trésor.

The chair of the Conseil du trésor may also require, for the same purposes, the preparation of documents.

This section applies to every other public body where the information is required for the preparation of estimates and the monitoring of the expenditure budget.

79. The chair of the Conseil du trésor may, as provided by law, enter into an agreement with a government other than the Government of Québec, a department of such a government, an international organization, or a body of such a government or organization.

80. The chair of the Conseil du trésor may also enter into an agreement with any person, association, partnership or body concerning any matter coming under the chair's authority.

DIVISION IV

SECRETARIAT OF THE CONSEIL DU TRÉSOR

81. The secretariat of the Conseil du trésor is under the direction of the chair.

82. The secretariat shall provide support for the activities of the Conseil du trésor and assist the chair in the exercise of the functions of the chair.

The secretariat of the Conseil du trésor is, for the purposes of the law, considered to be a department.

83. The Government shall appoint a person as secretary of the Conseil du trésor in accordance with the Public Service Act.

The secretary shall exercise as regards the personnel of the secretariat such powers as the Public Service Act confers upon a deputy minister.

84. Under the direction of the chair of the Conseil du trésor, the secretary shall administer the secretariat.

The secretary shall, in addition, exercise any other function assigned to the secretary by the Government, the Conseil du trésor or the chair.

85. The secretary has, in the exercise of the functions of secretary, the authority of the chair except with regard to the sittings of the Conseil du trésor.

86. The secretary may delegate, in writing and to the extent indicated, the exercise of the functions of secretary to a public servant or to the holder of a position.

The secretary may, in the instrument of delegation, authorize the subdelegation of the functions indicated, and, in such a case, the secretary shall identify the public servant or holder of a position to whom they may be subdelegated.

87. The personnel of the secretariat is made up of the public servants necessary for the exercise of the functions of the Conseil du trésor or the chair; the public servants are appointed in accordance with the Public Service Act.

The chair of the Conseil du trésor shall determine the duties of the public servants insofar as they are not determined by law or by the Government.

88. The signature of the chair, the secretary or the clerk gives authority to any document emanating from the Conseil du trésor or from the secretariat.

An act, document or writing is binding on or may be attributed to the chair of the Conseil du trésor only if it is signed by the chair, the secretary, the clerk, a member of the personnel of the secretariat or the holder of a position, and in the latter two cases, only to the extent determined by the Government.

89. The Government may, on the conditions it fixes, allow a signature to be affixed by means of an automatic device or electronic process.

The Government may also allow a facsimile of the signature to be engraved, lithographed or printed. The facsimile must be authenticated by the countersignature of a person authorized by the chair of the Conseil du trésor.

90. A document or copy of a document forming part of the records of the Conseil du trésor or the secretariat is authentic if it is signed or certified by a person referred to in the second paragraph of section 88.

91. An intelligible transcription of a decision or other data stored by the secretariat on a computer or on any other data storage medium is a document of the secretariat and is proof of its contents where certified by a person referred to in the second paragraph of section 88.

CHAPTER VIII

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

92. Section 2 of the Financial Administration Act (R.S.Q., chapter A-6) is amended by replacing subparagraph *b* by the following subparagraph :

“(b) to prepare the Budget Speech and deliver it in the National Assembly ;”.

93. Division III of the said Act, comprising sections 18 to 28.8, as well as sections 33, 35, 38 to 41, 43, 46, 46.2, 49 to 49.6 and 56 and Division IX, comprising sections 83 to 85, are repealed.

94. The heading of Division V of the said Act is replaced by the following heading :

“FISCAL YEAR AND COMMITMENTS”.

95. Section 42 of the said Act is amended by replacing “section 41” in the second line by “section 51 of the Public Administration Act (*insert here the year and chapter number of this Act*)”.

96. Section 58 of the said Act, amended by section 8 of chapter 9 of the statutes of 1999, is again amended by striking out the first paragraph.

97. Section 69.9 of the said Act is replaced by the following section :

“69.9. Sections 45, 47, 48, 51, 57 and 70 to 72 apply to the fund, with the necessary modifications.”

98. Section 69.21 of the said Act is replaced by the following section :

“69.21. Sections 45, 47, 48, 51, 57 and 70 to 72 apply to a fund, with the necessary modifications.”

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

99. Section 13 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “Subject to the provisions of a collective agreement, the Agency shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”;

(2) by striking out the second paragraph.

ACT RESPECTING ASSISTANCE FOR VICTIMS OF CRIME

100. Section 19 of the Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) is replaced by the following section:

“19. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the assistance fund, with the necessary modifications.”

LEGAL AID ACT

101. Section 80 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by striking out “the standards and scales under which those employees of the Commission and the centres not governed by a collective labour agreement are appointed and remunerated and” in the first three lines of subparagraph *i* of the first paragraph.

102. The said Act is amended by inserting the following section after section 80:

“80.1. Subject to the provisions of a collective agreement, the Commission shall determine, by by-law, the standards and scales of remuneration of its personnel and the personnel of the centres in accordance with the conditions defined by the Government.”

