
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 19

An Act to promote the advancement of science and technology in Québec

First reading



Introduced by
Mr Gilbert Paquette
Minister responsible for Science and Technology

Québec Official Publisher

1983

EXPLANATORY NOTES

The object of this bill is to reorganize and update the various governmental structures dealing with the definition, coordination and implementation of the policy on scientific research and technological advancement in Québec.

Chapter I gives a definition of the public agencies that are contemplated by certain measures of the bill.

Chapter II provides for the organization of the Ministère de la Science et de la Technologie and defines the powers of its Minister, who is responsible for determining government policy in matters of science and technology and for seeing to the harmonious integration of scientific and technological activities of departments and public agencies. The Minister will also be responsible for devising and implementing all new measures that are necessary for the deployment of the scientific and technological organizational system and the carrying out, at the request of the Government, of certain governmental actions involving several sectors.

More particularly, Chapter II authorizes the Minister to submit his recommendations to the Government on government resources devoted to science and technology and makes him responsible for conducting periodic assessments of the various programs of scientific or technological activities of departments and agencies, in cooperation with the ministers concerned.

In Chapter III, the Conseil de la Science et de la Technologie is instituted in order to establish a permanent process of concertation and participation of representatives of the socio-economic sectors for determining and developing policy on scientific research and technological advancement.

In Chapter IV, the Fondation pour le développement de la Science et de la Technologie is created under the responsibility of the Minister for Science and Technology and has the power to collect donations and other contributions from individuals and companies in addition to subsidies from the Government, and to apportion those sums among three research support funds.

Chapter IV also provides for the establishment of three research support funds: the Fonds Marie-Victorin, the Fonds de la recherche en santé du Québec and the Fonds de recherche en agriculture, en pêche et en alimentation, and their function is to provide financial support for the training of researchers and for research. Each fund is under the responsibility of the Minister of the sector concerned but the Minister for Science and Technology may participate in the preparation of directives that are issued to the funds.

Chapter V establishes the Agence québécoise de valorisation industrielle de la recherche under the responsibility of the Minister for Science and Technology; its role is to explore the research communities in search of new products or processes showing industrial potential. The Agence must provide support to those projects at all stages of development and up to the stage where they are transferred to a firm for production and marketing purposes. The Agence must also contribute to the management of the departments' patent portfolios and see that the findings of any research carried out in educational institutions, research centres or agencies are put to profitable use.

Chapter VI provides penalties for various offences and establishes prosecution modalities.

Finally, Chapter VII of the bill contains final and transitional provisions. More particularly, it provides that the directives issued to the Centre de recherche industrielle du Québec are prepared by the Minister of Industry, Commerce and Tourism in cooperation with the Minister for Science and Technology.

Bill 19

An Act to promote the advancement
of science and technology in Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITION

1. For the purposes of this Act, a public agency is an agency to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.2), whose capital stock is part of the public domain or at least half of whose operating expenses are paid out of appropriations appearing in the budget estimates tabled in the National Assembly.

CHAPTER II

THE MINISTÈRE DE LA SCIENCE ET DE LA TECHNOLOGIE

DIVISION I

ORGANIZATION OF THE DEPARTMENT

2. The Minister for Science and Technology has the direction of the Ministère de la Science et de la Technologie.

3. The Government shall appoint, in accordance with the Civil Service Act, a Deputy Minister for Science and Technology.

4. Under the authority of the Minister, the Deputy Minister has the general direction of the affairs of the Ministère de la Science et de la Technologie. The Deputy Minister has the supervision of the personnel of the department.

He shall also perform the duties assigned to him by the Government or the Minister.

5. The orders of the Deputy Minister must be carried out in the same manner as those of the Minister; his authority is that of the Minister.

6. The personnel necessary for the administration of the department are appointed and remunerated in accordance with the Civil Service Act.

The Minister shall determine the duties of the personnel of the department not expressly defined by law or by the Government.

DIVISION II

DUTIES AND POWERS OF THE MINISTER

7. The Minister for Science and Technology shall

(1) devise and propose to the government policy for science and technology; he shall supervise the implementation of the policy and coordinate its execution;

(2) see to it that those activities of the departments and public agencies which relate to science and technology are properly coordinated;

(3) ensure that new measures necessary for the deployment of the scientific and technical organizational system are devised and implemented;

(4) carry out, at the request of the Government, certain governmental actions involving several sectors of science and technology.

8. The Minister may, more particularly, for the carrying out of his duties,

(1) propose objectives, priorities and a strategy for the advancement of science and technology;

(2) advise the Government on any matter relating to the scientific and technological activities of the departments and public agencies;

(3) contribute to the integration of the development of scientific and technological activities with the general policy on economic, social and cultural development;

(4) promote the study and assessment of the impact of technological progress on persons and on society;

(5) propose recommendations to the Government on government resources devoted to science and technology;

(6) submit recommendations to the Government on the budgets of public agencies, their development plans and the directives made to them whenever such budgets, development plans or directives relate to scientific and technological activities;

(7) conduct, in cooperation with the ministers concerned, periodical assessment of the merits of the scientific and technological programs and policies of the departments and the public agencies under their authority;

(8) foster consultation and cooperation between public and private agencies and persons interested in research and technical development, and the general public, for the purpose, in particular, of determining the objectives of scientific and technological advancement, and the means to achieve these objectives;

