



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 45
(2013, chapter 28)

**An Act respecting the Ministère de
l'Enseignement supérieur, de la
Recherche, de la Science et de la
Technologie**

**Introduced 15 May 2013
Passed in principle 4 June 2013
Passed 5 December 2013
Assented to 6 December 2013**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This Act establishes the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie.

The Minister of Higher Education, Research, Science and Technology is entrusted with the mission of supporting the development and promoting the quality of college education and university education in order to facilitate access to the highest forms of knowledge and culture for every person who has the will and the ability to pursue them. A further mission of the Minister is to contribute to the development of research, science, innovation and technology in a sustainable development perspective.

This Act confers on the Minister functions relating to higher education and to research, science, innovation and technology that are presently assigned by law to the Minister of Education, Recreation and Sports or to the Minister of Economic Development, Innovation and Export Trade. It amends the constituting statutes of their departments accordingly, and modifies many other laws and regulations in order to reflect the transfer of functions.

Lastly, this Act contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the accreditation and financing of students' associations (chapter A-3.01);
- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Individual and Family Assistance Act (chapter A-13.1.1);
- Act respecting financial assistance for education expenses (chapter A-13.3);
- Health Insurance Act (chapter A-29);

- Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);
- Charter of the French language (chapter C-11);
- Professional Code (chapter C-26);
- General and Vocational Colleges Act (chapter C-29);
- Act respecting the Commission d'évaluation de l'enseignement collégial (chapter C-32.2);
- Act respecting artistic, literary and scientific competitions (chapter C-51);
- Act respecting the Conseil du statut de la femme (chapter C-59);
- Act respecting the Conseil supérieur de l'éducation (chapter C-60);
- Act respecting the Conservatoire de musique et d'art dramatique du Québec (chapter C-62.1);
- Act respecting the development of Québec firms in the book industry (chapter D-8.1);
- Act to promote workforce skills development and recognition (chapter D-8.3);
- Act respecting private education (chapter E-9.1);
- Pay Equity Act (chapter E-12.001);
- Act respecting educational institutions at the university level (chapter E-14.1);
- Executive Power Act (chapter E-18);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);
- Act respecting university foundations (chapter F-3.2.0.1);
- Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03);

- Court Bailiffs Act (chapter H-4.1);
- Taxation Act (chapter I-3);
- Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02);
- Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);
- Act respecting the Institut national des mines (chapter I-13.1.2);
- Education Act (chapter I-13.3);
- University Investments Act (chapter I-17);
- Medical Act (chapter M-9);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);
- Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01);
- Government Departments Act (chapter M-34);
- Act respecting labour standards (chapter N-1.1);
- Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1);
- Pharmacy Act (chapter P-10);
- Police Act (chapter P-13.1);
- Act respecting educational programming (chapter P-30.1);
- Youth Protection Act (chapter P-34.1);
- Act respecting the legal publicity of enterprises (chapter P-44.1);

- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting occupational health and safety (chapter S-2.1);
- Fire Safety Act (chapter S-3.4);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting the Université du Québec (chapter U-1).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);
- Regulation respecting legal aid (chapter A-14, r. 2);
- Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1);
- Regulation respecting hearing devices and insured services (chapter A-29, r. 2);
- Regulation respecting insured visual aids and related services (chapter A-29, r. 3);
- Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (chapter A-29, r. 4);
- Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);
- Regulation respecting safety in public baths (chapter B-1.1, r. 11);

- Regulation respecting the determination of child support payments (chapter C-25, r. 6);
- Regulation respecting the tuition fees that a general and vocational college must charge (chapter C-29, r. 2);
- Regulation respecting the standards, conditions and procedure for alienation of an immovable of a general and vocational college (chapter C-29, r. 3);
- College Education Regulations (chapter C-29, r. 4);
- Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances (chapter C-32.1.2, r. 1);
- Regulation respecting the application of the Real Estate Brokerage Act (chapter C-73.1, r. 1);
- Regulation respecting the accreditation of training bodies, training instructors and training services (chapter D-8.3, r. 1);
- Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1);
- Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1);
- Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2);
- Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec (chapter H-4.1, r. 7);
- Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);
- Regulation respecting the Taxation Act (chapter I-3, r. 1);
- Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons (chapter I-8, r. 4);

- Règlement sur l'exercice des pouvoirs et la régie interne de l'Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02, r. 1);
- Regulation respecting university investments (chapter I-17, r. 1);
- Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1);
- Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care (chapter M-9, r. 2.1);
- Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1);
- By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4);
- Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);
- Agricultural Operations Regulation (chapter Q-2, r. 26);
- Regulation respecting the quality of drinking water (chapter Q-2, r. 40);
- Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium (chapter R-9, r. 11);
- Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Sweden (chapter R-9, r. 39);
- Règlement sur les régimes complémentaires d'avantages sociaux dans l'industrie de la construction (chapter R-20, r. 10);
- Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service (chapter S-3.4, r. 1);
- Regulation respecting the training required to obtain an agent licence to carry on private security activities (chapter S-3.5, r. 2);
- Reduced Contribution Regulation (chapter S-4.1.1, r. 1);

- Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1);
- By-law respecting housing (chapter S-8, r. 7);
- Regulation respecting the disposition of certain surplus or confiscated properties (chapter T-8.1, r. 2);
- Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202573 dated 21 June 2005 (2005, G.O. 2, 2423);
- Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202574 dated 21 June 2005 (2005, G.O. 2, 2449).

Bill 45

AN ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RESPONSIBILITY OF THE MINISTER

1. The Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie is under the direction of the Minister of Higher Education, Research, Science and Technology, appointed under the Executive Power Act (chapter E-18).

2. The mission of the Minister is to support the development and promote the quality of college education and university education in order to facilitate access to the highest forms of knowledge and culture, including through skill and knowledge development, for every person who has the will and the ability to pursue them.

A further mission of the Minister is to contribute to the development of research, especially fundamental and applied research, and of science, innovation and technology, including in academic, industrial and social environments, in a sustainable development perspective, mainly by promoting access to knowledge, economic development, social progress and respect for the environment. To that end, the Minister promotes synergy among the various players concerned.

3. The Minister is to develop policy directions and policies in the areas within the Minister's jurisdiction and propose them to the Government. A national research and innovation policy is among the policies the Minister is to develop.

The Minister is to coordinate and follow up on the implementation of those policy directions and policies.

4. The functions of the Minister are, more particularly, to

(1) promote higher education, research, science, innovation and technology and, in those fields, foster cooperation between the various players and cohesive

government action and extend Québec's influence both within Canada and abroad;

(2) support and contribute to the development of those fields and to raising the level of scientific, cultural and professional achievement among the population of Québec;

(3) promote the development of higher education institutions and see to the quality of the services provided, in connection with the Minister's mission, by such institutions;

(4) promote the integrity, enhancement and quality of research activities;

(5) contribute to the effectiveness of government economic development initiatives through research-, science-, innovation- or technology-related measures;

(6) take coordinated action with the Minister of Education, Recreation and Sports to foster the continuity, development and integration of educational pathways;

(7) manage all financial assistance programs established by the Act respecting financial assistance for education expenses (chapter A-13.3);

(8) participate, with the ministers concerned and within the scope of Canadian intergovernmental affairs policy and international affairs policy, in devising and implementing external cooperation programs in sectors in which exchanges are conducive to the development of the fields within the Minister's jurisdiction; and

(9) advise the Government and government departments and bodies and make recommendations, where appropriate.

In addition, the Minister assumes any other responsibility conferred on the Minister by the Government.

