

1983, chapter 23

AN ACT TO PROMOTE THE ADVANCEMENT OF SCIENCE AND TECHNOLOGY IN QUÉBEC

Bill 19

Introduced by Mr Gilbert Paquette, Minister responsible for Science and Technology

First reading: 31 May 1983

Second reading: 16 June 1983

Third reading: 22 June 1983

Assented to: 23 June 1983

Coming into force: by proclamation of the Government

- 17 August 1983: ss. 1 to 64, 98 to 101, 103 to 109, 111, 113 (s. 55, par. 16, 18), 114, 115, 127 to 131
G.O., 1983, Part 2, p. 3285
- 25 January 1984: ss. 65 (par. 2), 66 to 79, 81, 83 to 93, 94 (2nd par.), 95 (2nd and 3rd par.), 96,
97, 113 (s. 55, par. 17), 116, 119 to 124 respecting the Fonds de recherche en
santé du Québec
G.O., 1984, Part 2, p. 1085
- 25 January 1984: ss. 102 and 110
G.O., 1984, Part 2, p. 1085

Acts amended:

- Health Insurance Act (R.S.Q., chapter A-29)
- Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8)
- Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51)
- Executive Power Act (R.S.Q., chapter E-18)
- Act respecting the Ministère des Affaires culturelles (R.S.Q., chapter M-20)
- Act respecting the Ministère des Affaires sociales (R.S.Q., chapter M-23)
- Government Departments Act (R.S.Q., chapter M-34)
- Students Loans and Scholarships Act (R.S.Q., chapter P-21)
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)





CHAPTER 23

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

[Assented to 23 June 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITION

Interpreta-
tion

1. For the purposes of this Act, a public agency is

(1) an agency to which the Government or a minister appoints the majority of the members;

(2) an agency to which, by law, the personnel is appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1);

(3) an agency whose capital stock is part of the public domain; or

(4) an agency over one-half of whose operating expenses are paid out of the 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

Direction of
the
department

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

Deputy
Minister

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

- Duties **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.
- Duties He shall also perform the duties assigned to him by the Government or the Minister.
- Authority **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.
- Personnel **6.** The personnel necessary for the administration of the department are appointed and remunerated in accordance with the Civil Service Act.
- Duties The Minister shall determine the duties of the personnel of the department not expressly defined by law or by the Government.

DIVISION II

FUNCTIONS AND POWERS OF THE MINISTER

- Functions **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) foster, where applicable, the integration of those activities of the departments and public agencies which relate to science and technology;
- (3) contribute to the integration of the development of scientific and technological activities with the general policy on economic, social and cultural development;
- (4) ensure that new measures necessary for the development of scientific and technological potential are devised and implemented;
- (5) implement, at the request of the Government, certain governmental measures involving several sectors of science and technology.
- (6) foster consultation and cooperation between public and private agencies and persons interested in research and technology as well as the general public for the purpose of determining, in particular, the objectives of scientific and technological advancement and the means to achieve these objectives.

Powers

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) promote the study, assessment and control of the repercussions of technological progress on persons and on society;

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

(5) 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;

(6) conduct, in cooperation with the ministers concerned, assessments of the scientific and technological programs of the departments and public agencies;

(7) 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;

(8) 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;

(9) propose to the Government and the ministers concerned measures designed to ensure that the policies and practices of the Government and its departments adequately meet the needs of Québec in terms of personnel in the fields of science and technology;

(10) promote and coordinate the development and diffusion of scientific cultural and technological information;

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

(12) obtain from departments any information necessary for the application of this Act, including any information furnished to them by a public agency;

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

(14) coordinate the activities of the departments in matters of patents and licences.

- Applicability Subparagraphs 5 and 6 do not apply to an educational institution or to an establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5).
- Agreements **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.
- Subsidies **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.
- Memoranda of agreements **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.
- Corporations **12.** The Government may, by letters patent under the great seal, establish corporations for the advancement of research and technology.
- Tabling The Minister shall table in the National Assembly an order authorizing the issue of letters patent contemplated in the first paragraph within 30 days of making the order if the Assembly is sitting or, if it is not sitting, within 30 days of the opening of the next session or of resumption.
- Standing Committee The President of the Assembly shall, within 60 days from the tabling of the order, convene the Standing Committee of the National Assembly to examine it.
- Powers of the Government 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 Notice of the establishment of a corporation under this section is published in the *Gazette officielle du Québec*.
- Annual report **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

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

Documents **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.

Signature **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.

Regulations **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.

Authenticity **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.

Destruction **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

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

Secretariat **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*.