(9) participate, with the ministers concerned, in devising and carrying out programs of scientific cooperation with agencies outside Québec in those sectors where exchanges are advantageous for the scientific and technological advancement of Québec;

(10) facilitate the application of section 21 of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21) for any matter relating to science and technology;

(11) see to it that the policies and practices governing training, advanced training, employment and immigration adequately meet the needs of Québec in terms of personnel in the fields of science and technology and propose to the Government and the ministers concerned measures designed to ensure that objective;

(12) promote and coordinate the development and diffusion of scientific and technical information;

(13) carry out investigations, studies and analyses for the purposes of sections 7 and 8, or cause them to be carried out;

(14) obtain from departments and public agencies any information necessary for the application of this Act, as well as any available information concerning their programs, projects and needs in terms of research and technology;

(15) compile, analyze and publish available information on research and technology;

(16) coordinate the activities of departments and public bodies or agencies in matters of patents and licences.

9. The Minister may, according to law, enter into any agreement 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 functions.

10. The Minister may, within the scope of his functions and powers and with the agreement of the ministers concerned, grant subsidies out of the sums put at his disposal, on such conditions and within such limits as he may fix.

11. The Minister may, with the agreement of the ministers concerned, establish memoranda of agreements with public agencies for the purposes of the application of sections 7 and 8 of this Act.

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

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 are determined by the Government.

Notice of the establishment of a corporation under this section is published in the *Gazette officielle du Québec*.

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

DIVISION III

DOCUMENTS OF THE DEPARTMENT

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

15. No deed, document or writing binds the department or may be attributed to the Minister unless it is signed by him, the Deputy Minister or a member of the personnel of the department and, in the case of such a member, only to the extent determined by regulation of the Government.

16. The Government may, by regulation, on such conditions and for such documents as it may determine, permit

- (1) a signature to be affixed by means of an automatic device;

(2) a facsimile of a signature to be engraved, lithographed or printed; in such a case, the facsimile has the same force as the signature if the document is countersigned by a person authorized by the Minister.

17. Every regulation made by virtue of section 15 or 16 comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

18. A document or a copy of a document emanating from the department or forming part of its records and signed or certified true by a person referred to in section 15 is authentic.

19. Notwithstanding the time limit fixed by section 2 of the Photographic Proof of Documents Act (R.S.Q., chapter P-22), documents in the department's possession may be destroyed as soon as they have been reproduced.

CHAPTER III

THE CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

20. The "Conseil de la Science et de la Technologie" is hereby established.

21. The secretariat of the Conseil is located at the place determined by the Government. Notice of the location or of any transfer of the secretariat is published in the *Gazette officielle du Québec*.

22. The Conseil is composed of 15 members, including a president, appointed by the Government and representing the business and labour and representing communities, the field of scientific and technical information and the public and parapublic sectors.

The Government may appoint not more than three observers to the Conseil; they participate in the meetings of the Conseil but have no vote.

23. The president of the Conseil is appointed for not over five years; the other members are appointed for not over three years.

The term of office of the members may be renewed consecutively only once. At the expiry of their terms of office, the members remain in office until they are replaced or reappointed.

24. Any vacancy occurring during the term of office of the members of the Conseil is filled in accordance with the mode of appointment prescribed in section 22.

25. The president who shall exercise his duties full time, has supervision and direction of the Conseil and its personnel.

The Government shall fix the remuneration, social benefits and other conditions of employment of the president.

26. Members of the Conseil other than the president are not remunerated. They are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

27. The sittings of the Conseil and, as the case may be, of its committees are public, except those dealing with matters of internal management.

The Conseil may hold its sittings anywhere in Québec.

Nine members are a quorum at sittings of the Conseil.

In case of division, the president has a casting vote.

28. The secretary and the other members of the personnel of the Conseil are appointed and remunerated in accordance with the Civil Service Act.

DIVISION II

FUNCTIONS AND POWERS

29. The function of the Conseil is to advise the Minister on any matter relating generally to the advancement of science and technology in Québec.

For that purpose, the Conseil must make periodic reports to the Minister on the progress and needs of scientific research and technological development.

30. In performing its function, the Conseil may

(1) advise or make recommendations to the Minister on any matter relating to the advancement of science and technology in Québec;

(2) solicit or receive petitions, opinions and suggestions from interested agencies or groups and from the general public on any matter relating to the advancement of science and technology in Québec;

(3) conduct studies and investigations that it considers useful or necessary for the performance of its function, or cause them to be effected.

31. The Conseil shall advise the Minister on any question submitted by him in connection with the advancement of science and technology.

It may also communicate its findings and conclusions to the Minister.

32. The Conseil may form committees for the proper conduct of its work. It must also, at the request of the Minister, form subcommittees to investigate particular matters.

The members of committees and subcommittees are not remunerated; they are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

33. The Conseil may adopt internal management by-laws.

The by-laws come into force after their approval by the Government.

DIVISION III

REPORT

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

The Minister shall table the report in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

CHAPTER IV

FINANCIAL SUPPORT FOR RESEARCH

DIVISION I

THE FONDATION POUR LE DÉVELOPPEMENT DE LA SCIENCE ET DE LA TECHNOLOGIE

§1.—*Establishment and organization*

35. The “Fondation pour le développement de la science et de la technologie” is hereby established.

36. The Fondation is a corporation.

37. The Fondation is a mandatary of the Government.

The property of the Fondation is part of the public domain but the performance of its obligations may be levied against its property.