5. In the pursuit of the Minister's mission, the Minister may, among other things,

(1) grant financial assistance out of the sums put at the Minister's disposal for that purpose, subject to the conditions determined by the Minister;

(2) obtain the necessary information from government departments and any public body to which the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) applies, and from any private body;

(3) enter into agreements, subject to the applicable legislative provisions, with a government other than that of Québec, with a department or body of such a government, or with an international organization or one of its agencies;

(4) conduct or commission research, studies and analyses; and

(5) provide any person, group or body with the services the Minister considers necessary.

6. A sharing of resources and services between the Minister and the Minister of Education, Recreation and Sports is to be encouraged whenever it can be instrumental in their pursuit of objectives associated with the continuity, development and integration of educational pathways or their fulfillment of efficiency and cost-benefit requirements in the management of human, financial, physical and information resources.

7. The Minister may delegate certain powers to the Deputy Minister, to a public servant or the holder of a position within the department or within another government department or a body whose personnel is appointed under the Public Service Act (chapter F-3.1.1), after consulting with the minister responsible for the department or the body's chief executive officer.

The Minister may, in writing, authorize the subdelegation of specified powers.

CHAPTER II

ORGANIZATION OF THE DEPARTMENT

8. The Government appoints a person as Deputy Minister of Higher Education, Research, Science and Technology, in accordance with the Public Service Act.

9. Under the direction of the Minister, the Deputy Minister administers the department.

The Deputy Minister also exercises any other function assigned by the Minister or the Government.

10. In exercising deputy-ministerial functions and powers, the Deputy Minister has the authority of the Minister.

11. The Deputy Minister may delegate any power assigned to the Deputy Minister to any public servant or holder of a position within the department. The Deputy Minister may likewise delegate any power to a person within another department or in a body described in section 7, after consulting with the minister responsible for the department or the body's chief executive officer.

The Deputy Minister may, in writing, authorize the subdelegation of specified powers.

12. The personnel of the department consists of the public servants needed to exercise the Minister's functions; they are appointed in accordance with the Public Service Act.

The Minister is to determine the duties of the public servants to the extent that they are not determined by law or by the Government.

13. The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

A deed, document or writing is binding on or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a personnel member of the department or the holder of a position and, in the last two cases, only so far as determined by the Minister.

14. The Minister may allow a required signature to be affixed by an automatic device or any other technology-based process, subject to the conditions the Minister determines.

15. A document or copy of a document emanating from the department or forming part of its records, signed or certified true by the Deputy Minister or any other authorized person, is authentic.

16. The Minister is to table a report on the activities of the department for each fiscal year in the National Assembly within 4 months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

FUNDS

DIVISION I

UNIVERSITY EXCELLENCE AND PERFORMANCE FUND

17. A fund to be known as the University Excellence and Performance Fund is established within the department.

The purpose of the Fund is to finance the educational institutions at the university level listed in section 1 of the Act respecting educational institutions at the university level (chapter E-14.1).

More particularly, the Fund is dedicated to

(1) paying to each institution financial assistance determined annually according to the gifts and legacies paid into it, the growth of those gifts and legacies, and the number of students registered at the institution;

(2) financing the institutions according to, for each one, first, their success in achieving objectives of paying off their accumulated deficits, and second, their success in improving the quality of teaching and student services; and

(3) supporting excellence in research.

18. The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under section 54 of the Financial Administration Act (chapter A-6.001);

(2) the sums transferred to the Fund by the Minister out of the appropriations allocated for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects; and

(4) the revenue generated by the sums credited to the Fund.

19. Despite section 53 of the Financial Administration Act, 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).

20. The surpluses accumulated by the Fund are transferred to the general fund on the dates and to the extent determined by the Government.

DIVISION II

QUÉBEC RESEARCH FUND

§1.—Establishment and organization

21. The following bodies are hereby established:

(1) the “Québec Research Fund–Nature and Technology”;

(2) the “Québec Research Fund–Health”;

(3) the “Québec Research Fund–Society and Culture”.

22. Each fund is a legal person.

23. Each fund is a mandatary of the State.

The property of each fund is part of the domain of the State but the performance of its obligations may be levied against its property.

Each fund binds only itself when it acts in its own name.

24. Each fund has its head office at the place determined by the Government. Notice of the location or of any transfer of the head office is published in the *Gazette officielle du Québec*.

25. Each fund is administered by a board of directors composed of an odd number of not more than 15 members, including the chief scientist and the scientific director, appointed by the Government.

The Government may appoint observers to each fund. The observers participate in the meetings of the fund but have no vote.

26. The Government chooses the chief scientist from among at least three persons approved by a committee following a selection process established by the Government. The committee is to be composed of at least three members appointed by the Government.

The selection process does not apply to a chief scientist whose term is renewed. However, within six months prior to the expiry of the chief scientist's term, each board of directors carries out a performance evaluation and sends it to the Minister, along with recommendations as to the advisability of renewing the chief scientist's term.

The Government determines the remuneration, employee benefits and other conditions of employment of the chief scientist. The office of chief scientist is a full-time position.

27. The Government appoints a scientific director to each fund, on the recommendation of that fund's board of directors. The scientific director ensures that the activities of the fund are properly run.

If the board of directors refuses or neglects to make the recommendation required under the first paragraph, the Government may appoint a scientific director after notifying the members of the board.

Within six months prior to the expiry of the scientific director's term, the board of directors includes with the recommendation provided for in the first paragraph an evaluation of the scientific director's performance.

The Government determines the remuneration, employee benefits and other conditions of employment of the scientific director. The office of scientific director is a full-time position.

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

29. The chief scientist is the chair of the board of directors of all three funds, and is responsible for calling meetings and ensuring that they run smoothly.

The chief scientist exercises the powers assigned by the by-laws of each fund and the functions assigned by the boards of directors.

If absent from a board meeting, the chief scientist is replaced by the vice-chair of the board.

30. The chief scientist and the scientific director are appointed for not over five years.

The other members are appointed for not over three years.

31. 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 chief scientist and the scientific director may be renewed more than once; the appointment of the other members may be renewed only once.

32. Every vacancy occurring during a term of office is filled in accordance with the mode of appointment prescribed in section 25, 26, 27 or 28, as applicable.

Absence from a number of meetings determined by the internal by-laws of each fund constitutes a vacancy.

33. The chief scientist advises the Minister on the development of research and science and, in accordance with the mandate assigned by the Minister, works to enhance Québec's position and influence in Canada and internationally.

The chief scientist coordinates efforts on issues that are common to the three funds, as well as intersectoral research activities.

The chief scientist is also responsible for administering the human, physical, financial and information resources of the three funds, and for consolidating and integrating the administrative activities of the funds.

34. The members of the boards of directors other than the chief scientist and the scientific directors are not remunerated except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to a reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

35. In no case may the chief scientist or scientific directors, under pain of forfeiture of office, have any direct or indirect interest in an undertaking, body or association causing their personal interest to conflict with that of the fund. However, such forfeiture is not incurred if such an interest devolves to them by succession or gift, provided that they renounce or dispose of it with all possible dispatch.

Any other member of the board of directors who has any interest in such an undertaking, body or association must, under pain of forfeiture of office, disclose it in writing to the chief scientist and abstain from participating in any deliberation and any decision concerning that undertaking, body or association. Such a board member must also withdraw from a meeting for the duration of the deliberations and the vote on the issue.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within the fund which would also apply to the board member.

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

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

In case of a tie vote, the chief scientist has a casting vote.

37. 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.

38. The members of the personnel of a fund is appointed in accordance with the staffing plan established by by-law of the fund.

Subject to the provisions of a collective agreement, a fund determines, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government. The by-law may also make them subject to the second paragraph of section 35.

§2. — *Functions and powers*

39. The functions of the Québec Research Fund–Nature and Technology are

(1) to promote and provide financial support for research in the fields of natural sciences, mathematical sciences and engineering;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of research related to natural sciences, mathematical sciences and engineering;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and the industry, and the government departments and public and private bodies concerned.

