

NATIONAL ASSEMBLY

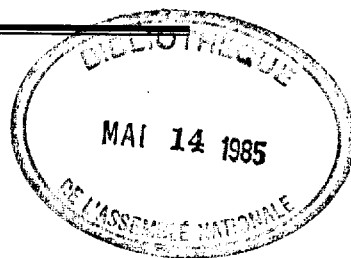
FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 39

**An Act respecting the Ministère de
l'Enseignement supérieur, de la Science
et de la Technologie and amending
various legislation**

Introduction



**Introduced by
Mr Yves Bérubé
Minister of Higher Education, Science and Technology**

**Québec Official Publisher
1985**

EXPLANATORY NOTES

The object of this bill is to enact, in a separate Act, the provisions governing the organization and operation of the Ministère de l'Enseignement supérieur, de la Science et de la Technologie.

This bill also provides that, in keeping with the new responsibilities of the Minister of Higher Education, Science and Technology, government policy and legislation in the area of university and college or postsecondary education are henceforth within his competence.

Finally, this bill defines and updates the mandate of the Minister of Education by means of amendments to the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15).

ACTS AMENDED BY THIS BILL

- the Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01);
- the Act respecting the Agence québécoise de valorisation industrielle de la recherche (R.S.Q., chapter A-7.1);
- the Land Surveyors Act (R.S.Q., chapter A-23);
- the Health Insurance Act (R.S.Q., chapter A-29);
- the Teachers Scholarships Act (R.S.Q., chapter B-7);
- the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8);
- the Charter of the French language (R.S.Q., chapter C-11);
- the General and Vocational Colleges Act (R.S.Q., chapter C-29);
- the Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);

- the Act respecting the Conseil des collèges (R.S.Q., chapter C-57.1);
- the Act respecting the Conseil des universités (R.S.Q., chapter C-58);
- the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);
- the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
- the Dental Act (R.S.Q., chapter D-3);
- the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- the Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1);
- the Act respecting private education (R.S.Q., chapter E-9);
- the Specialized Schools Act (R.S.Q., chapter E-10);
- the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- the Act respecting manpower and vocational training and qualification (R.S.Q., chapter F-5);
- the University Investments Act (R.S.Q., chapter I-17);
- the Medical Act (R.S.Q., chapter M-9);
- the Act respecting the Ministère de l'Éducation (R.S.Q., chapter M-15);
- the Government Departments Act (R.S.Q., chapter M-34);
- the Act respecting labour standards (R.S.Q., chapter N-1.1);
- the Act respecting management and union party organization in collective bargaining in the sectors of education, social affairs and government agencies (R.S.Q., chapter O-7.1);
- the Pharmacy Act (R.S.Q., chapter P-10);
- the Police Act (R.S.Q., chapter P-13);
- the Students Loans and Scholarships Act (R.S.Q., chapter P-21);

- the Act respecting educational programming (R.S.Q., chapter P-30.1);
- the Youth Protection Act (R.S.Q., chapter P-34.1);
- the Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- the Act respecting health services and social services (R.S.Q., chapter S-5);
- the Act respecting the Société de la Maison des sciences et des techniques (R.S.Q., chapter S-11.02);
- the Act respecting the Société de radio-télévision du Québec (R.S.Q., chapter S-11.1);
- the Act respecting public elementary and secondary education (1984, chapter 39);
- the University of Québec Act (R.S.Q., chapter U-1).

Bill 39

An Act respecting the Ministère de l'Enseignement supérieur, de la Science et de la Technologie and amending various legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère de l'Enseignement supérieur, de la Science et de la Technologie is under the direction of the Minister of Higher Education, Science and Technology 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 Higher Education, Science and Technology.

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.

CHAPTER II

DUTIES AND POWERS OF THE MINISTER

7. The Minister shall perform his duties in the fields of education at the university and college or postsecondary levels, except any field of education within the competence of another Minister.

In addition, he shall perform his duties in the fields of research and of scientific and technological advancement.