- Composition **22.** The Conseil is composed of 15 members, including a president, appointed by the Government and representing the research, college and university education, business and labour communities, the field of scientific and technical information and the public and parapublic sectors.
- Observers The Government may appoint not more than three observers to the Conseil; they participate in the meetings of the Conseil but have no vote.
- Terms of office **23.** The president of the Conseil is appointed for not over five years; the other members are appointed for not over three years.
- Renewal 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.
- Vacancies **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.
- Absence Absence from a number of meetings determined by the internal management by-laws of the Conseil constitutes a vacancy in the cases and circumstances indicated therein.
- President **25.** The president, who shall exercise his duties full time, has supervision and direction of the Conseil and its personnel.
- Remuneration The Government shall fix the remuneration, social benefits and other conditions of employment of the president.
- Expenses **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.
- Sittings **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.
- Sittings The Conseil may hold its sittings anywhere in Québec.
- Quorum Seven members are a quorum at sittings of the Conseil.
- Tie-vote In case of a tie-vote, the president has a casting vote.
- Personnel **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

Function **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.

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

Powers **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.

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

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

Committees **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.

Expenses 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.

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

DIVISION III

REPORT

Annual 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.

Tabling 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*

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

Corporation **36.** The Fondation is a corporation.

Mandatarly **37.** The Fondation is a mandatarly of the Government.

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

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

Corporate seat **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*.

Board of directors **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 president, appointed by the Government.

Observers 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.

Vice-president **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.

Term of office **41.** The president is appointed for not over three years.

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

- Members** 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.
- Continuance in office** **42.** At the end of their terms, the members remain in office until they are replaced or reappointed.
- Renewal** The appointment of the president and the other members may be renewed consecutively only once.
- Vacancies** **43.** Any vacancy occurring during a term is filled in accordance with the mode of appointment prescribed in section 39.
- Absence** Absence from a number of meetings determined by the internal management by-laws of the Fondation constitutes a vacancy.
- Duties of the president** **44.** The president, who shall exercise his duties full time has the direction and supervision of the Fondation and its personnel.
- Remuneration** The Government shall fix the remuneration, social benefits and other conditions of employment of the president.
- Expenses** **45.** Members other than the president are not remunerated. They are, however, entitled, in the cases and 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.
- Conflict of interest** **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.
- Conflict of interest** 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.
- Sittings** **47.** The Fondation may hold its sittings anywhere in Québec.
- Quorum** Six members are a quorum of the board of directors.
- Tie-vote** In case of a tie-vote, the president has a casting vote.
- Decisions** **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.

Personnel **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.

Conditions of employment 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.

Coming into force 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*

Functions **50.** The function of the Fondation is to provide financial support to the several Fonds established by this Act and, for that purpose,

(1) receive gifts, legacies, grants or other contributions and inform the public on the related benefits;

(2) allocate all or part of its revenues between the Fonds, in accordance with the plan provided for in section 52.

Gifts, legacies grants In the exercise of its functions under subparagraph 1 of the first paragraph, the Fondation shall accept no gift, legacy, grant or other contribution to which charges or conditions are attached, except in cases and on conditions it determines by regulation.

Regulations Every regulation made under the second paragraph is subject to the approval of 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.

Use of funds **51.** The Fondation shall not use the sums derived from gifts, legacies, grants and other contributions, except the sums voted annually by the Parliament, except for the exercise of its functions provided for under subparagraph 2 of the first paragraph of section 50, unless the sums are invested pursuant to section 55.

Use of funds The same applies to revenues resulting therefrom.

Allocation of funds **52.** The Fondation shall, each year, on the date fixed by the Minister, transmit to him a plan for the allocation of its revenues. The plan must take into account the directives that the Minister may, as the case may be, give to the Fondation on its objectives and orientations. The directives are prepared by the Minister with the collaboration of the minister responsible for each Fonds, for those parts that concern him.

- Management** The plan indicates separately the amounts estimated for the management of the Fondation.
- Use of funds** The plan also indicates, as the case may be, the conditions governing the use by a Fonds of the sums paid to it by the Fondation.
- Government approval** The plan is submitted to the Government for approval, on the recommendation of the Minister for Science and Technology prepared in collaboration with the Minister responsible for a Fonds for that part of the plan which concerns him.
- Tabling** The plan is tabled in the National Assembly within 15 days of its 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.
- Honorary members** **53.** The Fondation may create a class of honorary 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.
- Required authorization** **54.** The Fondation shall not, except with the authorization of the Government,
- (1) contract a loan which raises the total of its outstanding 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;
 - (3) acquire immovables, lease them or otherwise dispose of them.
- Investments** **55.** The Fondation 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) or with 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.
- Regulations** Every regulation made under subparagraph 3 of the first paragraph comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

Agreements **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.

