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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 120

**An Act to abolish certain public bodies  
and transfer administrative  
responsibilities**

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**Introduction**

**Introduced by  
Madam Monique Jérôme-Forget  
Minister responsible for Government Administration and  
Chair of the Conseil du trésor**

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## **EXPLANATORY NOTES**

*This bill abolishes certain public bodies and confers on ministers the responsibilities assigned to some of those bodies or to other public bodies.*

*Thus, the bill repeals the Act constituting the Observatoire québécois de la mondialisation and strikes out the provisions constituting the Commission des programmes d'études, the Comité d'évaluation des ressources didactiques, the Comité d'orientation de la formation du personnel enseignant, the Conseil de surveillance des activités de la Sûreté du Québec and the Comité sur le civisme.*

*The bill also terminates the Fonds central pour le bénéfice des personnes incarcérées and establishes a trust patrimony designated as the "Fonds central de soutien à la réinsertion sociale", the administration of which will be entrusted to the Minister of Public Security as trustee.*

*Lastly, the bill transfers to the Minister of Revenue the provisional administration of property assigned to the Public Curator under the Public Curator Act.*

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

- Civil Code of Québec (1991, chapter 64);
- Act respecting insurance (R.S.Q., chapter A-32);
- Act respecting registry offices (R.S.Q., chapter B-9);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Act to promote good citizenship (R.S.Q., chapter C-20);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Cooperatives Act (R.S.Q., chapter C-67.2);

- Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);
- Act respecting racing (R.S.Q., chapter C-72.1);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Deposit Act (R.S.Q., chapter D-5);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Forest Act (R.S.Q., chapter F-4.1);
- Education Act (R.S.Q., chapter I-13.3);
- Winding-up Act (R.S.Q., chapter L-4);
- Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);
- Police Act (R.S.Q., chapter P-13.1);
- Food Products Act (R.S.Q., chapter P-29);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act respecting correctional services (R.S.Q., chapter S-4.01);

- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Professional Syndicates Act (R.S.Q., chapter S-40);
- Marine Products Processing Act (R.S.Q., chapter T-11.01);
- Act respecting the Québec correctional system (2002, chapter 24);
- Act respecting commercial aquaculture (2003, chapter 23).

**LEGISLATION REPEALED BY THIS BILL:**

- Act respecting the Observatoire québécois de la mondialisation (R.S.Q., chapter O-1.1).

# Bill 120

## AN ACT TO ABOLISH CERTAIN PUBLIC BODIES AND TRANSFER ADMINISTRATIVE RESPONSIBILITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### DIVISION I

#### OBSERVATOIRE QUÉBÉCOIS DE LA MONDIALISATION

**1.** The Act respecting the Observatoire québécois de la mondialisation (R.S.Q., chapter O-1.1) is repealed.

### DIVISION II

#### COMMITTEES OF THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

**2.** The heading of Division II.1 of Chapter VII of the Education Act (R.S.Q., chapter I-13.3) is amended by striking out “COUNCIL AND”.

**3.** Subdivisions 1 and 2 of Division II.1 of Chapter VII of the Act are repealed.

**4.** Subdivision 4 of Division II.1 of Chapter VII of the Act is repealed.

**5.** Section 477.19 of the Act is amended by striking out “the council or of” in the first line of the first paragraph.

**6.** Section 477.22 of the Act is amended by striking out “the council or of” in the first line.

**7.** Section 477.23 of the Act is amended

(1) by replacing “of the council or committee and manage its operations” in the first and second lines of the first paragraph by “of the committee and manage its operations”;

(2) by striking out “council or” in the first line of the second paragraph.

**8.** Section 477.24 of the Act is amended by striking out “the council or” in the first line.

**9.** Section 477.25 of the Act is amended by striking out “council and the” in the first line.

**10.** Section 477.26 of the Act is amended by striking out “the council and” in the first line.

**11.** Section 477.27 of the Act is amended by replacing “The council and each of the committees” in the first line by “The committees”.

**12.** The records and documents of the Commission des programmes d’études, the Comité d’évaluation des ressources didactiques and the Comité d’orientation de la formation du personnel enseignant become the records and documents of the Minister of Education, Recreation and Sports.