8. The Minister shall devise policies relating to the fields within his competence 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.

9. In the fields within his competence the duties of the Minister shall be, more particularly, to

(1) devise and implement promotion, development and support programs;

(2) contribute to the integration of the orientations and activities of his department with the general government policy and with economic, social and cultural needs;

(3) foster consultation and cooperation between the departments, agencies and interested persons;

(4) adopt measures designed to further the training and development of individuals;

(5) promote and coordinate the development and diffusion of information, including scientific and technological information, and of scientific and technological culture;

(6) promote the study, assessment and control of the repercussions of technological progress on persons and on society.

10. For the purposes of the carrying out of his duties, the Minister may, in particular

(1) furnish any person, group or agency with the services he considers necessary;

(2) grant any financial assistance out of the sums put at his disposal, on the conditions he may fix;

(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) 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;

(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 the fields within his competence;

(7) facilitate the application of section 21 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-21) and section 3.12 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) for any matter relating to science and technology;

(8) carry out investigations, studies or analyses or cause them to be carried out;

(9) obtain any necessary information from departments and agencies;

(10) compile, analyze and publish available information.

11. The Government may on such conditions as it determines, authorize the Minister to establish, administer and operate, alone or jointly with others, educational institutions at the college or postsecondary level.

It may also, for such purpose, and on such conditions as it determines, authorize the Minister to acquire immovables by agreement or

expropriation, to erect and equip the buildings required and to lease and alienate the immovables of which he has become the owner.

The power of expropriation does not apply to immovables belonging to private institutions and used for instruction.

12. The Government may, by letters patent under the great seal, establish corporations for the advancement of research and technology.

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

The name of a corporation 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 establishment of a corporation under this section shall be published in the *Gazette officielle du Québec*.

13. The Minister shall table in the National Assembly a report of the activities of the department 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

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

15. 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*.

16. 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.

17. 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 15, is authentic.

CHAPTER IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

18. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting, after the words "Ministère de l'Éducation," in the sixth and seventh lines of the fourth paragraph, the words "the Ministère de l'Enseignement supérieur, de la Science et de la Technologie,".

19. The Teachers Scholarships Act (R.S.Q., chapter B-7) is repealed.

20. Section 118 of the Charter of the French language (R.S.Q., chapter C-11) is amended by adding, at the end, the words "or by the Minister of Higher Education, Science and Technology".

21. Section 128 of the said Act is amended by adding, at the end, the words "or by the Minister of Higher Education, Science and Technology".

22. Section 7 of the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59), amended by section 35 of chapter 47 of the statutes of 1984, is again amended by replacing the third paragraph by the following paragraph:

"The Deputy Minister of Social Affairs, the Deputy Minister of Education, the Deputy Minister of Higher Education, Science and Technology, the Deputy Minister of Justice, the Deputy Minister of Labour, the Deputy Minister of Manpower and Income Security, the secretary of the Conseil du trésor, the Deputy Minister of Cultural Affairs and the Deputy Minister of Communications, or their delegates, shall also be members *ex officio* of the Council, but shall not be entitled to vote."

23. The preamble of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by inserting, after the word "Education" in the second line of the fourth paragraph, the words "and the Minister of Higher Education, Science and Technology".

24. Section 9 of the said Act is amended

(1) by replacing paragraph *b* by the following paragraph:

“(b) give its opinion to the Minister of Education or to the Minister of Higher Education, Science and Technology on any matter they submit to it;”;

(2) by inserting, after the word “Minister” in the first line of paragraph *c*, the words “of Education”.

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 or to the Minister of Higher Education, Science and Technology on any matter within their competence relating to education;”.

26. Section 22 of the said Act is amended by replacing the words “or to the Minister” in the first line of subparagraph *g* of the first paragraph by the words “and the Minister of Education or the Minister of Higher Education, Science and Technology”.

