

NATIONAL ASSEMBLY

FIFTH SESSION

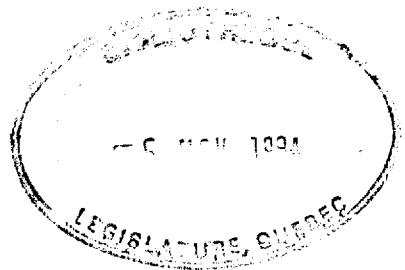
THIRTY-SECOND LEGISLATURE

Bill 4

An Act respecting the Ministère des Affaires municipales

Introduction

**Introduced by
Mr Alain Marcoux
Minister of Municipal Affairs**



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EXPLANATORY NOTES

The object of this bill is to replace the existing Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22), which is obsolescent.

To take account of developments in governmental administration, the bill introduces or reframes provisions dealing with the functions and powers of the Minister, especially those regarding the municipalities, or dealing with the powers of the Deputy Minister, the validity and probative force of departmental documents, the appointment of public servants to the department, and the visitation of municipal offices by departmental public servants.

Lastly, the bill amends the Fire Prevention Act (R.S.Q., chapter P-23) in order to vest certain powers in the Minister which, under the existing provisions, are powers of the Director General of Fire Prevention, who is himself an officer of the Ministère des Affaires municipales.

Bill 4

An Act respecting the Ministère des Affaires municipales

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère des Affaires municipales is under the direction of the Minister of Municipal Affairs appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The Government, in accordance with the Public Service Act (1983, chapter 55), shall appoint a person as Deputy Minister of Municipal Affairs.

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

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

4. In the discharge 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 exercise of powers vested in him by this Act to a public servant or the holder of a position.

In the deed of delegation, the Deputy Minister may authorize the subdelegation of the powers he indicates; in such a case, he shall identify the holder of a position or the public servant to whom the power may be subdelegated.

6. The staff of the department consists of the public servants required for the discharge of the Minister's duties; they are appointed and remunerated in accordance with the Public Service Act.

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

DIVISION II

DUTIES AND POWERS OF THE MINISTER

7. The Minister shall see to the good administration of the municipal system in the interest of the municipalities and their citizens.

The Minister shall, in particular,

(1) see to the organization and maintenance of municipal institutions where justified by the population;

(2) promote the exercise of democratic procedure in municipalities, particularly by fostering participation in municipal institutions;

(3) ascertain that the municipal administration is providing sound management of public moneys and, within the limits of its competence, is seeing to the welfare of persons under its jurisdiction;

(4) supervise the administration and enforcement of the Acts respecting the municipal system;

(5) assist and support the municipalities in the discharge of their duties;

(6) advise the Government, other departments and public bodies, and, as the need arises, make recommendations to them on any matter regarding their activities where these affect municipal affairs;

(7) promote fire prevention within the scope of the Fire Prevention Act (R.S.Q., chapter P-23);

(8) conduct or commission research, surveys or analyses in municipal affairs.

8. The Minister shall devise policies on the activities of the department and propose them to the Government. He shall supervise and coordinate their execution.

9. The Minister may, in the discharge of his duties,

(1) obtain from the departments and from governmental or municipal bodies any available information necessary for the discharge of his duties;

(2) enter into an agreement according to law with any government other than that of Québec, any Minister of such a government, any international organization or any agency of such a government or organization, in order to carry out his functions.

10. The Minister shall table in the National Assembly a report of the activities of the department for each fiscal period.

The report shall be tabled within six months after the end of the fiscal period if the Assembly is in session or, if it is not sitting, within thirty days after the opening of the next session or after resumption.

11. The Minister may give his opinion or make recommendations to a municipal council on any aspect of the administration of the municipality.

12. Opinions or recommendations contemplated in section 11 shall be sent to the mayor and to the secretary-treasurer or clerk of the municipality by registered or certified mail. The mayor and the secretary-treasurer or clerk shall refer them to the council at its next sitting following receipt of the letter.