The Fonds binds only itself when it acts in its own name.

38. The corporate seat of the Fondation is at the place determined by the Government. Notice of the location or of any change of the corporate seat of the Fondation is published in the *Gazette officielle du Québec*.

39. The Fondation is administered by a board of directors consisting of the three chairmen of the Fonds established by this Act and six other members, including a chairman, appointed by the Government.

The Government may appoint two observers to the Fondation; they participate in meetings of the board of directors of the Fondation but have no vote.

40. The directors shall appoint a vice-president from among themselves. If the president is temporarily absent or unable to act, the vice-president shall exercise the functions of the president.

41. The president is appointed for not over three years.

The chairmen of the Fonds are members for the term of their appointment.

The other members are appointed for three years; however, two members of the first board of directors are appointed for two years and two other members are appointed for one year.

42. At the end of their terms, the members remain in office until they are replaced or reappointed.

The appointment of the president and the other members may be renewed consecutively only once.

43. Any vacancy occurring during a term is filled in accordance with the mode of appointment prescribed in section 39.

Absence from a number of meetings determined by the internal management by-laws of the Fondation constitutes a vacancy.

44. The president, who shall exercise his duties full time has the direction and supervision of the Fondation and its personnel.

The Government shall fix the remuneration, social benefits and other conditions of employment of the president.

45. Members other than the president are not remunerated. They are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

46. In no case may the president, under pain of forfeiture of office, have any direct or indirect interest in any undertaking causing his personal interest to conflict with that of the Fondation. However, such forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Any other member of the board of directors who has an interest in such an undertaking must, under pain of forfeiture of office, disclose it in writing and abstain from participating in any deliberation or decision concerning the undertaking.

47. The Fondation may hold its sittings anywhere in Québec.

Six members are a quorum of the board of directors.

In case of division, the president has a casting vote.

48. Every decision signed by all the members of the board of directors has the same force as if it had been taken at a regular sitting.

49. The secretary and the other members of the personnel of the Fondation are appointed and remunerated according to the staffing requirements, standards and scales established by by-law of the Fondation.

The by-law may also determine the social benefits and other conditions of employment applicable to the secretary and other members, and make them subject to the second paragraph of section 46.

The by-law comes into force, following approval by the Government, on the date of its publication in the *Gazette officielle du Québec*, or on any later date indicated in it.

§2.—*Functions and powers*

50. The functions of the Fondation, in view of promoting the development of research, are

(1) to solicit and receive donations, gifts, grants or other contributions;

(2) to apportion according to percentages determined each year all or part of its revenues between the three funds for the support of research established under this Act.

In the exercise of its functions under subparagraph 1 of the first paragraph, the Fondation shall accept no donation, gifts, grants or other contributions to which charges or conditions are attached, except in cases and on conditions determined by regulation of the Government.

Every regulation made under the second paragraph comes into force ten days after its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

51. The Minister for Science and Technology may issue directives to the Fondation on its objectives and orientations.

The Minister for Science and Technology shall submit his directives to the Government for approval.

Following approval, the Fondation is bound to comply with the directives.

The directives are tabled in the National Assembly within 15 days of their approval by the Government if the Assembly is in session or, if it is not sitting, within 15 days after the opening of the next session or resumption.

52. The Fondation shall, each year on the date fixed by the Minister, submit to him its plan for the allocation of its revenues. Those from donations, gifts, grants or other contributions may only be allocated to the support of research.

The plan indicates separately the amounts estimated for the operation of the Fondation.

The plan also indicates the conditions governing the use by a Fonds of the sums paid to it by the Fondation. For that purpose, the Fondation may devise programs of support for research in fields that are considered by the Government to be of primary importance.

The Minister shall approve the plan, with or without amendments.

Following approval, the Fondation is bound to comply with the plan.

53. The Fondation may create a class of honorary or associate members of the Fondation, who do not have a vote or participate in its administration, and determine their conditions of admission as well as their privileges and obligations.

54. The Fondation shall not, except with the authorization of the Government,

(1) contract a loan which raises the total of its debts to more than the amount determined by the Government;

(2) make a contract for a term or amount exceeding that determined by the Government.

55. The Fondation shall acquire no immovables.

It shall make no investments, except

(1) deposits with a bank subject to the Bank Act (Statutes of Canada, 1980-81, chapter 40) or to the Québec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4) a savings bank or to a registered institution within the meaning of the Deposit Insurance Act (R.S.Q., chapter A-26);

(2) purchases of obligations or other titles of indebtedness issued by the Gouvernement du Québec, the Government of Canada or the government of a Canadian province;

(3) any other investment determined by regulation of the Government.

Every regulation made under subparagraph 3 of the second paragraph comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

56. The Fondation, with the authorization of the Government and according to law, may enter into any agreement 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 its functions.

57. The Fondation may make internal management by-laws.

The by-laws come into force after their approval by the Government.

§3.—*Financial provisions*

58. The Government may, on the conditions it determines,

(1) guarantee any loan made to the Fondation as well as the execution of any of its obligations;

(2) authorize the Minister of Finance to advance to the Fondation any amount deemed necessary for the exercise of its functions.

