



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 111

An Act to amend the Act respecting the Ministère de l'Éducation

Introduction

**Introduced by
Madam Lucienne Robillard
Minister of Education and Minister of Higher Education
and Science**

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EXPLANATORY NOTES

This bill assigns to the Minister of Education the functions and powers of the Minister of Higher Education and Science in the fields of university, college or postsecondary education and in the fields of research and scientific development. From now on, the Ministère de l'Éducation will be known as the "Ministère de l'Éducation et de la Science".

In addition, the bill ensures concordance with various other legislative provisions and proposes transitional provisions.

ACTS AMENDED BY THIS BILL:

- Health Insurance Act (R.S.Q., chapter A-29);
- Charter of the French language (R.S.Q., chapter C-11);
- Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);
- Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- 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);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Institut de tourisme et d'hôtellerie du Québec (R.S.Q., chapter I-13.02);
- Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);

- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5);
- Act respecting the Société québécoise de développement de la main-d'oeuvre (1992, chapter 44);
- Act respecting private education (1992, chapter 68);
- Act respecting the reduction of personnel in public bodies and the accountability of deputy ministers and chief executive officers of public bodies (1993, chapter 35);
- Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37).

ACT REPEALED BY THIS BILL:

- Act respecting the Ministère de l'Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1).

Bill 111

An Act to amend the Act respecting the Ministère de l'Éducation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is replaced by the following title:

**“An Act respecting the Ministère de l'Éducation
et de la Science”.**

2. The preamble to the said Act is amended by inserting the words “et de la Science” after the word “Éducation” in the second line of the fourth paragraph.

3. Section 1 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line and by inserting the words “et de la Science” after the word “Éducation” in the third line.

4. Section 1.1 of the said Act is replaced by the following section:

“1.1 The Minister shall perform his duties in the fields of preschool, elementary and secondary education and in the fields of university and college or postsecondary education, except a field of education within the competence of another minister.

In addition, his duties shall extend to and include the fields of research and scientific development.”

5. Section 1.2 of the said Act is replaced by the following section:

“1.2 The Minister shall devise policies relating to the fields within his competence and propose them to the Government, with a view to, in particular,

(1) promoting education;

(2) contributing, by promotion, development and support in those fields, to raising the level of scientific, cultural and professional achievement for the population of Québec and its individual members;

(3) furthering access to the higher forms of learning and culture for any person who wishes to have access thereto and has the necessary ability;

(4) contributing to the harmonization of the orientations and activities of his department with general government policy and with economic, social and cultural needs.

The Minister shall be in charge of and coordinate the implementation of the policies.

He shall also be responsible for the administration of the Acts assigned to him.”

6. Section 1.3 of the said Act is replaced by the following section:

“1.3 For the carrying out of his duties, the Minister may, in particular,

(1) provide the services he considers necessary to any person, group or body;

(2) grant financial assistance out of the sums put at his disposal for that purpose, subject to the conditions he sees fit;

(3) contribute to the development of educational or research institutions;

(4) advise the Government, departments and agencies and, where necessary, make recommendations to them;

(5) participate, with the ministers concerned and within the scope of the policy on Canadian intergovernmental affairs and the policy on international affairs, in devising and implementing programs of external cooperation in sectors in which exchanges further the development of the fields within his competence;

(6) cooperate in the application of section 24 of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) and section 3.12 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) for any matter relating to the fields within his competence;

(7) obtain the necessary information from departments and agencies;

(8) compile, analyze and publish available information.”

7. Section 2 of the said Act is replaced by the following section:

“**2.** In the fields within his competence, the duties of the Minister shall include, more particularly,

(1) adopting measures designed to contribute to the training and development of individuals;

(2) ensuring the development of educational institutions and overseeing the quality of the educational services provided by those institutions;

(3) encouraging consultation and cooperation between departments and agencies and interested persons;

(4) encouraging and coordinating the development and diffusion of information, including scientific information and scientific and technological culture;

(5) promoting the analysis, assessment and control of the impacts of scientific and technological development on individuals and on society;

(6) in cooperation with the ministers concerned, evaluating the science-related programs of departments and agencies.”

8. Section 3 of the said Act is amended by replacing the words “cause such studies and investigations to be made” in the first and second lines by the words “carry out or cause to be carried out such studies and investigations”.

9. Section 4 of the said Act is replaced by the following section:

“**4.** The Minister shall table in the National Assembly a report of the activities of the department for each fiscal year within six months of the end of the fiscal year or, if the Assembly is not sitting, within thirty days of resumption.”

10. Section 5 of the said Act, amended by section 148 of chapter 68 of the statutes of 1992, is again amended by inserting the words “, administer and operate, alone or jointly with others,” after the word “establish” in the second line of the first paragraph.