ACT RESPECTING THE NATIONAL ASSEMBLY

103. The Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by inserting the following section after section 110.1:

“110.2. Subject to the second paragraph of section 110, Chapter III, Chapter IV with the exception of section 44, the second and fourth paragraphs of section 45 and sections 46 and 53, Chapter VI and section 73 of the Public Administration Act (*insert here the year and chapter number of this Act*) apply to the National Assembly.”

BUILDING ACT

104. Section 65.4 of the Building Act (R.S.Q., chapter B-1.1), amended by section 37 of chapter 40 of the statutes of 1999, is again amended by replacing paragraph 1 by the following paragraph:

“(1) a government department or body to which a regulation made under Chapter V of the Public Administration Act (*insert here the year and chapter number of this Act*) applies;”.

ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE DU QUÉBEC

105. Section 22 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is repealed.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

106. Section 13 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by inserting “, except those made under section 15,” after “regulations” in the first line of the second paragraph.

107. Section 15 of the said Act is amended by replacing the second paragraph by the following paragraph :

“Subject to the provisions of a collective agreement, the Fund shall determine, by resolution of the board of directors, the standards and scales of remuneration, employee benefits and other conditions of employment of the officers and other employees of the Fund in accordance with the conditions defined by the Government.”

CHARTER OF HUMAN RIGHTS AND FREEDOMS

108. Section 62 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by striking out “their number shall be determined by the Government;” in the second and third lines of the first paragraph.

CODE OF PENAL PROCEDURE

109. Article 340 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by inserting, at the beginning, “Chapter III of the Public Administration Act (*insert here the year and chapter number of this Act*),”.

LABOUR CODE

110. Section 111.0.13 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing “, scales and staffing requirements determined” in the first and second lines by “and scales approved”.

GENERAL AND VOCATIONAL COLLEGES ACT

111. Section 18.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended

(1) by inserting “, with the authorization of the Conseil du trésor,” after “may” in the first line of the first paragraph;

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

“The Conseil du trésor may limit the authorization requirement under the first paragraph to the matters it considers to be of governmental import. It may also attach conditions to its authorization.”

ACT RESPECTING THE NATIONAL CAPITAL COMMISSION

112. Section 13 of the Act respecting the national capital commission (R.S.Q., chapter C-33.1) is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “Subject to the provisions of a collective agreement, the Commission shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”;

(2) by striking out the second paragraph.

ACT RESPECTING THE CONSEIL DES ARTS ET DES LETTRES DU QUÉBEC

113. Section 13 of the Act respecting the Conseil des arts et des lettres du Québec (R.S.Q., chapter C-57.02) is replaced by the following section:

“13. The secretary and the other members of the personnel of the council shall be appointed in accordance with the staffing plan established by by-law of the council.

Subject to the provisions of a collective agreement, the council shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

114. Section 141 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is replaced by the following section:

“141. The secretary and the other members of the personnel of the Foundation shall be appointed in accordance with the staffing plan established by by-law of the Foundation.

Subject to the provisions of a collective agreement, the Foundation shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE DU QUÉBEC

115. Section 28 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1) is amended by striking out the second paragraph.

116. Section 29 of the said Act is replaced by the following section :

“29. Subject to the provisions of a collective agreement, the Conservatoire shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its staff in accordance with the conditions defined by the Government.”

117. Section 30 of the said Act is repealed.

REAL ESTATE BROKERAGE ACT

118. Section 51 of the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is replaced by the following section :

“51. The secretary and the other members of the personnel of the fund shall be appointed in accordance with the staffing plan established by by-law of the fund.

Subject to the provisions of a collective agreement, the fund shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

ELECTION ACT

119. Section 488.1 of the Election Act (R.S.Q., chapter E-3.3) is replaced by the following sections :

“488.1. The chief electoral officer may, by regulation, determine the terms of the contracts the chief electoral officer is authorized to conclude.

The regulation comes into force on the date of its approval by the Office of the National Assembly. The regulation shall be published in the *Gazette officielle du Québec*.

Where an election is ordered in conformity with this Act, the regulation referred to in the first paragraph and the Act respecting government services to departments and public bodies (chapter S-6.1) do not apply to the chief electoral officer as regards the purchase or construction of property or the leasing and supply of goods and services necessary for the holding of the election.

“488.2. The Public Administration Act (*insert here the year and chapter number of this Act*), except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 28, 44, the fourth paragraph of section 45 and sections 46, 49, 50, 58 to 66, 74, 75 and 78, applies to the chief electoral officer.

The strategic plan adopted by the chief electoral officer pursuant to section 8 of the Public Administration Act shall be tabled in the National Assembly by the President of the National Assembly.”

PUBLIC OFFICERS ACT

120. Division VI of the Public Officers Act (R.S.Q., chapter E-6), comprising sections 47 to 50, is repealed.

PAY EQUITY ACT

121. Section 3 of the Pay Equity Act (R.S.Q., chapter E-12.001), amended by section 121 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “or approved by the Government” in the last line of subparagraph 1 of the second paragraph by “by the Government or determined in accordance with the conditions defined by the Government, except bodies in respect of which no conditions have been imposed”;

(2) by replacing “or approved by the Government” in the last line of subparagraph 2 of the second paragraph by “by the Government or determined in accordance with the conditions defined by the Government, except bodies in respect of which no conditions have been imposed,”.