The sums that the Government may be called to pay under such guarantees or to advance to the Fondation are taken out of the consolidated revenue fund.

§4.—*Documents, accounts and reports*

59. No deed, document or writing binds the Fondation unless it is signed by the president, the secretary or a member of the personnel of the Fondation and, in the case of such a member, only to the extent determined by regulation of the Fondation.

The signature may be affixed by means of an automatic device to such documents as are determined by regulation of the Fondation.

Every regulation made pursuant to this section comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

60. A document or a copy of a document emanating from the Fondation or forming part of its records signed or certified true by a person referred to in section 59, is authentic.

61. The fiscal year of the Fondation ends on 31 March each year.

62. The Fondation shall, not later than 31 July each year, forward to the Minister for Science and Technology a report of its activities for the preceding fiscal year.

The report must also contain any information the Minister may prescribe.

63. The Minister shall table the report of the Fondation in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

64. The books and accounts of the Fondation shall be audited every year by the Auditor General and also whenever so ordered by the Government.

The auditor's report must accompany the annual report of the Fondation.

DIVISION II

RESEARCH SUPPORT FUNDS

§1.—*Establishment and organization*

65. The following bodies are hereby established:

(1) the "Fonds Marie-Victorin", under the responsibility of the Minister of Education;

(2) the “Fonds de la recherche en santé du Québec”, under the responsibility of the Minister of Social Affairs;

(3) the “Fonds de recherche en agriculture, en pêcheries et en alimentation”, under the responsibility of the Minister of Agriculture, Fisheries and Food.

66. Each Fonds is a corporation.

67. Each Fonds is a mandatary of the Government.

The property of each Fonds is part of the public domain but the performance of its obligations may be levied against its property.

Each Fonds binds only itself when it acts in its own name.

68. Each Fonds has its corporate seat at the place determined by the Government. Notice of the location or of any transfer of the corporate seat is published in the *Gazette officielle du Québec*.

69. Each Fonds is administered by a board of directors composed of not more than fourteen members, including a chairman and a managing director, appointed by the Government.

The Government may appoint observers to each Fonds. The observers participate in the meetings of the Fonds but have no vote.

70. The members of the board of directors shall appoint a vice-chairman from among themselves. If the chairman is temporarily absent or unable to act, the vice-chairman shall exercise the functions of the chairman.

71. The chairman and the managing director are appointed for not over three years.

The other members are appointed for three years; however, two members of the first board of directors are appointed for two years and two other members for one year.

72. At the end of their terms the members of the board of directors remain in office until they are replaced or reappointed.

The appointment of the chairman and of the other members may be renewed consecutively only once. The appointment of the managing director may be renewed.

73. Every vacancy occurring during a term of office is filled in accordance with the mode of appointment prescribed in section 69.

Absence from a number of meetings determined by the internal by-laws of each Fonds constitutes a vacancy.

74. The chairman shall preside at meetings of the board of directors and exercise such other functions as are assigned to him by the by-laws of internal management of the Fonds.

The managing director shall administer the Fonds and have the direction of its personnel. By government decision, the functions of the chairman and those of the managing director may be assumed by the same person.

The managing director shall devote his full time to his official duties.

The Government shall fix the remuneration, social benefits and the other conditions of employment of the chairman and of the managing director.

75. Members other than the chairman and the managing director are not remunerated. However, they are entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to the reimbursement of reasonable expenses incurred by them in the performance of their duties, and to an attendance allowance.

76. In no case may the managing director, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Fonds. However, such forfeiture is not incurred if such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Any other member of the board of directors who has any interest in such an undertaking must, under pain of forfeiture of office, disclose it in writing to the managing director and abstain from participating in any deliberation and any decision concerning the undertaking.

77. Each Fonds may establish offices at places it determines and may hold its sittings anywhere in Québec.

Eight members are a quorum of a Fonds.

In case of division, the chairman has a casting vote.

78. Every decision signed by all the members of the board of directors has the same force as if it had been taken at a regular sitting.

79. The members of the personnel of a Fonds are appointed and remunerated according to the staffing requirements, standards and scales established by by-law of the Fonds.

The by-law may also determine the social benefits and the other conditions of employment to which the members of the personnel are entitled, and make them subject to the second paragraph of section 76.

The regulation comes into force, following its approval by the Government, from the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

§2.—*Functions and powers*

80. The functions of the Fonds Marie-Victorin are

(1) to promote or provide financial support for research carried out in post-secondary educational institutions;

(2) in such cases as are provided in the directives of the Minister of Education, to promote or provide financial support for the work of researchers who are not attached to any post-secondary educational institution;

(3) to promote or provide financial support for the diffusion of scientific knowledge in all fields of research;

(4) to promote or provide financial support for the training of researchers by granting achievement scholarships to graduate and post-graduate students and to those who wish to re-enter the research community.

81. The function of the Fonds de la recherche en santé du Québec is to promote or provide financial support for research and for the training and advanced training of researchers in the field of health sciences.

82. The function of the Fonds de recherche en agriculture, en pêcheries et en alimentation is to promote or provide financial support for research and for the training and advanced training of researchers in the fields of agriculture, fisheries and food.

83. The minister responsible for a Fonds may give directives to that Fonds.

The directives are prepared in cooperation with the Minister for Science and Technology. The minister responsible shall submit his directives to the Government for approval.