If the Minister so orders in his letter, the secretary-treasurer or clerk shall publish the letter or, where such is the case, a summary provided by the Minister, in the manner prescribed for the publication of notices by the municipality.

13. The Minister, following an investigation under subsection 1 of section 22 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), may give instructions to the council of the municipality that was the object of the investigation. The council shall comply with the instructions and take the measures prescribed by the Minister.

Section 12 applies, adapted as required, to the Minister's instructions.

14. Any public servant of the department designated in writing by the Minister may visit the office of a municipality to ascertain that the Acts under the administration of the Minister are being properly enforced.

The designation contemplated in the first paragraph may be in respect of all municipalities or envisage only one or a certain group of them. It may be valid for a specified period or until revoked.

Following a visit described in the first paragraph, the public servant shall make a report to the Minister if he deems it expedient or the Minister requests it.

15. Where justified in the public interest, the Minister may, in writing, require a public servant of the department to inquire into the conduct of an officer or employee of a municipality.

16. A public servant designated in accordance with section 14 or section 15 shall, at the request of a member of the council or of an officer or employee of the visited municipality, produce proof of his designation.

DIVISION III

DEPARTMENTAL DOCUMENTS

17. Any document bearing the signature of the Minister or the Deputy Minister is binding on the Minister.

The signature of a document by a public servant is not binding on the Minister and is attributable to the Minister only in the cases determined by regulation of the Government published in the *Gazette officielle du Québec*.

18. 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 also 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.

19. Any copy of a document forming part of the records of the department, certified by the Minister, the Deputy Minister or a person designated in writing by the Minister, is authentic.

DIVISION IV

AUDITORS OF MUNICIPALITIES

20. Every member of a professional corporation of accountants mentioned in the Professional Code (R.S.Q., chapter C-26) may act as auditor to a municipality.

DIVISION V

FINAL PROVISIONS

21. This Act replaces the Act respecting the Ministère des Affaires municipales (R.S.Q., chapter M-22).

22. Sections 1 and 2 of the Fire Prevention Act (R.S.Q., chapter P-23) are repealed.

23. Section 3 of the said Act is amended

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

“**3.** The Minister of Municipal Affairs is responsible for fire prevention in Québec.”;

(2) by striking out the words “or employee of his service” in the second line of the second paragraph.

24. Section 4 of the said Act is amended

(1) by replacing the first two lines of the first paragraph by the following:

“**4.** The Minister, by regulation, may,”;

(2) by replacing the words “the Director General” in the second line of subparagraph *e* of the first paragraph by the word “he”.

25. Section 5 of the said Act is amended by replacing the words “notice as soon as possible of such fire or explosion to the Director General” in the fifth and sixth lines by the words “notice of such fire or explosion to the Minister as soon as possible”.

26. Section 6 of the said Act is amended

(1) by replacing the words “Director General” in the first line of the first paragraph by the word “Minister”;

(2) by replacing the words “Director General” in the first line of the second paragraph by the word “Minister”.

27. Section 7 of the said Act is amended by replacing the words “Director General” in the first line of the first paragraph by the word “Minister”.

28. Section 8 of the said Act is amended

(1) by replacing the word “Director” in the sixth line of the first paragraph by the word “Attorney”;

(2) by replacing the words “Director General” by the word “Minister”

(a) in the eleventh and twelfth lines of the first paragraph;

(b) in the second line of the second paragraph;

(c) in the third line of the third paragraph;

(3) by replacing the words “the Director General” by the words “the latter”

(a) in the third line of the second paragraph;

(b) in the fourth line of the third paragraph.

29. Section 9 of the said Act is amended by striking out the second paragraph.

30. Section 10 of the said Act is amended by striking out the words “of Municipal Affairs” in the first line.

31. Any regulation or order in force on 31 December 1984 and made under a provision replaced by this Act remains in force until it is replaced or repealed, to the extent to which it is consistent with this Act.

32. Persons appointed under section 7 of the Act replaced by this Act remain in the positions they hold on 31 December 1984 in accordance with the Public Service Act.

33. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

34. This Act comes into force on 1 January 1985.