PUBLIC SERVICE ACT

122. Section 3 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended by adding the following paragraph at the end:

“The mode of organization of human resources must also facilitate the achievement of the objectives of the Public Administration Act (*insert here the year and chapter number of this Act*).”

123. Section 35 of the said Act is amended

(1) by replacing “in a competition for promotion” in the second line by “during a competition for promotion or the constitution of a candidate inventory”;

(2) by replacing “30 days” in the fifth line by “15 days”;

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

“Components of an evaluation tool that have been certified pursuant to the third paragraph of section 115 cannot be contested during the appeal.”

124. Section 36 of the said Act is amended by adding the following paragraph at the end:

“The Commission shall refuse to hear an appeal brought under section 35 relating to a competition for promotion until such time as the list of the candidates declared qualified has been established, unless it has obtained the consent of the parties.”

125. Section 42 of the said Act is amended by adding the following paragraph at the end:

“A public servant may also be promoted after the public servant’s qualifications have been assessed as part of a human resources development program approved for that purpose by the Conseil du trésor.”

126. Section 44 of the said Act is replaced by the following section:

“44. The chair of the Conseil du trésor shall invite applications for competitions and candidate inventories. The chair shall proceed without inviting applications where a competition is held among the candidates in a candidate inventory.”

127. Section 47 of the said Act is amended by replacing the first two paragraphs by the following paragraphs:

“47. The chair of the Conseil du trésor must admit all the persons who have submitted applications and meet the conditions of eligibility for a competition or candidate inventory.

However, where the chair of the Conseil du trésor considers that it would be unreasonable to evaluate all the candidates in view of their large number, the chair may reduce their number according to the norms determined by regulation by the Conseil du trésor.”

128. Section 48 of the said Act is amended by striking out “eligible for a competition” in the first line.

129. The said Act is amended by inserting the following section after section 49:

“49.1. The chair of the Conseil du trésor may evaluate the candidates in a candidate inventory. Only the candidates whose eligibility is established by the evaluation shall be admitted to a competition held among the candidates in the candidate inventory, and the results of the evaluation shall be transferred for use for the purposes of the competition.”

130. Section 50 of the said Act is amended by adding the following paragraph at the end:

“The chair of the Conseil du trésor may, on request or on the chair’s initiative and without further formality, correct an error in writing or calculation or any other clerical error, including by adding or removing a candidate’s name.”

131. Section 50.1 of the said Act is amended

(1) by adding “or a candidate inventory” at the end of subparagraph 3 of the first paragraph;

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

“(7) norms relating to the use of candidate inventories.”

132. The said Act is amended by inserting the following section after section 53:

“53.1. Following a competition for promotion, a public servant may be appointed even if an appeal brought under section 35 is pending before the Commission de la fonction publique.

The appointment is conditional, and must be re-evaluated by the deputy minister or chief executive officer on the basis of the decision rendered by the Commission. Where applicable, the appointment shall cease to have effect and the public servant shall be reinstated in the position held before the conditional appointment.

The position held by the public servant before the conditional appointment may not be filled on a permanent basis by the deputy minister or chief executive officer concerned until the conditional appointment of the public servant becomes definitive.”

133. Section 54 of the said Act is amended by replacing “section 78” in the last line of the second paragraph by “paragraph 1 of section 34 of the Public Administration Act”.

134. Section 63 of the said Act is amended by striking out “, 79” in the second line.

135. Section 70 of the said Act is amended by inserting “and the Public Administration Act” after “Act” in the third line of the first paragraph.

136. Sections 77 to 82 of the said Act are repealed.

137. Section 102 of the said Act is amended by replacing “paragraphs 5 and 6” in the first paragraph by “paragraph 6”.

138. Section 115 of the said Act is amended by adding the following paragraph at the end:

“The Commission may also, at the request of the chair of the Conseil du trésor, analyze an evaluation tool intended for use in a competition or the establishment of a candidate inventory and certify that its content, the criteria evaluated and the correction grid and procedure are consistent with section 48 and allow an impartial assessment of the value of the candidates with regard to the positions specified by the chair of the Conseil du trésor.”

139. Section 121 of the said Act is amended by adding “or 35” at the end of the first paragraph.

140. The said Act is amended by inserting the following section after section 123:

“123.1. Where an appeal is brought before the Commission under section 35, the decision must be rendered within 30 days of being taken under advisement, unless the chairman of the Commission grants an extension on serious grounds.

Where a member before whom an appeal has been brought fails to render a decision within 30 days or within the extension granted, the chairman may, on the chairman’s initiative or on the application of a party, remove the member from the case.

Before granting an extension or removing a member who has failed to render a decision within the required time, the chairman must consider the circumstances and the interests of the parties.”

