



NATIONAL ASSEMBLY

FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 14

An Act respecting the Ministère du Tourisme and amending other legislation

Introduction



**Introduced by
Mr Marcel Léger
Minister for Tourism**

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EXPLANATORY NOTES

The object of this bill is to provide for the establishment and organization of a tourism department.

The bill provides that the Minister of Tourism will be responsible for establishing policies in matters of tourism and proposing those policies to the Government. The Minister will have charge of implementing the policies in cooperation with the departments and agencies concerned, in particular by guiding and coordinating the execution of government policies on tourism.

The Minister will also be responsible for granting assistance to the tourist industry by means of assistance programs and services. He will be responsible for the dissemination of touristic information.

The bill significantly amends the Act respecting the Ministère de l'Industrie et du Commerce, replacing Division I to make it consistent with the Public Service Act and clarifying and updating the mandate of that department.

ACTS AMENDED BY THIS BILL

- (1) The Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);
- (2) The Act respecting the Conseil d'artisanat (R.S.Q., chapter C-56);
- (3) The Cooperatives Act (R.S.Q., chapter C-67.2);
- (4) The Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14);
- (5) The Executive Power Act (R.S.Q., chapter E-18);
- (6) The Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- (7) The Act respecting the Ministère de l'Industrie, du Commerce et du Tourisme (R.S.Q., chapter M-17);

- (8) The Government Departments Act (R.S.Q., chapter M-34);
- (9) The Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01);
- (10) The Hotels Act (R.S.Q., chapter H-3);
- (11) The Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1);
- (12) The Act respecting the Agence québécoise de valorisation industrielle de la recherche (R.S.Q., chapter A-7.1);
- (13) The Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- (14) The Savings and Credit Unions Act (R.S.Q., chapter C-4);
- (15) The Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8);
- (16) The Act to promote industrial development by means of fiscal advantages (R.S.Q., chapter D-9);
- (17) The Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- (18) The Act respecting commercial establishments business hours (R.S.Q., chapter H-2);
- (19) The Taxation Act (R.S.Q., chapter I-3);
- (20) The Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- (21) The Act respecting the Institut national de productivité (R.S.Q., chapter I-13.1);
- (22) The Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);
- (23) The Act to authorize the municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39);
- (24) The Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- (25) The Act respecting the Société du parc industriel du centre du Québec (R.S.Q., chapter S-15);
- (26) The Act respecting the Société du parc industriel et commercial aéroportuaire de Mirabel (R.S.Q., chapter S-16);

(27) The Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17);

(28) The Act respecting the Société Inter-Port de Québec (R.S.Q., chapter S-18);

(29) The Act respecting corporations for the development of Québec business firms (R.S.Q., chapter S-28);

(30) The Act respecting fiscal incentives to industrial development (R.S.Q., chapter S-34);

(31) The Act respecting the Société de développement des coopératives (1984, chapter 8);

(32) The Act respecting municipal industrial immovables (1984, chapter 10);

(33) The Act respecting beer and soft drinks distributor's permits (1984, chapter 30).

Bill 14

An Act respecting the Ministère du Tourisme and amending other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MINISTÈRE DU TOURISME

DIVISION I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère du Tourisme is under the direction of the Minister of Tourism 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 Tourism.

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 exercise 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.

DIVISION II

DUTIES AND POWERS OF THE MINISTER

7. The Minister shall devise policies on tourism and propose them to the Government. He shall supervise and coordinate their execution.

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) devise and implement assistance programs to promote the development of tourism in Québec;

(2) provide such services to business firms and organizations as he considers necessary for the development of tourism in Québec;

(3) administer, operate and develop facilities, immovables or territories offered to tourists;

(4) ensure consultation and promote concerted action among the governmental departments, organizations and persons interested in tourism;

(5) make recommendations to the Government on the objectives and activities of the State and public bodies where these are likely to affect the tourist industry in Québec;

(6) participate, with the Ministers concerned, in devising and implementing programs for cooperation with persons outside Québec in sectors where exchanges favour the development of tourism in Québec;

(7) propose measures to the Government and departments concerned for the training or retraining of workers in the tourist industry;

(8) coordinate and participate in the development and promotion of the touristic potential of Québec;

(9) ensure the development and distribution of information on the tourist industry, in particular through tourist information and tourist accommodation offices;

(10) for the purpose of exercising his powers or carrying out his duties, grant financial assistance to any person or organization, with the authorization of the Government;

(11) conduct or commission research, surveys or analyses for the purposes of exercising his powers and carrying out his duties;

(12) collect, compile, analyse and publish information on tourism.