40. The functions of the Québec Research Fund–Health are

(1) to promote and provide financial support for all areas of research in the field of health, including basic, clinical and epidemiological research, research in the field of public health and research in the field of health services;

(2) to promote and provide financial support for the dissemination of scientific knowledge in fields of health research;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and health care institutions, and the government departments and public and private bodies concerned.

41. The functions of the Québec Research Fund–Society and Culture are

(1) to promote and provide financial support for the development of research in the fields of social and human sciences and the field of education, management, arts and letters;

(2) to promote and provide financial support for the dissemination of knowledge in fields of research related to social and human sciences and to education, management, arts and letters;

(3) to promote and provide financial support for the training of researchers through achievement scholarships to graduate and postgraduate students and to persons who engage in postdoctoral research, and through professional development scholarships to persons who wish to re-enter the research community and through grants that allow the teaching duties of college level professors engaging in research activities to be reduced;

(4) to create any necessary partnership, in particular with universities, colleges and cultural institutions, and the government departments and public and private bodies concerned.

42. Every three years on the date fixed by the Minister, each fund transmits to the Minister a three-year plan of activities describing

- (1) the context in which the fund operates and the main issues it is concerned with;
- (2) the chosen strategic orientations, objectives and courses of action;
- (3) the results to be achieved at the end of the period covered by the plan;
- (4) the performance indicators used to measure the achievement of results.

The plan must indicate separately, for the first year covered, the amounts estimated for the management expenditures of the fund and the amounts estimated for each of the financial support programs.

The plan is submitted to the Government for approval and must take into account the directives that the Minister may give to the fund on its objectives and orientations.

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.

43. At the beginning of each fiscal year on the date fixed by the Minister, a fund sends the budgetary estimates for the year concerned, along with the list of the activities planned for that year, to the Minister for approval.

44. A fund 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.

A fund may also grant financial support in any other manner approved by the Government.

45. A financial support program must determine

- (1) the form and content of applications for financial support, the information they must contain and the documents which must accompany them;
- (2) the terms and conditions subject to which financial support may be granted and the criteria for the assessment of applications for financial support;
- (3) the scales and limits of the financial support.

The elements mentioned in subparagraphs 2 and 3 are subject to approval by the Minister.

46. A fund may form committees responsible for the assessment of the applications for financial support that are addressed to it.

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.

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

47. A fund 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 its functions.

48. A fund must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises (chapter G-1.02).

Each fund must adopt a policy for examining and dealing with complaints about operations connected with its activities.

49. In addition to its functions provided for under this division, each fund implements 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 fund then carries out its functions in accordance with this subdivision, wherever practicable.

50. In no case may a fund, 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.

No fund may acquire immovables.

51. In the pursuit of its objectives, a fund may receive gifts, legacies, subsidies and other contributions, provided that any conditions attached are compatible with the achievement of its mission.

52. Each fund advises the Minister on any matter in its area of competence that is submitted to it by the Minister, and makes any recommendations it considers appropriate.

§3. — *Financial provisions*

53. The Government may, on the conditions it determines,

(1) guarantee any loan contracted by a fund as well as the execution of any of its obligations;

(2) authorize the Minister of Finance to advance to a fund any amount deemed necessary for the carrying out of its functions.

Any sum that the Government may be called to pay under the guarantees or to advance to a fund is taken out of the Consolidated Revenue Fund.

§4. — *Documents, accounts and reports*

54. No deed, document or writing binds a fund unless it is signed by the chief scientist, the scientific director or a member of the personnel of the fund and, in the case of such a member, only to the extent determined by regulation of the fund.

A fund 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 chief scientist.

Every by-law made by virtue of this section comes into force 10 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

55. The minutes of the meetings of the board of directors, approved by the board and certified by the chief scientist or any other person authorized by a fund, are authentic. The same applies to documents and copies of documents emanating from a fund or forming part of its records, if they are so certified.

56. An intelligible transcription of a decision or other data stored in a computer or in a computer-readable medium by a fund is a document of that fund and constitutes proof of its contents if it is certified by a person referred to in section 54.

57. The fiscal year of each fund ends on 31 March.

58. Not later than 31 July each year, each fund must transmit to the Minister a report of its activities for the preceding fiscal year.

The report shall, in addition to the information the Minister may prescribe, contain a progress report on the three-year plan approved under section 42.

59. The Minister shall table the annual report of a fund 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.

60. The books and accounts of the fund are 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 fund.

§5.—*Penal provisions*

61. Every person who gives false or misleading information in view of obtaining or procuring financial support provided for by this division is guilty of an offence and liable to a fine of not more than \$5,000.

62. Where a legal person commits an offence against section 61, every director or representative of that legal person who was aware of the offence is deemed to be a party to the offence and is liable 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.

63. No person found guilty of an offence against section 61 or 62 or against section 380 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) in connection with financial support contemplated under this chapter may, unless he has been pardoned, obtain financial support under this chapter for a period of two years from the conviction.

CHAPTER IV

COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE

DIVISION I

ESTABLISHMENT AND ORGANIZATION

64. The Commission de l'éthique en science et en technologie is established.

65. The secretariat of the Commission is located at the place determined by the Government. Notice of the location or any change of location of the secretariat is published in the *Gazette officielle du Québec*.

66. The Commission is composed of 13 members, including a president, appointed by the Government. The members must possess expertise in ethics and be from the university and industrial research communities in the fields of social and human sciences, natural sciences, engineering and biomedical sciences and from the ethics community, the practice communities and civil society.

The Government may appoint an observer at the Commission; the observer participates in meetings of the Commission but is not entitled to vote.

67. The members of the Commission, including the president, are appointed for not more than three years.

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.

68. Any vacancy occurring during the term of office of the members of the Commission is filled in accordance with the mode of appointment prescribed in section 66.

Absence from a number of meetings determined by the by-laws of the Commission constitutes a vacancy in the cases and circumstances specified in the by-laws.

69. The president manages the Commission and supervises its personnel.

The Government determines the remuneration, employee benefits and other conditions of employment of the president.

70. Members of the Commission other than the president are not remunerated, except in the cases, on the conditions and to the extent 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.

71. The meetings of the Commission and any committee of the Commission are held in camera. The Commission may invite other persons to take part in one of its meetings, or a meeting of any of its committees.

The Commission may hold its meetings anywhere in Québec.

Six members are a quorum at meetings of the Commission.

In the case of a tie vote, the president has a casting vote.

72. The personnel members of the Commission are appointed in accordance with the Public Service Act.

DIVISION II

FUNCTIONS AND POWERS

73. The function of the Commission is to advise the Minister on any matter relating to ethical issues in the areas of science and technology. A further function of the Commission is to promote reflection on those issues.

74. In performing its function, the Commission shall give the Minister its opinion on any matter the Minister submits to it relating to ethical issues in the areas of science and technology. The Commission may also take the initiative of submitting advisory opinions to the Minister or making recommendations on any matter within its purview.

Moreover, it must communicate its findings and conclusions to the Minister.

After giving the Minister reasonable notice, the Commission may make public its advisory opinions, recommendations, findings and conclusions.

75. The Commission may establish committees for the proper conduct of its work. At the request of the Minister, it must form working groups to examine particular matters.

The members of committees and working groups are not remunerated, except in the cases, on the conditions and to the extent 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.

76. The Commission must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises.

77. Not later than 31 July each year, the Commission submits to the Minister an activity report for the preceding fiscal year.

The Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER V

ADVISORY COMMITTEE ON THE FINANCIAL ACCESSIBILITY OF EDUCATION

78. An advisory committee on the financial accessibility of education is established under the name “Comité consultatif sur l’accessibilité financière aux études”.

