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chapter M-30

ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

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DIVISION I

ORGANIZATION OF THE DEPARTMENT

1984, c. 47, s. 107.

1. The Ministère du Conseil exécutif shall be presided over by the Prime Minister.

R. S. 1964, c. 16, s. 1; 1977, c. 5, s. 14; 1977, c. 14, s. 1; 1984, c. 47, s. 108.

1.1. The Secretary General of the Conseil exécutif is *ex officio* Deputy Minister of the Ministère du Conseil exécutif.

1984, c. 47, s. 109.

1.2. Under the direction of the Prime Minister, the Deputy Minister shall administer the department.

He shall, in addition, perform any other duty assigned to him by the Government or the Prime Minister.

1984, c. 47, s. 109.

1.3. In the discharge of his duties, the Deputy Minister has the authority of the Prime Minister.

1984, c. 47, s. 109.

1.4. The Deputy Minister may, in writing, on the conditions, to the extent and for the period he indicates, delegate or subdelegate all or part of the responsibilities vested in him pursuant to this Act.

1984, c. 47, s. 109.

1.5. The staff of the department consists of the public servants required for the discharge of the Prime Minister's duties; in virtue of this Act, they are appointed in accordance with the Public Service Act (chapter F-3.1.1).

The Prime Minister shall determine the duties of his public servants where they are not determined by law or by the Government.

1984, c. 47, s. 109; 2000, c. 8, s. 242.

2. No deed, document or writing shall bind the department or be attributed to the Prime Minister in his capacity as Chairman of the department unless it is signed by him, by the Deputy Minister or by a functionary, and only, as regards the latter, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec.*

The Government may, however, upon the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines.

The Government may also allow a facsimile of the required signature to be engraved, lithographed or printed on such documents as it determines; in such case, the facsimile has the same force as the signature itself if the document is countersigned by a person authorized by the Prime Minister.

1977, c. 14, s. 2; 1977, c. 5, s. 14.

3. Every copy of a document from the records of the department, certified true by a person authorized to sign that document in conformity with the first paragraph of section 2, is authentic and has the same force as the original.

1977, c. 14, s. 2.

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DIVISION I.1

STANDARDS OF ETHICS AND PROFESSIONAL CONDUCT

1997, c. 6, s. 1.

§ 1. — *Public office holders*

1997, c. 6, s. 1.

3.0.1. Public office holders shall be subject to the standards of ethics and professional conduct enacted by government regulation, including those relating to remuneration.

The following persons are public office holders:

(1) the members of the board of directors of, and members of, a government agency within the meaning of the Auditor General Act (chapter V-5.01) other than a legal person less than 100% of the voting shares of which are held by a government agency to which this subparagraph applies, and the persons holding administrative offices provided for by law within such an agency;

(2) the persons appointed or designated by the Government or by a minister to an office within any agency or corporation that is not a public body within the meaning of the Auditor General Act to whom subparagraph 1 does not apply.

A person already governed by standards of ethics or professional conduct under the Public Service Act (chapter F-3.1.1) shall, in addition, be subject to the standards prescribed under this division where that person's position is that of a public office holder.

This section does not apply to judges of a court within the meaning of the Courts of Justice Act (chapter T-16), to bodies every member of which is a judge of the Court of Québec, to the Conseil de la magistrature or to the committee on the remuneration of the judges. Nor does this section apply to the committee on the remuneration of criminal and penal prosecuting attorneys, the Conseil de la justice administrative, the Administrative Tribunal of Québec and its members, adjudicative bodies in respect of which the Conseil is conferred jurisdiction by the law over the hearing of complaints against one of their members for a breach of professional conduct, or the members of those bodies.

1997, c. 6, s. 1; 1997, c. 43, s. 361; 1997, c. 84, s. 9; 2011, c. 31, s. 20; 2013, c. 16, s. 119; I.N. 2015-11-01.