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

§ 3.—*Financial provisions*

Powers of the Government **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.

Sums required 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*

Documents **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.

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

Regulations 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.

Authenticity **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.

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

Annual report **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.

Content 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 pour la formation de chercheurs et l'aide à la recherche”, 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.

Conflict or
interest

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.

Sittings

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

Quorum

The quorum at meetings of the board of directors is over one-half of the members of the board of directors of the Fonds.

Tie-vote

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

Decisions

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.

Personnel

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.

Conditions of
employment

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.

Coming into
force

The by-law 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*

Functions

80. The functions of the Fonds pour la formation de chercheurs et l'aide à la recherche are

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

(2) to promote or provide financial support, in accordance with the plan of activities contemplated in section 83, 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.

Fonds de la recherche en santé **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.

Fonds de recherche en agriculture **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.

Three-year plan **83.** Every Fonds shall, every year on the date fixed by the minister responsible, transmit to him a three-year plan of its activities. The plan must take into account the directives that the minister responsible may, as the case may be, give to the Fonds on its objectives and orientations. The directives are prepared by the minister responsible with the collaboration of the Minister for Science and Technology.

First year For the first year, the plan indicates separately the amounts estimated for the management expenditures of the Fonds and the amounts estimated for each of its financial support programs. The plan is accompanied with the budgetary estimates for the two following years.

Approval The plan is submitted to the Government for approval on the recommendation of the minister responsible for the Fonds prepared with the collaboration of the Minister for Science and Technology.

Tabling The plan is tabled in the National Assembly within 15 days of its 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.

Subsidies and grants **84.** Every Fonds may, within the scope of its plan of activities approved by the Government and on the conditions it determines, grant financial support by way of subsidies and grants.

Use of funds Every Fonds shall utilize the sums paid to it by the Fondation in conformity with the conditions set forth, as the case may be, in the apportionment plan of the Fondation approved by the Government.

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

Regulations **85.** 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.

Approval Every regulation made under subparagraph 3 of the first paragraph is subject to approval by the Government.

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

Committees **86.** Every Fonds may form committees responsible for the assessment of the applications for financial support that are addressed to it.

Expenses The members of such committees 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.

Exception However, committee members delegated by departments and public agencies are not entitled to an attendance allowance.

Agreements **87.** 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.

Internal management **88.** Every Fonds may adopt internal management by-laws.

Functions **89.** 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.

Required authorizations **90.** 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.

Acquisition of immovables No Fonds may acquire immovables.

§ 3.—*Financial provisions*Powers of
the Govern-
ment**91.** 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.

Sums
required

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*

Documents

92. 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.

Signature

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.

Coming into
forceEvery by-law 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.

Authenticity

93. 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 92 is authentic.

Fiscal year

94. The fiscal year of the Fonds pour la formation de chercheurs et l'aide à la recherche and the Fonds de recherche en agriculture, en pêche et en alimentation ends on 31 May each year.

Fiscal year

The fiscal year of the Fonds de la recherche en santé du Québec ends on 31 March each year.

Annual
report**95.** Not later than 30 September each year, the Fonds pour la formation de chercheurs et l'aide à la recherche and the Fonds de recherche en agriculture, en pêche et en alimentation shall transmit to their respective responsible ministers, a report of their activities for the preceding fiscal year.

Annual
report

Not later than 31 July each year, the Fonds de la recherche en santé du Québec shall transmit to its responsible minister a report of its activities for the preceding fiscal year.

Content

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

Tabling

96. 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.

Audit

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

Auditor's
report

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

CHAPTER V

PENALTIES

Offence and
penalty

98. 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.

Party to the
offence

99. Where a corporation commits an offence against section 98, 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.

Proceedings

100. Proceedings under section 98 or 99 are brought by the Attorney General or by any person generally or specially authorized by him for that purpose.

Disqualifica-
tions

101. No person found guilty of an offence against section 98 or 99, 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 VI

TRANSITIONAL AND FINAL PROVISIONS

c. A-29, s. 96, am. **102.** 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 23)”.

c. C-8, s. 4, am. **103.** 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:

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

c. C-8, s. 26.1, am. **104.** 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.”

c. C-51, s. 1, replaced **105.** The Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51) is amended by replacing section 1 by the following section:

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

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

c. C-51, s. 2, am. **106.** 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”.

c. C-51, s. 3, am. **107.** Section 3 of 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”.

c. E-18, s. 4, am. **108.** 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.”

c. M-20, s.
4, am.

109. 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 and fourth lines by the words “and scientific”.

c. M-23, s.
11.1, am.

