



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 109
(2000, chapter 18)

An Act respecting the Office Québec-Amériques pour la jeunesse

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Assented to 16 June 2000

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EXPLANATORY NOTES

This bill establishes an agency to be known as the Office Québec-Amériques pour la jeunesse. The mission of the agency is to develop relations between young people in Québec and young people elsewhere in the Americas, in particular through exchange and cooperation programs that include financial assistance measures making them accessible to young people from all backgrounds.

The bill contains provisions relating to the operation of the agency, the composition of its board of directors and its organization.

The agency established under the bill succeeds the Office Québec-Amériques pour la jeunesse established under the provisions of Part III of the Companies Act, and it acquires the rights and assumes the obligations of that legal person which is dissolved.

Bill 109

AN ACT RESPECTING THE OFFICE QUÉBEC-AMÉRIQUES POUR LA JEUNESSE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

ESTABLISHMENT AND NATURE

- 1.** An agency to be known as “Office Québec-Amériques pour la jeunesse” is hereby established.
- 2.** The agency is a legal person and a mandatary of the State.

The property of the agency forms part of the domain of the State, but the execution of the obligations of the agency may be levied against its property. The agency binds none but itself when it acts in its own name.

CHAPTER II

MISSION AND POWERS

- 3.** The mission of the agency is to develop relations between young people in Québec and young people elsewhere in the Americas so as to promote understanding of their respective cultures, increase exchanges between individuals and groups and encourage the development of cooperation networks.

More particularly, the agency shall be responsible for establishing contacts with public or private organizations in the countries of the Americas for the purpose of developing, in partnership with those organizations, exchange and cooperation programs that include financial assistance measures making them accessible to young people from all backgrounds.

Such programs shall include activities that are conducive to personal, academic or professional development such as seminars, internships and cultural productions.

The agency may provide funding or technical support for the development and implementation of cooperation projects that originate in the community.

- 4.** The Minister may give the agency any mandate related to the pursuit of the agency’s mission.

5. The agency may, subject to the applicable legislative provisions, enter into an agreement with a government other than that of Québec, a department of such a government, an international organization or a body of such a government or organization.

CHAPTER III

ORGANIZATION

6. The head office of the agency shall be located in the territory of Québec's national capital. Notice of the location of the head office shall be published in the *Gazette officielle du Québec*.

7. The affairs of the agency shall be administered by a board of directors composed of 11 members, including a chief executive officer, appointed by the Government.

Not less than three and not more than five members shall be chosen from among the public service personnel of departments and bodies associated with the activities of the agency and at least two shall be between 18 and 30 years of age.

8. The chief executive officer of the agency shall be appointed for a term of not more than five years, and the other members of the board of directors shall be appointed for a term of not more than four years.

On the expiry of their term, the members of the board of directors shall remain in office until replaced or reappointed.

A vacancy occurring before the expiry of a member's term shall be filled in the manner specified in section 7.

Absence from the number of board meetings determined in the internal by-laws of the agency, in the cases and circumstances specified, constitutes a vacancy.

9. The chief executive officer is responsible for the administration and direction of the agency within the scope of its by-laws and policies. The office of chief executive officer is a full-time position.

The Minister may appoint a person to act as interim chief executive officer when the chief executive officer is absent or unable to act.

10. The Government shall determine the remuneration, employee benefits and other conditions of employment of the chief executive officer.

11. The other members of the board of directors shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the

reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

12. The quorum at meetings of the board of directors is the majority of its members, including the chief executive officer.

Decisions of the board are made by a majority vote of the members present. In the case of a tie vote, the person chairing the meeting has a casting vote.

13. The minutes of the meetings of the board of directors, approved by the board and certified by the chief executive officer or another duly authorized member of the board, are authentic. The same applies to documents and copies emanating from the agency or forming part of its records, where so certified.

14. An intelligible transcription of a decision or other data stored by the agency on a computer or any other computer storage medium is a document of the agency and is proof of its contents where certified by a person referred to in section 13.

15. No document binds the agency or may be attributed to it unless it is signed by the chief executive officer or, to the extent determined in the internal by-laws of the agency, by another member of the board of directors or of the agency's personnel.

16. The agency may allow, subject to the conditions and on the documents it determines in its internal by-laws, that a signature be affixed by means of an automatic device, that a signature be electronic, or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 13.

17. The members of the board of directors may waive notice of a meeting. The attendance of a member at a meeting of the board constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

18. The board members may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. The participants are, in such a case, deemed to have attended the meeting.

19. A written resolution, signed by all the members entitled to vote, has the same value as if adopted during a meeting of the board of directors.

A copy of all such resolutions shall be kept with the minutes of the proceedings or other equivalent record book.

20. The agency may make by-laws concerning the exercise of its powers and its internal management.

21. The members of the personnel of the agency shall be appointed in accordance with the staffing plan established by by-law of the agency.

Subject to the provisions of a collective agreement, the agency shall determine, by by-law, the pay scales and rates, employee benefits and other conditions of employment of its personnel in accordance with the conditions defined by the Government.

22. Any member of the personnel of the agency who has a direct or indirect interest in an enterprise causing the personnel member's personal interest to conflict with that of the agency must, on pain of dismissal, disclose the interest in writing to the chief executive officer.

CHAPTER IV

FINANCIAL PROVISIONS AND REPORTS

23. The agency may charge administrative and professional fees or require any other remuneration for the services it provides.

24. The agency may not, without the authorization of the Government,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government ;

(2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government ;

(3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government ;

(4) transfer shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government ;

(5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government ;

(6) accept a gift or legacy to which a charge or condition is attached.

25. The monies received by the agency must be allocated to the payment of its activities and the performance of its obligations. Any surplus shall be retained by the agency unless the Government decides otherwise.

26. The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment of the principal of and interest on any loan contracted by the agency and the performance of its obligations ;

(2) authorize the Minister of Finance to advance to the agency any amount considered necessary for the fulfilment of its obligations or the pursuit of its mission.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

27. The fiscal year of the agency ends on 31 March.

28. The books and accounts of the agency shall be audited by the Auditor General each year and whenever so ordered by the Government.

The auditor's report must be submitted with the report of activities and the financial statements of the agency.

29. The agency shall, not later than 31 July each year, file with the Minister its financial statements and a report on its operations for the preceding fiscal year.

The financial statements and the report of activities must contain all the information required by the Minister.

The Minister shall table the financial statements and the report of activities in the National Assembly within 30 days of receiving them or, if the Assembly is not in session, within 30 days of resumption.

30. Each year the agency shall file with the Minister, according to the form and tenor determined by the Minister, its estimates and a business plan consistent with the policies of the Minister for the next following fiscal year.

31. The agency shall communicate to the Minister any information required by the Minister concerning its operations.

CHAPTER V

MISCELLANEOUS PROVISIONS

32. The agency established under section 1 succeeds the Office Québec-Amériques pour la jeunesse established on 2 November 1999 under Part III of the Companies Act (R.S.Q., chapter C-38), and it acquires the rights and assumes the obligations of that legal person which is dissolved.

33. Notwithstanding section 21, until the coming into force of section 37 of the Public Administration Act (2000, chapter 8), the staffing plan, pay

scales and rates, employee benefits and other conditions of employment of the personnel members of the Office Québec-Amériques pour la jeunesse shall be determined by by-law of the agency. The by-law must be submitted to the Government for approval.

34. The Minister of International Relations is responsible for the administration of this Act.

35. This Act comes into force on the date or dates to be fixed by the Government.