27. Section 30 of the said Act is amended

(1) by inserting, after the word “regulations” in the third line of the first paragraph, the words “relating to preschool, elementary and secondary education”;

(2) by striking out, in the fourth and fifth lines of subparagraph *b* of the first paragraph, the words “subjects at the college level, those leading to a university degree and”.

28. The said Act is amended by inserting, after section 30, the following section:

“**30.1** The Minister of Education is responsible for the administration of this Act.”

29. Section 6 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1) is amended

(1) by replacing the word “fifteen” in the first line of the second paragraph by the word “sixteen”;

(2) by replacing the first sentence of the fourth paragraph by the following sentence:

“Four other members shall be public servants designated respectively by the Minister of Cultural Affairs, the Minister of Education, the Minister of Higher Education, Science and Technology and the Minister of Communications.”

30. Chapter II of the Act to promote the advancement of science and technology in Québec (R.S.Q., chapter D-9.1) is repealed.

31. Section 65 of the said Act is amended by replacing the word “Education” in the second line of paragraph 1 by the words “Higher Education, Science and Technology”.

32. Section 128 of the said Act is replaced by the following section:

“128. The Minister of Higher Education, Science and Technology is responsible for the administration of this Act.

Notwithstanding the foregoing, the administration of Division II of Chapter IV is under the responsibility of the Minister of Higher Education, Science and Technology, the Minister of Social Affairs and the Minister of Agriculture, Fisheries and Food respectively, in respect of the Fonds that is under his authority.”

33. The said Act is amended by replacing the words “Minister for Science and Technology” by the words “Minister of Higher Education, Science and Technology”, wherever they appear in sections 29, 52, 62, 83 and 127.

34. Section 1 of the Act respecting private education (R.S.Q., chapter E-9) is amended by replacing paragraph *m* by the following paragraph:

“(m) “Minister”: the Minister of Education or the Minister of Higher Education, Science and Technology, according to their respective competence;”.

35. The said Act is amended by inserting, after section 1, the following section:

“1.1 The Minister of Education shall perform his duties and exercise his powers under this Act in respect of preschool, elementary and secondary education, within the meaning of the regulations contemplated in section 30 of the Act respecting the Conseil supérieur de l’éducation, and in respect of self-improvement education, and the Minister of Higher Education, Science and Technology shall do so in respect of any other field of education.”

36. Section 3 of the said Act is amended by striking out the words “upon the recommendation of the Minister” in the third line.

37. Section 8 of the said Act is amended

(1) by inserting, after the word “Minister” in the second line of the first paragraph, the words “of Education and to the Minister of Higher Education, Science and Technology”;

(2) by inserting, after the word “Minister” in the first line of the third paragraph, the words “of Education or the Minister of Higher Education, Science and Technology”;

(3) by replacing the words “Such report shall be laid before” in the first line of the fourth paragraph by the words “The Minister of Education shall table the report in”.

38. Section 9 of the said Act is amended by replacing the words “, after obtaining the advice of the Commission, may” in the first line by the words “may, in respect of any field of education within his competence and after obtaining the advice of the Commission,”.

39. Section 14 of the said Act is amended by inserting, after the word “year” in the second line of the first paragraph, the words “and according to the field of education to which the declaration applies”.

40. Section 14.2 of the said Act is replaced by the following section:

“14.2 The amount of the rental value provided for in section 14 shall be determined by the Minister who made the declaration of public interest in accordance with the scales and standards of computation he determines.

Every person operating an institution shall furnish the Minister with any information he requests for that purpose, on the date and in the form he determines.”

41. Section 15 of the said Act is amended by replacing the words “, after obtaining the advice of the Commission, may” in the first and second lines of the first paragraph by the words “ may, in respect of any field of education within his competence and after obtaining the advice of the Commission,”.

42. Section 17 of the said Act is amended by inserting, after the word “year” in the second line of the first paragraph, the words “and according to the field of education to which the recognition applies”.

43. Section 17.2 of the said Act is replaced by the following section:

“17.2 The amount of the rental value provided for in section 17 shall be determined by the Minister who made the recognition for purposes of grants according to the scales and standards of computation he determines.