ACT TO ESTABLISH A FUND TO COMBAT POVERTY THROUGH REINTEGRATION INTO THE LABOUR MARKET

141. Section 8 of the Act to establish a fund to combat poverty through reintegration into the labour market (R.S.Q., chapter F-3.2.0.3) is replaced by the following section:

“8. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT TO ESTABLISH THE SPECIAL LOCAL ACTIVITIES FINANCING FUND

142. Section 16 of the Act to establish the special local activities financing fund (R.S.Q., chapter F-4.01) is replaced by the following section:

“16. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

FOREST ACT

143. Section 170.9 of the Forest Act (R.S.Q., chapter F-4.1) is replaced by the following section :

“170.9. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

TAXATION ACT

144. Section 1 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “constituted under the Financial Administration Act (chapter A-6)” in the definition of “Treasury Board” by “continued under the Public Administration Act (*insert here the year and chapter number of this Act*)”.

ACT RESPECTING THE ACCOUNTABILITY OF DEPUTY MINISTERS AND CHIEF EXECUTIVE OFFICERS OF PUBLIC BODIES

145. The Act respecting the accountability of deputy ministers and chief executive officers of public bodies (R.S.Q., chapter I-4.1) is repealed.

EDUCATION ACT

146. Section 451 of the Education Act (R.S.Q., chapter I-13.3) is amended

(1) by inserting “and with the authorization of the Conseil du trésor,” after “regulation” in the first line ;

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

“The Conseil du trésor may limit the authorization requirement under the first paragraph to the matters it considers to be of governmental import. It may also attach conditions to its authorization.”

STATIONARY ENGINEMEN ACT

147. Section 3 of the Stationary Enginemen Act (R.S.Q., chapter M-6) is amended by replacing “Public Service Act (chapter F-3.1.1)” at the end by “Public Administration Act (*insert here the year and chapter number of this Act*)”.

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

148. Section 21.10 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is replaced by the following section :

“21.10. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION

149. Section 13.8 of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is replaced by the following section :

“13.8. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

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

150. Section 66 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is replaced by the following section :

“66. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DE L'INDUSTRIE ET DU COMMERCE

151. Section 17.10 of the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17) is replaced by the following section :

“17.10. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

152. The Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by inserting the following section after section 11 :

“11.1. It is understood that the management by the Minister of the human, physical and financial resources allocated to the courts of justice within the meaning of the Courts of Justice Act (chapter T-16), except municipal courts, to the bodies every member of which is a judge of the Court of Québec, to the Conseil de la magistrature and to the committee on the remuneration of the judges of the Court of Québec and the municipal courts is subject to the provisions of Chapters III to V and sections 74, 75 and 78 of the Public Administration Act (*insert here the year and chapter number of this Act*).

The said provisions, except sections 53, 75 and 78, are also applicable to the management of those resources by the courts and bodies referred to in the first paragraph.”

153. Section 32.9 of the said Act is replaced by the following section :

“32.9. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the special fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

154. Section 14.9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is replaced by the following section :

“14.9. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DES RÉGIONS

155. Section 32 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001) is replaced by the following section :

“32. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DES RELATIONS AVEC LES CITOYENS ET DE L’IMMIGRATION

156. Section 25 of the Act respecting the Ministère des Relations avec les citoyens et de l’Immigration (R.S.Q., chapter M-25.01) is replaced by the following section :

“25. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the civil status fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES

157. Section 35.8 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1) is replaced by the following section :

“35.8. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the special funds, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES

158. Section 17.8 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2) is replaced by the following section:

“17.8. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

159. Section 12.27 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is replaced by the following section:

“12.27. Sections 45, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

160. Section 12.37 of the said Act is replaced by the following section:

“12.37. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

161. Section 3.38 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is replaced by the following section:

“3.38. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE MINISTÈRE DU REVENU

162. Section 71.0.11 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by replacing “Estimates submitted annually to the National Assembly in accordance with section 38 of the Financial Administration Act (chapter A-6)” in the third and fourth lines by “Estimates tabled annually in the National Assembly in accordance with section 45 of the Public Administration Act (*insert here the year and chapter number of this Act*)”.

163. Section 97.9 of the said Act is replaced by the following section:

“97.9. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the Fund, with the necessary modifications.”

NATIONAL MUSEUMS ACT

164. Section 19 of the National Museums Act (R.S.Q., chapter M-44) is replaced by the following section :

“19. The secretary and the other members of the personnel of a museum shall be appointed in accordance with the staffing plan established by by-law of the museum.

Subject to the provisions of a collective agreement, every museum shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

165. Section 27 of the said Act is amended by replacing “rules adopted under the Financial Administration Act (chapter A-6)” in the second and third lines by “regulations made under the Public Administration Act (*insert here the year and chapter number of this Act*)”.

166. Section 32 of the said Act is amended by striking out paragraphs 3 and 4.

ACT RESPECTING POLICE ORGANIZATION

167. Section 13 of the Act respecting police organization (R.S.Q., chapter O-8.1) is replaced by the following section :

“13. Subject to the provisions of a collective agreement, the institute shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its staff in accordance with the conditions defined by the Government.”

ACT TO FACILITATE THE PAYMENT OF SUPPORT

168. Section 44 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is replaced by the following section :

“44. Sections 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the Fund, with the necessary modifications.”