9. The Minister may 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, in order to carry out his duties.

10. The Government may, by letters patent issued under the Great Seal, establish corporations having as their object the development of tourism in Québec.

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 its passage if the Assembly is in session or, if it is not sitting, within thirty days of the opening of the next session or of resumption.

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

Notice of the establishment of such a corporation shall be published in the *Gazette officielle du Québec*.

11. The Minister shall table in the National Assembly a report of the activities of the Ministère du Tourisme for each fiscal period 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.

DIVISION III

DOCUMENTS OF THE DEPARTMENT

12. The signature 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 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.

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 II

THE CONSEIL QUÉBÉCOIS DU TOURISME

DIVISION I

ESTABLISHMENT AND ORGANIZATION

16. A council called the "Conseil québécois du Tourisme" is hereby established.

17. The council shall have its secretariat at the place determined by the Government. Notice of the location or any change of location of the secretariat shall be published in the *Gazette officielle du Québec*.

18. The council is composed of the Minister or of his representative and twelve other members appointed by the Government and chosen in the majority from sectors of the tourist industry.

The Government shall designate a chairman and a vice-chairman from among the members of the council.

19. The chairman of the council shall be appointed for a term of not over five years; the other members shall be appointed for a term of not over three years.

No member may be appointed for more than two consecutive terms. At the expiry of their terms, they shall remain in office until they have been replaced or reappointed.

20. A vacancy occurring during the term of office of a member of the council is filled according to the mode of appointment provided in section 19.

Non-attendance at a number of meetings determined by an internal management by-law of the council, in the cases and circumstances it specifies, is considered to be a vacancy.

21. The Government shall fix, as required, the salary, allowances, indemnities and the other conditions of employment of the chairman and the other members of the council.

22. The council may sit anywhere in Québec.

Seven members are a quorum at sittings of the board of directors.

In case of a tie-vote, the chairman has a casting vote.

23. The Government may appoint a secretary to the council and determine, as required, his salary, allowances, indemnities or other conditions of employment.

The members of the personnel of the council shall be appointed and remunerated in accordance with the Public Service Act.

DIVISION II

FUNCTIONS AND POWERS

24. The function of the council is to advise the Minister on any matter concerning the general development of tourism.

For such purpose, the council shall report periodically to the Minister on the state and needs of tourism.

25. In exercising its function, the council may

(1) give advice or make recommendations to the Minister on any matter respecting the development of tourism;

(2) conduct or commission surveys and research it considers advisable or necessary for the exercise of its function.

26. The council shall give its advice to the Minister on any matter he submits to it respecting the development of tourism.

27. The council may adopt internal management by-laws.

DIVISION III

REPORT

28. The council shall transmit to the Minister, not later than 31 July each year, a report of its activities for the preceding fiscal period.

The Minister shall table the report in the National Assembly within thirty days of receiving it, if it is in session, or, if it is not sitting, within thirty days of the opening of the next session or resumption.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

29. Section 1 of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1) is amended by striking out the definition of the word "Minister".

30. Sections 8 and 9 of the said Act are amended by replacing the word "Minister", wherever it appears, by the words "Minister of Tourism".

31. Section 11 of the said Act is amended by replacing the word "Minister", wherever it appears, by the words "Minister of Industry and Commerce".

32. Section 37 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"From (*insert here the date of assent to this Act*), no regulation may be made pursuant to subparagraphs *a* and *b* and *c.1* to *g* of the first paragraph except upon the recommendation of the Minister of Tourism prepared in consultation with the Minister of Industry and Commerce."

33. Section 39 of the said Act is replaced by the following section:

"**39.** The Minister of Industry and Commerce is responsible for the administration of this Act."

34. The Act respecting the Conseil d'artisanat (R.S.Q., chapter C-56) is amended by replacing the words "Minister of Industry, Commerce and Tourism" in sections 2 and 8 by the words "Minister of Cultural Affairs".

35. Section 327 of the Cooperatives Act (R.S.Q., chapter C-67.2) is amended by replacing the first two lines by the following:

"327. The Minister of Industry and Commerce shall, before 30 March 1993, make a report to the Committee on Labour and the Economy".