Every person operating an institution shall furnish the Minister with any information he requests for that purpose, on the date and in the form he determines.”

44. Section 20 of the said Act is amended by inserting, after the word “year” in the fifth line, the words “and according to the field of education to which the declaration or recognition applies”.

45. Section 21.1 of the said Act is amended by inserting, after the word “Minister” in the second line of the first paragraph, the words “of Higher Education, Science and Technology”.

46. Section 23 of the said Act is replaced by the following section:

“23. No person may operate an institution providing education in respect of which it has not been declared to be of public interest or recognized for purposes of grants, unless he is the holder of a permit issued or renewed for that purpose by the Minister.

Before ruling on an application for a permit or for renewal of a permit, the Minister shall obtain the advice of the Commission.”

47. Section 24 of the said Act is amended by inserting, after the word “institution” in the second line of the first paragraph, the words “; the level of education in respect of which it is issued, where such is the case,”.

48. Section 32 of the said Act is amended by adding, at the end, the words “of Education”.

49. Section 33 of the said Act is amended

(1) by inserting, after the word “Minister” in the third line, the words “of Education”;

(2) by adding, at the end, the words “of Education”.

50. Section 34 of the said Act is amended by inserting, after the word “Minister” in the seventh line, the words “of Education”.

51. Section 36 of the said Act is amended by inserting, before the word “after” in the third line of the second paragraph, the words “in respect of any field of education within his competence and”.

52. Section 41 of the said Act is amended by striking out in the third, fourth and fifth lines the words “or at both such levels, subject to such regulations as the Government may adopt in that regard to govern the cumulation thereof”.

53. Section 47 of the said Act is amended by inserting, after the word “Minister” in the first line, the words “of Education”.

54. Section 48 of the said Act is amended by adding, at the end, the words “or the Ministère de l’Enseignement supérieur, de la Science et de la Technologie”.

55. Section 49 of the said Act is amended by adding, at the end, the words “of Education or the Minister of Higher Education, Science and Technology”.

56. Section 56 of the said Act is amended by replacing what precedes paragraph *a* by the following:

“**56.** Every person who operates an institution shall, according to whether the education provided is within the competence of the Minister of Education or of the Minister of Higher Education, Science and Technology,”

57. Section 67 of the said Act is amended

(1) by striking out in the first and second lines of the first paragraph the words “and, with his approval, a school board or a general and vocational college”;

(2) by inserting, after the first paragraph, the following paragraph:

“Such a contract may be made by a school board if it is so authorized by the Minister of Education, and by a general and vocational college if it is so authorized by the Minister of Higher Education, Science and Technology.”

58. The said Act is amended by inserting, after section 68, the following section:

“**68.1** In the exercise of its regulatory powers under this Act, the Government may define various classes of institutions or fields of education and prescribe appropriate rules for each.”

59. The said Act is amended by inserting, after section 72, the following section:

"72.1 All or part of a declaration of public interest or of a recognition for purposes of grants made by the Minister of Education before (*insert here the date of coming into force of section 34 of this Act*) shall be deemed made by the Minister of Higher Education, Science and Technology to the extent that it concerns a field of education within his competence.

Similarly, all or part of a permit issued by the Minister of Education before (*insert here the date of coming into force of section 34 of this Act*) shall be deemed issued by the Minister of Higher Education, Science and Technology to the extent that it concerns a field of education within his competence."

60. The Specialized Schools Act (R.S.Q., chapter E-10) is repealed.

61. 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 38 of chapter 36 of the statutes of 1984, is again replaced by the following section:

"7. The Deputy Minister of Social Affairs, the Deputy Minister of Education, the Deputy Minister of Higher Education, Science and Technology, 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 person designated by the Minister responsible for the administration of the Act respecting the Société immobilière du Québec, 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."