### **DIVISION III**

#### **CONSEIL DE SURVEILLANCE DES ACTIVITÉS DE LA SÛRETÉ DU QUÉBEC**

**13.** Section 264 of the Police Act (R.S.Q., chapter P-13.1) is amended by striking out the second paragraph.

**14.** Section 265 of the Act is amended by striking out the second paragraph.

**15.** Section 266 of the Act is amended by replacing “transmit to the Conseil de surveillance des activités de la Sûreté du Québec and to the Minister, at the latter’s request,” in the first, second and third lines by “, on request, transmit to the Minister”.

**16.** Chapter IV of Title V of the Act, comprising sections 290 to 303, is repealed.

**17.** Section 357 of the Act is repealed.

### **DIVISION IV**

#### **FONDS CENTRAL POUR LE BÉNÉFICE DES PERSONNES INCARCÉRÉES**

**18.** Section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by inserting the following paragraph after paragraph 4:

“(4.1) to administer, as trustee, the Fonds central de soutien à la réinsertion sociale, advise the Government on regulations concerning programs of activity set up by the funds established in houses of detention, devise policies on the matter and advise those funds as regards the organization and development of those programs;”.

**19.** Section 22.0.2 of the Act respecting correctional services (R.S.Q., chapter S-4.01) is amended

(1) by replacing “central fund for the benefit of confined persons” in the second line of the first paragraph by “Minister”;

(2) by replacing “central fund” in the last line of the first paragraph by “Minister”.

**20.** Section 22.0.19 of the Act is amended

(1) by replacing “central fund for the benefit of confined persons at the time fixed by the fund” in the first paragraph by “Fonds central de soutien à la réinsertion sociale at the time determined by the Minister”;

(2) by replacing “fixed by the central fund” in the second paragraph by “determined by the Minister”.

**21.** Section 22.0.22 of the Act is amended by striking out the second paragraph.

**22.** The heading of subdivision 2 of Division V.0.1 of the Act is replaced by the following heading:

“§2. — *Fonds central de soutien à la réinsertion sociale*”.

**23.** Section 22.0.26 of the Act is amended by replacing “Fonds central pour le bénéfice des personnes incarcérées” by “Fonds central de soutien à la réinsertion sociale”.

**24.** Section 22.0.27 of the Act is replaced by the following section:

“**22.0.27.** The central fund, established as a social trust patrimony, provides gifts or loans, with or without interest, to support funds established in houses of detention in financial difficulty.”

**25.** Section 22.0.28 of the Act is amended by replacing the portion before paragraph 1 by the following:

“**22.0.28.** The central fund is made up of”.

**26.** Sections 22.0.29 to 22.0.32 of the Act are replaced by the following sections:

“**22.0.29.** The Minister is the trustee of the central fund.

The Government shall determine by regulation the obligations of the Minister in the Minister's capacity as trustee of the central fund, the nature of the trust and its operating rules, which may vary from those provided for in Titles VI and VII of Book Four of the Civil Code of Québec.

**“22.0.30.** The expenses related to the administration of the central fund and to the Minister's responsibilities with respect to the programs of activities are payable by the central fund.

**“22.0.31.** The Minister may appoint a committee to advise the Minister in the administration of the central fund.

**“22.0.32.** When the Minister withdraws a sum from the central fund, the Minister is acting as the trustee.”

**27.** Section 23.1 of the Act is amended by replacing “central fund” in paragraphs 4, 6 and 12 by “Minister”.

**28.** Section 75 of the Act respecting the Québec correctional system (2002, chapter 24) is amended

(1) by replacing “Fonds central de soutien à la réinsertion sociale, established under section 102” in the second and third lines of the first paragraph by “Minister”;

(2) by replacing “Fonds central” at the end of the first paragraph by “Minister”.

**29.** Section 94 of the Act is amended

(1) by replacing “central fund” in the second line of the first paragraph by “Minister”;

(2) by replacing “central fund” in the second paragraph by “Minister”.

**30.** Section 97 of the Act is amended by striking out the second paragraph.

**31.** Section 103 of the Act is replaced by the following section:

**“103.** The central fund, established as a social trust patrimony, provides gifts or loans, with or without interest, to support funds established in correctional facilities in financial difficulty.”

**32.** Section 104 of the Act is amended by replacing the part before paragraph 1 by the following part:

**“104.** The central fund is made up of”.

**33.** Sections 105 to 109 of the Act are replaced by the following sections:

“**105.** The Minister is the trustee of the central fund.