PUBLIC PROTECTOR ACT

169. Section 15 of the Public Protector Act (R.S.Q., chapter P-32), amended by section 235 of chapter 40 of the statutes of 1999, is again amended by striking out “contemplated in section 20 of the Financial Administration Act (chapter A-6)” in paragraph 3.

170. The said Act is amended by inserting the following sections after section 35 :

“35.1. The Public Administration Act (*insert here the year and chapter number of this Act*), except subparagraph 6 of the first paragraph and the second paragraph of section 9 and sections 10 to 28, 58 to 66, 74, 75 and 78, apply to the Public Protector.

The strategic plan adopted by the Public Protector pursuant to section 8 of the Public Administration Act shall be tabled in the National Assembly by the President of the National Assembly.

“35.2. The Public Protector may, by regulation, determine the terms of the contracts the Public Protector is authorized to conclude.

The regulation comes into force on the date of its approval by the Office of the National Assembly. The regulation shall be published in the *Gazette officielle du Québec*.”

ACT TO PROMOTE THE REFORM OF THE CADASTRE IN QUÉBEC

171. Section 2.1 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by replacing the first paragraph by the following paragraph :

“2.1. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the fund, with the necessary modifications.”

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

172. Section 39 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by replacing “section 23 of the Financial Administration Act (chapter A-6)” in the fourth line of the third paragraph by “section 45 of the Public Administration Act (*insert here the year and chapter number of this Act*)”.

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

173. Section 13 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is replaced by the following section :

“13. The secretary and the other members of the personnel of the Régie shall be appointed in accordance with the staffing plan established by by-law of the Régie.

Subject to the provisions of a collective agreement, the Régie shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL
TRAINING AND MANPOWER MANAGEMENT IN
THE CONSTRUCTION INDUSTRY

174. Section 4.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by striking out “which requires the approval of the Government” at the end of the first paragraph.

175. Section 5 of the said Act is amended by replacing the second and third paragraphs by the following paragraph :

“Subject to the provisions of a collective agreement, the Commission shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE SALARIES OF OFFICERS OF JUSTICE

176. Section 2 of the Act respecting the salaries of officers of justice (R.S.Q., chapter S-2) is amended

(1) by replacing “Public Service Act (chapter F-3.1.1)” at the end of the first paragraph by “Public Administration Act (*insert here the year and chapter number of this Act*)”;

(2) by replacing “Public Service Act” in the second and third lines of the second paragraph by “Public Administration Act”.

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND
TRAPPERS WHO ARE BENEFICIARIES UNDER THE AGREEMENT
CONCERNING JAMES BAY AND NORTHERN QUÉBEC

177. Section 26 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is amended by replacing the second sentence of the second paragraph by the following sentences : “Such members of its staff shall be appointed in accordance with the staffing plan established by by-law of the Board. Subject to the provisions of a collective agreement, the Board shall determine, by by-law, the standards and scales of remuneration of the members of its staff in accordance with the conditions defined by the Government.”

ACT RESPECTING CORRECTIONAL SERVICES

178. Section 19.7 of the Act respecting correctional services (R.S.Q., chapter S-4.01), amended by section 7 of chapter 28 of the statutes of 1998, is again amended by inserting “Chapter III of the Public Administration Act (*insert here the year and chapter number of this Act*)” at the beginning.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

179. Section 487.2 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), enacted by section 155 of chapter 39 of the statutes of 1998, is amended by replacing “submitted for approval to the Conseil du trésor” in the last paragraph by “authorized by the Conseil du trésor. The Conseil du trésor may limit the authorization requirement to the matters it considers to be of governmental import. It may also attach conditions to the authorization.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

180. Section 149.15 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is replaced by the following section:

“149.15. The members of the personnel of the Corporation, other than the director general, shall be appointed in accordance with the staffing plan established by by-law of the Corporation.

Subject to the provisions of a collective agreement, the Corporation shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel, other than the director general, in accordance with the conditions defined by the Government.”

ACT RESPECTING GOVERNMENT SERVICES TO DEPARTMENTS AND PUBLIC BODIES

181. Section 19 of the Act respecting government services to departments and public bodies (R.S.Q., chapter S-6.1) is replaced by the following section:

“19. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6) apply to the funds, with the necessary modifications.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

182. Section 3.5 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8), amended by section 273 of chapter 40 of the statutes of 1999, is repealed.

ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DES ENTREPRISES CULTURELLES

183. Section 13 of the Act respecting the Société de développement des entreprises culturelles (R.S.Q., chapter S-10.002) is replaced by the following section:

“13. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel, including the general managers, in accordance with the conditions defined by the Government.”

ACT RESPECTING THE SOCIÉTÉ DE LA PLACE DES ARTS DE MONTRÉAL

184. Section 16 of the Act respecting the Société de la Place des Arts de Montréal (R.S.Q., chapter S-11.03), amended by section 280 of chapter 40 of the statutes of 1999, is replaced by the following section :

“16. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

185. Section 21 of the said Act, amended by section 280 of chapter 40 of the statutes of 1999, is again amended by striking out paragraph 5.