62. Section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by replacing the words "Minister of Education" in the second line of paragraph *e* by the words "Ministère de l'Éducation or the Ministère de l'Enseignement supérieur, de la Science et de la Technologie, as the case may be,".

63. Section 34 of the said Act, amended by section 44 of chapter 36 of the statutes of 1984, is again amended

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

"(g) a representative of the Ministère de l'Enseignement supérieur, de la Science et de la Technologie.";

(2) by replacing the second paragraph by the following paragraph:

“The members mentioned in subparagraphs *c* to *g* shall take part in the proceedings but shall not be entitled to vote.”

64. Section 35 of the said Act, amended by section 44 of chapter 36 of the statutes of 1984, is again amended by replacing the words “and the Ministère des Affaires sociales” in the fifth line of the first paragraph by the words “, the Ministère de l’Enseignement supérieur, de la Science et de la Technologie and the Ministère des Affaires sociales”.

65. Section 1 of the Act respecting the Ministère de l’Éducation (R.S.Q., chapter M-15) is amended by striking out the second paragraph.

66. Section 2 of the said Act is replaced by the following sections:

“**2.** The Minister shall perform his duties in the fields of preschool, elementary and secondary education, except any field of education within the competence of another Minister.

“**2.1** The Minister shall devise policies relating to the fields within his competence 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.

“**2.2** In the fields within his competence, the duties of the Minister shall be, more particularly, to

(1) devise and implement promotion, development and support programs;

(2) adopt measures designed to further the training and development of individuals;

(3) ensure, in accordance with the law, the progress of educational institutions.”

67. Section 5 of the said Act is amended

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

“**5.** The Government, on such conditions as it determines, may authorize the Minister to establish educational institutions in the fields within his competence.”;

(2) by replacing the words “independent institutions and used for instruction at the secondary level or the university level” at the end of the third paragraph by the words “private institutions and used for instruction”.

68. Section 13 of the said Act is replaced by the following section:

“13. 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.”

69. Sections 14 to 16 of the said Act are repealed.

70. Section 3 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding, at the end of paragraph 5, the words “or the Ministère de l’Enseignement supérieur, de la Science et de la Technologie”.

71. Section 1 of the Act respecting management and union party organization in collective bargaining in the sectors of education, social affairs and government agencies (R.S.Q., chapter 0-7.1) is amended by replacing paragraph *h* by the following paragraphs:

“(h) “school board group” means any association, federation or other organization to which the majority of the school boards for Catholics or the school boards for Protestants belong, deemed to be representative of these school boards by the Minister of Education, if it is not already so recognized by law;

“(h.1) “college group” means any association, federation or other organization to which the majority of the colleges belong, deemed to be representative of these colleges by the Minister of Higher Education, Science and Technology, if it is not already so recognized by law;”.

72. Section 11 of the said Act is amended by inserting, after the word “Education,” in the third line of the first paragraph, the words “the Minister of Higher Education, Science and Technology”.

73. Section 12 of the said Act is amended by replacing the words “and the Minister of Education” in the second line of the first paragraph by the words “and, as the case may be, the Minister of Education or the Minister of Higher Education, Science and Technology”.

74. Section 14 of the said Act is amended by inserting, after the word “Education” in the second line, the words “, if they relate to school boards for Catholics or school boards for Protestants or by the Minister of Higher Education, Science and Technology, if they relate to colleges,”.

75. Section 19 of the said Act is amended by replacing the words “the Minister of Education or, as the case may be,” in the first and second

lines by the words “, as the case may be, the Minister of Education, the Minister of Higher Education, Science and Technology or”.

76. Section 9 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by inserting, after the word “Communications” in the first line, the words “, the Minister of Higher Education, Science and Technology”.

77. Section 23 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by inserting, after the word “Education” in the second line of paragraph *e*, the words “, the Minister of Higher Education, Science and Technology”.

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

(1) by inserting, after the word “Education” in the first line of paragraph 13, the words “or the Minister of Higher Education, Science and Technology”;

(2) by inserting, after the word “Education” in the first line of paragraph 14, the words “or the Minister of Higher Education, Science and Technology”.