The Government shall determine by regulation the obligations of the Minister in the Minister’s capacity as trustee of the central fund, the nature of the trust and its operating rules, which may vary from those provided in Title VI and Title VII of Book Four of the Civil Code of Québec.

“**106.** The expenses related to the administration of the central fund and to the Minister’s responsibilities with respect to the programs of activities are payable by the central fund.

“**107.** The Minister may appoint a committee to advise the Minister in the administration of the central fund.

“**108.** When the Minister withdraws a sum from the central fund, the Minister is acting as the trustee.”

**34.** Section 193 of the Act is amended by replacing “central fund” in paragraph 24 by “Minister”.

**35.** The Minister of Public Security, as trustee of the Fonds central de soutien à la réinsertion sociale, replaces the central fund for the benefit of confined persons. The Minister shall acquire the rights and assume the obligations of the fund.

## **DIVISION V**

### **COMITÉ SUR LE CIVISME**

**36.** Section 16 of the Act to promote good citizenship (R.S.Q., chapter C-20) is amended by striking out subparagraph *d* of the first paragraph.

**37.** The Act is amended by inserting the following section after section 16:

“**16.1.** The Minister may, where the Minister deems it advisable, establish a committee to give an opinion on the granting of awards or the awarding of decorations and distinctions.”

**38.** The records and documents of the Comité sur le civisme become the records and documents of the minister responsible for the Act to promote good citizenship (R.S.Q., chapter C-20).

## **DIVISION VI**

### **PROVISIONAL ADMINISTRATION OF PROPERTY**

#### *§1. — Transfer of responsibilities*

**39.** Sections 24, 26 to 26.7, 26.9, 27.1 and 32, the second paragraph of section 41, the second paragraph of section 41.1 and paragraph 4 of section 68 of the Public Curator Act (R.S.Q., chapter C-81) are amended by replacing “Public Curator” wherever it appears by “Minister of Revenue”.

**40.** Section 40 of the Act is amended

(1) by inserting “or of the Minister of Revenue” after “Public Curator” in the first line of the first paragraph;

(2) by replacing “Public Curator” in the first line of the second paragraph by “Minister of Revenue”.

**41.** Section 69.1 of the Act is amended by replacing “or of a person authorized by the Public Curator” in the first and second lines by “, of the Minister of Revenue or of a person authorized by either of them”.

**42.** Section 77 of the Act is replaced by the following section:

**“77.** The Minister of Families, Seniors and the Status of Women is responsible for the administration of this Act, except for the provisions relating to the provisional administration of property provided for in Division V of Chapter II, sections 27.1 and 32, subparagraphs 3 and 4 of the first paragraph and the second paragraph of section 40, the second paragraph of section 41, the second and third paragraphs of section 41.1, paragraphs 4 and 4.1 of section 68 and section 69, the administration of which is entrusted to the Minister of Revenue.”

**43.** The Act is amended by inserting the following sections after section 77:

**“77.1.** Sections 10, 11, 27, 28.1 to 31, 33 and 35 to 38, the first paragraph of section 41, the first paragraph of section 41.1, sections 42 to 44, 46 to 52, 54 to 58 and 66, paragraphs 5, 6, 7 and 9 of section 68, sections 74 to 76, the second paragraph of section 204 and the regulations made under this Act and relating to the administration of property apply, with the necessary modifications, to the provisional administration of property entrusted to the Minister of Revenue under this Act.

**“77.2.** A civil proceeding by the Minister of Revenue or against the Minister of Revenue or the Government in relation to the provisional administration of property entrusted to the Minister of Revenue by law is instituted in the name of the Deputy Minister of Revenue, despite any inconsistent provision.

A penal proceeding for an offence under section 69 or 69.1 may be instituted by the Deputy Minister of Revenue.

Sections 72.4 and 77 of the Act respecting the Ministère du Revenu (chapter M-31) and the second and third paragraphs of section 93 of that Act apply to such a civil or penal proceeding, with the necessary modifications.

**“77.3.** Proceedings, including judgments, to which the Public Curator is a party on 31 March 2006 in relation to the provisional administration of property entrusted to the Minister of Revenue by law are continued after that date by the Minister of Revenue, without continuance of suit.