79. The advisory committee is composed of 16 members, including a chair, appointed by the Government after consultation with groups representing students, the staff of educational institutions and socio-economic circles. The appointments are made on the recommendation of the Minister after consulting with the Minister of Education, Recreation and Sports.

The members so appointed must be as follows:

(1) one member is to be a student at the secondary level, in vocational education;

(2) two members are to be students at the college level, one in a technical studies program and the other in a pre-university studies program;

(3) four members are to be university students, one at the undergraduate level, one at the Master's level, one at the doctoral level and one in a continuing education program;

(4) one member is to be a teacher;

(5) five members are to be persons assigned to administrative functions, two in a general and vocational college and the other three in an educational institution at the university level; and

(6) three members are to be persons representing socio-economic groups.

80. The Deputy Minister and the Deputy Minister of Education, Recreation and Sports are, by virtue of their office, associate members of the advisory committee, without voting rights. They may designate a substitute.

81. The members of the advisory committee are appointed for a term of not more than four years.

At the expiry of their term, they remain in office until reappointed or replaced.

The term of a member of the advisory committee may be renewed only once.

82. A vacancy on the advisory committee is filled in accordance with the rules of appointment to the committee.

Loss of the status required or an unexplained absence from the number of consecutive meetings stipulated in the by-laws of the advisory committee, in the cases and circumstances set out in the by-laws, constitutes a vacancy.

83. The members of the advisory committee are not remunerated except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to a reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

84. The advisory committee adopts by-laws.

85. The secretariat of the advisory committee is within the territory of Ville de Québec.

The advisory committee may hold its meetings anywhere in Québec.

86. The quorum at meetings of the advisory committee is the majority of its members.

87. The secretary and the other personnel members of the advisory committee are appointed in accordance with the Public Service Act.

88. The advisory committee is responsible for advising the Minister and the Minister of Education, Recreation and Sports on any matter submitted to the committee by either Minister with regard to

(1) financial assistance programs established by the Act respecting financial assistance for education expenses;

(2) tuition fees, admission or registration fees for educational services and other fees relating to such services; and

(3) measures or policies that may affect the financial accessibility of education.

89. The advisory committee may

(1) refer any question concerning a matter coming under the advisory committee's jurisdiction to the Minister or to the Minister of Education, Recreation and Sports, according to their respective jurisdictions;

(2) commission studies and research;

(3) solicit and receive observations and suggestions from individuals or groups; and

(4) request any available information from the Minister or the Minister of Education, Recreation and Sports.

90. The Minister, after consulting with the Minister of Education, Recreation and Sports when the matter relates to a level of education within that Minister's jurisdiction, must seek the advice of the advisory committee on any draft regulation respecting the financial assistance programs referred to in paragraph 1 of section 88.

The Minister and the Minister of Education, Recreation and Sports must also seek the advice of the advisory committee on any condition they intend to include in the budgetary rules or in any directive they intend to give to educational institutions with respect to matters referred to in paragraph 2 of section 88.

The Minister or the Minister of Education, Recreation and Sports, as applicable, informs the advisory committee of the time within which the advice must be sent to the Minister. That time cannot be less than 30 days.

If the advisory committee fails to send its advice within the time specified, the obligations of the Minister concerned under the first and second paragraphs are deemed to be fulfilled.

91. Not later than 30 June each year, the advisory committee must submit a report to the Minister and to the Minister of Education, Recreation and Sports on its activities for the previous fiscal year.

That Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER VI

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

92. Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by inserting “Comité consultatif sur l’accessibilité financière aux études” in alphabetical order.

ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

93. Section 10 of the Act respecting financial assistance for education expenses (chapter A-13.3) is amended

(1) by inserting “or the Minister of Education, Recreation and Sports, according to their respective jurisdictions,” after “Minister” in the first paragraph;

(2) by replacing “the Minister” by “either minister” in the second paragraph.

94. Section 11 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) he has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, for the granting of loans and bursaries or loans only, in order to pursue studies recognized by either minister on a full-time basis;”.

95. Section 18 of the Act is replaced by the following section:

“**18.** A student is eligible for a bursary provided that

(1) the student has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports for the granting of loans and bursaries in order to pursue studies recognized by either minister on a full-time basis; and

(2) the student is within the period of eligibility for a bursary as established by regulation.”

96. Section 31.1 of the Act is amended by adding the following paragraph at the end:

“The Minister consults the Minister of Education, Recreation and Sports if the amount is related to studies in vocational training at the secondary level.”

97. Section 33 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the person has been admitted to an educational institution designated by the Minister or the Minister of Education, Recreation and Sports for the granting of loans, according to their respective jurisdictions, in order to pursue studies recognized by either minister on a part-time basis;”.

98. Section 44 of the Act is amended

(1) by replacing “in paragraphs 1 and 2 of section 18” in the first paragraph by “in paragraph 1 of section 18”;

(2) by replacing the fourth and fifth paragraphs by the following paragraphs:

“The Minister of Education, Recreation and Sports may, subject to the same conditions, exercise that power to grant financial assistance for vocational training at the secondary level.

The Ministers must include a statement of the financial assistance granted under this section and the reasons for such payments in their annual activity reports.”

99. Section 45 of the Act is amended by replacing the first paragraph by the following paragraph:

“**45.** An examination committee for exceptional cases is hereby established. The members of the committee are appointed by the Minister after consultation with groups representing the staff of educational institutions, students and socio-economic circles and after consultation with the Minister of Education, Recreation and Sports.”

100. Section 46 of the Act is amended by inserting “or the Minister of Education, Recreation and Sports, as the case may be,” after “Minister”.

101. Section 56 of the Act is replaced by the following section:

“**56.** The Minister may

(1) establish the list of educational institutions at the postsecondary level designated for the granting of loans and bursaries;

(2) establish the list of educational institutions at the postsecondary level designated for the granting of loans only;

(3) establish the list of educational institutions at the postsecondary level designated for the granting of loans for the purposes of the loans program for part-time studies at the postsecondary level;

(4) establish the list of courses or courses of study at the postsecondary level, including training periods or not, recognized for the purposes of eligibility for financial assistance; and

(5) establish the list of financial institutions recognized for the purposes of guaranteed loans both for studies in vocational training at the secondary level and for studies at the postsecondary level.

The Minister of Education, Recreation and Sports may, after consultation with the Minister,

(1) establish the list of educational institutions at the secondary level designated for the granting of loans and bursaries;

(2) establish the list of educational institutions at the secondary level designated for the granting of loans only;

(3) establish the list of educational institutions at the secondary level designated for the granting of loans for the purposes of the loans program for part-time studies in vocational training at the secondary level; and

(4) establish the list of courses or courses of study in vocational training at the secondary level, including training periods or not, recognized for the purposes of eligibility for financial assistance.

The lists referred to in subparagraphs 1 to 3 of the first and second paragraphs may be established by the Ministers in such a way that particular courses of study are identified for which an educational institution at the secondary or postsecondary level is designated for the granting of loans and bursaries or for the granting of loans.

The lists referred to in subparagraphs 4 of the first and second paragraphs may be established by the Ministers in such a way that a particular educational institution at the secondary or postsecondary level is designated in respect of one or more particular courses of study recognized for the purposes of eligibility for financial assistance.

Instead of drawing up a list, the Ministers may determine, for each level of education, for each cycle and for certain categories of institutions that the Ministers identify, the conditions that an educational institution must meet in order to be designated for the granting of loans and bursaries or the granting of loans, and the conditions that a course or course of study must meet in order to be recognized for the purposes of eligibility for financial assistance.”

102. Section 57 of the Act is amended by inserting “, on the recommendation of the Minister and after consultation with the Minister of Education, Recreation and Sports for matters related to a level of education under the latter’s jurisdiction,” after “by regulation” in the introductory clause of the first paragraph.