3.0.2. The regulations made under section 3.0.1 may

(1) prescribe standards that vary according to the various classes of agencies, corporations or persons to which they apply or that apply only to certain classes of them;

(2) prescribe the rules with which public office holders are required to comply after the expiry of their term of office, and the period of compliance;

(3) regulate or prohibit certain practices relating to the remuneration of public office holders;

(4) require the members of the board of directors of, or members of, a government agency referred to in subparagraph 1 of the second paragraph of section 3.0.1 to establish, in conformity with the standards prescribed by the regulations, a code of ethics and professional conduct applicable to the persons referred to in that subparagraph and specify the matters to be addressed by the codes; the codes may prescribe standards that vary according to the various classes of persons to which they apply or that apply only to certain classes among them;

(5) establish the authorities responsible for, and the procedure governing, examinations of and inquiries into alleged or actual conduct that may be in contravention of the law, the regulations or the codes of ethics

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and professional conduct, prescribe appropriate penalties and determine the authorities that are to determine or impose such penalties;

(6) determine the terms and conditions according to which public office holders may be temporarily relieved of their duties.

The Government may, by regulation and according to the terms it determines, extend the jurisdiction of an existing authority or of its members to include the jurisdiction under subparagraph 5 of the first paragraph.

The government agency must ensure public access to the code and publish it in its annual report.

The annual report shall, in addition, state the number of cases dealt with and the follow-up thereon and set out any breaches determined during the year by the disciplinary authorities, the determination thereof, any penalties imposed by the competent authorities and the names of any public office holders revoked or suspended during the year.

1997, c. 6, s. 1; 2013, c. 16, s. 120.

§ 2. — *Government agencies*

1997, c. 6, s. 1; 2013, c. 16, s. 121.

3.0.3. The members of the board of directors of, and members of, every government agency not referred to in subparagraph 1 of the second paragraph of section 3.0.1 must establish a code of ethics and professional conduct which is applicable to them.

The members of the board of directors of, and members of, every government agency must establish a code of ethics and professional conduct applicable to every person who, at the request of the agency, acts as a director or member of any agency or corporation that is not a government agency.

Such codes shall set out the duties and obligations of the persons to which they apply, and may prescribe standards that vary according to the various classes of persons to which they apply or that apply only to certain classes of persons. Such codes must, among other things,

(1) include preventive measures, in particular rules for the disclosure of interests;

(2) deal with the identification of situations of conflict of interest;

(3) regulate or prohibit practices relating to remuneration;

(4) specify the duties and obligations of persons even after they leave office;

(5) include enforcement mechanisms, in particular the designation of the persons charged with the enforcement of the code and provide for penalties.

The government agency must ensure public access to the codes, and publish them in its annual report.

The annual report shall, in addition, state the number of cases dealt with and the follow-up thereon and set out any breaches determined during the year by the disciplinary authorities, the determination thereof, any penalties imposed by the competent authorities and the names of any persons revoked or suspended during the year.

1997, c. 6, s. 1; 2013, c. 16, s. 122.

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§ 3. — *Health and social services and education sectors*

1997, c. 6, s. 1.

3.0.4. The members of the board of directors, or of the entity acting as such, of every body referred to below must establish a code of ethics and professional conduct which is applicable to them:

(1) every educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(2) every general and vocational college established under the General and Vocational Colleges Act (chapter C-29);

(3) every private institution accredited for the purposes of subsidies under the Act respecting private education (chapter E-9.1);

(4) every other educational institution more than half of whose operating expenses are paid out of appropriations appearing in the budget estimates tabled in the National Assembly;

(5) every public or private institution that is a party to an agreement referred to in the Act respecting health services and social services (chapter S-4.2);

(6) the regional council established under the Act respecting health services and social services for Cree Native persons (chapter S-5).

The code shall set out the duties and obligations of the persons to which it applies, and may prescribe standards that vary according to the various classes of persons to which they apply or that apply only to certain classes of persons. The code must, among other things,

(1) include preventive measures, in particular rules for the disclosure of interests;

(2) deal with the identification of situations of conflict of interests;

(3) regulate or prohibit practices relating to remuneration;

(4) specify the duties and obligations of persons even after they leave office;

(5) include enforcement mechanisms, in particular the designation of the persons charged with the enforcement of the code and provide for penalties.

The institution, college or council must ensure public access to the code, and publish it in its annual report.

The annual report shall, in addition, state the number of cases dealt with and the follow-up thereon and set out any breaches determined during the year by the disciplinary authorities, the determination thereof, any penalties imposed by the competent authorities and the names of any persons revoked or suspended during the year.

1997, c. 6, s. 1; 2001, c. 24, s. 109.

§ 4. — *Various provisions*

1997, c. 6, s. 1.

