

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1988, chapter 11
**AN ACT RESPECTING THE INSTITUT DE
TOURISME ET D'HÔTELLERIE DU QUÉBEC**

Bill 19

Introduced by Mr Michel Gratton, Minister of Tourism

Introduced 21 April 1988

Passage in principle 24 May 1988

Passage 14 June 1988

Assented to 15 June 1988

Coming into force: 30 June 1988

Act amended: None





CHAPTER 11

An Act respecting the Institut de tourisme et d'hôtellerie du Québec

[Assented to 15 June 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

- 1.** An institute called the “Institut de tourisme et d’hôtellerie du Québec” is hereby established.
- 2.** The institute is a corporation.
- 3.** The institute is a mandatary of the Government.
- The property of the institute forms part of the public domain, but the performance of its obligations may be levied against its property.
- The institute binds only itself when it acts in its own name.
- 4.** The institute shall have its head office in the territory of the Communauté urbaine de Montréal at the place determined by the Government. Notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.
- 5.** The institute shall be administered by a board of directors composed of not fewer than seven nor more than eleven members, including the chairman and a director general, appointed by the Government.

Appoint-
ments

Two of the members of the board, other than the chairman and the director general, shall be appointed upon the recommendation of the Minister of Education and upon the recommendation of the Minister of Higher Education and Science, respectively.

Consultation
with
students

One member of the board shall be appointed after consultation with the student body of the institute.

Vice-
chairman

6. The members of the board of directors shall designate one of their number, other than the director general, to act as vice-chairman.

Replace-
ment

If the chairman is unable to act, the vice-chairman shall perform the duties of the chairman.

Terms of
office

7. The chairman and the director general shall be appointed for a term of not over five years, and the other members for a term of not over two years.

Continuance
in office

At the end of their terms, the members of the board of directors shall remain in office until they are replaced or reappointed.

Vacancies

8. Any vacancy occurring during a term shall be filled by appointment as in section 5.

Absence
from
meetings

In addition to any other vacancy, absence from a number of meetings of the board of directors determined by the by-laws of internal management of the institute shall constitute a vacancy in the cases and circumstances indicated therein.

Duties of
chairman

9. The chairman shall preside at meetings of the board of directors, see to its proper management and assume all other duties assigned to him under the by-laws of the institute.

Director
general

10. The director general shall be responsible for the management of the institute within the scope of its by-laws. He shall devote his full time to his duties of office.

Remunera-
tion

11. The Government shall fix the remuneration, social benefits and other conditions of employment of the director general.

Expenses

The other members of the board of directors shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled, on the conditions and to the extent determined by the Government, to the reimbursement of expenses incurred in the performance of their duties.

- Quorum **12.** The quorum for meetings of the board of directors shall be a majority of its members, including the chairman or the vice-chairman.
- Casting vote In the event of a tie-vote, the chairman or the vice-chairman, as the case may be, shall have a casting vote.
- Decisions **13.** A decision of the board of directors signed by all its members has the same force as if it had been made at a regular meeting.
- Staff **14.** The staff members of the institute shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).
- Powers The director general shall exercise, in respect of the staff members, the powers assigned to a chief executive officer of an agency under the said Act.
- Conflict of interest **15.** Any member of the board of directors, other than the chairman or the director general, having a direct or indirect interest in an enterprise which places his personal interest in conflict with that of the institute shall, on pain of forfeiture of his office, disclose it in writing to the chairman and abstain from taking part in any debate or voting on any decision bearing upon the enterprise in which he has that interest or taking part in any sitting during which his interest is debated.
- Conflict of interest On pain of forfeiture of office, the chairman, the director general and the staff members of the institute shall not have any direct or indirect interest in an enterprise placing their personal interest in conflict with that of the institute. However, forfeiture is not incurred if such an interest devolves to them by succession or gift, provided they renounce or dispose of it with diligence.

DIVISION II

OBJECTS AND POWERS OF THE INSTITUTE

- Objects **16.** The objects of the institute shall be to provide vocational training in the fields of hotel management, restauration and tourism, and to conduct research, supply technical assistance, produce information and provide services in those fields.
- Advance training Vocational training shall include advanced training activities and retraining activities.
- Authorized activities **17.** To achieve its objects, the institute may, among other activities,
 - (1) manage and operate hotel and restaurant establishments for educational purposes;

(2) offer consulting, management and research services in the fields of hotel management, restauration and tourism;

(3) enter into an affiliation agreement with any educational institution of university level, if so authorized by the Minister of Higher Education and Science;

(4) enter into agreements with any person or body and, according to law, with any government other than that of Québec, with a department of such a government, with an international organization or with an agency of such a government or such an organization for the purpose of carrying out the functions of the institute.

Authoriza-
tion of
agreements

Every agreement entered into by the institute and a school board, a general and vocational college or an educational institution governed by the Act respecting private education (R.S.Q., chapter E-9) for the purpose of providing vocational instruction at the secondary or college level in the fields of hotel management, restauration or tourism, requires the authorization of the Minister of Education or the Minister of Higher Education and Science, as the case may be.

Vocational
training
programs

18. The institute may provide the secondary-level vocational training programs for which it has received authorization from the Minister of Education and the college-level vocational training programs for which it has received authorization from the Minister of Higher Education and Science.

Courses

It may also provide the courses for which it issues a certificate.

University-
level
programs

19. The Minister of Higher Education and Science, after consultation with the Conseil des universités established under section 1 of the Act respecting the Conseil des universités (R.S.Q., chapter C-58), may authorize the institute to provide university-level programs on the conditions he determines.