103. Section 65 of the Act is amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

GENERAL AND VOCATIONAL COLLEGES ACT

104. Section 17.2 of the General and Vocational Colleges Act (chapter C-29) is amended

(1) by striking out “after the latter has consulted the Minister of Economic Development, Innovation and Export Trade” in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “Before giving authorization, the Minister shall consult any minister concerned with such a centre’s activities.”

105. Section 26 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L’ÉDUCATION

106. The preamble of the Act respecting the Conseil supérieur de l’éducation (chapter C-60) is amended

(1) by replacing “the Minister of Education, Recreation and Sports and to advise that Minister” in the fourth paragraph by “the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology and to advise the Ministers”;

(2) by striking out the fifth paragraph.

107. Section 3 of the Act is amended by striking out “, its committee”.

108. Section 4 of the Act is amended by replacing “of Education, Recreation and Sports” in the second paragraph by “after consultation with the Minister of Higher Education, Research, Science and Technology”.

109. Section 7 of the Act is replaced by the following section:

“**7.** The Deputy Minister of Education, Recreation and Sports and the Deputy Minister of Higher Education, Research, Science and Technology are ex officio associate members of the Council, but are not entitled to vote. They may designate a substitute.

The Deputy Ministers shall send to the Council and its commissions, if any, such available information as they require.”

110. Section 9 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph;

(2) by replacing “to the Minister” in the second paragraph by “to the Ministers”.

111. Section 10 of the Act is amended by replacing “to the Minister” in paragraph 1 by “to the Ministers”.

112. Section 10.1 of the Act is replaced by the following section:

“**10.1.** The Council shall advise the Minister or the Minister of Higher Education, Research, Science and Technology, as applicable, on draft regulations that they are required to submit to the Council and on any matter submitted to it by them.”

113. Section 12 of the Act is amended by striking out “and those of its committee” in the first paragraph.

114. Section 14 of the Act is amended by striking out “, its committee”.

115. Section 14.1 of the Act is amended by replacing “to the Minister of Education, Recreation and Sports” in the first paragraph by “to the Minister and the Minister of Higher Education, Research, Science and Technology”.

116. Sections 23.1 to 23.8 of the Act are repealed.

117. Section 28 of the Act is amended by replacing “The committee and any commissions” by “The commissions”.

118. Section 29 of the Act is amended

(1) by striking out “or of the committee”;

(2) by replacing “of the body of which he is a member” by “of the Council”.

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

119. Section 6 of the Act respecting the development of Québec firms in the book industry (chapter D-8.1) is amended by replacing subparagraph 2 of the fourth paragraph by the following subparagraphs:

“(2) one by the Minister of Education, Recreation and Sports;

“(2.1) one by the Minister of Higher Education, Research, Science and Technology;”.

ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION

120. Section 7 of the Act to promote workforce skills development and recognition (chapter D-8.3) is amended by replacing “under subparagraphs 1 to 3 of the first paragraph of section 56 of the Act respecting financial assistance for education expenses (chapter A-13.3), in relation to the study programs recognized by the Minister” in paragraph 8 by “or the Minister of Higher Education, Research, Science and Technology under subparagraphs 1 to 3 of the first and second paragraphs of section 56 of the Act respecting financial assistance for education expenses (chapter A-13.3), in relation to the study programs recognized by either of those ministers”.

ACT RESPECTING PRIVATE EDUCATION

121. The Act respecting private education (chapter E-9.1) is amended by inserting the following section before section 1:

“**0.1.** The Minister of Education, Recreation and Sports shall exercise the ministerial functions and powers provided for in this Act in relation to preschool education services, elementary school instructional services, secondary school instructional services in general and vocational education and supplementary vocational training services related to any of those levels of education.

The Minister of Higher Education, Research, Science and Technology shall exercise the ministerial functions and powers provided for in this Act in relation to college-level general and vocational instructional services and college-level supplementary vocational training services.”

122. Section 10 of the Act is replaced by the following section:

“**10.** No person may operate a private educational institution to which this Act applies unless the person holds a permit for the institution and the educational services or categories of educational services that are dispensed.

The permit is issued

(1) by the Minister of Education, Recreation and Sports for educational services or categories of educational services referred to in paragraphs 1 to 5 of section 1;

(2) by the Minister of Higher Education, Research, Science and Technology for educational services or categories of educational services referred to in paragraphs 7 and 8 of section 1; or

(3) by either of those ministers for supplementary vocational training services referred to in paragraph 9 of section 1, according to the level of education to which they could be considered to belong.

If an institution dispenses services under both ministers' responsibility, a permit issued by each minister is required."

123. Section 16 of the Act is amended by replacing the first paragraph by the following paragraph:

"**16.** The Ministers may establish separate permits for the various educational services within their jurisdiction."

124. Sections 47 and 48 of the Act are replaced by the following section:

"**47.** The Government may, by regulation, determine rules governing the pedagogical aspects of the supplementary vocational training services dispensed by private educational institutions.

The regulation may prescribe that the following are subject to the Minister's approval:

- (1) the programs of studies;
- (2) the instructional material to be used by the institutions;
- (3) the form and content of the training attestation to be issued by an institution to a student who has achieved the objectives of the programs of studies in a field authorized by its permit;
- (4) the standards and procedures for the evaluation of students' learning achievement; and
- (5) the rules governing certification of studies by an institution."

125. Section 49 of the Act is replaced by the following section:

"**49.** The institution shall issue a training attestation to a student who has achieved the objectives of the programs of studies in a field authorized by its permit. The attestation must not contain any mention which may lead to believe that the attestation has been awarded by the Minister or that it is equivalent to a diploma, certificate or other attestation referred to in paragraph 4 or 8 of section 1."

126. Section 96 of the Act is replaced by the following section:

“96. The Commission is composed of nine members, including a chairman, appointed by the Government. The members, other than the chairman, shall represent the following fields:

(1) five members shall represent the field of preschool, elementary and secondary education; and

(2) three members shall represent the field of college education.

The members referred to in subparagraph 1 of the first paragraph are appointed on the recommendation of the Minister of Education, Recreation and Sports. At least three of those members are chosen from a list of at least six candidates proposed by the groups which the Minister considers, with regard to the services within the Minister’s jurisdiction, to be representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of the students attending those institutions.

The members referred to in subparagraph 2 of the first paragraph are appointed on the recommendation of the Minister of Higher Education, Research, Science and Technology. At least two of those members are chosen from a list of at least six candidates proposed by the groups which the Minister considers, with regard to the services within the Minister’s jurisdiction, to be representative of permit holders, directors of private educational institutions governed by this Act, teachers in those institutions and parents of the students attending those institutions.

The chairman is appointed on the recommendation of the Minister of Education, Recreation and Sports, after consultation with the Minister of Higher Education, Research, Science and Technology.”

127. Section 104 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Sports”;

(2) by replacing “coming under his jurisdiction” by “within their respective jurisdictions”.

128. Section 105 of the Act is replaced by the following section:

“105. The Commission must advise the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, as the case may be, on any matter either minister submits to it respecting private education.

The advice of the Commission on any subject concerning which a Minister is required to consult the Commission pursuant to this Act must be given within

90 days of the date of the Minister's request, failing which the obligation of the Minister is deemed to be fulfilled.”

129. Section 107 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) refer any matter relating to private education to the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions; and”.

130. Section 109 of the Act is amended

(1) by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Sports” in the first paragraph;

(2) by replacing “the Minister of Education, Recreation and Sports” in subparagraph 3 of the second paragraph by “either of those ministers”.

131. Section 111 of the Act is amended by inserting “on the recommendation of the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions,” after “by regulation,” in the introductory clause.