3.0.5. Persons or authorities charged, pursuant to this division, with examining or inquiring into alleged or actual conduct that may be contrary to standards of ethics or professional conduct, or charged, pursuant to this

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division, with determining or imposing appropriate penalties, may not be prosecuted by reason of acts performed in good faith in the performance of their duties.

1997, c. 6, s. 1.

3.0.6. Any person who derives a benefit as a result of a failure to comply with any standard of ethics or professional conduct established under this division is liable to the State for the value of the benefit derived.

1997, c. 6, s. 1.

DIVISION II

CANADIAN INTERGOVERNMENTAL AFFAIRS

Note *The Minister responsible for Canadian Relations and the Canadian Francophonie is responsible for the administration of Division II of this Act, with the exception of section 3.6.1. Order in Council 122-2024 dated 7 February 2024, (2024) 156 G.O. 2 (French), 1092.*

1984, c. 47, s. 110.

§ 1. — *General provisions*

1984, c. 47, s. 110.

3.1. The Prime Minister or the Minister designated by the Government in accordance with section 9 of the Executive Power Act (chapter E-18), hereinafter called "the Minister", is responsible for the administration of this division.

1984, c. 47, s. 110.

3.2. The Minister shall elaborate and propose to the Government a policy on Canadian intergovernmental affairs, and shall implement it.

The Minister shall advise the Government on any question relating to Canadian intergovernmental relations. The Minister is the depositary of Canadian intergovernmental agreements and, as such, the Minister shall establish a bureau des ententes and prescribe the method of registration of such agreements. The original or, failing that, a true copy of each Canadian intergovernmental agreement must be deposited in the bureau des ententes. In addition, the Minister may at any time require a copy of any agreement referred to in section 3.11, 3.12, 3.12.1 or the first paragraph of section 3.13.

The Minister shall analyze the information gathered by the departments and agencies of the Government and by the offices established under section 3.15, the programs and policies of the Government of Canada and of the governments of the other provinces, and the federal and provincial Acts.

The Minister shall promote information about Québec in the other provinces and shall propose and implement measures of all kinds to further its influence there.

The Minister shall establish and maintain such relations with other governments in Canada and their departments or agencies as the Gouvernement du Québec considers it expedient to have with them.

The Minister is responsible for the activities carried on in Canada, outside Québec, by the Government, its departments and agencies. In that connection, he and each minister concerned may agree upon the manner in which they will cooperate. He may also recommend that the Government entrust the responsibility for certain of those activities to another minister.

1984, c. 47, s. 110; 1988, c. 41, s. 72; 2002, c. 60, s. 1.

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3.3. It is the duty of the Minister, in agreement with the interested departments and agencies, to promote the interests of Québec and the cultural, economic and social development of the people of Québec by the establishment of Canadian intergovernmental relations.

1984, c. 47, s. 110; 1988, c. 41, s. 73.

3.4. The Minister is responsible for official communications between the Gouvernement du Québec and other governments in Canada; he shall, for that purpose, maintain the necessary liaison with their representatives in the territory of Québec.

1984, c. 47, s. 110.

3.5. The Minister, in conducting Canadian intergovernmental affairs, shall see that the constitutional jurisdiction of Québec and the integrity of its institutions are respected.

The Minister shall furthermore ensure the participation of the Government in the preparation and implementation in Canada of federal policies and programs affecting the development of Québec and, for that purpose, favour intergovernmental cooperation.

1984, c. 47, s. 110; 2002, c. 60, s. 2.

3.5.1. The Minister shall identify the policies and programs of the Government of Canada and of the governments of the other provinces which may have an impact financially, economically or otherwise in Québec, and assess them in cooperation with the departments and agencies concerned.

1988, c. 41, s. 74.

3.6. The Minister shall cooperate with the other departments of the Government for the implementation in Canada, outside Québec, of policies for which they are responsible, namely, in the sectors of immigration, education, industry and commerce, communications and cultural affairs.

1984, c. 47, s. 110.

3.6.1. The Minister shall devise and propose to the Government programs of cooperation with French-speaking Canadians outside Québec, and see to their implementation.

1988, c. 41, s. 75.

Note *The Minister of the French Language is responsible for the administration of section 3.6.1 of this Act. Order in Council 121-2024 dated 7 February 2024, (2024) 156 G.O. 2 (French), 1091.*

§ 2. — *Canadian intergovernmental and other agreements*

1984, c. 47, s. 110.