36. Section 328 of the said Act is replaced by the following section:

"328. The Minister of Industry and Commerce is responsible for the application of this Act."

37. Section 9.3 of the Act respecting the establishment of a steel complex by Sidbec (R.S.Q., chapter E-14) is amended by replacing the words "Standing Committee on Industry, Commerce and Tourism" in the second and third lines of the fourth paragraph by the words "Committee on Labour and the Economy".

38. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended

(1) by replacing subparagraph 16 of the first paragraph by the following subparagraph:

"(16) A Minister of Industry and Commerce;"

(2) by adding, at the end of the first paragraph, the following subparagraph:

"(29) A Minister of Tourism."

39. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), amended by section 63 of chapter 27 of the statutes of 1984, is replaced by the following section:

"7. The Deputy Minister of Social Affairs, the Deputy Minister of Education, 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 Housing and Consumer Protection, the Deputy Minister of Justice, the Deputy Minister of Municipal Affairs, the Deputy Minister of Public Works and Supply, 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.”

40. The Act respecting the Ministère de l’Industrie, du Commerce et du Tourisme (R.S.Q., chapter M-17) is amended by replacing the title and what precedes section 1 by the following:

“An Act respecting the Ministère de l’Industrie et du Commerce”.

41. Sections 1 to 7 of the said Act are replaced by the following headings and sections:

“DIVISION I

“ORGANIZATION OF THE DEPARTMENT

1. The Ministère de l’Industrie et du Commerce is under the direction of the Minister of Industry and Commerce 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 Industry and Commerce.

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 exercise 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 they are not determined by law or by the Government.

"DIVISION II

"DUTIES AND POWERS OF THE MINISTER

"7. The Minister shall devise policies to promote the development of industry and commerce in Québec and propose them to the Government. He shall see to their implementation and supervise and coordinate their execution.

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

"7.1 The duties and powers of the Minister shall be, more particularly, to

(1) devise and implement assistance programs to promote industry and commerce in Québec;

(2) provide such services for business firms and investors as he considers necessary for the development of industry and commerce in Québec;

(3) promote the development of cooperatives;

(4) promote concerted action among the economic role players;

(5) make recommendations to the Government on the objectives and activities of the State and public bodies where these are likely to affect industry and commerce in Québec;

(6) participate in the development and promotion of industry and commerce, in particular as regards prospective industrial or commercial investments and the expansion of markets;

(7) for the purpose of exercising his powers or carrying out his duties, grant financial assistance to any person or organization, with the authorization of the Government;

(8) conduct or commission research, surveys or analyses for the purposes of exercising his powers or carrying out his duties;

(9) collect, compile, analyse and publish information respecting industry and commerce.

"DIVISION II.1

"REPORT AND DEPARTMENTAL DOCUMENTS".

42. Division II of the said Act is struck out.

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

(1) by replacing paragraph 15 by the following paragraph:

“(15) The Ministère de l’Industrie et du Commerce, presided over by the Minister of Industry and Commerce;”;

(2) by adding, at the end, the following paragraph:

“(27) The Ministère du Tourisme, presided over by the Minister of Tourism.”

44. In the following legislation, the words “Minister of Industry, Commerce and Tourism” and “Deputy Minister of Industry, Commerce and Tourism” are replaced by the words “Minister of Tourism” and “Deputy Minister of Tourism”, respectively:

(1) paragraph *e* of section 1 and subsection 4 of section 13 of the Hotels Act (R.S.Q., chapter H-3);

(2) the first paragraph of section 27 and section 30 of the Act respecting the Société du Palais des Congrès de Montréal (R.S.Q., chapter S-14.1).