132. Section 174 of the Act is replaced by the following section:

“**174.** The Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology are responsible for the administration of this Act, in the areas within their respective jurisdictions.”

EXECUTIVE POWER ACT

133. Section 4 of the Executive Power Act (chapter E-18) is amended by adding the following paragraph at the end:

“(39) a Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING THE GOVERNANCE AND MANAGEMENT OF THE INFORMATION RESOURCES OF PUBLIC BODIES AND GOVERNMENT ENTERPRISES

134. Section 2 of the Act respecting the governance and management of the information resources of public bodies and government enterprises (chapter G-1.03) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraphs:

“(4) school boards and the Comité de gestion de la taxe scolaire de l'île de Montréal;

“(4.1) general and vocational colleges and the educational institutions at the university level listed in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);”.

135. The Act is amended by inserting the following section after section 8:

“8.1. The Minister of Higher Education, Research, Science and Technology, after consultation with the chief information officer, designates a network information officer for the public bodies referred to in subparagraph 4.1 of the first paragraph of section 2.”

136. Section 11 of the Act is amended by adding the following sentence at the end of the second paragraph: “In addition, the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology, after consultation with the chief information officer, may enter into an agreement specifying that the same person may act as sectoral information officer for both departments.”

137. Section 14 of the Act is amended

(1) by inserting “, the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph 3;

(2) by replacing “in subparagraph 4 or 5” in paragraph 3 by “in subparagraph 4, 4.1 or 5”.

138. Section 15 of the Act is amended by replacing “4” in the fourth paragraph by “4.1”.

TAXATION ACT

139. The Taxation Act (chapter I-3) is amended by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in the following provisions:

(1) subparagraph *i* of paragraph *a* of section 358.0.2;

(2) paragraph *d* of section 752.0.1;

(3) subparagraph *a* of the first paragraph of section 752.0.2.1;

(4) the definition of “designated educational institution” and paragraph *a* of the definition of “recognized educational program” in the first paragraph of section 776.41.12.

140. The Act is amended by replacing “Minister of Education, Recreation and Sports” wherever it appears in the following provisions by “Minister of Higher Education, Research, Science and Technology”:

- (1) paragraph *c.1* of section 725;
- (2) paragraph *d* of the definition of “foreign researcher on a postdoctoral internship” in the first paragraph of section 737.22.0.0.1;
- (3) paragraph *d* of the definition of “foreign professor” in the first paragraph of section 737.22.0.5;
- (4) paragraph *b* of the definition of “recognized diploma” in the first paragraph of section 776.1.5.0.16;
- (5) paragraph *b* of the definition of “recognized diploma” in section 1029.8.122.

141. The Act is amended by replacing “Minister of Economic Development, Innovation and Export Trade” wherever it appears in the following provisions by “Minister of Higher Education, Research, Science and Technology”:

- (1) paragraph *d* of the definition of “foreign researcher” in the first paragraph of section 737.19;
- (2) paragraph *d* of the definition of “foreign expert” in the first paragraph of section 737.22.0.0.5;
- (3) paragraph *a.1.1* of section 1029.8.1;
- (4) the first paragraph of sections 1029.8.10 and 1029.8.11;
- (5) paragraph *a* and subparagraphs *i*, *i.1* and *i.2* of paragraph *b* of section 1029.8.16;
- (6) subparagraphs *b* of the fourth paragraphs of sections 1029.8.16.1.4 and 1029.8.16.1.5;
- (7) section 1029.8.16.1.9.

142. Sections 1029.8.33.2, 1029.8.33.11.1 and 1029.8.33.11.11 of the Act are amended, in the first paragraph,

- (1) by inserting “or the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” after “Sport” in paragraph *a* of their definition of “recognized educational institution”;
- (2) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph *c* of their definition of “recognized educational institution” and by replacing “first paragraph” in that paragraph *c* by “first and second paragraphs”;

(3) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in paragraph *d* of their definition of “recognized educational institution”.

ACT RESPECTING THE INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

143. Section 5 of the Act respecting the Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02) is amended by replacing “, including the chairman and a director general, appointed by the Government” in the first paragraph by “, including the chairman and a director general, appointed by the Government, on the recommendation of the Minister, after consultation with the Minister of Education, Recreation and Sports. The composition of the board must tend towards gender parity.”

144. Section 17 of the Act is amended

(1) by replacing “Minister of Education, Recreation and Sports” in subparagraph 3 of the first paragraph by “Minister”;

(2) by inserting “or the Minister” after “authorization of the Minister” in the second paragraph;

(3) by adding the following paragraph at the end:

“As regards an agreement entered into under subparagraph 4 of the first paragraph, the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, is considered responsible for the institute for the purposes of Chapters III and III.1 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and Division II of the Act respecting the Ministère du Conseil exécutif (chapter M-30).”

145. Section 18 of the Act is amended

(1) by replacing “of Education, Recreation and Sports” in the first paragraph by “or the Minister of Education, Recreation and Sports, according to their respective jurisdictions”;

(2) by adding the following sentence at the end of the first paragraph: “The institute shall consult both ministers if it develops new programs or if it amends existing programs that concern both levels of education.”

146. Section 19 of the Act is amended by striking out “of Education, Recreation and Sports”.

147. Section 23 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“23. The institute must comply with any directives concerning its policy directions and policies which may be given to it by the Minister or the Minister of Education, Recreation and Sports, according to their respective jurisdictions, as soon as those directives are approved by the Government.”;

(2) by replacing “of the Minister” in the second paragraph by “of either of those ministers”.

148. Section 28 of the Act is amended

(1) by inserting “the Minister and” after “year to” in the first paragraph;

(2) by replacing “the Minister” in the second paragraph by “either of those ministers”.

149. Section 30 of the Act is amended by replacing “any information he may require” by “or the Minister of Education, Recreation and Sports, as the case may be, any information either minister may require”.

150. Section 31 of the Act is replaced by the following section:

“31. Each year, the institute shall submit its budget estimates for the next fiscal year to the Minister and the Minister of Education, Recreation and Sports on the date and in the form and with the content determined by the Ministers.

The budget estimates must be approved by the Minister after consultation with the Minister of Education, Recreation and Sports.”

151. Section 42 of the Act is amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

ACT RESPECTING THE INSTITUT NATIONAL DES MINES

152. Section 5 of the Act respecting the Institut national des mines (chapter I-13.1.2) is amended by inserting “and the Minister of Higher Education, Research, Science and Technology” after “Minister” in subparagraph 3 of the second paragraph.

153. Section 6 of the Act is amended

(1) by adding “or the Minister of Higher Education, Research, Science and Technology” at the end of paragraph 6;

(2) by adding the following paragraph at the end:

“As regards an agreement entered into under subparagraph 3 of the first paragraph, the Minister or the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions, is considered

responsible for the institute for the purposes of Chapters III and III.1 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and Division II of the Act respecting the Ministère du Conseil exécutif (chapter M-30).”

154. Section 7 of the Act is replaced by the following section:

“**7.** The institute must give its opinion on any question the Minister or the Minister of Higher Education, Research, Science and Technology submits to it with respect to the fields or subjects within its purview. The institute’s opinion must include recommendations, unless the nature of the request precludes it.”

155. Section 8 of the Act is replaced by the following section:

“**8.** Each year, the institute must prepare a plan of its activities and the related budget. The plan must reflect the policy directions and objectives determined by the Minister after consultation with the Minister of Higher Education, Research, Science and Technology. The plan must also contain the information specified by the Minister or the Minister of Higher Education, Research, Science and Technology.

The plan must be sent to the Minister on the date set by the Minister.

The plan must be approved by the Minister who, for that purpose, must consult the Minister of Higher Education, Research, Science and Technology.”