3.6.2. In this subdivision,

"Canadian intergovernmental agreement" means an agreement between the Government or one of its departments or government agencies and another government in Canada, one of its departments or government agencies, or a federal public agency;

"federal public agency" means

(1) a legal person or agency that, although not a federal government agency, has one of the following characteristics:

(a) a majority of its members come from the federal public sector, that is, are appointed by the federal government, a federal minister, a federal government agency or another federal public agency;

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(b) its personnel is appointed in accordance with the Public Service Employment Act (R.S.C. 1985, c. P-33);

(c) more than half of its financing is derived from federal public funds, that is, from the federal Consolidated Revenue Fund, a federal government agency or another federal public agency;

(d) a periodic financial or other report concerning its activities is required by law to be tabled in the Federal Parliament;

(2) a group of federal public agencies;

"government agency" means a legal person or agency that, under its constituting Act, is empowered to make inquiries, issue permits or licences or make regulations for purposes other than its internal management and, if it is a legal person, has one of the following characteristics:

(1) it is the mandatary or agent of the State or of another government in Canada;

(2) it enjoys the rights and privileges of a mandatary or agent referred to in paragraph 1;

"municipal body" means

(1) a municipality;

(2) a metropolitan community;

(3) a legal person or body that has one of the following characteristics:

(a) a majority of its members are appointed by one or more municipal bodies;

(b) more than half of its financing is provided by one or more municipal bodies;

(4) a group of municipal bodies;

"public agency" means

(1) a legal person or agency that, although not a government agency, a municipal body or a school body, has one of the following characteristics:

(a) a majority of its members come from the Québec public sector, that is, are appointed by the Government, a minister, a government agency, a municipal body, a school body or another public agency;

(b) its personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(c) more than half of its financing is derived from Québec public funds, that is from the Consolidated Revenue Fund, a government agency, a municipal body, a school body or another public agency;

(2) a group of public agencies;

"school body" means

(0.1) a school service centre;

(1) a school board;

(2) the Comité de gestion de la taxe scolaire de l'île de Montréal;

(3) a legal person or body that has one of the following characteristics:

(a) a majority of its members are appointed by one or more school bodies;

(b) more than half of its financing is provided by one or more school bodies;

(4) a group of school bodies.

2002, c. 60, s. 3; 2002, c. 75, s. 33; 2020, c. 1, s. 289.

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3.7. The Minister shall oversee the negotiation of Canadian intergovernmental agreements and their implementation and administer the programs of intergovernmental exchanges resulting therefrom, except as provided by the Government.

The programs of exchanges contemplated in the first paragraph shall be elaborated, in agreement with the Minister, by the departments and agencies in the fields of their jurisdiction.

1984, c. 47, s. 110; 2002, c. 60, s. 4.

3.8. Notwithstanding any other legislative provision, Canadian intergovernmental agreements must, to be valid, be approved by the Government and be signed by the Minister.

The Minister may authorize, in writing, any person to sign a Canadian intergovernmental agreement on behalf of the Minister; that person's signature shall have the same effect as the Minister's signature. The authorization may pertain to a specific agreement or a class of agreements.

1984, c. 47, s. 110; 2002, c. 60, s. 5.

3.9. When a person other than the Minister may, by law, enter into Canadian intergovernmental agreements, the signature of such a person continues to be required to give effect to the agreements unless otherwise ordered by the Government.

1984, c. 47, s. 110.

3.10. The Government may authorize the Minister to be sole signatory to a Canadian intergovernmental agreement which another person is empowered by law to conclude. In such a case, the signature of the Minister shall have the same effect as that of the person empowered.

1984, c. 47, s. 110.

3.11. Except to the extent expressly provided for by law, no municipal body or school body may, without the prior authorization of the Government, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency.

The Government may attach such conditions as it determines to the authorization.

Any contravention of the provisions of the first paragraph or any failure to comply with the conditions referred to in the second paragraph entails the nullity of the agreement.

The Minister, concurrently with the minister responsible for or the minister who subsidizes the municipal or school body, shall see to the negotiation of the agreement.

1984, c. 47, s. 110; 1988, c. 41, s. 76; 1988, c. 84, s. 664; 1990, c. 85, s. 119; 1999, c. 40, s. 191; 2000, c. 56, s. 218; 2002, c. 60, s. 6.

3.12. No public agency may, without the prior written authorization of the Minister, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency.