ACT RESPECTING THE SOCIÉTÉ DE TÉLÉDIFFUSION DU QUÉBEC

186. Section 13 of the Act respecting the Société de télédiffusion du Québec (R.S.Q., chapter S-12.01) is amended

(1) by striking out the second sentence of the first paragraph ;

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

“Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

187. Section 14 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13), amended by section 283 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out “approved by the Government” in the third line of the first paragraph;

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

“Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

188. Section 14 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01), amended by section 284 of chapter 40 of the statutes of 1999, is again amended by replacing the second paragraph by the following paragraph:

“Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

189. Section 15 of the said Act, amended by section 284 of chapter 40 of the statutes of 1999, is again amended by inserting “, except those referred to in section 14,” after “division” in the first line of the second paragraph.

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

190. Section 15 of the Act respecting the Société des loteries du Québec (R.S.Q., chapter S-13.1) is amended

(1) by striking out “et rémunérés” in the French text of the first paragraph;

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

“Subject to the provisions of a collective agreement, the company shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”;

(3) by striking out the third paragraph.

ACT RESPECTING THE SOCIÉTÉ DES TRAVERSIERS DU QUÉBEC

191. Section 16 of the Act respecting the Société des Traversiers du Québec (R.S.Q., chapter S-14) is amended by replacing “section 49 of the Financial Administration Act (chapter A-6)” in the second line by “Chapter V of the Public Administration Act (*insert here the year and chapter number of this Act*)”.

ACT RESPECTING THE SOCIÉTÉ DU CENTRE DES CONGRÈS DE QUÉBEC

192. Section 14 of the Act respecting the Société du Centre des congrès de Québec (R.S.Q., chapter S-14.001), amended by section 287 of chapter 40 of the statutes of 1999, is replaced by the following section:

“14. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE SOCIÉTÉ DU GRAND THÉÂTRE DE QUÉBEC

193. Section 16 of the Act respecting the Société du Grand Théâtre de Québec (R.S.Q., chapter S-14.01), amended by section 288 of chapter 40 of the statutes of 1999, is replaced by the following section:

“16. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

194. Section 21 of the said Act, amended by section 288 of chapter 40 of the statutes of 1999, is again amended by striking out paragraph 5.

ACT RESPECTING THE SOCIÉTÉ DU PALAIS DES CONGRÈS DE MONTRÉAL

195. Section 14 of the Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1), amended by section 289 of chapter 40 of the statutes of 1999, is replaced by the following section:

“14. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

196. Section 16 of the said Act, amended by section 289 of chapter 40 of the statutes of 1999, is again amended by inserting “, except those made under section 14,” after “Société” in the first line.

ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

197. Section 17 of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001) is amended by replacing the second paragraph by the following paragraph:

“Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

198. Section 14 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1), amended by section 295 of chapter 40 of the statutes of 1999, is again amended by replacing the second paragraph by the following paragraph:

“Subject to the provisions of a collective agreement, the Société shall determine, by resolution, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

199. Section 15 of the said Act, amended by section 295 of chapter 40 of the statutes of 1999, is again amended by inserting “, except those made under section 14,” after “division” in the first line of the second paragraph.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’ASSAINISSEMENT DES EAUX

200. Section 15 of the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1), amended by section 298 of chapter 40 of the statutes of 1999, is replaced by the following section:

“15. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

201. Section 16 of the said Act, amended by section 298 of chapter 40 of the statutes of 1999, is again amended by inserting “, except those made under section 15,” after “Société” in the first line.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’INFORMATION JURIDIQUE

202. Section 9 of the Act respecting the Société québécoise d’information juridique (R.S.Q., chapter S-20) is replaced by the following section :

“9. The general manager and the other members of the personnel of the company shall be appointed in accordance with the staffing plan established by by-law of the company.

Subject to the provisions of a collective agreement, the company shall determine, by by-law, the standards and scales of remuneration of the members of its personnel, including the general manager, in accordance with the conditions defined by the Government.”

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

203. Section 13 of the Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01), amended by section 300 of chapter 40 of the statutes of 1999, is replaced by the following section :

“13. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.”

204. Section 17 of the said Act, amended by section 300 of chapter 40 of the statutes of 1999, is again amended by inserting “, except those made under section 13,” after “Société” in the first line.

ACT RESPECTING THE PROFESSIONAL STATUS AND CONDITIONS OF ENGAGEMENT OF PERFORMING, RECORDING AND FILM ARTISTS

205. Section 46 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1) is amended by replacing the second and third paragraphs by the following paragraph :

“Subject to the provisions of a collective agreement, the Commission shall determine, by by-law, the standards and scales of remuneration, employee

benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

COURTS OF JUSTICE ACT

206. Section 17 of the Courts of Justice Act (R.S.Q., chapter T-16) is repealed.

207. Section 246.37 of the said Act is amended by striking out the second paragraph.

SECURITIES ACT

208. Section 299 of the Securities Act (R.S.Q., chapter V-1.1) is amended

(1) by striking out the second sentence of the first paragraph;

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

“Subject to the provisions of a collective agreement, the Commission shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

AUDITOR GENERAL ACT

209. Section 58 of the Auditor General Act (R.S.Q., chapter V-5.01) is amended by inserting “or Chapter III of the Public Administration Act (*insert here the year and chapter number of this Act*)” after “(chapter F-3.1.1)” in the third line.