79. Section 125 of the Act respecting health services and social services (R.S.Q., chapter S-5) is amended by replacing the first paragraph by the following paragraph:

“125. In addition to the services which it may offer having regard to the class to which it belongs, an establishment may offer teaching and research services if bound by a contract of affiliation with an educational institution recognized by the Minister of Education or the Minister of Higher Education, Science and Technology and by the Minister of Social Affairs; the terms of such contract, however, must be approved by the Minister of Social Affairs and the Minister of Education or the Minister of Higher Education, Science and Technology, according to their respective competence.”

80. Section 6 of the Act respecting the Société de radio-télévision du Québec (R.S.Q., chapter S-11.1) is amended by replacing the words “on the recommendation of the Minister of Education” in the third and fourth lines of paragraph *d* by the words “one on the recommendation of the Minister of Education and the other on the recommendation of the Minister of Higher Education, Science and Technology”.

81. Section 543 of the Act respecting public elementary and secondary education (1984, chapter 39) is repealed.

82. Section 549 of the said Act is amended by adding, at the end of section 6.3 that it replaces, the following paragraph:

“Notwithstanding the foregoing, the budgetary rules provided for in section 336 of the Act respecting public elementary and secondary education are established by the Minister of Transport after consultation with the Minister of Higher Education, Science and Technology.”

83. Section 556 of the said Act is amended

(1) by replacing the words “or the Minister” in subparagraph *g* of the first paragraph of section 22 that it replaces by the words “, the Minister of Education or the Minister of Higher Education, Science and Technology”;

(2) by replacing, wherever it appears in paragraph *a* of section 23 that it replaces, the word “Minister” by the words “Minister of Education”.

84. Section 572 of the said Act is amended by striking out, in the fifth and sixth lines of paragraph *a* of section 1 that it replaces, the words “regulations contemplated in section 30 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) and the”.

85. Section 575 of the said Act is amended by inserting, after the word “year” in the fifth line of section 20 that it replaces, the words “and according to the field of education to which the declaration or recognition applies”.

86. Section 578 of the said Act is amended by inserting, at the end of section 32 that it replaces, the words “of Education”.

87. Section 579 of the said Act is amended by inserting, after the word “Minister” in the second line of section 33 that it replaces, the words “of Education”.

88. Section 580 of the said Act is amended by replacing the word “Minister”, wherever it appears in section 33 that it replaces, by the words “Minister of Education”.

89. Section 581 of the said Act is amended by adding, at the end of section 38 that it replaces, the words “or in section 18 of the General and Vocational Colleges Act”.

90. Section 587 of the said Act is amended by adding, at the end of section 48 that it replaces, the words “or the Ministère de l'Enseignement supérieur, de la Science et de la Technologie”.

91. Section 1.1 of the Act respecting private education, enacted by section 35 of this Act, is replaced by the following section:

“1.1 The Minister of Education shall perform his duties and exercise his powers under this Act in respect of preschool, elementary and secondary education, within the meaning of the Act respecting public elementary and secondary education (1984, chapter 39) and the regulations thereunder, and in respect of self-improvement education, and the Minister of Higher Education, Science and Technology shall do so in respect of any other field of education.”

92. The words “Minister of Education” and “Ministère de l’Éducation” are replaced by the words “Minister of Higher Education, Science and Technology” and “Ministère de l’Enseignement supérieur, de la Science et de la Technologie” respectively, wherever they appear in the following legislative provisions:

(1) sections 19, 34, 37, 63 and 64 of the Act respecting the accreditation and financing of students’ associations (R.S.Q., chapter A-3.01);

(2) section 32 of the Land Surveyors Act (R.S.Q., chapter A-23);

(3) sections 1 and 33 of the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(4) sections 12 to 14, 22, 24 and 34 of the Act respecting the Conseil des collèges (R.S.Q., chapter C-57.1);