The minister responsible for or the minister who subsidizes the public agency shall give an advisory opinion on the draft agreement to the Minister before the decision on the application for authorization is made.

The Minister may attach such conditions as he or she determines to the authorization. The Minister may, in particular, fix as a condition that the financing obtained under the agreement referred to in the first paragraph will not be subsequently taken into consideration to determine whether or not the agency is subject to this section.

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Any contravention of the provisions of the first paragraph or any failure to comply with the conditions referred to in the third paragraph entails the nullity of the agreement.

The Minister, concurrently with the minister responsible for or the minister who subsidizes the public agency, shall see to the negotiation of the agreement.

1984, c. 47, s. 110; 1988, c. 41, s. 77; 1999, c. 40, s. 191; 2000, c. 8, s. 242; 2002, c. 60, s. 7.

3.12.1. No government agency, municipal body or school body may, without the prior authorization of the Government, permit or tolerate being affected by any agreement entered into between a third person and another government in Canada or one of its departments or government agencies, or a federal public agency.

The Government may attach such conditions as it determines to the authorization.

The first paragraph also applies to a public agency which, in that case, must obtain prior authorization in writing from the Minister, who may attach such conditions as he or she determines to the authorization. The minister responsible for or the minister who subsidizes the public agency shall give an advisory opinion to the Minister before the decision on the application for authorization is made.

For the purposes of the first paragraph, an agency or body is permitting or tolerating being affected by an agreement when, for instance, it enters into an agreement that is related to an agreement referred to in that paragraph.

Any contravention of the first or third paragraph or any failure to comply with the conditions referred to in the second or third paragraph entails, for the agency or body, the nullity of any stipulation or agreement having any effect whatever in its respect.

2002, c. 60, s. 8.

3.13. The Government, to such extent and subject to such conditions as it determines, may exempt the whole or a part of an agreement or class of agreements which it designates from the application of this division.

Agreements entered into within the scope of relations established by the National Assembly with parliamentary institutions are in particular excluded from this division.

1984, c. 47, s. 110; 1988, c. 41, s. 78; 2002, c. 60, s. 9.

§ 3. — *Representation of Québec in Canada*

1984, c. 47, s. 110.

3.14. The Minister has the direction of Québec representation in Canada.

1984, c. 47, s. 110.

3.15. The Minister may, with the approval of the Government, establish offices in Canada, outside Québec, and appoint heads of post to them.

1984, c. 47, s. 110; 1988, c. 41, s. 79.

3.16. Only the Minister, the Deputy Minister or the Associate Secretary General of the Conseil exécutif designated by the latter may assign a person in Canada, outside Québec, to perform duties within an office there.

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Only the Minister, the Deputy Minister or the Associate Secretary General of the Conseil exécutif designated by the latter or a person designated by any of them may recruit a person in Canada, outside Québec, to perform duties within an office there.

The persons so assigned or recruited shall perform their duties under the authority of the head of post.

The Minister, the Deputy Minister or the Associate Secretary General of the Conseil exécutif designated by the latter shall assign or recruit a person in Canada, outside Québec, after consulting with the minister concerned, if any; a person designated by any of them to recruit a person in Canada, outside Québec, shall do so after consulting with the minister concerned, if any.

1984, c. 47, s. 110; 1988, c. 41, s. 80.

3.17. Despite the Act respecting the Centre d'acquisitions gouvernementales (chapter C-7.01) and sections 27 and 30 of the Public Infrastructure Act (chapter I-8.3), the Minister shall provide the heads of post and persons assigned in Canada, outside Québec, with the premises, the staff and the services necessary for the performance of their duties.

The Minister is responsible in particular for the acquisition, lease and management generally of the required property and he may, for such purpose,

(1) build or maintain any property;

(2) acquire, sell, alienate or lease any property or any real right;

(3) with the authorization of the Government on the recommendation of the Minister of Finance, offer as security any property or any real right.

1984, c. 47, s. 110; 1986, c. 52, s. 19; 1988, c. 41, s. 81; 1991, c. 4, s. 3; 1994, c. 18, s. 43; 1999, c. 40, s. 191; 2005, c. 7, s. 72; 2013, c. 23, s. 128; 2020, c. 5, s. 224; 2020, c. 2, s. 54.

3.18. The head of post shall exercise his functions under the authority of the Deputy Minister or the Associate Secretary General of the Conseil exécutif that he designates.