210. Section 61 of the said Act is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) contracts required in the performance of his duties;”.

211. Section 64 of the said Act is amended by replacing “estimates introduced” in the second and third lines by “estimates tabled”.

212. Section 67 of the said Act is replaced by the following section:

“67. The Public Administration Act, except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 28, section 44, the fourth paragraph of section 45 and sections 46, 48, 49, 50, 53, 58 to 66, 74, 75 and 78 apply to the Auditor General.

The strategic plan adopted by the Auditor General pursuant to section 8 of the Public Administration Act shall be tabled in the National Assembly by the President of the National Assembly.”

ACT RESPECTING ASSISTANCE AND COMPENSATION FOR VICTIMS OF CRIME

213. Section 177 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54) is replaced by the following section :

“177. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act apply to the fund, with the necessary modifications.”

ACT RESPECTING THE SOCIÉTÉ DE TOURISME DU QUÉBEC

214. Section 22 of the Act respecting the Société de tourisme du Québec (1994, chapter 27) is amended

(1) by striking out the second sentence of the first paragraph ;

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

“Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT TO ESTABLISH A DISASTER ASSISTANCE FUND FOR CERTAIN AREAS AFFECTED BY THE TORRENTIAL RAINS OF 19 AND 20 JULY 1996

215. Section 9 of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45) is replaced by the following section :

“9. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act apply to the fund, with the necessary modifications.”

ACT RESPECTING THE COMMISSION DE DÉVELOPPEMENT DE LA MÉTROPOLE

216. Section 37 of the Act respecting the Commission de développement de la Métropole (1997, chapter 44) is replaced by the following section :

“37. The members of the personnel of the Commission shall be appointed in accordance with the staffing plan established by by-law of the Commission.

Subject to the provisions of a collective agreement, the Commission shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT TO ESTABLISH A FUND IN RESPECT OF THE ICE STORM OF
5 TO 9 JANUARY 1998

217. Section 9 of the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9) is replaced by the following section :

“9. Sections 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act apply to the fund, with the necessary modifications.”

ACT RESPECTING INVESTISSEMENT-QUÉBEC AND
GARANTIE-QUÉBEC

218. Section 23 of the Act respecting Investissement-Québec and Garantie-Québec (1998, chapter 17) is amended

(1) by replacing “by regulation” in the second line of the first paragraph by “by by-law” and by striking out the second sentence of the first paragraph ;

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

“Subject to the provisions of a collective agreement, the agency shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

219. Section 18 of the Act respecting Société Innovatech du Grand Montréal (1998, chapter 19) is replaced by the following section :

“18. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

220. Section 18 of the Act respecting Société Innovatech Régions ressources (1998, chapter 20) is replaced by the following section :

“18. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

221. Section 18 of the Act respecting Société Innovatech Québec et Chaudière-Appalaches (1998, chapter 21) is replaced by the following section :

“18. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

222. Section 18 of the Act respecting Société Innovatech du sud du Québec (1998, chapter 22) is replaced by the following section :

“18. The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY

223. Section 8 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) is amended by inserting “Chapter III of the Public Administration Act (*insert here the year and chapter number of this Act*),” after “of” in the second line of the second paragraph.

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

224. Section 160 of the Act respecting the distribution of financial products and services (1998, chapter 37) is amended by inserting “, the Public Administration Act (*insert here the year and chapter number of this Act*),” after “(R.S.Q., chapter A-6)” in the third line.

ACT TO ESTABLISH THE GRANDE BIBLIOTHÈQUE DU QUÉBEC

225. Section 11 of the Act to establish the Grande bibliothèque du Québec (1998, chapter 38) is amended

- (1) by striking out the second sentence of the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:

“Subject to the provisions of a collective agreement, the library shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING HÉMA-QUÉBEC AND THE HAEMOVIGILANCE COMMITTEE

226. Section 19 of the Act respecting Héma-Québec and the haemovigilance committee (1998, chapter 41) is amended

- (1) by striking out the second sentence of the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:

“Subject to the provisions of a collective agreement, Héma-Québec shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC

227. Section 19 of the Act respecting Institut national de santé publique du Québec (1998, chapter 42) is amended

- (1) by replacing “by regulation of the institute” in the second and third lines of the first paragraph by “by by-law of the institute” and by striking out the second sentence of the first paragraph;
- (2) by replacing the second paragraph by the following paragraph:

“Subject to the provisions of a collective agreement, the institute shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE MINISTÈRE DE LA RECHERCHE,
DE LA SCIENCE ET DE LA TECHNOLOGIE

228. Section 15.30 of the Act respecting the Ministère de la Recherche, de la Science et de la Technologie (1999, chapter 8) is replaced by the following section :

“15.30. The members of the personnel of a Fonds shall be appointed in accordance with the staffing plan established by by-law of the Fonds.