Certificates

20. The Minister of Education, in accordance with the rules he determines, shall award a school leaving certificate to students enrolled in a secondary-level vocational training program.

Certificates

The Minister of Higher Education and Science, in accordance with the rules he determines and on the recommendation of the institute, shall award a school leaving certificate to students having achieved the objectives of the college-level vocational training program in which they are enrolled.

Authoriza-
tion
required

21. The institute, unless so authorized by the Government, shall not

(1) build, acquire, alienate, lease out or otherwise assign an immovable or offer an immovable as security;

(2) make a financial commitment beyond the limits or terms and conditions determined by the Government;

(3) contract a loan which increases the total of its unrepaid borrowings to an amount that exceeds the amount determined by the Government.

Acquisition
of immova-
bles

22. Where the institute acquires an immovable forming part of the public domain, the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39) does not apply.

Directives

23. The institute must comply with any directives which the Minister of Tourism may give to it concerning the aims and policies of the institute, upon their approval by the Government.

Tabling

Every directive of the Minister shall be tabled in the National Assembly within 15 days after its approval by the Government if the Assembly is in session or, if it is not sitting, within 15 days after resumption.

By-laws

24. The institute may adopt by-laws concerning the exercise of its powers and its internal management.

Coming into
force

Any by-law shall come into force on the date of its approval by the Government or on any later date it determines.

DIVISION III

DOCUMENTS, ACCOUNTS AND REPORTS

Binding
documents

25. No deed, document or writing binds the institute unless it is signed by the chairman or the director general or, to such extent as the institute may determine by by-law, by a member of the staff of the institute.

Facsimile

The institute may, by by-law, upon the conditions and on the documents it determines, allow a signature to be affixed by means of an automatic device or allow a facsimile of the signature to be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by a by-law of the institute.

- Authentic documents** **26.** The minutes of the sittings of the board of directors, if approved by the board and signed by the chairman or by any other person authorized to do so by a by-law of the institute, are authentic. The same applies to documents and copies emanating from the institute or forming part of its records when they are signed or certified by an authorized person.
- Fiscal year** **27.** The fiscal year of the institute ends on 30 June each year.
- Financial statements** **28.** Within four months of the end of its fiscal year, the institute shall submit its financial statements and a report of its activities for the previous fiscal year to the Minister of Tourism.
- Content** The financial statements and the report of activities must include all the information required by the Minister.
- Tabling** **29.** The Minister shall table the financial statements and the report before the National Assembly within 30 days of receiving them if the Assembly is sitting or, if it is not sitting, within 30 days after resumption.
- Information** **30.** The institute shall also provide to the Minister any information he may require on its activities.
- Budget estimates** **31.** Each year, the institute shall submit its budget estimates for the next fiscal year to the Minister for approval on the date and in the form and tenor determined by the Minister.
- Audit** **32.** The books and accounts of the institute shall be audited by the Auditor General every year and also whenever so ordered by the Government; the Auditor General, with the approval of the Government, may designate another auditor.
- Reports** The report of the Auditor General or of the auditor designated by him must accompany the report of activities and the financial statements of the institute.

DIVISION IV

FINANCIAL PROVISIONS

- Government guarantees** **33.** The Government may, on such terms and conditions as it may fix,
- (1) guarantee the payment in principal and interest of any amount borrowed by the institute;
 - (2) guarantee the performance of any obligation of the institute;

(3) authorize the Minister of Finance to advance to the institute any amount deemed necessary for the pursuit of its objects.

Consolidated revenue fund

The sums which the Government may be called to pay under the guarantees or to advance to the institute shall be taken out of the consolidated revenue fund.

Payment of obligations

34. The sums received by the institute shall be allocated to the payment of its obligations and, at the request of the Government, the balance shall be paid into the consolidated revenue fund.

DIVISION V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Staff

35. The staff members of the administrative unit of the Ministère du Tourisme called the "Institut de tourisme et d'hôtellerie du Québec" in office on 29 June 1988 become, without other formality, the staff members of the institute.

Movable property

36. The movable property belonging to the Government and used, on 29 June 1988, for the operation of the administrative unit referred to in section 35 becomes the movable property of the institute.

Pending cases

The institute is substituted for the Government in all pending cases concerning movable property of the institute.

Records and documents

37. All records and other documents of the Ministère du Tourisme which relate to the administrative unit referred to in section 35 become the records and documents of the institute.

Party to proceedings

38. The institute or, as the case may be, the chairman of the institute, is substituted for the Government or, as the case may be, for the Minister of Tourism in any proceedings relating to the administrative unit referred to in section 35 and to which the Government or the Minister of Tourism is a party, without continuance of suit.

Party to proceedings

The director general is substituted for the Deputy Minister of Tourism in any proceedings relating to a staff member of the administrative unit referred to in section 35 and to which the Deputy Minister of Tourism is a party.

Rights and obligations

39. The institute acquires the rights and shall assume the obligations of the administrative unit referred to in section 35.

Master's
program

40. Notwithstanding section 19, the institute may continue to provide, until 31 May 1991, the program called "Programme de maîtrise des sciences et techniques du tourisme" as it is provided on 29 June 1988 by the administrative unit referred to in section 35.

Appropriations

41. The appropriations granted in 1988-89 to the Ministère du Tourisme for the Institut de tourisme et d'hôtellerie du Québec shall be transferred to the institute to the extent determined by the Government.

Sums
required

Any additional sums required for the carrying out of this Act for the fiscal year 1988-89 shall, to the extent determined by the Government, be taken out of the consolidated revenue fund.

Minister
responsible

42. The Minister of Tourism is responsible for the administration of this Act.

Coming into
force

43. This Act comes into force on 30 June 1988.