



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 58

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

Introduction

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**Introduced by
Mr Claude Ryan
Minister of Education**

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EXPLANATORY NOTES

This bill amends the Act respecting the Ministère de l'Éducation and provides for the establishment of the distance education fund. It confers on the Minister of Education the power to provide, in return for payment,

(1) services relating to distance education to any person or body, in fields within his competence;

(2) the same services to any person or body, at the request of another minister in fields within the competence of that other minister.

The fund will serve to meet the costs of services related to distance education provided by the Minister of Education.

The bill also provides for the management, funding and operation of the fund.

Bill 58

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15) is amended by inserting, after section 3, the following section:

“3.1 In fields within his competence, the Minister may, in return for payment, provide services relating to distance education to any person or body.

Notwithstanding section 1.1, the Minister may, at the request of another minister and in return for payment, provide the same services to any person or body in fields within the competence of that other minister.”

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

“13.1 A fund called “distance education fund” is hereby established at the department for the purpose of financing goods and services related to distance education.

“13.2 The Government shall determine the date on which the fund begins to operate, the assets and liabilities to be posted, the nature of the goods and services to be financed by and the costs to be charged to the fund.

“13.3 The fund shall be constituted of the following sums except interest:

(1) the sums received for goods and services financed by the fund;

(2) the advances granted by the Minister of Finance under the first paragraph of section 13.5;

(3) the sums paid by the Minister of Education out of the appropriations allocated for that purpose by Parliament.

“13.4 The sums paid into the fund shall be managed by the Minister of Finance. They shall be credited to him and deposited with the financial institutions he determines.

Notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), the books of account for the fund and the recording of the financial commitments chargeable to the fund shall be kept by the Minister of Education. He shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply with them.

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

The Minister 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 fund that is not required for its operation.

Any advance paid into the fund shall be repayable out of that fund.]]

“13.6 The sums necessary for the payment of 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 the fund shall be taken out of the fund.

“13.7 The surpluses accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

“13.8 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 fund.

“13.9 The fiscal year of the fund ends on 31 March.

“13.10 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 fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.”

3. The appropriations allocated to the Ministère de l'Éducation for the financing of the goods and services related to distance education for the first fiscal year of the fund shall be transferred to the departments and public bodies which are the recipients of the goods and services, on the date on which the fund begins to operate, to the extent determined by the Government.

The same rule applies in respect of the appropriations allocated to the Office des ressources humaines for the payment of the employer's contributions for the first fiscal year of the fund.

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