Following approval, the Fonds is bound to comply with the directives.

The directives are tabled in the National Assembly within 15 days of their approval by the Government if the Assembly is in session or,

if it is not sitting, within 15 days of the opening of the next session or resumption.

84. At the request of the minister responsible, every Fonds shall submit to him annually a plan of its activities for the allocation of the sums that are paid to it, except the sums from the Fondation.

The plan indicates separately the amounts set aside for the operation of the Fonds and the amounts set aside for each program of financial support. The plan is accompanied with a statement of the estimated appropriations for the following two years.

The minister responsible for the Fonds shall, after consultation with the Minister for Science and Technology, submit the plan to the Government. The Government may amend the plan.

Following approval, the Fonds is bound to comply with the plan.

85. Every Fonds may, within the scope of its programs of financial support and on the conditions it determines, grant financial support by way of subsidies and grants.

Every Fonds shall, with the authorization of the minister responsible for the Fonds, utilize the sums paid to it by the Fondation in conformity with the conditions set forth in the apportionment plan of the Fondation approved by the Minister for Science and Technology.

Every Fonds may also grant financial support in any other manner approved by the Government.

86. Every Fonds may make regulations concerning

(1) the form and content of applications for financial assistance, the information they must contain and the documents which must accompany them;

(2) the modalities and criteria governing the assessment of applications for financial support;

(3) the scales and limits of the financial support it may give.

Every regulation made under this section is subject to approval by the Government. It comes into force ten days after its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

87. Every Fonds may form committees responsible for the assessment of the applications for financial support that are addressed to it.

The members of such committees are not remunerated; they are, however, entitled, to the extent provided by regulation of the Govern-

ment and on presentation of vouchers, to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

88. Every Fonds may, with the authorization of the Government and according to law, enter into any agreement 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 its functions.

89. Every Fonds may adopt internal management by-laws.

The by-laws come into force from the date of their approval by the Government.

90. In addition to its functions provided for under this division, every Fonds shall implement the financial support programs that are under its authority pursuant to another Act or, with the authorization of the Government and on the conditions it determines, the financial support programs under the authority of a department or a public agency. The Fonds shall then carry out its functions in accordance with this subdivision, wherever practicable.

91. In no case may a Fonds, unless authorized by the Government,

(1) contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government;

(2) make a contract for a term or amount exceeding that determined by the Government.

No Fonds may acquire immovables.

§3.—*Financial provisions*

[[**92.** The Government may, on the conditions it determines

(1) guarantee any loan contracted by a Fonds as well as the execution of any of its obligations;

(2) authorize the Minister of Finance to advance to a Fonds any amount deemed necessary for the carrying out of its functions.

Any sum that the Government may be called to pay under the guarantees or to advance to a Fonds is taken out of the consolidated revenue fund.]]

§4.—*Documents, accounts and reports*

93. No deed, document or writing binds a Fonds unless it is signed by its chairman or managing director or by a member of its personnel

and, in the case of such a member, only to the extent determined by regulation of the Fonds.

A Fonds may, by by-law and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines or a facsimile of a signature to be engraved, lithographed or printed on them. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chairman of the Fonds.

Every regulation made by virtue of this section comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

94. A document or a copy of a document emanating from a Fonds or forming part of its records and signed or certified true by a person referred to in section 93 is authentic.

95. The fiscal year of every Fonds ends on 31 May each year.

96. Not later than 30 September each year, every Fonds must forward to the minister responsible for it, a report of its activities for the preceding fiscal year.

The report must also contain all the information the minister responsible may prescribe.

97. The minister responsible for a Fonds shall table the annual report of the Fonds in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or resumption.

98. The books and accounts of the Fonds shall be audited every year by the Auditor General and also whenever so ordered by the Government.

The auditor's report must accompany the annual report of every Fonds.

CHAPTER V

THE AGENCE QUÉBÉCOISE DE VALORISATION INDUSTRIELLE
DE LA RECHERCHE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

99. The “Agence québécoise de valorisation industrielle de la recherche” is hereby established.

100. The Agence is a corporation.

101. The Agence is a mandatary of the Government.

The property of the Agence forms part of the public domain but the performance of its obligations may be levied against its property.

The Agence binds only itself when it acts in its own name.

102. The Agence has its corporate seat at the place determined by the Government. Notice of the location or of any transfer of the corporate seat is published in the *Gazette officielle du Québec*.

103. The Agence is administered by a board of directors composed of a president and 11 members appointed by the Government.

One member is appointed on the recommendation of the Minister of Industry, Commerce and Tourism.

Not more than four members of the board of directors may be chosen from among the members of the bodies or agencies of the public and parapublic sectors or from their personnel.

104. The Government may appoint two observers to the Agence; they participate in the meetings of the board of directors but have no vote.

105. The members of the board of directors shall appoint a vice-president from among themselves. If the president is temporarily absent or unable to act, the vice-president shall exercise the functions of the president.

106. The president is appointed for not over five years.

The other members are appointed for four years; however, three members of the first board of directors are appointed for three years and three other members are appointed for two years.

107. At the end of their terms, the members of the board of directors remain in office until they are replaced or reappointed.

The term of office of the president and the other members may be renewed consecutively only once.