156. Section 10 of the Act is amended by inserting “or the Minister of Higher Education, Research, Science and Technology, as the case may be,” after “Minister”.

157. Section 11 of the Act is amended

(1) by replacing “17” in the first paragraph by “18”;

(2) by replacing “The Government” in the introductory clause of the second paragraph by “On the recommendation of the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology, the Government”;

(3) by replacing subparagraph 3 of the second paragraph by the following subparagraphs:

“(3) four members from the mining-related sector of the secondary level in vocational education, appointed after consultation with that sector;

“(3.1) two members from mining-related sectors of the college or university level, appointed after consultation with those sectors;”;

(4) by inserting “, the Deputy Minister of Higher Education, Research, Science and Technology” after “Sports” in the third paragraph;

(5) by adding the following paragraph at the end:

“The composition of the board must tend towards gender parity.”

158. Section 28 of the Act is amended

(1) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph;

(2) by replacing “the Minister” in the second paragraph by “either of those ministers”.

159. Section 35 of the Act is amended by inserting “, after consultation with the Minister of Higher Education, Research, Science and Technology,” after “Minister” in the first paragraph.

EDUCATION ACT

160. Section 477.14 of the Education Act (chapter I-13.3) is amended

(1) by striking out “appointed by the Minister after consultation with the interested bodies” in the introductory clause;

(2) by replacing the third paragraph by the following paragraphs:

“The chair is appointed by the Minister, after consultation with the Minister of Higher Education, Research, Science and Technology.

The members referred to in subparagraphs 2 and 3 of the first paragraph are appointed by the Minister, after consultation with the interested bodies. The members referred to in subparagraphs 4 and 5 of the first paragraph are appointed by the Minister of Higher Education, Research, Science and Technology, after consultation with the interested bodies.

In addition, the Minister may appoint two associate members to the committee, one chosen from among the employees of the Ministère de l'Éducation, du Loisir et du Sport, the other from among the managerial staff of the school boards. An additional associate member, chosen from among the employees of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, may be appointed by the Minister of Higher Education, Research, Science and Technology.”

161. Section 477.15 of the Act is amended by adding the following paragraphs at the end:

“In addition, the committee shall advise the Minister of Higher Education, Research, Science and Technology on the financing of university-level teacher education programs.

Before approving a program or making a recommendation, the committee shall consult the administrative committee set up by the Minister of Higher Education, Research, Science and Technology to provide advice on university training programs.”

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

162. Section 1.1 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) is amended by replacing “, secondary and college education and university education and research, except where another minister is responsible” by “and secondary education”.

163. Section 1.2 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) taking coordinated action with the Minister of Higher Education, Research, Science and Technology to foster the continuity, development and integration of educational pathways;”.

164. Section 1.3 of the Act is amended by striking out “or research” in paragraph 3.

165. The Act is amended by inserting the following section after section 3.1:

3.2. A sharing of resources and services between the Minister and the Minister of Higher Education, Research, Science and Technology is to be encouraged wherever it can be instrumental in their pursuit of objectives related to the continuity, development and integration of educational pathways or their fulfillment of efficiency and cost-benefit requirements in the management of human, financial, physical and information resources.”

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

166. Section 21 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended by inserting the following subparagraph after subparagraph 2 of the third paragraph:

“(2.1) the Deputy Minister of Higher Education, Research, Science and Technology or an Associate or Assistant Deputy Minister of Higher Education, Research, Science and Technology designated by the Deputy Minister;”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT
ÉCONOMIQUE, DE L'INNOVATION ET DE L'EXPORTATION

167. Section 2 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01) is amended by striking out “innovation”, “, as well as research”, “scientific,” and “, scientific development”.

168. Section 3 of the Act is amended by striking out “, and promoting research, science, technology and innovation” in the first paragraph.

169. Section 5 of the Act is amended

(1) by striking out paragraph 5;

(2) by inserting “, particularly with the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie,” after “bodies” in paragraph 9.

GOVERNMENT DEPARTMENTS ACT

170. Section 1 of the Government Departments Act (chapter M-34) is amended by adding the following paragraph at the end:

“(38) the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, presided over by the Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING THE SECTORAL PARAMETERS OF CERTAIN
FISCAL MEASURES

171. Section 2 of the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1) is amended by replacing “Minister of Education, Recreation and Sports” in paragraph 4 by “Minister of Higher Education, Research, Science and Technology”.

172. Section 1.1 of Schedule C to the Act is amended by striking out paragraphs 2, 3, 5 and 6.

173. Chapter III of Schedule C to the Act, comprising sections 3.1 to 3.5, Chapter IV of that schedule, comprising sections 4.1 to 4.6, Chapter VI of that schedule, comprising sections 6.1 to 6.5, and Chapter VII of that schedule, comprising sections 7.1 to 7.5, become Chapter IV, comprising sections 4.1 to 4.5, Chapter V, comprising sections 5.1 to 5.6, Chapter VI, comprising sections 6.1 to 6.5, and Chapter VII, comprising sections 7.1 to 7.5, of Schedule D to the Act, with the necessary changes in numbering.

174. Section 8.10 of Schedule C to the Act is amended by replacing “Minister of Education, Recreation and Sports” in paragraph 1 by “Minister

of Higher Education, Research, Science and Technology or the Minister of Education, Recreation and Sports”.

175. The heading of Schedule D to the Act is amended by replacing “MINISTER OF EDUCATION, RECREATION AND SPORTS” by “MINISTER OF HIGHER EDUCATION, RESEARCH, SCIENCE AND TECHNOLOGY”.

176. Section 1.1 of Schedule D to the Act is amended

(1) by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”;

(2) by adding the following paragraphs after paragraph 2:

“(3) the deduction in respect of foreign researchers provided for in sections 737.19 to 737.22 of the Taxation Act;

“(4) the deduction in respect of foreign experts provided for in sections 737.22.0.0.5 to 737.22.0.0.8 of the Taxation Act;

“(5) the refundable tax credit for university research and for research carried on by a public research centre or a research consortium and the tax credit for fees and dues paid to a research consortium provided for in sections 1029.8.1 to 1029.8.7 and 1029.8.9.0.2 to 1029.8.9.0.4 of the Taxation Act; and

“(6) the tax credit for private partnership pre-competitive research provided for in sections 1029.8.16.1.1 to 1029.8.16.1.9 of the Taxation Act.”

177. Schedule D to the Act is amended by adding the following after section 3.6:

“CHAPTER IV

“SECTORAL PARAMETERS OF DEDUCTION IN RESPECT OF FOREIGN RESEARCHERS

“DIVISION I

“INTERPRETATION AND GENERAL

“**4.1.** In this chapter, unless the context indicates otherwise,

“eligible employer” means a person or partnership who declares to the Minister that the person or partnership is carrying on a business in Canada and undertaking or causing to be undertaken on the person’s or partnership’s behalf in Québec scientific research and experimental development related to a business of the person or partnership and that the person or partnership is neither an eligible university entity within the meaning of section 2.1 of Schedule D, nor a person exempt from tax under section 984 or 985 of the

Taxation Act or that would be exempt from tax under that section 985 but for section 192 of that Act;

“foreign researcher tax holiday” means the fiscal measure provided for in Title VII.3 of Book IV of Part I of the Taxation Act, under which an individual may deduct an amount in computing the individual’s taxable income for a taxation year.

“4.2. In order for an individual who works for an eligible employer to benefit from the foreign researcher tax holiday for a taxation year, the eligible employer must obtain a qualification certificate in respect of the foreign researcher (in this chapter referred to as a “researcher qualification certificate”) from the Minister.

The employer must file an application for the qualification certificate before 1 March of the calendar year that follows the individual’s taxation year for which he or she first claims the tax holiday.

