

1994, chapter 18

AN ACT RESPECTING GOVERNMENT SERVICES TO DEPARTMENTS AND PUBLIC BODIES AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

Bill 10

Introduced by Mr Jean Leclerc, Minister for Government Services

Introduced 23 March 1994

Passage in principle 5 May 1994

Passage 6 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Acts amended:

Financial Administration Act (R.S.Q., chapter A-6)

Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1)

Labour Code (R.S.Q., chapter C-27)

Public Curator Act (R.S.Q., chapter C-81)

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

Election Act (R.S.Q., chapter E-3.3)

Act respecting the avian emblem (R.S.Q., chapter E-4.1)

Executive Power Act (R.S.Q., chapter E-18)

Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1)

Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1)

Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30)

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

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

Act respecting health services and social services (R.S.Q., chapter S-4.2)

Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20)

Act repealed:

Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01)





CHAPTER 18

An Act respecting government services to departments and public bodies and amending various legislative provisions

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

FUNCTIONS AND POWERS OF THE MINISTER

Functions
and powers

1. The minister responsible for the administration of this Act shall, in respect of departments and public bodies, exercise the functions and powers conferred on him under this Act and under all other Acts assigned to him.

Public bodies

For the purposes of this Act, the Conseil du trésor, any government body or agency or government corporation subject to the Auditor General Act (R.S.Q., chapter V-5.01) by the effect of sections 4, 5 and 6 of the said Act, any person designated by the Government under any Act whose personnel is appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), any person designated by the National Assembly to perform a duty that comes under it and any body, other than the Office of the National Assembly, to which the National Assembly or a committee thereof appoints the majority of the members are considered to be public bodies.

Functions
and powers

2. The functions and powers of the Minister shall consist more particularly in

(1) obtaining an inventory of the goods and services at the disposal of the departments and the public bodies designated by the Government;

(2) ensuring that the departments and the public bodies designated by the Government obtain the goods and services required for the carrying out of their activities;

(3) taking the necessary measures to increase the effectiveness and efficiency of the departments and the public bodies designated by the Government and to limit their expenditures relating to the purchase and construction of property as well as to the leasing and supply of goods and services, in particular, to obtain the best quality/cost ratio;

(4) facilitating relations between the State and the population, in particular by promoting the diffusion of information concerning the services offered by the Government and the departments and public bodies designated by the Government;

(5) promoting the diffusion of information and documents of public interest produced and held by the departments and public bodies designated by the Government;

(6) seeing to the management of copyrights held by the Government and the departments and public bodies designated by the Government in respect of documents and ensuring that the standards established jointly with the Minister of Culture and Communications for the acquisition, use and management of copyrights are complied with;

(7) submitting to the Government proposals as regards the emblems of Québec and proposing standards applicable to the signature of the Government and to the visual identification of the departments and public bodies designated by the Government and ensuring that the standards are complied with;

(8) carrying or causing to be carried out studies or research in the fields within his competence;

(9) performing other duties assigned to him by the Government.

Notice

Before proposing an emblem for Québec, the Minister shall cause a notice to be published in the *Gazette officielle du Québec*. The notice shall indicate, in particular, the date fixed for its presentation and the fact that any interested person may, before that date, submit observations to the person designated therein.

Proposals

No emblem may be proposed before the expiry of a period of 45 days from the day of the publication in the *Gazette officielle du Québec* or before the expiry of the period mentioned in the notice.

Services

3. The Minister may, pursuant to subparagraph 2 of the first paragraph of section 2, supply to departments, to public bodies whose operating budget is voted in whole or in part by the National Assembly and to any other body designated by the Government, services, in particular, in the following sectors: the acquisition of goods and services, reprography, air transport within the framework of government functions or missions, mail and messenger services, supplies and furnishing, data processing, office machine maintenance, telecommunications, printing, publication, distribution and marketing of documents, media booking, audiovisual services, advertising and exhibitions. Such services may be supplied for a consideration.

Agreement

4. The Minister may, according to law, enter into an agreement with a government other than the Gouvernement du Québec, any department or body of such a government, any international organization or any body thereof for the carrying out of his functions.

Report of
activities

5. The Minister shall table before the National Assembly a report of his activities for every fiscal year, within six months of the end of that year or, if the Assembly is not sitting, within thirty days of resumption.

CHAPTER II

ORGANIZATION AND DOCUMENTS

Personnel

6. The Government shall designate the department or public body that shall put members of its personnel at the disposal of the Minister.

Authority

7. Under the direction of the Minister, the Deputy Minister of the department or the chief executive officer of the body designated under section 6 has, in the carrying out of his functions, the authority of the Minister.