108. Any vacancy occurring during a term of office shall be filled in accordance with the mode of appointment prescribed in section 103.

Absence from a number of meetings of the board of directors determined by the by-laws of internal management of the Agence, in the cases and circumstances it indicates, constitutes a vacancy.

109. The president, who shall exercise his duties full time, has the direction and supervision of the Agence and its personnel.

The Government shall fix the remuneration, social benefits and other conditions of employment of the president.

110. Members other than the president are not remunerated. They are, however, entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to an attendance allowance and to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

111. In no case may the president, under pain of forfeiture of his office, have any direct or indirect interest in any undertaking causing his personal interest to conflict with that of the Agence. However, forfeiture is not incurred if such an interest devolves to him by succession or gift provided that he renounces or disposes of it with all possible dispatch.

Any other member of the board of directors who has an interest in such an undertaking must, under pain of forfeiture of office, disclose it in writing to the president and abstain from participating in any deliberation or decision concerning the undertaking.

112. The Agence may establish offices at the places it determines and hold its sittings anywhere in Québec.

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

In case of division, the president has a casting vote.

113. Every decision signed by all the members of the board of directors has the same force as if it had been taken at a regular sitting.

114. The secretary and the other members of the personnel of the Agence are appointed and remunerated according to the staffing requirements, standards and scales established by by-law of the Agence.

The by-law may also determine the social benefits and other conditions of employment applicable to the secretary and other members, and make them subject to the second paragraph of section 111.

The by-law comes into force, following approval by the Government, on the date of its publication in the *Gazette officielle du Québec*, or on any later date indicated in it.

DIVISION II

DUTIES AND POWERS

115. The functions of the Agence are

(1) to explore and investigate research communities, in the fields considered to be of primary importance by the Government, with a view to identifying new ideas and new technology to be applied in new products and new processes and setting up mechanisms governing their transfer and development;

(2) to promote applied research projects and provide financial support for their carrying out at all stages of the invention process up to the stage of the organization of production and marketing;

(3) to contribute to the management and exploitation of the patent portfolios of the government departments;

(4) to stimulate financial support from individuals, companies and corporations for its activities that relate to applied research;

(5) to foster leadership and control by Québec society over the development of industrial research and the development of technology in its territory.

116. For the exercise of its functions that relate to financial support, the Agence may solicit and receive donations, gifts, subsidies or other contributions; however, the Agence shall not, except with the authorization of the Government, accept any donation, gift, subsidy or other contribution to which charges or conditions are attached, except from the Gouvernement du Québec.

117. The Minister for Science and Technology may issue directives to the Agence.

The directives are subject to approval by the Government.

Following approval, the Agence is bound to comply with the directives.

The directives must be tabled in the National Assembly within 15 days of approval if the Assembly is in session or, if it is not sitting, within 15 days after the opening of the next session or resumption.

118. The Agence may, on the conditions it determines and within such limits as it may fix, grant subsidies for the carrying out of applied research projects in the sectors of activities it determines.

The financial support of the Agence may consist, in special cases, of interests in limited liability partnerships.

The Agence may also provide financial support by way of grants, loans or advances with or without interest.

The Agence may also provide financial support by any other means authorized by the Government.

119. However, the Agence shall not, in such cases, on such conditions or on such circumstances as the Government may determine by regulation, grant any financial support unless authorized by the Government or the Minister, as the regulation may determine.

Every regulation made under the first paragraph comes into force 10 days after its publication in the *Gazette officielle du Québec*, or on any later date indicated in it.

120. The Agence may require, as consideration for its financial support, the payment of royalties or any other form of duties authorized by the Government.

121. The Agence shall acquire no immovables.

Except with the authorization of the Government, the Agence shall not

(1) contract a loan that would increase its total outstanding borrowings to more than the amount determined by the Government;

(2) make a contract for a term or amount exceeding that determined by the Government;

(3) own a greater interest in a limited liability partnership than that determined by regulation under section 119.

An order of the Government authorizing the Agence to hold a greater interest in a limited liability partnership than that provided for in subparagraph 3 of the second paragraph must be tabled in the National Assembly within 15 days if it is in session or, if it is not sitting, within 15 days after the opening of the next session or resumption.

122. The Agence, with the authorization of the Government and according to law, may enter into any agreement 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 its functions.

123. The Agence may make

- (1) internal management by-laws;
- (2) by-laws to determine the methods of administering and disposing of the amounts received as royalties or in any other form of duties resulting from the granting of financial support.

Every by-law made under this section comes into force from the date of its approval by the Government.

DIVISION III

FINANCIAL PROVISIONS

[[**124.** The Government may, on the conditions it determines,

- (1) guarantee any loan contracted by the Agence as well as any obligation of the Agence;
- (2) authorize the Minister of Finance to advance to the Agence any amount deemed necessary for the carrying out of its functions.

Any sums the Government may be called to pay under the guarantee or to advance to the Agence are taken out of the consolidated revenue fund.]]

DIVISION IV

DOCUMENTS, ACCOUNTS AND REPORTS

125. No deed, document or writing binds the Agence unless it is signed by the president, the secretary or a member of the personnel of the Agence and, in the case of such a member, only to the extent determined by regulation of the Agence.

The Agence may, by regulation and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines or that a facsimile of a signature be engraved, lithographed or printed on. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chairman of the Agence.