**“77.4.** In any contract, agreement, accord, order in council or other document relating to the provisional administration of property entrusted to the Minister of Revenue by law, the exercise of the rights and the performance of the obligations of the Public Curator in that respect are continued, from 1 April 2006, by the Minister of Revenue.”

**44.** Section 2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting “the provisions relating to the provisional administration of property provided for in section 77 of the Public Curator Act (chapter C-81),” after “(chapter P-2.2),” in the second line of the second paragraph.

§2. — *Consequential provisions*

**45.** Article 92 of the Civil Code of Québec (1991, chapter 64) is amended by inserting “or the Minister of Revenue as provisional administrator of property” after “Public Curator” in the first paragraph.

**46.** Section 12 of the Act respecting registry offices (R.S.Q., chapter B-9) is amended

(1) by replacing “Public Curator” in the text following the fourth dash by “Minister of Revenue”;

(2) by replacing “Public Curator’s capacity” in the text following the fourteenth dash by “capacity of the Public Curator or the Minister of Revenue”;

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

“Notices given before 1 April 2006 by the Public Curator in the exercise of the functions of provisional administrator of property entrusted to the Minister of Revenue under the Public Curator Act (chapter C-81) are deemed to have been given by the Minister of Revenue.”

**47.** Section 393 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by replacing “Public Curator” at the end of the first paragraph by “Minister of Revenue”;

(2) by replacing “Public Curator” and “Curator” in the second paragraph by “Minister of Revenue” and “Minister” respectively.

**48.** Section 6 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by inserting “or to the Minister of Revenue in the exercise of the functions of provisional administrator of property entrusted to him by law, or” after “curator” in the first line of paragraph 1.

**49.** Section 27 of the Professional Syndicates Act (R.S.Q., chapter S-40) is amended

(1) by replacing “The Public Curator appointed according to the Public Curator Act (chapter C-81)” in the first and second lines of the first paragraph by “The Minister of Revenue”;

(2) by replacing “Public Curator” in the first line of the second paragraph by “Minister of Revenue”.

**50.** Except in the expression “Public Curator Act”, the words “Public Curator” are replaced by “Minister of Revenue” wherever they appear in the following provisions:

(1) articles 363, 698, 699, 700, 701, 936, 937 and 2279 of the Civil Code of Québec (1991, chapter 64);

(2) sections 93.118, 93.215 and 93.243 of the Act respecting insurance (R.S.Q., chapter A-32);

(3) sections 314 and 325 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

(4) articles 541 and 542 of the Code of Civil Procedure (R.S.Q., chapter C-25);

(5) articles 137, 139 and 318 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(6) sections 185 and 191 of the Cooperatives Act (R.S.Q., chapter C-67.2);

(7) sections 173, 174, 184 and 185 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);

(8) section 100 of the Act respecting racing (R.S.Q., chapter C-72.1);

(9) section 22 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);

- (10) sections 27 and 27.1 of the Deposit Act (R.S.Q., chapter D-5);
- (11) section 36 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- (12) section 196 of the Forest Act (R.S.Q., chapter F-4.1);
- (13) sections 20 and 22 of the Winding-up Act (R.S.Q., chapter L-4);
- (14) section 45 of the Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);
- (15) section 33.5 of the Food Products Act (R.S.Q., chapter P-29);
- (16) section 55.22 of the Animal Health Protection Act (R.S.Q., chapter P-42);
- (17) sections 63 and 64 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- (18) section 147.0.6 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- (19) section 238 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- (20) section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);
- (21) section 42 of the Marine Products Processing Act (R.S.Q., chapter T-11.01);
- (22) section 40 of the Act respecting commercial aquaculture (2003, chapter 23).

**51.** The exercise of the rights and the performance of the obligations of the Public Curator arising from responsibilities relating to the provisional administration of property entrusted to the Minister of Revenue are continued, as of 1 April 2006, by the Minister of Revenue.

## **DIVISION VII**

### **COMING INTO FORCE**

**52.** This Act comes into force on (*insert the date of assent to this Act*), except sections 18 to 27 and 35 which come into force on 1 January 2006, sections 39 to 51 which come into force on 1 April 2006, and sections 28 to 34 which come into force on the date or dates to be set by the Government.