Signature

8. No act, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister of the department or the chief executive officer of the body designated under section 6 or by a member of the personnel of the department or body and, in the case of such a member, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

Signature

9. 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.

Facsimile

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

Documents

10. Any document or copy of a document emanating from the department or body designated under section 6 or forming part of the records of the department or body, signed or certified by a person referred to in section 8, is authentic.

CHAPTER III

SPECIAL FUNDS

Funds

11. The special funds called "Government documents reproduction fund", "Government air service fund", "mail and messenger services fund", "Les Publications du Québec fund", "data processing services fund", "communication services fund" and "telecommunications services fund" are hereby established for the purpose of financing the goods and services to which they relate.

Supplies and
services fund

A fund called "supplies and services fund" shall also be established for the purpose of financing the following goods and services: goods and services supplied by the General Purchasing Director under the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4), supplies and furnishing, data processing equipment and office machine maintenance.

Funds

12. The Government may, to the extent and on the conditions it determines, merge any or all of the funds, transfer one or more of the activities of a fund to another fund, change the name under which a fund is established or terminate the activities of a fund.

Assets and
liabilities

13. The Government shall determine the assets and liabilities of each fund and the date on which it begins to operate. It shall also determine the nature of the goods and services to be financed by and the nature of the costs to be charged to each fund. It shall designate the departments and public bodies that must, to the extent it determines, make their purchases of goods and services through a fund.

Funds

14. Each fund shall be constituted of the following sums, except interest:

(1) the sums collected for the goods and services financed by the fund;

(2) the advances granted by the Minister of Finance under the first paragraph of section 16;

(3) the sums paid by the minister responsible for the administration of this Act out of the appropriations allocated for that purpose by Parliament.

Management

15. The management of the sums paid into the funds shall be entrusted to the Minister of Finance. Such sums shall be paid to his order and deposited with the financial institutions he determines.

Accounting

Notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), the minister responsible for the administration of this Act shall keep the books of account for and record the financial commitments chargeable to the funds. He shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply therewith.

Consolidated revenue fund

16. The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the funds sums taken out of the consolidated revenue fund.

Consolidated revenue fund

He may conversely advance to the consolidated revenue fund, on a short-term basis and subject to the conditions he determines, any part of the sums paid into a fund that is not required for its operations.

Advance

Any advance paid to a fund shall be repayable out of that fund.

Remuneration

17. The remuneration and expenses pertaining to social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to activities related to a fund shall be paid out of that fund.

Surpluses

18. All surpluses accumulated by a fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

Applicable provisions

19. Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act (R.S.Q., chapter A-6), adapted as required, apply to the funds.

Fiscal year

20. The fiscal year of a fund ends on 31 March.

Deficiency **21.** Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the funds the sums required for the execution of a judgment against the Crown that has become *res judicata*.

CHAPTER IV

QUÉBEC OFFICIAL PUBLISHER

Designation **22.** The Government shall designate, from among the personnel of the department or body designated under section 6, a person holding the rank of administrator of state to act as Québec Official Publisher.

Publications **23.** The Official Publisher shall print and publish, or cause to be printed and published,

(1) the statutes of Québec;

(2) an official journal, known as the *Gazette officielle du Québec*;

(3) such documents, notices and announcements as the Government, the Office of the National Assembly or an Act may require him to print or publish.

Documents **24.** All documents, notices and announcements the publication of which is required by law are published in the *Gazette officielle du Québec*, unless some other mode of publication is prescribed by law.

Functions **25.** The Official Publisher shall, under the name of “Les Publications du Québec”, carry out the functions assigned to the Minister under section 3 in respect of the printing, publication, distribution and marketing of documents.

Sale He is also entrusted with the sale, under the name of “Les Publications du Québec”, of the publications referred to in section 23.

Regulations **26.** The Government may, by regulation,

(1) determine the terms and conditions under which the operations relating to the publications or other works for which the Official Publisher is responsible are to be effected, except publications of the National Assembly;

(2) prescribe the conditions under which the *Gazette officielle du Québec* shall be published;

(3) designate the public bodies, the public servants and the other persons to which or to whom the *Gazette officielle du Québec* is sent free of charge by the Official Publisher;

(4) fix the subscription price of the *Gazette officielle du Québec*;

(5) establish a tariff of the sums payable for the notices, announcements and documents published in the *Gazette officielle du Québec*.

Authenticity **27.** All publications in the *Gazette officielle du Québec* and all copies of official documents, proclamations, notices and announcements printed by the Official Publisher are authentic.