Subject to the provisions of a collective agreement, a Fonds shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government. The by-law may also make them subject to the second paragraph of section 15.27.”

ACT RESPECTING FINANCEMENT-QUÉBEC

229. Section 27 of the Act respecting Financement-Québec (1999, chapter 11) is amended

- (1) by striking out the second sentence of the first paragraph ;
- (2) by replacing the second paragraph by the following paragraph :

“Subject to the provisions of a collective agreement, the financing authority shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

ACT RESPECTING THE CORPORATION D’HÉBERGEMENT
DU QUÉBEC

230. Section 27 of the Act respecting the Corporation d’hébergement du Québec (1999, chapter 34) is amended

- (1) by replacing “by regulation” in the second line of the first paragraph by “by by-law”, and by striking out the second sentence of the first paragraph ;
- (2) by replacing the second paragraph by the following paragraph :

“Subject to the provisions of a collective agreement, the Corporation shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.”

231. Section 29 of the said Act is amended by replacing “sections 49 to 49.5 of the Financial Administration Act (R.S.Q., chapter A-6)” in the first and second lines by “sections 58 to 61 of the Public Administration Act (*insert here the year and chapter number of this Act*)”.

OTHER AMENDMENTS

232. The words “aux prévisions budgétaires déposées”, “les prévisions budgétaires soumises” and “les prévisions budgétaires” are replaced, respectively, by “au budget de dépenses déposé”, “le budget de dépenses soumis” and “le budget de dépenses” in the French text of the following provisions:

(1) section 6 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(2) subparagraph 3 of the first paragraph of section 2 of the Act respecting the accreditation and financing of students’ associations (R.S.Q., chapter A-3.01);

(3) section 14 of the Financial Administration Act (R.S.Q., chapter A-6);

(4) paragraph 6 of the Schedule to the Archives Act (R.S.Q., chapter A-21.1), amended by section 53 of chapter 34 of the statutes of 1999;

(5) section 20.4 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

(6) subparagraph 4 of the first paragraph of section 3.0.4 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);

(7) subparagraph 15 of the first paragraph of section 39.0.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1);

(8) subparagraph 1 of the first paragraph of section 4 of the Auditor General Act (R.S.Q., chapter V-5.01).

233. References to the Financial Administration Act are replaced by references to the Public Administration Act wherever they occur in the following provisions:

(1) section 29.9.2 of the Cities and Towns Act (R.S.Q., chapter C-19);

(2) article 14.7.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(3) sections 10.2 and 11.5 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28);

(4) section 22 of the Act respecting the Société de la Place des Arts de Montréal (R.S.Q., chapter S-11.03);

(5) section 22 of the Act respecting the Société du Grand Théâtre de Québec (R.S.Q., chapter S-14.01).

234. The word “Government” is replaced by the words “Conseil du trésor” wherever it occurs in the following provisions :

(1) section 3 of the Hospital Insurance Act (R.S.Q., chapter A-28);

(2) sections 19 and 19.1 of the Health Insurance Act (R.S.Q., chapter A-29), amended respectively by sections 177 and 179 of chapter 39 of the statutes of 1998;

(3) section 432 of the Act respecting health services and social services (R.S.Q., chapter S-4.2).

235. The terms “appointed and remunerated” and “appointed or remunerated”, where they refer to the Public Service Act, are replaced by the term “appointed” in all Acts and other documents, with the necessary modifications.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

236. Regulations made under sections 25, 49, 49.1, 49.3.2 and 49.6 of the Financial Administration Act (R.S.Q., chapter A-6) are deemed to be regulations made under this Act.

237. A policy adopted under section 49.4 of the Financial Administration Act is deemed to be a policy adopted under section 61 of this Act.

238. The directory of specialities established pursuant to section 49.5.1 of the Financial Administration Act is deemed to be established pursuant to section 62 of this Act.

239. The regulations respecting the contracts made or entered into by the chief electoral officer, the Public Protector and the Auditor General are deemed to have been made, respectively, pursuant to section 488.1 of the Election Act (R.S.Q., chapter E-3.3), section 35.2 of the Public Protector Act (R.S.Q., chapter P-32) and section 61 of the Auditor General Act (R.S.Q., chapter V-5.01).

240. All directives, policies and other decisions made by the Conseil du trésor or by the chairman of the Conseil du trésor under a repealed provision of the Financial Administration Act (R.S.Q., chapter A-6) or the Public Service Act (R.S.Q., chapter F-3.1.1) are deemed to be directives, policies and decisions made under this Act.

241. The chair of the Conseil du trésor is responsible for the administration of this Act.

242. The chair of the Conseil du trésor must, not later than (*insert here the date occurring five years after the date on which this section comes into force*) report to the Government on the carrying out of this Act and on the advisability of amending it.

The report shall be tabled within 30 days in the National Assembly or, if the Assembly is not in session, within 30 days of resumption. The competent committee of the National Assembly shall examine the report.

243. The provisions of this Act come into force on the date or dates fixed by the Government.