(5) sections 2 to 5, 14, 17 and 18 of the Act respecting the Conseil des universités (R.S.Q., chapter C-58);

(6) section 24 of the Dental Act (R.S.Q., chapter D-3);

(7) sections 1 and 6.1 of the University Investments Act (R.S.Q., chapter I-17);

(8) paragraph *b* of section 29 of the Medical Act (R.S.Q., chapter M-9);

(9) paragraph *b* of section 15 of the Pharmacy Act (R.S.Q., chapter P-10);

(10) section 94 of the Police Act (R.S.Q., chapter P-13);

(11) section 1 of the Students Loans and Scholarships Act (R.S.Q., chapter P-21);

(12) sections 1 and 59 of the University of Québec Act (R.S.Q., chapter U-1).

93. The words "Minister for Science and Technology" and "Ministère de la Science et de la Technologie" are replaced by the words "Minister of Higher Education, Science and Technology" and "Ministère de l'Enseignement supérieur, de la Science et de la Technologie" respectively, wherever they appear in the following legislative provisions:

(1) sections 18, 30 and 39 of the Act respecting the Agence québécoise de valorisation industrielle de la recherche (R.S.Q., chapter A-7.1);

(2) section 4 and section 26.1 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8), the latter section being amended by section 44 of chapter 36 of the statutes of 1984;

(3) section 1 of the Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);

(4) paragraph 28 of section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 37 of chapter 36 and section 205 of chapter 47 of the statutes of 1984;

(5) paragraph 26 of section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 42 of chapter 36 and section 206 of chapter 47 of the statutes of 1984;

(6) sections 27 and 37 of the Act respecting the Société de la Maison des sciences et des techniques (R.S.Q., chapter S-11.02).

94. In every Act or proclamation, and in every order in council, order, regulation, contract or document, the words "Minister of Education", "Deputy Minister of Education" and "Ministère de l'Éducation" designate the "Minister of Higher Education, Science and Technology", the "Deputy Minister of Higher Education, Science and Technology" and the "Ministère de l'Enseignement supérieur, de la Science et de la Technologie", where they relate to the respective powers of the latter.

The same applies to the words "Minister for Science and Technology", "Deputy Minister of Science and Technology" and "Ministère de la Science et de la Technologie".

95. The staff of the Ministère de l'Éducation in office in the fields devolved to the Minister of Higher Education, Science and Technology on *(insert here the date preceding that of the coming into force of this Act)* become, to the extent determined by the Government, the staff of the Ministère de l'Enseignement supérieur, de la Science et de la Technologie.

96. The records and other documents of the Ministère de l'Éducation relating to matters devolved to the Minister of Higher Education, Science and Technology are transferred to the Ministère de l'Enseignement supérieur, de la Science et de la Technologie.

97. Matters pending at the Ministère de l'Éducation relating to matters devolved to the Minister of Higher Education, Science and Technology are continued and decided by him.

98. Proceedings to which the Minister of Education, the Deputy Minister of Education or any public servant of the Ministère de l'Éducation is a party and which relate to matters devolved to the Minister of Higher Education, Science and Technology are continued, without continuance of suit, by him or, if the Government decides otherwise, by another person.

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

100. Every provision of a regulation, order or order in council in force on (*insert here the date of coming into force of this Act*) and made under a provision that is replaced or amended by this Act or under section 15 or 16 of the Act to promote the advancement of science and technology in Québec remains in force until it is replaced, amended or repealed, to the extent that it is consistent with this Act.

101. The appropriations granted to the Ministère de l'Éducation in respect of the matters devolved to the Minister of Higher Education, Science and Technology are transferred, to the extent determined by the Government, to the Ministère de l'Enseignement supérieur, de la Science et de la Technologie.

102. 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).

103. This Act will come into force on the date fixed by proclamation of the Government, except the provisions excluded by the proclamation, which will come into force at later dates fixed by proclamation of the Government, and except sections 82 to 91, which will come into force on 1 July 1986.