The head of post shall supervise and manage the personnel of the office under his responsibility.

1984, c. 47, s. 110.

3.19. *(Repealed).*

1984, c. 47, s. 110; 1988, c. 41, s. 82.

3.20. The Conseil du trésor shall determine, after consultation with the Minister, the conditions of employment specifically related to the assignment in Canada, outside Québec, of any class of persons.

The Conseil du trésor shall also determine the employment plan applicable to persons recruited outside Québec.

1984, c. 47, s. 110.

3.21. Every official delegation of Québec to a federal-provincial or interprovincial ministerial conference shall be constituted and commissioned by the Government.

No person shall, at an intergovernmental conference or meeting in Canada, take a position in the name of the Government, unless he has received an express mandate for such purpose given under the authority of the

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Minister. The same rule applies to every mission sent in the name of the Government to another government in Canada or to a department or agency of such a government.

1984, c. 47, s. 110.

3.22. Within the framework of the agreements or ententes for cooperation made by the Gouvernement du Québec with another government in Canada, the Minister shall in cooperation with the interested departments see to the elaboration and implementation of cooperation programs in sectors where exchanges are most likely to promote the cultural and economic development and influence of Québec.

1984, c. 47, s. 110.

DIVISION III

Repealed, 1997, c. 91, s. 52.

1992, c. 24, s. 1; 1997, c. 91, s. 52.

3.23. *(Repealed).*

1992, c. 24, s. 1; 1997, c. 91, s. 52.

3.24. *(Repealed).*

1992, c. 24, s. 1; 1997, c. 91, s. 52.

3.25. *(Repealed).*

1992, c. 24, s. 1; 1997, c. 91, s. 52.

3.26. *(Repealed).*

1992, c. 24, s. 1; 1997, c. 91, s. 52.

3.27. *(Repealed).*

1992, c. 24, s. 1; 1997, c. 91, s. 52.

3.28. *(Repealed).*

1992, c. 24, s. 1; 1997, c. 91, s. 52.

3.29. *(Repealed).*

1992, c. 24, s. 1; 1997, c. 91, s. 52.

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DIVISION III.1

ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION

Note *The Minister responsible for Social Solidarity and Community Action is responsible of communuty action and is responsible the application of Division III.1, except with respect to international humanitarian action. Order in Council 1658-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6522.*

The Minister of International Relations and La Francophonie is responsible for the administration of Division III.1 of this Act as regards international humanitarian action. Order in Council 367-2014 dated 24 April 2014, (2014) 146 G.O. 2 (French), 1875.

1995, c. 66, s. 1.

3.30. A fund to be known as the assistance fund for independent community action is hereby established for the purpose of financing assistance for independent community action and, subsidiarily, international humanitarian assistance.

1995, c. 66, s. 1; 2013, c. 16, s. 153.

3.31. *(Repealed).*

1995, c. 66, s. 1; 2011, c. 18, s. 245.

3.32. The Prime Minister, or such other minister as the Government designates in accordance with section 9 of the Executive Power Act (chapter E-18), hereinafter referred to as the Minister, is responsible for the administration of this division.

1995, c. 66, s. 1.

3.33. The following are credited to the Fund, exclusive of the interest earned:

(1) *(subparagraph repealed);*

(2) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of this division;

(3) the advances made to the Fund by the Minister of Finance under section 54 of the Financial Administration Act (chapter A-6.001);

(4) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament.

1995, c. 66, s. 1; 2011, c. 18, s. 246; 2013, c. 16, s. 154, s. 157; 2013, c. 16, s. 154; 2016, c. 7, s. 83.

3.34. *(Repealed).*

1995, c. 66, s. 1; 2000, c. 15, s. 132; 2011, c. 18, s. 247.

3.35. Despite section 53 of the Financial Administration Act (chapter A-6.001), the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

1995, c. 66, s. 1; 2011, c. 18, s. 248.

3.36. The Minister may, as person responsible for the fund, grant financial assistance directly to community action organizations or pay financial assistance on behalf of government departments to enable them to intensify their community assistance operations.

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The Minister may also pay financial assistance for the purposes of international humanitarian assistance, out of the sums not exclusively allocated to assistance for independent community action.

1995, c. 66, s. 1; 2013, c. 16, s. 155.

3.37. The sums required for the payment of the sums referred to in section 3.36 are debited from the Fund.

1995, c. 66, s. 1; 2011, c. 18, s. 249.