Signature **28.** No act, document or writing is binding on the Official Publisher or may be attributed to him unless it is signed by him or by a member of the personnel of the department or body designated under section 6 and, in the case of such a member, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.

Signature **29.** The Government, by regulation published in the *Gazette officielle du Québec*, may, on the conditions it determines, allow the signature to be affixed by means of an automatic device to the documents it determines.

Facsimile 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 Official Publisher.

CHAPTER V

CONCORDANCE, TRANSITIONAL AND FINAL PROVISIONS

Minister **30.** The Government shall designate the minister responsible for the administration of this Act.

FINANCIAL ADMINISTRATION ACT

c. A-6,
s. 49.5.1,
added **31.** The Financial Administration Act (R.S.Q., chapter A-6) is amended by inserting, after section 49.5, the following section:

Directories **“49.5.1** The Conseil du trésor shall establish directories listing categories of property or goods, categories of services, and specialities under which suppliers may be registered for purposes of selection of suppliers by means of a register. These directories shall be submitted

to the Government for approval and published in the *Gazette officielle du Québec*.”

ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE DU QUÉBEC

c. B-2.1,
s. 22, am.

32. Section 22 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is amended by striking out the words “or the Act respecting the Ministère des Approvisionnements et Services (chapter M-23.01)” in the third and fourth lines.

LABOUR CODE

c. C-27, s. 1,
am.

33. Section 1 of the Labour Code (R.S.Q., chapter C-27), amended by section 1 of chapter 6 of the statutes of 1993, is again amended

(1) by striking out the words “of the Conseil du trésor,” in the thirteenth and fourteenth lines of subparagraph 3 of paragraph 1;

(2) by adding, after subparagraph 3.1 of paragraph 1, the following subparagraph:

“(3.2) a public servant of the Conseil du trésor, except in the cases that the Government may determine by order;”.

PUBLIC CURATOR ACT

c. C-81,
s. 65, am.

34. Section 65 of the Public Curator Act (R.S.Q., chapter C-81) is amended by striking out the words “and section 7.1 of the Act respecting the Ministère des Approvisionnements et Services (chapter M-23.01)” in the second, third and fourth lines.

c. C-81,
s. 68, am.

35. Section 68 of the said Act is amended by striking out the words “and section 7.1 of the Act respecting the Ministère des Approvisionnements et Services (chapter M-23.01)” in the second, third and fourth lines of paragraph 11.

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

c. D-8.1, s. 6,
am.

36. Section 6 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1), amended by section 32 of chapter 51 of the statutes of 1993, is again amended by replacing subparagraph 3 of the fourth paragraph by the following subparagraph:

“(3) one by the minister responsible for the administration of the Act respecting government services to departments and public bodies and amending various legislative provisions.”

ELECTION ACT

c. E-3.3,
s. 488.1, am.

37. Section 488.1 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by inserting the words and figure “and section 49.5.1” after the figure “49.4” in the second line;

(2) by replacing the words “Act respecting the Ministère des Approvisionnements et Services (chapter M-23.01)” in the second, third and fourth lines by the words “Act respecting government services to departments and public bodies and amending various legislative provisions”.

ACT RESPECTING THE AVIAN EMBLEM

c. E-4.1, s. 2,
am.

38. Section 2 of the Act respecting the avian emblem (R.S.Q., chapter E-4.1) is amended by replacing the words “of Communications” in the first line by the words “responsible for the administration of the Act respecting government services to departments and public bodies and amending various legislative provisions”.

EXECUTIVE POWER ACT

c. E-18, s. 4,
am.

39. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 33 of chapter 51 of the statutes of 1993, is again amended by striking out subparagraph 30 of the first paragraph.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

c. E-20.1,
s. 7, am.

40. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), amended by section 34 of chapter 51 of the statutes of 1993, is again amended by replacing the words “Supply and Services” in the sixth and seventh lines by the words “the department or the chief executive officer of the body designated under section 6 of the Act respecting government services to departments and public bodies and amending various legislative provisions”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES INTERNATIONALES

c. M-21.1,
s. 30, am.

41. Section 30 of the Act respecting the Ministère des Affaires internationales (R.S.Q., chapter M-21.1) is amended by replacing the words “paragraph 1 of section 8 of the Act respecting the Ministère des Approvisionnements et Services (chapter M-23.01)” in the first and second lines of the first paragraph by the words “subparagraph 2 of the first paragraph of section 2 of the Act respecting government services to departments and public bodies and amending various legislative provisions”.

ACT RESPECTING THE MINISTÈRE DES APPROVISIONNEMENTS ET SERVICES

c. M-23.01,
repealed

42. The Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01) is repealed.

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

c. M-30,
s. 3.17, am.

