



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 33

**An Act respecting the Ministère
de la Recherche, de la Science et
de la Technologie**

Introduction

**Introduced by
Mr Jean Rochon
Minister responsible for Research,
Science and Technology**

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EXPLANATORY NOTES

This bill provides for the creation of the Ministère de la Recherche, de la Science et de la Technologie to be headed by a minister designated as the Minister of Research, Science and Technology.

The bill defines the mission of the Minister, which will be to promote research, science, technology and innovation, and to improve synergy between the various players in the fields concerned by establishing mechanisms to facilitate concerted and integrated action. The Minister will, among other things, be responsible for preparing a policy on research, science, technology and innovation.

The bill assigns the Minister responsibility for the Conseil de la science et de la technologie, the Fonds pour la formation de chercheurs et l'aide à la recherche and the Fonds de la recherche en santé du Québec established under the Act to promote the advancement of science and technology in Québec, and incorporates the relevant provisions of that Act.

The bills also contains consequential amendments and transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., chapter A-12.1);
- Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act to promote the capitalization of small and medium-sized businesses (R.S.Q., chapter A-33.01);
- General and Vocational Colleges Act (R.S.Q., chapter C-29);
- Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);
- Cooperatives Act (R.S.Q., chapter C-67.2);

- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);
- Taxation Act (R.S.Q., chapter I-3);
- Winding-up Act (R.S.Q., chapter L-4);
- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);
- Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);
- Act respecting the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

- Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);
- Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01);
- Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17);
- Act respecting Québec business investment companies (R.S.Q., chapter S-29.1);
- Act respecting the Centre de recherche industrielle du Québec (1997, chapter 29);
- Act respecting the Commission de développement de la métropole (1997, chapter 44);
- Act respecting the Ministère de l’Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63);
- 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).

LEGISLATION REPEALED BY THIS BILL :

- Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1).

Bill 33

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

RESPONSIBILITIES OF THE MINISTER

1. The Ministère de la Recherche, de la Science et de la Technologie shall be under the direction of the Minister of Research, Science and Technology appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The mission of the Minister is to promote research, science, technology and innovation by promoting synergy between the various players in the fields concerned through the establishment of mechanisms to facilitate concerted and integrated action.

The mission includes preparing and implementing a policy on research, science, technology and innovation, in collaboration, in particular, with partners in the university, industrial and government sectors. The policy shall set out measurable objectives in social, cultural and economic terms and take into account the characteristics of the various regions in Québec.

The policy shall be submitted to the Government for approval. It shall be evaluated periodically to assess the degree to which its objectives have been achieved, the effectiveness of the strategies it promotes, its responsiveness to new needs and its impact on individuals and on society as a whole. Each evaluation shall be brought to the attention of the Government.

3. The Minister shall ensure the coherence of government actions in the fields of research, science, technology and innovation.

The Minister shall promote Québec's influence in those fields both within Canada and abroad.

4. The Minister may take all measures that are useful in the pursuit of the Minister's mission. In particular, the Minister shall provide financial support, subject to the conditions determined by the Minister, for the realization of projects in the fields within the Minister's jurisdiction.

5. In the exercise of ministerial functions, the Minister may, in particular,

(1) enter into agreements, according to law, with any government other than that of Québec, or with a department or body of such a government, or with an international organization or a body of such an organization;

(2) enter into agreements with any person, association, partnership or body;

(3) conduct or commission research, studies and analyses and make them public.

6. The Minister shall table a report in the National Assembly on the activities of the department for each fiscal year within six months of the end of the fiscal year concerned or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER II

DEPARTMENTAL ORGANIZATION

7. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of the Ministère de la Recherche, de la Science et de la Technologie.

8. Under the direction of the Minister, the Deputy Minister shall administer the department.

The Deputy Minister shall, in addition, perform any other function assigned by the Government or the Minister.

9. In the performance of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

10. The Deputy Minister may, in writing and to the extent indicated, delegate the exercise of deputy-ministerial functions under this Act to a public servant or the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions indicated, and in that case shall specify the public servant or holder of a position to whom the functions may be subdelegated.

11. The personnel of the department shall consist of the public servants required for the carrying out of the functions of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

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

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

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

13. The Government may, subject to the conditions it determines, allow that a signature be affixed by an automatic device or electronic process.