11. The said Act is amended by inserting, after section 5, the following section:

“5.1 The Government may, by letters patent under the Great Seal, constitute legal persons for the development of research and technology.

The Minister shall table in the National Assembly an order authorizing the issue of letters patent referred to in the first paragraph within thirty days of making the order or, if the Assembly is not sitting, within thirty days of resumption.

Within ninety days of the day on which the order is tabled, the competent standing committee of the National Assembly shall be convened for consideration of the order.

The name of a legal person and its organization, the appointment of its members and their terms of office, remuneration, social benefits and other conditions of employment shall be determined by the Government.

Notice of the constitution of such a legal person shall be published in the *Gazette officielle du Québec*.”

12. Section 7 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line.

13. The said Act is amended by inserting, after section 8, the following section:

“8.1 The Deputy Minister may, in writing and to the extent he indicates, delegate the exercise of his duties under this Act to a public servant or to the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the duties he indicates; where that is the case, he shall identify the holder of a position or the public servant to whom such duties may be subdelegated.”

14. Section 12.1 of the said Act is amended by striking out the words “of Education” in the second line of the first paragraph.

15. Section 13.3 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line of paragraph 3.

16. Section 13.4 of the said Act is amended by inserting the words “and Science” after the word “Education” in the fourth line of the second paragraph.

CONCORDANCE AMENDMENTS

17. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 6 of chapter 19 of the statutes of 1992 and by section 108 of chapter 21 of the statutes of 1992, is again amended by striking out the words “, the Ministère de l’Enseignement supérieur” in the tenth and eleventh lines of the fourth paragraph.

18. Section 118 of the Charter of the French language (R.S.Q., chapter C-11) is amended by striking out the words “or by the Minister of Higher Education” in the sixth and seventh lines.

19. Section 128 of the said Charter is amended by striking out the words “or by the Minister of Higher Education” in the seventh line.

20. Section 7 of the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59) is amended by striking out the words “, the Deputy Minister of Higher Education” in the second line of the third paragraph.

21. The preamble to the Act respecting the Conseil supérieur de l’éducation (R.S.Q., chapter C-60) is amended by striking out the words “and the Minister of Higher Education” in the second and third lines of the fourth paragraph.

22. Section 4 of the said Act, amended by section 29 of chapter 26 of the statutes of 1993, is again amended by striking out the words “, after consultation with the Minister of Higher Education” in the second and third lines of the second paragraph.

23. Section 7 of the said Act, amended by section 30 of chapter 26 of the statutes of 1993, is again amended

(1) by inserting the words “and Science” after the word “Education” in the first line of the first paragraph;

(2) by striking out the second sentence of the first paragraph.

24. Section 9 of the said Act, amended by section 31 of chapter 26 of the statutes of 1993, is again amended

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

“(a) give its opinion to the Minister of Education and Science on the regulations or draft regulations that the Minister is required to submit to the Council;”;

(2) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) give its opinion to the Minister of Education and Science on any matter within his competence that he submits to it, in particular as regards the creation of any new general and vocational college or any new university-level educational institution;”;

(3) by striking out the words “and to the Minister of Higher Education” in the first and second lines of subparagraph *c* of the first paragraph;

(4) by inserting the words “and Science” after the word “Education” in the first line of the second paragraph.

25. Section 10 of the said Act is amended by replacing paragraph *b* by the following paragraph:

“(b) make recommendations to the Minister of Education and Science on any matter within his competence relating to education;”.

26. Section 14.1 of the said Act, enacted by section 32 of chapter 26 of the statutes of 1993, is amended by inserting the words “and Science” after the word “Education” in the third line of the first paragraph.

27. Section 19 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line of the first paragraph.

28. Section 22 of the said Act is amended by replacing the words “, the Minister of Education or the Minister of Higher Education” in the first and second lines of subparagraph *g* of the first paragraph by the words “and to the Minister of Education”.

29. Section 23 of the said Act is amended by inserting the words “and Science” after the word “Education” in the second line of paragraph *a*.

30. Section 30 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line of the first paragraph.

31. Section 30.1 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line.

32. Section 6 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended by replacing the fourth paragraph by the following paragraphs:

“Four other members shall be public servants designated in the following manner:

- (1) one by the Minister of Culture;
- (2) two by the Minister of Education and Science;
- (3) one by the Minister of Communications.

The members designated under the fourth paragraph shall take part in the deliberations but are not entitled to vote.”

33. The first paragraph of section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended

- (1) by inserting the words “and Science” after the word “Education” in paragraph 18;
- (2) by striking out paragraph 28.

34. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by striking out the words “, the Deputy Minister of Higher Education” in the second line.

