

1991, chapter 72

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES APPROVISIONNEMENTS ET SERVICES AND OTHER LEGISLATION

Bill 180

Introduced by Mr Robert Dutil, Minister of Supplies and Services

Introduced 12 November 1991

Passage in principle 28 November 1991

Passage 18 December 1991

Assented to 18 December 1991

Coming into force: the provisions of sections 7 and 7.1 as enacted by section 1 of this Act, the provisions of sections 2 and 3 and of paragraph 2 of section 4 to the extent that they refer to the Government air service fund, and the provisions of sections 5 to 14 and 17 come into force on 18 December 1991;

the provisions of sections 7.2 to 7.5 as enacted by section 1 of this Act, the provisions of paragraphs 1 and 3 of section 4, of paragraph 2 of section 4 to the extent that they cover the mail and messenger services fund, and of sections 15, 16 and 18 will come into force on the dates fixed by the Government

Acts amended:

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

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

Act respecting the Ministère des Transports (R.S.Q., chapter M-28)

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



CHAPTER 72

An Act to amend the Act respecting the Ministère des Approvisionnement et Services and other legislation

[Assented to 18 December 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. M-23.01,
s. 7,
replaced,
ss. 7.1 to
7.5, added

1. Section 7 of the Act respecting the Ministère des Approvisionnements et Services (R.S.Q., chapter M-23.01), amended by section 1 of chapter 79 of the statutes of 1990, is replaced by the following sections:

Duties of
the Minister

“7. The Minister shall develop and propose to the Government policies relating to the acquisition and construction of property and to the leasing and supply of goods and services for government departments and public bodies.

Implementa-
tion

He shall see to the implementation of such policies, supervise their application and coordinate their execution.

Administra-
tion

The Minister is also responsible for the administration of the Acts entrusted to him.

Regulations

“7.1 The Government may make regulations pertaining to matters referred to in section 7, which shall apply

(1) to a government department;

(2) to a public body whose operating budget is voted in whole or in part by the National Assembly; or

(3) to any other public body.

Exemptions

“7.2 The Government may exempt all the activities carried on by a public body from the application of certain provisions of a

regulation made under section 7.1; it may also exempt certain categories of activities carried on by a public body from the application of all or some of the provisions of such a regulation.

Special
rules

The public body must have adopted, by by-law, special rules governing the activities so exempted. The by-law has effect only when approved by the Government upon the recommendation of the Conseil du trésor and following the Minister's advice.

Other rules

"7.3 A government department or public body may act according to rules that are different from those applicable to it under sections 7.1 and 7.2, with the authorization of the Government and following the recommendation of the Conseil du trésor and the Minister's advice in cases where the activity to be carried out is subject to authorization by the Government, or with the authorization of the Conseil du trésor following the Minister's advice in all other cases. The Government or the Conseil du trésor, as the case may be, may in such cases fix the rules which apply.

National
Assembly

"7.4 The powers conferred on the Government, the Conseil du trésor or the Minister by sections 7.2 and 7.3 shall, in respect of persons designated by the National Assembly to perform a duty under its authority and in respect of the Commission de la représentation, be exercised by the Office of the National Assembly.

Publication

The special rules governing the activities of any such body shall be published in the *Gazette officielle du Québec*.

Exemptions

"7.5 The Government, on the conditions it determines and upon the recommendation of the Conseil du trésor, may exempt a public body, other than a person designated by the National Assembly to perform a duty under its authority and other than the Commission de la représentation, from the application of all regulations made under section 7.1.

Special
rules

The public body must have adopted, by by-law, special rules relating to the matters to which a regulation made under section 7.1 applies and must make these rules public."

c. M-23.01,
s. 8, am.

2. Section 8 of the said Act, amended by section 2 of chapter 79 of the statutes of 1990, is again amended by inserting, after paragraph 2, the following paragraph:

"(2.1) supply, for a consideration, services, in particular in the following sectors: reprography, air transport within the framework of government functions or missions, mail and messenger services, supplies and furnishings, computer hardware and software, and office machine maintenance;".

c. M-23.01,
s. 9, am. **3.** Section 9 of the said Act, amended by section 4 of chapter 79 of the statutes of 1990, is replaced by the following section:

Public body **“9.** For the purposes of this Act, the Conseil du trésor, any government body or agency subject to the Auditor General Act (R.S.Q., chapter V-5.01) by the effect of sections 4, 5 and 6 of that Act, any person designated by the Government by virtue of an 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 duties that come under the National Assembly 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, is considered to be a public body.”

