



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 68

**An Act respecting the Ministère des
Approvisionnement et Services
and amending various legislation**

Introduction



**Introduced by
Mr Gilles Rocheleau
Minister for Supply and Services**

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EXPLANATORY NOTES

This bill provides for the establishment and organization of the Ministère des Approvisionnement et Services.

It specially provides that the Minister of Supply and Services will be responsible for devising and proposing to the Government policies relating to the acquisition and provision of property and services for all the departments and all the government agencies designated by the Government; the Minister will see to the administration of the policies and coordinate their implementation, and will have the power to make regulations for those purposes.

A further duty of the Minister of Supply and Services will be to determine, jointly with the departments and the designated government agencies, the needs of these departments and agencies as regards immovables and ensure that suitable measures are taken to meet those needs.

The Minister will also obtain an inventory from the departments and agencies of the property and services at their disposition.

This bill amends the Act respecting the Service des achats du gouvernement in such wise that henceforth the purchasing service will be integrated with the Ministère des Approvisionnement et Services.

ACTS AMENDED BY THIS BILL

- (1) the Executive Power Act (R.S.Q., chapter E-18);
- (2) the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- (3) the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1);
- (4) the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);

(5) the Government Departments Act (R.S.Q., chapter M-34);

(6) the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1);

(7) the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4);

(8) the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1).

Bill 68

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère des Approvisionnements et Services is under the direction of the Minister of Supply and Services appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of Supply and Services.

3. Under the direction of the Minister, the Deputy Minister shall administer the department.

He shall, in addition, perform any other duties assigned to him by the Government or the Minister.

4. In the performance of his duties, the Deputy Minister has the authority of the Minister.

5. The Deputy Minister may in writing and to the extent he indicates delegate the performance of his duties contemplated by this Act to a public servant or the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of the duties he indicates, and in that case shall name the title of the holder of the position or the public servant to whom they may be subdelegated.

6. The staff of the department shall consist of the public servants required for the performance of the duties of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants where these are not determined by law or by the Government.

CHAPTER II

DUTIES AND POWERS OF THE MINISTER

7. The Minister shall devise and propose to the Government policies relating to the acquisition and provision of property or services for the departments and the government agencies designated by the Government.

He shall see to the administration of the policies and coordinate their implementation, and may make regulations for those purposes. The regulations are subject to approval by the Government and come into force fifteen days after their date of publication in the *Gazette officielle du Québec* or on any later date indicated in the regulations.

The Minister shall also be responsible for the administration of the Acts assigned to him.

8. The duties and powers of the Minister shall be, more particularly, to

(1) determine, jointly with the departments and with the government agencies designated by the Government, the needs of such departments and agencies as regards immovables, and ensure that suitable measures are taken to meet those needs;

(2) obtain an inventory of the property and services at the disposition of the departments and the government agencies designated by the Government;

(3) take the necessary measures to obtain the best quality/cost ratio on the purchase or supply of property and services;

(4) carry out studies or investigations in the fields within his competence or cause them to be carried out;

(5) perform other duties assigned to him by the Government.

9. For the purposes of this Act, the Lieutenant-Governor, the National Assembly, bodies whose members are appointed by the National Assembly and any person designated by the National Assembly to perform a duty under its authority, together with the staff under that person's direction, are considered government agencies.

10. The Minister may, for the performance of his duties, enter into an agreement according to law with any government other than that of Québec, any department of such a government, any international organization or any agency of such a government or organization.

11. The Minister shall table in the National Assembly a report of the activities of the Ministère des Approvisionnements et Services for each fiscal year within six months after the end of the year if the Assembly is sitting or, if it is not sitting, within thirty days after the opening of the next session or resumption.

CHAPTER III

DOCUMENTS OF THE DEPARTMENT

12. The signature of the Minister or of the Deputy Minister gives effect to any document emanating from the department.

13. No deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister or by a member of the staff of the department and only, in the case of such a member, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

14. The Government, by regulation published in the *Gazette officielle du Québec*, may, on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines.

The Government may similarly allow a facsimile of the signature to be engraved, lithographed or printed on the documents it determines. The facsimile must be countersigned by a person authorized by the Minister.

15. Any document or copy of a document emanating from the department or forming part of its records, signed or certified by a person referred to in section 13, is authentic.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

16. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 97 of chapter 21 of the statutes of 1985, is again amended by adding, at the end of the first paragraph, the following subparagraph:

“(30) A Minister of Supply and Services.”

17. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), replaced by section 64 of chapter 21 of the statutes of 1985, is again replaced by the following section:

“**7.** The Deputy Minister of Health and Social Services, the Deputy Minister of Education, the Deputy Minister of Higher Education and Science, the Deputy Minister of Industry and Commerce, the Deputy Minister of Tourism, the Deputy Minister of Labour, the Deputy Minister of Manpower and Income Security, the Deputy Minister of Justice, the Deputy Minister of Municipal Affairs, the Deputy Minister of Supply and Services, the Deputy Minister of Transport, the Deputy Minister of Communications, the Deputy Minister of Recreation, Fish and Game or their representatives are also, *ex officio*, members of the Office but they do not vote.”

18. Section 28 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1) is amended by inserting, after the word “notwithstanding” in the first line of the first paragraph, the following: “paragraph 1 of section 8 of the Act respecting the Ministère des Approvisionnement et Services (chapter *insert here the alphanumerical designation of the said Act*) and”.

19. Section 3.17 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by inserting, after the word “Notwithstanding” in the first line of the first paragraph, the following: “paragraph 1 of section 8 of the Act respecting the Ministère des Approvisionnement et Services (chapter *insert here the alphanumerical designation of the said Act*) and”.

20. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 97 of chapter 21 of the statutes of 1985, is again amended by adding, at the end, the following paragraph:

“(28) The Ministère des Approvisionnement et Services, presided over by the Minister of Supply and Services.”

21. Section 1 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended by replacing the word “Justice” in paragraph *c* by the words “Supply and Services”.

22. Section 59 of the said Act is amended by replacing the word “Justice” in the first line by the words “Supply and Services”.

23. Section 1 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is amended by replacing paragraph *a* by the following paragraph:

“(a) “Minister” designates the Minister of Supply and Services;”.

24. Section 2 of the said Act is amended by adding, after the word “established” the words “within the Ministère des Approvisionnements et Services”.

25. Section 10 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1) is amended by replacing the words “and policies” in the fourth line of the first paragraph by the words “policies and the directives referred to in section 38”.

26. Section 45 of the said Act is replaced by the following section:

“**45.** The corporation, within twenty-one days after the end of each month, shall make a detailed report of its operations for the month to the Minister. The report must, in particular, indicate every contract of purchase, sale or lease of immovable or movable property entered into by the corporation, every construction contract entered into by the corporation, and any additional information the Minister may require.”

27. The following become the staff of the Ministère des Approvisionnements et Services:

- (1) the staff of the Service des achats du gouvernement;
- (2) the staff of the Société immobilière du Québec designated by the Government.

The Public Service Act applies to the staff referred to in subparagraph 2 of the first paragraph according to the terms and conditions determined by the Government.

[[**28.** The appropriations granted to the Conseil du trésor, to the Minister for Supply and Services or to a department in respect of the

matters devolved upon the Minister of Supply and Services are transferred to the Ministère des Approvisionnements et Services, according as the Government may determine.

The other sums required for the administration of this Act are taken, for the fiscal year 1986-87, out of the consolidated revenue fund, to the extent determined by the Government.]]

29. This Act comes into force on the date fixed by the Government.