35. Section 1029.8.22 of the Taxation Act (R.S.Q., chapter I-3), amended by section 174 of chapter 1 of the statutes of 1992, by section 64 of chapter 44 of the statutes of 1992 and by section 142 of chapter 68 of the statutes of 1992, is again amended in the definition of “recognized educational institution”

- (1) by adding the words “and Science” at the end of paragraph *a*;
- (2) by striking out the word “Higher” in the second line of paragraph *c*;

(3) by striking out the words “or the Minister of Higher Education” in the second and third lines of paragraph *d*.

36. Section 5 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (R.S.Q., chapter I-13.02) is amended by replacing the second paragraph by the following paragraph:

“One 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 Science.”

37. Section 17 of the said Act is amended

(1) by striking out the word “Higher” in the third line of subparagraph 3 of the first paragraph;

(2) by replacing the words “or the Minister of Higher Education and Science, as the case may be” in the sixth and seventh lines of the second paragraph by the words “and Science”.

38. Section 18 of the said Act, amended by section 38 of chapter 26 of the statutes of 1993, is again amended by replacing the first paragraph by the following paragraph:

“**18.** The institute may provide the secondary school vocational training programs and the college-level technical studies programs which have been authorized by the Minister of Education and Science.”

39. Section 19 of the said Act, amended by section 39 of chapter 26 of the statutes of 1993, is again amended by striking out the word “Higher” in the first line.

40. Section 20 of the said Act, amended by section 40 of chapter 26 of the statutes of 1993, is again amended by inserting the words “and Science” after the word “Education” in the first line of the first paragraph.

41. The Act respecting the Ministère de l’Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1) is repealed.

42. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended

(1) by inserting the words “et de la Science” after the word “Éducation” in the first line of paragraph 17 and by inserting the

words “and Science” after the word “Education” in the second line of the same paragraph;

(2) by striking out paragraph 26.

43. Section 3 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by striking out the words “or the Ministère de l’Enseignement supérieur” in the third and fourth lines of paragraph 5.

44. Section 9 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended

(1) by striking out the words “, the Minister of Higher Education and Science” in the first and second lines;

(2) by inserting the words “and Science” after the word “Education” in the third line.

45. Section 23 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by striking out the words “, the Minister of Higher Education” in the second and third lines of paragraph *e*.

46. Section 31 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by striking out the words “, or as the case may be, the Minister of Higher Education” in the second and third lines of the first paragraph;

(2) by striking out the words “or, as the case may be, the Minister of Higher Education” in the sixth and seventh lines of the second paragraph.

47. Section 33 of the said Act is amended by striking out the words “or, as the case may be, to the Minister of Higher Education” in the second and third lines.

48. Section 35 of the said Act is amended by inserting the words “and Science” after the word “Education” in the second line of the second paragraph.

49. Section 43 of the said Act is amended

(1) by striking out the words “the Minister of Higher Education and Science and” in the first and second lines;

(2) by inserting the words “and Science” after the word “Education” in the second line.

50. Section 167 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended

(1) by striking out the words “, or the Minister of Higher Education” in the first and second lines of paragraph 13;

(2) by striking out the words “or the Minister of Higher Education” in the first and second lines of paragraph 14.

51. Section 88 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by striking out the word “Higher” in the first line.

52. Section 89 of the said Act, replaced by section 7 of chapter 21 of the statutes of 1992, is amended by striking out the word “Higher” in the first line.

53. Section 90 of the said Act is amended by striking out the word “Higher” in the first line.

54. Section 91 of the said Act is amended by striking out the word “Higher” in the first line.

55. Section 110 of the said Act is amended

(1) by striking out the words “or the Minister of Higher Education” in the third and fourth lines of the second paragraph;

(2) by replacing the words “or the Minister of Higher Education and Science, according to their respective fields of competence” in the fourth, fifth and sixth lines of the third paragraph by the words “and Science”.

56. Section 125 of the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5) is amended by striking out the words “or the Minister of Higher Education” in the fourth and fifth lines and in the eighth line of the first paragraph.

57. Section 5 of the Act respecting the Société québécoise de développement de la main-d’œuvre (1992, chapter 44) is amended by replacing the words “the ministers concerned” in the fourth line of paragraph 3 of the second paragraph by the words “the Minister of Education and Science”.

58. Section 1 of the Act respecting private education (1992, chapter 68), amended by section 26 of chapter 25 of the statutes of 1993, is again amended by inserting the words “and Science” after the word “Education” in the third line of paragraph 4.

59. Section 5 of the said Act is repealed.

60. Section 50 of the said Act is amended by replacing the words “Minister of Education” wherever they appear by the words “Minister of Education and Science”.

61. Section 91 of the said Act is amended by inserting the words “and Science” after the word “Education” in the sixth line of the first paragraph.