110. Section 11.1 of the Act respecting the Ministère des Affaires sociales (R.S.Q., chapter M-23) is amended

(1) 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 23)”;

(2) by striking out the second paragraph.

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

111. 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.”

c. P-21, s. 7,
am.

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

c. R-12, s.
55, am.

113. Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 96 of chapter 51, section 220 of chapter 52 and by section 233 of chapter 63 of the statutes of 1982, is again amended by adding, after paragraph 15, the following paragraphs:

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

“(17) the chairmen, managing directors and the employees of the Fonds de la recherche en santé du Québec and of the Fonds de recherche en agriculture, en pêche et en alimentation;

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

Effect

This section has effect, with respect to the Fonds de la recherche en santé du Québec, from 10 December 1982.

President of
the Conseil
de la Science
et de la
Technologie

114. 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.

Secretary
and
personnel

115. 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.

Cancellation
of letters
patent

116. 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.

Rights and
obligations

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.

Cancellation
of letters
patent

117. 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.

Rights and
obligations

The Fonds pour la formation de chercheurs et l'aide à la recherche 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.

Existing
documents

118. The Fonds pour la formation de chercheurs et l'aide à la recherche 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.

Transfer of
employees

119. The employees of the Fonds pour la formation de chercheurs et l'aide à la recherche or of the Fonds de la recherche en santé du Québec appointed pursuant to the Civil Service Act (R.S.Q., chapter F-3.1) and who have acquired permanent status before (*insert here the effective date of this section in respect of the Fonds pour la formation de chercheurs et l'aide à la recherche*) or before (*insert here the effective date of this section in respect of the Fonds de la recherche en santé du Québec*), as the case may be, 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.

Deemed
agencies

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.

Applicability **120.** Section 77 of the Civil Service Act applies to every employee contemplated in section 119 who takes part in an advancement competition for an employment in the civil service.

Transfer of employees **121.** Every employee contemplated in section 119 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 pour la formation de chercheurs et l'aide à la recherche or the Fonds de la recherche en santé du Québec.

Promotions **122.** Every employee contemplated in section 119 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 pour la formation de chercheurs et l'aide à la recherche or the Fonds de la recherche en santé du Québec.

Transfer of employees **123.** Should the Fonds pour la formation de chercheurs et l'aide à la recherche or, as the case may be, the Fonds de la recherche en santé du Québec cease its activities, every employee contemplated in section 119 may either be laid off or transferred to an employment in the civil service that corresponds to his classification before (*insert here the effective date of this section in respect of the Fonds pour la formation de chercheurs et l'aide à la recherche*) or before (*insert here the effective date of this section in respect of the Fonds de la recherche en santé du Québec*), as the case may be.

Ajustment of classification **124.** 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 122.

Appeal **124.** Subject to the recourses which may exist pursuant to a collective agreement, every employee contemplated in section 119 who is dismissed or demoted may appeal therefrom in accordance with sections 87 and 97 of the Civil Service Act, if applicable.

Pension plan **125.** The civil servants of the Ministère de l'Éducation who on (*insert here the date of coming into force of this section*) became employees of the Fonds pour la formation de chercheurs et l'aide à la recherche may continue to contribute to the Civil Service Superannuation Plan or to the Government and Public Employees Pension Plan, as the case may be, except if they decide to contribute to the supplemental pension plan of the Fonds.

- Agreements **126.** The Minister of Agriculture, Fisheries and Food is authorized to enter into an agreement with the Fonds de recherche en agriculture, en pêcheries et en alimentation, in relation to personnel, administrative support and the needs in equipment and premises of the Fonds.
- Effect This section will cease to have effect on the date that will be fixed by the Government.
- Agreements **127.** The Minister for Science and Technology is authorized to enter into an agreement with the Fondation pour le développement de la science et de la technologie, in relation to personnel, administrative support and the needs in equipment and premises of the Fondation.
- Effect This section will cease to have effect on the date that will be fixed by the Government.
- Minister responsible **128.** 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.
- Sums required **129.** 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 Parliament.
- Exception **130.** 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).
- Coming into force **131.** This Act will come 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.
- Effect The provisions of Division II of Chapter IV and sections 113 and 116 to 124 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	(35-97)
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	(65-97)
	§ 1.— <i>Establishment and organization</i>	65-79
	§ 2.— <i>Functions and powers</i>	80-90
	§ 3.— <i>Financial provisions</i>	91
	§ 4.— <i>Documents, accounts and reports</i>	92-97
CHAPTER V	PENALTIES	(98-101)
CHAPTER VI	TRANSITIONAL AND FINAL PROVISIONS	(102-131)