Every regulation made pursuant to this section comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

126. A document or a copy of a document emanating from the Agence or forming part of its records and signed or certified true by a person referred to in section 125 is authentic.

127. The fiscal year of the Agence ends on 31 March each year.

128. The Agence shall each year submit its budget for the ensuing fiscal year to the Government for approval, in the form and tenor and at the time determined by the Government.

129. The Agence shall, not later than 31 July each year, forward to the Minister for Science and Technology a report of its activities for the preceding fiscal year.

The report must also contain any information the Minister may prescribe.

130. The Minister shall table the report of the Agence in the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not sitting, within 30 days after the opening of the next session or after resumption.

131. The Agence must furnish to the Minister any information he may require on its activities.

132. The books and accounts of the Agence shall be audited every year by the Auditor General and also whenever so ordered by the Government.

The auditor's report must accompany the annual report of the Agence.

CHAPTER VI

PENALTIES

133. Every person who gives false or misleading information in view of obtaining or procuring financial support provided for by this Act is guilty of an offence and liable, on summary proceedings, to a fine of not more than \$5 000.

134. Where a corporation commits an offence against section 133, every director or representative of that corporation who was aware of the offence is deemed to be a party to the offence and is liable, on

summary proceedings, to a fine of not more than \$5 000 unless he proves to the satisfaction of the court that he did not acquiesce to the commission of the offence.

135. Proceedings under section 133 or 134 are brought by the Attorney General or by any person generally or specially authorized by him for that purpose.

136. No person found guilty of an offence against section 133 or 134, or against article 338 of the Criminal Code in connection with financial support contemplated under this Act, may, unless he has been pardoned, obtain financial support under this Act for a period of two years from the conviction.

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

137. Section 96 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “, a non-profit corporation established pursuant to the Companies Act (R.S.Q., chapter C-38)” at the end of the introductory paragraph by the following: “established pursuant to the Act to promote the advancement of science and technology in Québec (1983, chapter *insert here the chapter number of Bill 19*)”.

138. Section 4 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8) is amended by adding, at the end, the following paragraph:

“The Centre shall also consist of a member appointed by the Government on the recommendation of the Minister for Science and Technology.”

139. Section 26.1 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “The directives are prepared in cooperation with the Minister for Science and Technology.”

140. The Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51) is amended by replacing section 1 by the following section:

“**1.** The Minister of Cultural Affairs may establish annual artistic and literary competitions, and determine the conditions thereof.

The Minister for Science and Technology may establish annual scientific competitions, and determine the conditions thereof.”

141. Section 2 of the said Act is amended

(1) by replacing the word “Minister” in the first line of the first paragraph, by the words “minister responsible for the competition” and by inserting after the word “competition” in the first line of the same paragraph, the words “that he establishes”;

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

142. The said Act is amended by replacing the word “Minister” in the first line of the first paragraph by the words “minister responsible for the competition”.

143. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by chapter 50 of the statutes of 1982, is amended by adding, after subparagraph 26 of the first paragraph, the following paragraph:

“(27) A Minister for Science and Technology.”

144. Section 4 of the Act respecting the Ministère des Affaires culturelles (R.S.Q., chapter M-20) is amended by replacing the comma and the words “literary and scientific” in the third line by the words “and scientific”.

145. Section 11.1 of the Act respecting the Ministère des Affaires sociales (R.S.Q., chapter M-23) is amended by replacing the words “, a non-profit corporation established by letters patent issued on 7 April 1981 under the Companies Act (R.S.Q., chapter C-38)” in the second, third and fourth lines by the following: “established by the Act to promote the advancement of science and technology in Québec (1983, chapter *insert here the chapter number of Bill 19*)”.

146. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by chapter 50 of the statutes of 1982, is amended by adding, after paragraph 24, the following paragraph:

“(25) The Ministère de la Science et de la Technologie.”

147. Section 7 of the Student Loans and Scholarship Act (R.S.Q., chapter P-21) is amended by striking out the second paragraph.

148. Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by adding, after paragraph 16, the following paragraphs:

“(17) the president of the Conseil de la Science et de la Technologie;

“(18) the president and employees of the Fondation pour le développement de la science et de la technologie;

“(19) the chairman, the managing director and the employees of the Fonds Marie-Victorin;

“(20) the chairman and employees of the Fonds de la recherche en santé du Québec;

“(21) the chairman and employees of the Fonds de recherche en agriculture, en pêche et en alimentation;

“(22) the president, the managing director and the employees of the Agence québécoise de valorisation de la recherche.”

149. The president and the other members of the Conseil de la politique scientifique du Québec appointed by order No. 3859-80 of 17 December 1980, except associate members, become the president and the members of the Conseil de la Science et de la Technologie, respectively, established under this Act, for the unexpired portion of their terms of office.

150. The secretary and the other members of the personnel of the Conseil de la politique scientifique du Québec become the secretary and the members of the personnel of the Conseil de la Science et de la Technologie, respectively, established under this Act, as may be determined by the Government.

151. The letters patent of the Fonds de la recherche en santé du Québec, a non-profit corporation established pursuant to the Companies Act (R.S.Q., chapter C-38), are cancelled.

The Fonds de la recherche en santé du Québec, established by this Act, acquires the property and rights of that corporation and assumes its obligations; it also becomes a party to any contract or agreement to which the corporation was a party.