62. Section 96 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“**96.** The Commission shall be composed of nine members, including the chairman, appointed by the Government on the recommendation of the Minister of Education and Science.

Five members, of whom at least three shall be chosen from a list of at least six candidates proposed by the groups referred to in the fourth paragraph, shall represent the field of preschool, elementary and secondary education.

Three members, of whom at least two shall be chosen from a list of at least six candidates proposed by the groups referred to in the fourth paragraph, shall represent the field of college education.”;

(2) by striking out the words “responsible for making the recommendation” in the second line of the second paragraph.

63. Section 104 of the said Act is replaced by the following section:

“**104.** The principal function of the Commission is to advise the Minister of Education and Science on any matter coming under his jurisdiction in the field of private education governed by this Act.”

64. Section 105 of the said Act is amended by replacing the words “or the Minister of Higher Education and Science on any matter they submit” in the first, second and third lines of the first paragraph by the words “and Science on any matter he submits”.

65. Section 107 of the said Act is amended by striking out the words “or the Minister of Higher Education” in the second and third lines of paragraph 1.

66. Section 109 of the said Act is amended

(1) by striking out the words “and to the Minister of Higher Education” in the second line of the first paragraph;

(2) by striking out the words “or the Minister of Higher Education” in the second line of paragraph 3 of the second paragraph.

67. Section 110 of the said Act is amended by inserting the words “and Science” after the word “Education” in the first line.

68. Section 174 of the said Act is replaced by the following section:

“**174.** Except sections 62, 91, 92 and 127, which are under the administration of the Minister of Transport, the Minister of Education and Science is responsible for the administration of this Act.”

69. Section 4 of the Act respecting the reduction of personnel in public bodies and the accountability of deputy ministers and chief executive officers of public bodies (1993, chapter 35) is amended by striking out the words “and the Minister of Higher Education” in the second line of the first paragraph.

70. Section 6 of the said Act is amended by striking out the word “Higher” wherever it appears.

71. Section 23 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37) is amended by striking out the words “, the Minister of Higher Education” in the seventh and eighth lines of the second paragraph.

72. In any other Act and in any regulation, order in council, proclamation, order, contract, agreement or other document, any reference to the Minister and Deputy Minister of Education or of Higher Education and Science is, unless the context indicates otherwise, a reference to the Minister and Deputy Minister of Education and Science, and any reference to the Ministère de l'Éducation or to the Ministère de l'Enseignement supérieur et de la Science is, unless the context indicates otherwise, a reference to the Ministère de l'Éducation et de la Science.

73. In any Act, regulation, order in council, proclamation, order, contract, agreement or other document, any reference to the Act respecting the Ministère de l'Enseignement supérieur et de la Science (R.S.Q., chapter M-15.1.1) or to one of its provisions is, unless the context indicates otherwise, a reference to the Act respecting the Ministère de l'Éducation et de la Science (R.S.Q., chapter M-15) or to the corresponding provision of that Act.

TRANSITIONAL AND FINAL PROVISIONS

74. The employees of the Ministère de l'Enseignement supérieur et de la Science become the employees of the Ministère de l'Éducation et de la Science without other formality.

75. The records and other documents of the Ministère de l'Enseignement supérieur et de la Science become the records and other documents of the Ministère de l'Éducation et de la Science.

76. Matters pending at the Ministère de l'Enseignement supérieur et de la Science are continued and decided by the Minister of Education and Science, except in the cases where the Government decides otherwise.

77. Proceedings in which the Minister of Higher Education and Science, the Deputy Minister of Higher Education and Science or any public servant of the Ministère de l'Enseignement supérieur et de la Science is a party are continued, without continuance of suit, by the Minister of Education and Science or, if the Government decides otherwise, by another person designated by the Government.

78. The Minister of Education and Science is authorized to use any document or means of identification already prepared in the name of the Minister of Education or the Minister of Higher Education and Science or in the name of the Ministère de l'Éducation or the Ministère de l'Enseignement supérieur et de la Science until he replaces them by documents or means of identification prepared in his name.

79. The regulations, orders or ordinances made by the Minister of Higher Education and Science and in force on (*insert here the date of coming into force of this Act*) remain in force until they are replaced or repealed.

Every act performed before (*insert here the date of coming into force of this Act*) by the Minister of Higher Education and Science under a provision that is replaced or repealed by this Act retains its effect and is deemed to have been performed by the Minister of

Education and Science under a corresponding provision enacted by this Act.

80. The balance of the appropriations granted to the Ministère de l'Enseignement supérieur et de la Science for the fiscal year in progress on (*insert here the date of coming into force of this Act*) is transferred to the Ministère de l'Éducation et de la Science.

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