45. In the following legislation, the words “Minister of Industry, Commerce and Tourism” and “Ministère de l’Industrie, du Commerce et du Tourisme” are replaced by the words “Minister of Industry and Commerce” and “Ministère de l’Industrie et du Commerce”, respectively:

(1) the second paragraph of section 5 of the Act respecting the Agence québécoise de valorisation industrielle de la recherche (R.S.Q., chapter A-7.1);

(2) paragraph 2 of the first paragraph of section 126 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by chapter 10 of the statutes of 1984;

(3) paragraph *i* of section 50 of the Savings and Credit Unions Act (R.S.Q., chapter C-4);

(4) sections 18.1, 26.1, 27 and 29 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8);

(5) subsection 4 of section 2 of the Act to promote industrial development by means of fiscal advantages (R.S.Q., chapter D-9);

(6) paragraph *e* of the first paragraph of section 34 and the first paragraph of section 35 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);

(7) section 11 of the Act respecting commercial establishments business hours (R.S.Q., chapter H-2);

(8) section 227 of the Taxation Act (R.S.Q., chapter I-3);

(9) sections 115, 146 and 147 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);

(10) the first paragraph of sections 25 and 27 and section 30 of the Act respecting the Institut national de productivité (R.S.Q., chapter I-13.1);

(11) the second paragraph of section 21 and section 38 of the Act respecting stuffing and upholstered and stuffed articles (R.S.Q., chapter M-5);

(12) paragraph *c* of section 17 of the Act to authorize the municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39);

(13) paragraph *b* of section 1 and section 52 of the Act respecting the Société de développement industriel du Québec (R.S.Q., chapter S-11.01);

(14) the first paragraph of section 20.2, section 21, the first paragraph of sections 24, 30, 33 to 35 and sections 53, 59 and 61 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);

(15) the first paragraph of section 17, section 18, subsection 7 of section 22, the third paragraph of section 24, the third paragraph of section 25, the first paragraph of section 26 and section 32 of the Act respecting the Société du parc industriel du centre du Québec (R.S.Q., chapter S-15);

(16) paragraph *a* of section 1 and section 31 of the Act respecting the Société du parc industriel et commercial aéroportuaire de Mirabel (R.S.Q., chapter S-16);

(17) sections 10, 15 and 17 of the Act respecting the Société générale de financement du Québec (R.S.Q., chapter S-17);

(18) paragraph *b* of section 1 and section 20 of the Act respecting the Société Inter-Port de Québec (R.S.Q., chapter S-18);

(19) paragraph *c* of section 1 of the Act respecting corporations for the development of Québec business firms (R.S.Q., chapter S-28);

(20) sections 1 and 8, the first paragraph of section 14, the third paragraph of section 16, the first paragraph of section 18 and sections 26 and 30 of the Act respecting fiscal incentives to industrial development (R.S.Q., chapter S-34);

(21) section 49 of the Act respecting the Société de développement des coopératives (1984, chapter 8);

(22) the second paragraph of sections 1 and 2, the third paragraph of section 5, the first paragraph of section 6, section 12 and the first paragraph of section 13 of the Act respecting municipal industrial immovables (1984, chapter 10);

(23) sections 2, 4 and 10 of the Act respecting beer and soft drinks distributor's permits (1984, chapter 30).

46. In any Act or proclamation, and in every order, order in council, contract or document, the words "Minister of Industry, Commerce and Tourism" and the word "Minister", where it designates the latter, designate the "Minister of Industry and Commerce" or the "Minister of Tourism", according to their respective powers.

47. The staff of the Direction générale du tourisme of the Ministère de l'Industrie, du Commerce et du Tourisme in office on (*insert here the day preceding that of the coming into force of this Act*), becomes without other formality the staff of the Ministère du Tourisme.

48. The files and other documents of the Ministère de l'Industrie, du Commerce et du Tourisme are transferred to the Ministère de l'Industrie et du Commerce and to the Ministère du Tourisme, respectively.

49. Matters pending at the Ministère de l'Industrie, du Commerce et du Tourisme are continued and decided by the Minister of Industry and Commerce or the Minister of Tourism, according to their respective powers.

50. Proceedings to which the Minister of Industry, Commerce and Tourism, the Deputy Minister of Industry, Commerce and Tourism or any public servant of the Ministère de l'Industrie, du Commerce et du Tourisme is a party are transferred, without continuance of suit, to the Minister of Industry and Commerce or to the Minister of Tourism, according to their respective powers.

[[**51.** The appropriations granted to the Ministère de l'Industrie, du Commerce et du Tourisme in respect of the matters devolved upon the Minister of Tourism are transferred to the Ministère du Tourisme, according as the Government may determine.

The other sums required for the application of this Act are taken, for the fiscal years 1984-85 and 1985-86, out of the consolidated revenue fund to the extent determined by the Government.]]

52. 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).

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