3.38. *(Repealed).*

1995, c. 66, s. 1; 2000, c. 8, s. 171; 2000, c. 15, s. 133; 2011, c. 18, s. 250.

3.39. *(Repealed).*

1995, c. 66, s. 1; 2011, c. 18, s. 250.

3.40. *(Repealed).*

1995, c. 66, s. 1; 1999, c. 40, s. 191; 2011, c. 18, s. 250.

3.41. The Minister shall table in the National Assembly a report on the operations of the fund for each fiscal year.

The Committee on the National Assembly shall designate the Committee that will study the report.

1995, c. 66, s. 1.

DIVISION III.1.1

THE CAPITALE-NATIONALE REGION FUND

Note *The Minister responsible for the Capitale-Nationale region is responsible for the application of Division III.1.1 of this Act. Order in Council 1665-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6525.*

2016, c. 31, s. 39; I.N. 2017-10-01.

3.41.1. The Capitale-Nationale Region Fund is established for the purpose of contributing to the dynamism, vitality, development, growth and influence of the Capitale-Nationale region.

2016, c. 31, s. 39; 2017, c. 13, s. 184.

3.41.2. The Premier or a minister designated by the Government in accordance with section 9 of the Executive Power Act (chapter E-18), hereinafter referred to as “the Minister”, is responsible for the administration of this division.

2016, c. 31, s. 39.

3.41.3. The following are credited to the Fund, exclusive of the interest earned:

(1) the gifts, legacies and other contributions paid into it to further achievement of the objects of this division; and

(2) the sums transferred to it by a minister out of the appropriations granted for that purpose by Parliament.

2016, c. 31, s. 39.

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3.41.4. Despite section 53 of the Financial Administration Act (chapter A-6.001), the Minister may not, as the person responsible for the Fund, borrow from the Minister of Finance the sums credited to the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

2016, c. 31, s. 39.

3.41.5. The Minister may, as the person responsible for the Fund and in order to support the development of the Capitale-Nationale region and help further its influence, grant any financial assistance.

The Minister may, to the extent provided by the Minister, allow the recipient of such assistance to use it despite the Municipal Aid Prohibition Act (chapter I-15). In the case of Ville de Québec, the Minister may also allow it to use the assistance not only in its territory, but in all the territory of the Capitale-Nationale region.

The sums required for payment of the financial assistance referred to in the first and second paragraphs are debited from the Fund.

2016, c. 31, s. 39; 2017, c. 13, s. 185; 2018, c. 8, s. 190.

3.41.5.1. The Minister may, by means of an agreement setting out the role and responsibilities of each of the parties, delegate the administration of all or part of the Fund to the Communauté métropolitaine de Québec, a municipality, any municipal or supramunicipal body under a municipality, or the band council of a Native community. The delegatee shall administer the sums entrusted to it under, and has all the powers necessary to carry out, the agreement. The delegatee may, if applicable and with the necessary modifications, entrust that administration to its executive committee or a member of that committee or to its director general or general manager.

Such an agreement may, to the extent it stipulates, allow a departure from the Municipal Aid Prohibition Act (chapter I-15).

2018, c. 8, s. 191.

3.41.6. For each fiscal year, the Minister tables in the National Assembly a report on the Fund's activities, including a detailed list of the subsidized projects, sums granted and recipients.

The Committee on the National Assembly designates the committee that will study the report.

2016, c. 31, s. 39; 2018, c. 8, s. 192.

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DIVISION III.2

NATIVE AFFAIRS

Note *The Minister responsible for Relations with the First Nations and the Inuit is responsible for the application of Division III.2 of this Act. Order in Council 1667-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6526.*

1999, c. 67, s. 1.

§ 1. — *General provisions*

1999, c. 67, s. 1.

3.42. The Prime Minister or the minister designated by the Government under section 9 of the Executive Power Act (chapter E-18), hereinafter referred to as `the Minister´, is responsible for the administration of this division.

1999, c. 67, s. 1.

3.43. The mission of the Minister is to promote the establishment and maintenance of harmonious relations with the Native nations and communities of Québec and to thereby foster their development in Québec. For that purpose, the Minister is responsible, among other duties, for the conclusion of all agreements relating to Native affairs.

In taking action, the Minister shall have regard to the aspirations, priorities and demands of the Native nations and communities.

