

1991, chapter 4
**AN ACT TO AMEND THE ACT RESPECTING
THE MINISTÈRE DES AFFAIRES
INTERNATIONALES WITH REGARD TO
THE ESTABLISHMENT OF SPECIAL FUNDS**

Bill 124

Introduced by Mr John Ciaccia, Minister of International Affairs

Introduced 14 March 1991

Passage in principle 19 March 1991

Passage 27 March 1991

Assented to 27 March 1991

Coming into force: 27 March 1991

Acts amended:

Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1)

Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30)



CHAPTER 4

An Act to amend the Act respecting the Ministère des Affaires internationales with regard to the establishment of special funds

[Assented to 27 March 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-21.1,
s. 30, am. **1.** Section 30 of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) is amended by replacing the second paragraph by the following paragraph:

Property
management “The Minister is responsible in particular for the acquisition, lease and management generally of the required movable and immovable property and he may, for such purpose,

(1) build, lease or maintain any movable or immovable property;

(2) acquire, sell, alienate or transfer by lease or otherwise any movable or immovable property or any real right;

(3) with the authorization of the Government on the recommendation of the Minister of Finance, contract any loan or offer as security any movable or immovable property or any real right; however, such authorization is not required for the purposes of section 35.5 of this Act or section 69.6 of the Financial Administration Act (R.S.Q., chapter A-6).”

c. M-21.1,
ss. 35.1-
35.11, added **2.** The said Act is amended by inserting, after section 35, the following chapter:

“CHAPTER V.1

“SPECIAL FUNDS

Establishment of fund

“**35.1** A fund, hereinafter called the “fund for the management of Québec immovables on foreign soil”, is hereby established and assigned to the management and financing of the property and services furnished by the Minister under section 30.

Establishment of fund

Another fund, hereinafter called the “international development fund”, is hereby established and assigned to the management and financing of projects financed in whole or in part by international development organizations for the purposes of international or intergovernmental agreements.

Operation

“**35.2** The Government shall determine the assets and liabilities of each special fund and the date on which it begins to operate. It shall also determine the nature of the property and services to be managed or financed by and the nature of the costs to be charged to each fund.

Sums constituting funds

“**35.3** Each special fund shall be constituted of the following sums, except interest:

(1) the sums collected for the property and services financed by the fund;

(2) the sums paid by the Minister of Finance under the first paragraph of section 35.5 of this Act or section 69.6 of the Financial Administration Act;

(3) the sums paid by the Minister of International Affairs out of the appropriations allocated for that purpose by Parliament;

(4) as regards the fund for the management of Québec immovables on foreign soil, the sums arising from the application of section 30;

(5) as regards the international development fund, the sums paid by international development organizations and those paid by other departments or agencies of the Government out of the appropriations allocated to them for that purpose by Parliament.

Management

“**35.4** The management of the sums paid into the special funds shall be entrusted to the Minister of Finance. Such sums shall be paid to his order and deposited with the financial institutions he determines.

Accounts

Notwithstanding section 13 of the Financial Administration Act, the Minister of International Affairs shall keep the books of account

for and record the financial commitments chargeable to the funds. He shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply therewith.

Advances to funds **“35.5** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the special funds sums taken out of the consolidated revenue fund.

Advances from funds He may conversely advance to the consolidated revenue fund, on a short term basis and subject to the conditions he determines, any part of the sums paid into the special funds that is not required for their operations.

Repayment An advance paid to a special fund or the consolidated revenue fund shall be repayable out of the fund that received it.

Employees **“35.6** The remuneration and expenses pertaining to social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to activities related to a special fund shall be paid out of that fund.

Surpluses **“35.7** All surpluses accumulated by a special fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

Applicable provisions **“35.8** Sections 22 to 27, 33, 35, 45, 47 to 49, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the special funds.

Fiscal year **“35.9** The fiscal year of the special funds shall end on 31 March each year.

Judgment against the Crown **“35.10** Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the special funds the sums required for the execution of a judgment against the Crown that has become *res judicata*.

Assignment of fund **“35.11** To the extent and subject to the conditions determined by the Government, the fund for the management of Québec immovables on foreign soil may also be assigned to the management and financing of the property and services referred to in section 3.17 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30).

Sums constituting fund In such case, the fund shall also be constituted of the sums arising from the application of the said section and the sums paid by the

minister responsible for the application of Division II of the said Act out of the appropriations allocated for that purpose by Parliament, except interest.

Exercise of powers

The Minister of International Affairs shall thereupon exercise, at the request of the minister responsible for the application of Division II of the Act respecting the Ministère du Conseil exécutif, the powers provided for in the second paragraph of section 3.17 of the said Act with respect to such property and services.”

c. M-30, s. 3.17, am.

3. Section 3.17 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by replacing the second paragraph by the following paragraph:

Management of property

“The Minister is responsible in particular for the acquisition, lease and management generally of the required movable and immovable property and he may, for such purpose,

- (1) build, lease or maintain any movable or immovable property;
- (2) acquire, sell, alienate or transfer by lease or otherwise any movable or immovable property or any real right;
- (3) with the authorization of the Government on the recommendation of the Minister of Finance, contract any loan or offer as security any movable or immovable property or any real right.”

Transfer of appropriations

4. For the first fiscal year of the fund for the management of Québec immovables on foreign soil, the appropriations allocated to the Ministère des Affaires internationales for the financing of the property and services referred to in the first paragraph of section 35.1 of the Act respecting the Ministère des Affaires internationales shall be transferred, on the date on which the fund begins to operate and to the extent determined by the Government, to the departments and public bodies benefitting from such property and services.

Transfer of appropriations

The same applies, for the first fiscal year of the fund, to the appropriations allocated to the Office des ressources humaines as employer's contributions.

Unspent sums

5. For the purposes of section 35.2, introduced by section 2 of this Act, the Government may, to the extent and subject to the conditions it determines, provide for the transfer from the consolidated revenue fund to the international development fund of the sums paid by international development organizations from 1 December 1990 that remained unspent on 27 March 1991.

Effect

6. The provisions of this Act have effect from 1 April 1991.Coming into
force**7.** This Act comes into force on 27 March 1991.