c. M-23.01,
s. 15.1, am. **4.** Section 15.1 of the said Act is amended

(1) by replacing the first three lines by the words “The special funds called “Government documents reproduction fund,”;

(2) by replacing the words “supplies and furnishings fund” in the fourth line by the words “ “Government air service fund” and “mail and messenger services fund” ”;

(3) by adding the following paragraph:

“supplies
and service
fund” **“A fund called “supplies and services fund” shall also be established at the department 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 furnishings, computer hardware and software and office machine maintenance.”**

c. M-23.01,
s. 15.8, am. **5.** Section 15.8 of the said Act is amended by inserting the figure “49.2,” after the figure “49” in the first line.

c. C-81,
s. 65, am. **6.** Section 65 of the Public Curator Act (R.S.Q., chapter C-81) is amended by replacing the figure “7” in the third line by the figure “7.1”.

c. C-81,
s. 68, am. **7.** Section 68 of the said Act is amended by replacing the figure “7” in the third line of paragraph 11 by the figure “7.1”.

c. M-28,
s. 3, am. **8.** Section 3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28), amended by section 1 of chapter 38 of the statutes of 1990, is again amended by striking out paragraph d.

c. M-28,
ss. 12.11
to 12.21,
repealed

9. Sections 12.11 to 12.21 of the said Act, enacted by section 2 of chapter 38 of the statutes of 1990, are repealed.

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

10. Section 4 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is amended by adding, after the second paragraph, the following paragraph:

Health and
education
sectors

“The Director may also purchase and hire movable property for the corporations of the education, higher education and health care and social services sectors and for universities, at the request of those corporations or universities.”

Transfer of
personnel

11. The members of the personnel of the Ministère des Transports assigned to government air transport shall become, as the Government determines, members of the personnel of the Ministère des Approvisionnements et Services.

Transfer of
appropriations

12. The appropriations referred to in section 3 of the Act to amend the Act respecting the Ministère des Transports (1990, chapter 38), insofar as they have not been transferred to the departments and bodies concerned and have not been used, shall, to the extent determined by the Government, be transferred to the Ministère des Approvisionnements et Services.

Words
replaced

13. In any proclamation or agreement or any order in council, government order, regulation, contract or other document, the words “Minister of Transport” and “Ministère des Transports”, where they concern government air transport, shall be replaced respectively by the words “Minister of Supplies and Services” and “Ministère des Approvisionnements et Services”.

Continuance

14. The Government air service fund established by this Act shall continue the Government air service fund established at the Ministère des Transports; takeoff and landing runways, terminal buildings and hangars shall not however be transferred to the fund established under this Act and shall remain under the authority of the Minister of Transport.

Transfer of
appropriations

15. The appropriations allocated to the Ministère des Approvisionnements et Services for the financing of mail and messenger services shall, on the date the mail and messenger services fund begins its activities, be transferred to the departments and public bodies benefitting from those services, to the extent determined by the Government.

Transfer of
appropriations

The appropriations allocated to the Office des ressources humaines as employer contributions shall be similarly transferred.

- Continuance **16.** The supplies and services fund, to the extent that it provides for the financing of goods and services other than those supplied by the General Purchasing Director, shall continue the office machine maintenance and repair fund, the computer hardware and software fund and the supplies and furnishings fund established under section 15.1 of the Act respecting the Ministère des Approvisionnements et Services, as it read on the day preceding the day of coming into force of the provisions of paragraph 1 of section 4 of this Act.
- Regulations **17.** Every regulation made under section 7 of the Act respecting the Ministère des Approvisionnements et Services, as it read before being amended by section 1 of this Act, shall remain in force until repealed or replaced pursuant to section 7.1.
- Provisions applicable **18.** The provisions of sections 7.2 to 7.5 as enacted by section 1 of this Act apply to public bodies from the date fixed for each of them by the Government, but not later than 1 April 1993.
- Coming into force **19.** The provisions of sections 7 and 7.1 as enacted by section 1 of this Act, the provisions of sections 2 and 3 and of paragraph 2 of section 4 to the extent that they refer to the Government air service fund, and the provisions of sections 5 to 14 and 17 come into force on 18 December 1991.
- Coming into force The provisions of sections 7.2 to 7.5 as enacted by section 1 of this Act, the provisions of paragraphs 1 and 3 of section 4, of paragraph 2 of section 4 to the extent that they cover the mail and messenger services fund, and of sections 15, 16 and 18 will come into force on the dates fixed by the Government.