1999, c. 67, s. 1.

3.44. The Minister shall elaborate, propose to the Government and implement a Native affairs policy.

The policy shall include measures to foster harmonious relations between the Government and the Native persons of Québec and to improve the economic, social and cultural conditions of the Native persons of Québec.

1999, c. 67, s. 1.

3.45. The Minister may establish and implement financial assistance programs designed to contribute to the economic, social and cultural development of the Native persons of Québec. Such programs require government approval.

The Minister shall administer the sums entrusted to the Minister for the carrying out of the programs and may grant financial assistance under the programs to any Native person or organization.

1999, c. 67, s. 1.

3.46. The Minister is the advisor of the Government and shall coordinate all government action as regards Native affairs.

The Minister may refer to the Government any matter related to Native affairs which, in the Minister’s opinion, calls for the intervention of the Government.

1999, c. 67, s. 1.

3.47. The Minister is also responsible for

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(1) providing general information to Native persons and informing the general public of government policies as regards Native affairs, and

(2) fulfilling any other function assigned to the Minister by the Government.

1999, c. 67, s. 1.

§ 2. — *Agreements relating to Native affairs*

1999, c. 67, s. 1.

3.48. With due regard for the responsibilities conferred by this Act on the Minister referred to in section 3.1 and for those conferred on the Minister of International Relations by the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), the Minister shall oversee the negotiation of every agreement between the Government or any of its departments or agencies and a Native nation represented by the band councils of all the communities forming the Native nation, a Native community represented by its band council or by its council in the case of a Northern village, a group of communities so represented or any other Native group, and shall ensure that the agreement is implemented.

For the purposes of this subdivision, a legal person or agency to which the Government or a minister appoints the majority of the members, to which, by law, the officers or employees are appointed in accordance with the Public Service Act (chapter F-3.1.1) or more than half of whose resources are derived from the Consolidated Revenue Fund is an agency of the Government.

1999, c. 67, s. 1; 2000, c. 8, s. 242.

3.49. Notwithstanding any other legislative provision, an agreement referred to in section 3.48 must, to be valid, be approved by the Government and signed by the Minister.

The Minister may authorize, in writing, any person to sign an agreement relating to Native affairs in the Minister's name and the signature shall have the same effect as the Minister's signature. The authorization may concern a specific agreement or a class of agreements.

1999, c. 67, s. 1.

3.50. When a person other than the Minister may, by law, enter into agreements relating to Native affairs, the signature of such a person continues to be required to give effect to the agreements, unless otherwise ordered by the Government.

1999, c. 67, s. 1.

3.51. The Government may authorize the Minister to be sole signatory to an agreement referred to in section 3.48 which another person is empowered by law to conclude. In such a case, the signature of the Minister shall have the same effect as that of the person empowered.

1999, c. 67, s. 1.

3.52. The Government, to such extent and subject to such conditions as it determines, may exempt the whole or a part of an agreement or class of agreements which it designates from the application of this division.

1999, c. 67, s. 1.

3.53. Except in the case of a Canadian intergovernmental or international agreement relating to Native affairs a true copy of which is held by the Minister, the Minister is the depositary of the original copy of every

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agreement referred to in this division. In that capacity, the Minister shall prescribe the mode of registration of agreements.

1999, c. 67, s. 1.

DIVISION IV

ANNUAL REPORTS

1992, c. 24, s. 1.

4. Within six months following the end of each fiscal year, the Prime Minister shall table a report of the activities of the department for that fiscal year in the National Assembly, except those provided for in Divisions II and III.2, if the Assembly is in session; if it is not sitting, he shall table it within 30 days after the opening of the next session or after resumption.

1978, c. 18, s. 1; 1984, c. 47, s. 111; 1992, c. 24, s. 2; 1997, c. 91, s. 53; 1999, c. 67, s. 2.

4.1. The ministers responsible for the administration of Divisions II and III.2 shall table in the National Assembly a report on the activities of the department in the area of Canadian intergovernmental affairs or Native affairs, as the case may be, for each fiscal year, within six months of the end of that fiscal year if the Assembly is in session or, if it is not sitting, within 30 days of resumption.

1984, c. 47, s. 111; 1992, c. 24, s. 3; 1997, c. 91, s. 54; 1999, c. 67, s. 3.

5. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

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REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 16 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter M-30 of the Revised Statutes.

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