The Government may, subject to the conditions it determines, allow that a facsimile of such a signature be engraved, lithographed or printed. The facsimile must be authenticated by the countersignature of a person authorized by the Minister.

14. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 12, is authentic.

15. An intelligible transcription of a decision or other data stored by the department on a computer or any other computer storage medium is a document of the department and is proof of its contents where certified true by a person referred to in the second paragraph of section 12.

CHAPTER III

AMENDING PROVISIONS

DIVISION I

INTEGRATION INTO THE ACT OF CERTAIN PROVISIONS OF THE ACT TO PROMOTE THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY IN QUÉBEC AND REPEAL OF THAT ACT

16. Chapter III of the Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1), comprising sections 20 to 34, becomes, under the same heading, Chapter II.1 of this Act, comprising sections 15.1 to 15.15, with the following changes :

(1) in the first paragraph of section 24, the reference to section 22 becomes a reference to section 15.3 ;

(2) in the first paragraph of section 29, the words “of Industry, Trade, Science and Technology” are struck out.

17. Division II of Chapter IV and Chapter V of the said Act, comprising sections 65 to 101, become, under the heading “RESEARCH SUPPORT FUNDS”, Chapter II.2 of this Act, comprising sections 15.16 to 15.51, with the following changes :

(1) subdivisions 1 to 4 of Division II of Chapter IV and Chapter V become, under the same headings, Divisions I to V of Chapter II.2 of this Act, respectively;

(2) in section 65,

(a) in paragraph 1, the words “, under the responsibility of the Minister of Education” are struck out;

(b) in paragraph 2, the words “, under the responsibility of the Minister of Health and Social Services” are struck out;

(c) paragraph 3 is struck out;

(3) in section 71,

(a) in the first paragraph, the words “three years” are replaced by the words “five years”;

(b) the second paragraph is replaced by the following paragraph:

“The other members are appointed for not over three years.”;

(4) in the first paragraph of section 73, the words “section 69” are replaced by the words “section 15.20”;

(5) in the second paragraph of section 79, the words “section 76” are replaced by the words “section 15.27”;

(6) in paragraph 2 of section 80, the words “section 83” are replaced by the words “section 15.33”;

(7) section 82 is struck out;

(8) in section 83,

(a) in the first paragraph, the words “minister responsible”, wherever they appear, are replaced by the word “Minister”;

(b) in the third paragraph, the words “minister responsible for the Fonds” are replaced by the word “Minister”;

(9) in section 90.1, the words “minister responsible” are replaced by the word “Minister”;

(10) in section 93, the words “section 92” are replaced by the words “section 15.43”;

(11) in the first paragraph of section 94, the words “and the Fonds de recherche en agriculture, en pêche et en alimentation” are struck out;

(12) in section 95,

(a) in the first paragraph, the words “and the Fonds de recherche en agriculture, en pêche et en alimentation shall transmit to their respective responsible ministers, a report of their” are replaced by the words “shall transmit to the Minister a report of”;

(b) in the second paragraph, the words “its responsible minister” are replaced by the words “the Minister”;

(c) in the third paragraph, the words “minister responsible” are replaced by the word “Minister”;

(13) in section 96, the words “minister responsible for a Fonds” are replaced by the word “Minister”;

(14) in section 99, the words “section 98” are replaced by the words “section 15.49”;

(15) in section 101, the words “section 98 or 99” are replaced by the words “section 15.49 or 15.50”.

18. The Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1) is repealed.

However, sections 119 to 125, as they read on (*insert here the date preceding the date of coming into force of this Act*), continue to apply to employees of the Fonds pour la formation de chercheurs et l’aide à la recherche and the Fonds de la recherche en santé du Québec.

DIVISION II

OTHER AMENDMENTS

§1. — General amendments

19. The words “of Industry, Trade, Science and Technology” are replaced by the words “of Research, Science and Technology” and the words “de l’Industrie, du Commerce, de la Science et de la Technologie” are replaced by the words “de la Recherche, de la Science et de la Technologie” in the following provisions :

(1) section 1 of the Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);

(2) section 227 of the Taxation Act (R.S.Q., chapter I-3), and section 1029.8.1, amended by section 330 of chapter 85 of the statutes of 1997, section 1029.8.10, section 1029.8.11, amended by section 249 of chapter 85 of the statutes of 1997, and section 1029.8.16 of the said Act;

(3) section 42 of the Act respecting the Centre de recherche industrielle du Québec (1997, chapter 29).