152. The letters patent of the Fonds F.C.A.C. pour l'aide et le soutien à la recherche, a non-profit corporation established under the Companies Act, are cancelled.

The Fonds Marie-Victorin established by this Act acquires the property and rights of that corporation and assumes its obligations; it also becomes a party to any contract or agreement to which the corporation was a party.

153. The Fonds Marie-Victorin is authorized to use any document or means of identification already prepared in the name of the Fonds F.C.A.C. pour l'aide et le soutien à la recherche until it is possible to replace them by documents and means of identification prepared in its name.

154. The employees of the Fonds Marie-Victorin or of the Fonds de la recherche en santé du Québec who have acquired permanent status pursuant to the Civil Service Act (R.S.Q., chapter F-3.1) before (*insert here the date of coming into force of this section*) may apply for a transfer to another employment in the civil service and take part in advancement competitions in accordance with the provisions of the Civil Service Act. For that purpose, they retain the civil service classification they had on that date.

For the purposes of section 81 of the Civil Service Act, the two Fonds are deemed to be agencies within the meaning of that Act.

155. Section 77 of the Civil Service Act applies to every employee contemplated in section 154 who takes part in an advancement competition for an employment in the civil service.

156. Every employee contemplated in section 154 who has been transferred to an employment in the civil service in accordance with that section may apply to the Office du recrutement et de la sélection du personnel de la fonction publique for a readjustment of his classification within his class of employment to take into account the experience and additional years of formal training acquired while he was employed by the Fonds Marie-Victorin or the Fonds de la recherche en santé du Québec.

157. Every employee contemplated in section 154 who has been promoted in accordance with that section may, in respect of the application of the rules of classification applicable at the time of his promotion, request that the Office du recrutement et de la sélection du personnel de la fonction publique take into account the experience and additional years of formal training acquired while he was employed by the Fonds Marie-Victorin or the Fonds de la recherche en santé du Québec, as the case may be.

158. Should the Fonds Marie-Victorin or, as the case may be, the Fonds de la recherche en santé du Québec cease its activities, every employee contemplated in section 154 may either be laid off or transferred to an employment in the civil service that corresponds to his classification before (*insert here the date of the coming into force of section 154*).

In such a case, the employee may apply to the Office du recrutement et de la sélection du personnel de la fonction publique for a readjustment of his classification in the same manner as that provided in section 157.

159. Subject to the recourses which may exist pursuant to a collective agreement, every employee contemplated in section 154 who

is dismissed or demoted may appeal therefrom in accordance with sections 87 and 97 of the Civil Service Act, if applicable.

160. The Minister of Agriculture, Fisheries and Food is authorized to enter into an agreement with the Fonds de recherche en agriculture, en pêche et en alimentation, in relation to personnel, administrative support and the needs in equipment and premises of the Fonds.

This section will cease to have effect on the date that will be fixed by the Government.

161. The Minister for Science and Technology is responsible for the administration of this Act except Division II of Chapter IV, which is under the responsibility of the Minister of Education, the Minister of Social Affairs and the Minister of Agriculture, Fisheries and Food, respectively, in respect of the Fonds that is under his authority.

[[**162.** The sums required for the application of this Act are taken, for the fiscal year 1983-84, out of the consolidated revenue fund and for subsequent years, out of the sums granted annually for that purpose by the Government.]]

163. 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).

164. This Act comes into force on the date fixed by proclamation of the Government, with the exception of the provisions excluded by that proclamation, which will come into force on any later dates fixed by proclamation of the Government.

The provisions of Division II of Chapter IV will take effect, in respect of each Fonds established under this Act, to the extent indicated in the proclamations.

TABLE OF CONTENTS

		<i>Sections</i>
CHAPTER I	DEFINITION	1
CHAPTER II	THE MINISTÈRE DE LA SCIENCE ET DE LA TECHNOLOGIE	(2-19)
Division I	Organization of the department	2-6
Division II	Functions and powers of the minister	7-13
Division III	Documents of the department	14-19
CHAPTER III	THE CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE	(20-34)
Division I	Establishment and organization	20-28
Division II	Functions and powers	29-33
Division III	Report	34
CHAPTER IV	FINANCIAL SUPPORT FOR RESEARCH	(35-98)
Division I	The Fondation pour le développement de la science et de la technologie	(35-64)
	1.— <i>Establishment and organization</i>	35-49
	2.— <i>Functions and powers</i>	50-57
	3.— <i>Financial provisions</i>	58
	4.— <i>Documents, accounts and reports</i>	59-64
Division II	Research support funds	(65-98)
	1.— <i>Establishment and organization</i>	65-79
	2.— <i>Functions and powers</i>	80-91
	3.— <i>Financial provisions</i>	92
	4.— <i>Documents, accounts and reports</i>	93-98
CHAPTER V	THE AGENCE QUÉBÉCOISE DE VALORISATION INDUSTRIELLE DE LA RECHERCHE	(99-132)
Division I	Establishment and organization	99-114
Division II	Functions and powers	115-123
Division III	Financial provisions	124
Division IV	Documents, accounts and reports	125-132
CHAPTER VI	PENALTIES	(133-136)
CHAPTER VII	TRANSITIONAL AND FINAL PROVISIONS	(137-164)