43. Section 3.17 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by replacing the words “paragraph 1 of section 8 of the Act respecting the Ministère des Approvisionnements et Services (chapter M-23.01)” in the first and second lines of the first paragraph by the words “subparagraph 2 of the first paragraph of section 2 of the Act respecting government services to departments and public bodies and amending various legislative provisions”.

GOVERNMENT DEPARTMENTS ACT

c. M-34, s. 1,
am.

44. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 42 of chapter 51 of the statutes of 1993, is again amended by striking out paragraph 28.

ACT RESPECTING THE SERVICE DES ACHATS DU GOUVERNEMENT

c. S-4, s. 1,
am.

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

“Minister”

“(a) “Minister” designates the Minister responsible for the administration of the Act respecting government services to departments and public bodies and amending various legislative provisions;”.

c. S-4, s. 2,
replaced

46. Section 2 of the said Act is replaced by the following section:

Purchasing
service

“2. A general purchasing service called Le Service des achats du gouvernement is hereby established.”

c. S-4, s. 3,
replaced

47. Section 3 of the said Act is replaced by the following section :

Purchasing
service

“3. The service is under the responsibility of the Minister and is composed of members of the department or body designated under section 6 of the Act respecting government services to departments and public bodies and amending various legislative provisions.

General Pur-
chasing
Director

The Government shall designate from among those members an officer, called the General Purchasing Director, to manage the service.”

c. S-4, s. 3.1,
repealed

48. Section 3.1 of the said Act is repealed.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

c. S-4.2,
s. 488.1, am.

49. Section 488.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), enacted by section 6 of chapter 23 of the statutes of 1993, is amended by striking out the words “and sections 7.1 to 7.7 of the Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01)” in the second, third and fourth lines.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D'INFORMATION JURIDIQUE

c. S-20, s. 3,
am.

50. Section 3 of the Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20) is amended by replacing the words “Minister of Communications” in the first and second lines of paragraph *f* by the words “minister responsible for the administration of the Act respecting government services to departments and public bodies and amending various legislative provisions”.

c. S-20, s. 23,
am.

51. Section 23 of the said Act is amended by replacing the words “Act respecting the Ministère des Communications (chapter M-24)” in the first and second lines by the words “Act respecting government services to departments and public bodies and amending various legislative provisions”.

References

52. Unless the context indicates otherwise, in any other Act and in any regulation, by-law, order in council, ministerial order, proclamation, order, contract, agreement, accord or other document,

(1) a reference to the Minister of Supply and Services is, according to the matter concerned, a reference to the minister

responsible for the administration of this Act or to the Chairman of the Conseil du trésor;

(2) a reference to the Deputy Minister of Supply and Services or to the Ministère des Approvisionnements et Services is, according to the matter concerned, a reference to the Deputy Minister of the department or to the chief executive officer of the body designated under section 6 of this Act or to the Secretary of the Conseil du trésor or to the department or body thus designated or to the Conseil du trésor;

(3) a reference to the Minister of Communications is, according to the matter concerned, a reference to the minister responsible for the administration of this Act or to the Chairman of the Conseil du trésor, in matters devolving to them;

(4) a reference to the Deputy Minister of Communications or to the Ministère des Communications is, according to the matter concerned, a reference to the Deputy Minister of the department or to the chief executive officer of the body designated under section 6 of this Act or to the Secretary of the Conseil du trésor or to the department or body thus designated or to the Conseil du trésor, in matters devolving to them;

(5) a reference to the Act respecting the Ministère des Approvisionnements et Services or to any of its provisions is, according to the matter concerned, a reference to this Act, to the Financial Administration Act or to the corresponding provision of either Act;

(6) a reference to the Act respecting the Ministère des Communications or to any of its provisions is, according to the matter concerned, a reference to this Act, to the Financial Administration Act or to the corresponding provision of either Act, in matters to which those Acts apply.

Presumption **53.** Regulations adopted under Chapter II of the Act respecting the Ministère des Approvisionnements et Services and in force at the time of the coming into force of this Act are deemed to be regulations adopted under the Financial Administration Act.

Special funds **54.** The special funds established under section 11 of this Act continue the funds established under section 15.1 of the Act respecting the Ministère des Approvisionnements et Services and section 22 of the Act respecting the Ministère des Communications.

Order

55. The first order made under subparagraph 3.2 of paragraph *l* of section 1 of the Labour Code, enacted by section 33 of this Act, may have effect from 19 January 1994.

Coming into
force

56. This Act comes into force on 17 June 1994.