20. The words “of Industry, Trade, Science and Technology” are replaced by the words “of Industry and Trade” and the words “de l’Industrie, du Commerce, de la Science et de la Technologie” are replaced by the words “de l’Industrie et du Commerce” in the following provisions :

(1) section 25 of the Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., chapter A-12.1);

(2) sections 11, 37 and 39 of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);

(3) section 21 of the Act to promote the capitalization of small and medium-sized businesses (R.S.Q., chapter A-33.01);

(4) section 328 of the Cooperatives Act (R.S.Q., chapter C-67.2);

(5) section 17 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

(6) sections 9.3 and 17.1 of the Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14);

(7) section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), amended by section 128 of chapter 63 of the statutes of 1997;

(8) section 38 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);

(9) sections 725.9, 776.1.5.3 and 776.1.5.4 of the Taxation Act (R.S.Q., chapter I-3), section 965.11.7.1, amended by section 213 of chapter 85 of the statutes of 1997, sections 965.35, 965.36.1, 1029.8.36.5, 1029.8.36.6, 1029.8.36.7, 1029.8.36.16, 1029.8.36.20, 1029.8.36.21, 1029.8.36.22, section 1029.8.36.23, amended by section 258 of chapter 85 of the statutes of 1997 and by section 231 of chapter 16 of the statutes of 1998, section 1029.8.36.54, amended by section 259 of chapter 85 of the statutes of 1997, section 1029.8.36.55, amended by section 260 of chapter 85 of the statutes of 1997, sections 1029.8.36.56, 1049.12, 1049.13, 1049.14, 1129.14, section 1130, amended by section 310 of chapter 85 of the statutes of 1997, section 1137, amended by section 311 of chapter 85 of the statutes of 1997, and section 1137.1 of the said Act;

(10) sections 17 and 18 of the Winding-up Act (R.S.Q., chapter L-4);

(11) section 20.1.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6), amended by section 3 of chapter 54 of the statutes of 1997;

(12) section 21 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5) and section 38 of the said Act, amended by section 10 of chapter 3 of the statutes of 1998;

(13) the title and sections 1 and 2 of the Act respecting the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17);

(14) section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3), amended by section 13 of chapter 28 of the statutes of 1998;

(15) section 7 of the Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);

(16) sections 4 and 35 of the Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04);

(17) section 20.2 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) and section 30, amended by section 2 of chapter 32 of the statutes of 1997, and sections 34.1, 37, 59 and 61 of the said Act;

(18) section 63 of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);

(19) sections 1 and 20 of the Act respecting the Société du parc industriel et portuaire Québec-Sud (R.S.Q., chapter S-16.01);

(20) section 15 of the Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17), section 15.1, amended by section 29 of chapter 45 of the statutes of 1998 and section 17 of the said Act;

(21) section 17 of the Act respecting Québec business investment companies (R.S.Q., chapter S-29.1);

(22) section 57 of the Act respecting the Commission de développement de la métropole (1997, chapter 44);

(23) section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, chapter 63), amended by section 58 of chapter 91 of the statutes of 1997 and by section 203 of chapter 36 of the statutes of 1998, and section 40 of the said Act, amended by section 59 of chapter 91 of the statutes of 1997;

(24) section 5 of the Act respecting Société Innovatech du Grand Montréal (1998, chapter 19);

(25) sections 33 and 42 of the Act respecting Société Innovatech Régions ressources (1998, chapter 20);

(26) sections 33 and 45 of the Act respecting Société Innovatech Québec et Chaudière-Appalaches (1998, chapter 21);

(27) sections 33 and 45 of the Act respecting Société Innovatech du sud du Québec (1998, chapter 22).

§2. — *Specific amendments*

21. Section 96 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing “Act to promote the advancement of science and technology in Québec (chapter D-9.1)” by “Act respecting the Ministère de la Recherche, de la Science et de la Technologie (*insert here the year and chapter number of that Act*)”.

22. Section 17.2 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by inserting “after the latter has consulted the Minister of Research, Science and Technology” after “with the authorization of the Minister” in the first paragraph.

23. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 44 of chapter 58, by section 128 of chapter 63 and by section 51 of chapter 91 of the statutes of 1997, is again amended

(1) by replacing subparagraph 16 of the first paragraph by the following subparagraph:

“(16) A Minister of Industry and Trade;”;

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

“(35) A Minister of Research, Science and Technology.”

24. Section 737.19 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “Conseil de la science et de la technologie” in paragraph *a* by “Minister of Research, Science and Technology”.

25. Section 7 of the Act respecting the Ministère de l’Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17) is amended by replacing “and trade, science and technology” in the first paragraph by “and the development of trade”.

26. Section 7.1 of the said Act, amended by section 875 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing “, trade, science and technology” in paragraph 1 by “and trade”;

(2) by replacing “, commercial, scientific and technological” in paragraph 1.1 by “and commercial”;

(3) by striking out paragraphs 1.2 to 1.6;

(4) by replacing “, trade, science and technology” in paragraph 2 by “and trade”;

(5) by replacing “, trade, science and technology” in paragraph 5 by “and trade”;

(6) by replacing “, trade, science and technology” in paragraph 6 by “and trade”;

(7) by replacing “, trade, science and technology” in paragraph 9 by “and trade”.

27. Section 7.2 of the said Act is repealed.

28. Section 11.1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by replacing “Act to promote the advancement of science and technology in Québec (chapter D-9.1)” by “Act respecting the Ministère de la Recherche, de la Science et de la Technologie (*insert here the year and chapter number of that Act*)”.

29. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 52 of chapter 58, section 128 of chapter 63 and section 55 of chapter 91 of the statutes of 1997, is again amended

(1) by replacing paragraph 15 by the following paragraph:

“(15) The Ministère de l’Industrie et du Commerce, presided over by the Minister of Industry and Trade;”;

(2) by adding the following paragraph:

“(35) The Ministère de la Recherche, de la Science et de la Technologie, presided over by the Minister of Research, Science and Technology.”

30. Section 88 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

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

(2) by replacing “section 65 of the Act to promote the advancement of science and technology in Québec (chapter D-9.1)” by “the Act respecting the Ministère de la Recherche, de la Science et de la Technologie (*insert here the year and chapter number of that Act*)”.

31. Sections 89 to 91 of the said Act are amended by inserting “and the Minister of Research, Science and Technology” after “the Minister of Education”.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

32. Unless otherwise indicated by the context, in any text or document, regardless of its nature or form,

(1) a reference to the Minister or Deputy Minister of Industry, Trade, Science and Technology or the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie is, according to the field concerned, a reference to the Minister or Deputy Minister of Research, Science and Technology or the Ministère de la Recherche, de la Science et de la Technologie or to the Minister or Deputy Minister of Industry and Trade or the Ministère de l'Industrie et du Commerce, according to the field concerned;

(2) a reference to the Act respecting the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie or to any of its provisions is, according to the field concerned, a reference to the Act respecting the Ministère de la Recherche, de la Science et de la Technologie or to the Act respecting the Ministère de l'Industrie et du Commerce or to the corresponding provision of either Act;

(3) a reference to the Act to promote the advancement of science and technology in Québec or to any of its provisions is a reference to this Act or to the corresponding provision of this Act.

33. Agreements previously entered into by the Minister of Industry, Trade, Science and Technology in fields relating to research, science and technology are binding on the Minister of Research, Science and Technology, subject to the conditions provided therein.

Likewise, any financial assistance and subsidies previously granted in those fields are binding on the Minister of Research, Science and Technology who shall continue to manage the programs under which they were granted.

34. The Government shall determine, from among the members of the personnel of the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie, the Ministère de la Santé et des Services sociaux and the Ministère du Conseil exécutif who perform duties relating to areas under the authority of the Minister of Research, Science and Technology, those who are to become members of the personnel of the Ministère de la Recherche, de la Science et de la Technologie.

The records and other documents of those departments shall be transferred to the Ministère de la Recherche, de la Science et de la Technologie, to the extent that they pertain to areas under the authority of the Minister.

35. The appropriations granted to a government department or body for the fiscal year 1999-2000 in relation to a responsibility assigned to the Minister of

Research, Science and Technology shall, to the extent determined by the Government, be transferred to the Ministère de la Recherche, de la Science et de la Technologie.

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