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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 109  
(2002, chapter 41)

## **An Act respecting the Observatoire québécois de la mondialisation**

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**Introduced 4 June 2002**  
**Passage in principle 23 October 2002**  
**Passage 7 November 2002**  
**Assented to 8 November 2002**

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## **EXPLANATORY NOTES**

*This bill establishes an observatory to be known as the Observatoire québécois de la mondialisation. The mission of the observatory is to further the understanding of the phenomenon of globalization and provide dependable information enabling Quebecers to fully appreciate the issues at stake. The functions of the observatory include disseminating the results of its work, organizing awareness-enhancing and educational activities and publishing an annual status report on globalization viewed from the standpoint of the interests of Québec.*

*The bill establishes the operating rules of the observatory and determines the rules relating to the composition of its board of directors and those concerning its organization.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Financial Administration Act (R.S.Q., chapter A-6.001).

# **Bill 109**

## **AN ACT RESPECTING THE OBSERVATOIRE QUÉBÉCOIS DE LA MONDIALISATION**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### **DIVISION I**

#### **ESTABLISHMENT**

- 1.** An observatory to be known as “Observatoire québécois de la mondialisation” is hereby established.
- 2.** The observatory is a legal person.

### **DIVISION II**

#### **MISSION AND FUNCTIONS**

- 3.** The mission of the observatory is to further the understanding of all aspects of the globalization phenomenon and provide dependable information enabling Quebecers to fully appreciate the issues at stake for the nation and measure the consequences of globalization so that it may act in an informed manner with a view to promoting a controlled and balanced globalization process that is respectful of human rights.
- 4.** In the pursuit of its mission, the observatory shall
  - (1) collect and analyze information on the impacts of globalization in the cultural, economic, educational, environmental, financial, political, social, labour and other fields, with particular focus on language dynamics, cultural diversity and national identities ;
  - (2) follow bilateral and multilateral negotiations, whether global or regional, that are of interest or concern to Québec ;
  - (3) ensure the development of information and the dissemination of its work and organize awareness-enhancing and educational activities in the various regions of Québec ;
  - (4) publish an annual status report on globalization viewed from the standpoint of the interests and concerns of Québec ; and

(5) cooperate in and outside Québec with bodies having an interest in globalization, in particular with university institutions and research centres.

### **DIVISION III**

#### **ORGANIZATION**

**5.** The head office of the observatory 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*.

**6.** The affairs of the observatory shall be administered by a board of directors composed of the following members who shall become members of the board as and when they are appointed :

(1) 15 members, including a chair, appointed by the Government on the recommendation of the Minister of International Relations, after consultation with the representative bodies of the sector concerned in each case, namely three persons from the labour sector, three persons from the management sector, three persons from the associative and community sectors, four persons from the fields specially concerned by globalization, and one person from the research sector ;

(2) two persons from outside Québec including at least one person from outside the Americas, appointed by the Government on the recommendation of the Minister of International Relations ;

(3) two persons from the personnel of the public service, not entitled to vote, appointed by the Government on the recommendation of the Minister of International Relations ;

(4) three Members of the National Assembly designated by the Office of the National Assembly, who are not entitled to vote.

The appointments must be made so as to achieve the most equitable representation possible of the men and women and the regions of Québec and must reflect the demographic composition of the Québec population ; furthermore, at least three appointees must be under the age of 35 at the time of their appointment.

**7.** The board of directors shall determine the strategic directions, general objectives, policies and action plans of the observatory.

**8.** The board of directors must meet at least three times a year.

**9.** The chair and the other members of the board of directors shall be appointed for a term of not more than three years.

However, half of the members of the first board of directors shall be appointed for a term of two years.

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

**10.** Any vacancy occurring before the expiry of a member's term shall be filled in the manner set out in section 6.

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

**11.** The chair shall preside at the meetings of the board of directors, see to the proper functioning of the board of directors and assume all other functions the board of directors assigns to the chair.

**12.** The members of the board of directors shall designate a vice-chair of the board from among their number.

Where the chair is absent or unable to act, the vice-chair shall act as chair of the board of directors.

**13.** The 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.

**14.** The board of directors shall appoint a director general for a term of not more than five years.

The Government shall determine the remuneration, employment benefits and other conditions of employment of the director general.

**15.** The director general is responsible for the management of the observatory within the scope of its policies and by-laws. The office of director general is a full-time office.

The director general shall attend the meetings of the board of directors, but shall not vote.

**16.** The quorum at meetings of the board of directors is a majority of the voting members.

Decisions of the board of directors are made by a majority of the votes cast by the voting members present. In the case of a tie-vote, the person presiding has a casting vote.

**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 of directors constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

**18.** The members of the board of directors 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.** The observatory shall establish an executive committee composed of members of the board of directors.

The director general shall attend the meetings of the executive committee, but shall not vote.

**20.** The observatory may make any by-law concerning the exercise of its functions and its internal management.

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

Subject to the provisions of any collective agreement, the observatory shall determine, by by-law, the standards and scales of remuneration, employment benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

#### **DIVISION IV**

##### **SCIENTIFIC COMMITTEE**

**22.** A scientific committee composed of seven to nine members recognized for their scientific expertise, including at least one member from outside Québec, shall be established within the observatory.

The committee, whose members shall be appointed by the board of directors on the recommendation of the director general, comes under the authority of the latter.

The function of the committee is to evaluate the relevance and scientific quality of the research projects of the observatory.

**23.** The members of the scientific committee shall be remunerated on such conditions and to such extent as may be determined by the board of directors. They are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the board of directors.

**24.** The rules of operation of the scientific committee shall be established in the internal management by-laws of the observatory.

## **DIVISION V**

### **FINANCIAL PROVISIONS AND REPORTS**

**25.** The Government may, subject to the conditions and on the terms it determines, authorize the Minister of Finance to advance to the observatory any amount considered necessary for the performance of its obligations or the carrying out of its mission.

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

**26.** The observatory may impose fees or charges or require other payment for the services it provides.

**27.** The sums received by the observatory must be allocated to the payment of its activities and the performance of its obligations. Any surplus shall be retained by the observatory unless the Government decides otherwise.

**28.** The fiscal year of the observatory ends on 31 March.

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

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

**31.** The observatory shall communicate to the Minister any information required by the Minister concerning its activities.

## **DIVISION VI**

### **FINAL PROVISIONS**

**32.** Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting the following in alphabetical order:

“Observatoire québécois de la mondialisation”.

**33.** The Observatoire québécois de la mondialisation established on 3 July 2002 under Part III of the Companies Act (R.S.Q., chapter C-38) is dissolved and the Observatoire established under section 1 shall acquire its rights and assume its obligations.

**34.** Within five years after (*insert here the date of coming into force of this Act*) and every five years thereafter, the observatory shall report to the Government on the implementation of this Act, the advisability of maintaining it in force and, if need be, of amending it.

The report shall be tabled in the National Assembly by the Minister of International Relations within the following 30 days or, if the Assembly is not sitting, within 30 days of resumption.

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

**36.** This Act comes into force on the date to be fixed by the Government.