“DIVISION II

“RESEARCHER QUALIFICATION CERTIFICATE

“4.3. A researcher qualification certificate issued to an eligible employer certifies that the individual referred to in the certificate is recognized as a researcher.

“4.4. To be recognized as a researcher, an individual must

- (1) be specialized in the field of pure or applied science or a related field;
- (2) hold, or possess knowledge equivalent to the knowledge acquired by the holder of, a Master’s degree recognized by a Québec university in any of the fields referred to in paragraph 1; and
- (3) have the skills required to carry out scientific research and experimental development activities.

“4.5. An eligible employer to which a researcher qualification certificate is issued must promptly send a copy of the certificate to the individual concerned so that it may be attached to his or her fiscal return.

“CHAPTER V

“SECTORAL PARAMETERS OF DEDUCTION IN RESPECT OF FOREIGN EXPERTS

“DIVISION I

“INTERPRETATION AND GENERAL

“5.1. In this chapter, unless the context indicates otherwise,

“eligible employer” means a person or partnership who declares to the Minister that the person or partnership is carrying on a business in Canada for the period in which the person or partnership undertakes or causes to be undertaken on the person’s or partnership’s behalf in Québec, as part of a project, scientific research and experimental development related to a business of the person or partnership, as well as for the periods preceding and following the carrying out of the project, and that the person or partnership is neither an eligible university entity within the meaning of section 2.1 of Schedule D, nor a person mentioned in section 984 or 985 of the Taxation Act;

“foreign expert tax holiday” means the fiscal measure provided for in Title VII.3.0.2 of Book IV of Part I of the Taxation Act, under which an individual may deduct an amount in computing the individual’s taxable income for a taxation year.

“5.2. In order for an individual who works for an eligible employer to benefit from the foreign expert tax holiday for a taxation year, the eligible employer must obtain a qualification certificate in respect of the individual (in this chapter referred to as an “expert qualification certificate”) from the Minister. The certificate must be obtained for each taxation year for which the individual may claim the tax holiday.

The employer must file an application for the qualification certificate before 1 March of the calendar year that follows the individual’s taxation year concerned.

“DIVISION II

“EXPERT QUALIFICATION CERTIFICATE

“5.3. An expert qualification certificate issued to an eligible employer certifies that the individual referred to in the certificate is recognized as an expert in respect of the employer for the taxation year for which the application for the qualification certificate was made or for the part of the year specified in it.

“5.4. In order for an individual to be recognized as an expert in respect of an eligible employer, the individual must

(1) be specialized in a field appropriate to the valorization of scientific research and experimental development results;

(2) hold, or possess knowledge equivalent to the knowledge acquired by the holder of, a diploma recognized by a Québec university in a field referred to in paragraph 1;

(3) have the skills required to carry out activities that consist in the valorization of the results deriving from the employer's scientific research and experimental development projects, which activities include

(a) the management of innovation resulting from those projects,

(b) the commercialization and marketing of the results deriving from those projects,

(c) the transfer of advanced technologies resulting from those projects,

(d) the financing of scientific research and experimental development activities; and

(4) have duties with the employer that consist exclusively or almost exclusively, on a continuous basis, in carrying on activities that consist in the valorization of the results deriving from the employer's scientific research and experimental development projects.

“5.5. If an individual is temporarily absent from work for reasons the Minister considers reasonable, the Minister may, for the purpose of determining whether the individual meets the conditions for recognition as an expert in respect of an eligible employer, consider that the individual continued to perform his or her duties throughout the period of absence exactly as he or she was performing them immediately before the beginning of that period.

“5.6. An eligible employer to which an expert qualification certificate is issued for a taxation year must promptly send a copy of the certificate to the individual concerned so that it may be attached to his or her fiscal return for the year.

“CHAPTER VI

“SECTORAL PARAMETERS OF TAX CREDIT FOR RESEARCH CARRIED ON BY RESEARCH CONSORTIUM AND OF TAX CREDIT FOR FEES AND DUES PAID TO RESEARCH CONSORTIUM

“DIVISION I

“INTERPRETATION AND GENERAL

“6.1. In this chapter, unless the context indicates otherwise,

“research consortium” means a non-profit private research centre established in Canada whose members carry on businesses in the same sector of activity or in related sectors of activity;

“tax credit for fees and dues paid to a research consortium” means the fiscal measure provided for in Division II.2.1 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act, under which a person is deemed to have paid an amount to the Minister of Revenue on account of the person’s tax payable under that Part for a taxation year;

“tax credit for research carried on by a research consortium” means the fiscal measure provided for in Division II.1 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act, under which a person is deemed to have paid an amount to the Minister of Revenue on account of the person’s tax payable under that Part for a taxation year.

“6.2. To be recognized as an eligible research consortium, for the purposes of the tax credit for research carried on by a research consortium and the tax credit for fees and dues paid to a research consortium, a body must obtain a certificate in its respect (in this chapter referred to as a “consortium certificate”) from the Minister.

“DIVISION II

“CONSORTIUM CERTIFICATE

“6.3. A consortium certificate issued to a body certifies that the body is recognized as an eligible research consortium. Such a certificate is valid for an indeterminate period, unless otherwise specified in the certificate.

“6.4. In order for a body to be recognized as an eligible research consortium, it must be a research consortium in respect of which the following conditions are met:

(1) the number of members forming the research consortium and their financial contribution are sufficiently representative of a sector of activity;

(2) the public or parapublic bodies operating in that sector of activity that are members of the research consortium do not constitute a majority of its members and do not provide the major part of its financing;

(3) the association agreement of the members of the research consortium requires that a research program concerning the members’ scientific and technological interests be established every year, and provides that the research results obtained will be available to all the members for use and development according to their specific needs;

(4) the mission of the research consortium is to carry on scientific research and experimental development work in Québec that is generic in nature and is not likely to lead to readily marketable results;

(5) the results of scientific research and experimental development work carried on by the research consortium may give rise to applications in various industrial sectors or to products that are commercially different among its members and that vary according to the use and development each may make of those results; and

(6) the research consortium has employees who have the skills required to carry on scientific research and experimental development work and has the premises and equipment needed to carry on that work in Québec.

The condition of subparagraph 3 of the first paragraph is not considered met if the association agreement does not clearly define the manner in which the research results obtained may be used and developed by the members of the research consortium.

The Minister may recognize only one research consortium per sector of activity.

“6.5. A body that holds a valid consortium certificate must file a notice of change of status with the Minister if

(1) a change that has occurred in its human or physical resources could compromise its capacity to carry out scientific research and experimental development work;

(2) the composition of the consortium has changed significantly; or

(3) the association agreement of the members of the consortium or the consortium’s mission has been modified.

If a body fails to fulfil its obligation to file a notice of change of status, the Minister may revoke the consortium certificate issued to it.

“CHAPTER VII

“SECTORAL PARAMETERS OF TAX CREDIT FOR PRIVATE PARTNERSHIP PRE-COMPETITIVE RESEARCH

“DIVISION I

“INTERPRETATION AND GENERAL

“7.1. In this chapter, unless the context indicates otherwise,

“research project” means a scientific research and experimental development project;

“tax credit for private partnership pre-competitive research” means the fiscal measure provided for in Division II.3.0.1 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act, under which a person is deemed to have paid an amount to the Minister on account of the person’s tax payable under that Part for a taxation year.

“7.2. To benefit from the tax credit for private partnership pre-competitive research, in respect of a research project, a person or, if the person claims the tax credit as a member of a partnership, the partnership must obtain a certificate in that respect (in this chapter referred to as a “research project certificate”) from the Minister. Such a certificate is valid for a maximum period of three years.

“DIVISION II

“RESEARCH PROJECT CERTIFICATE

“7.3. The Minister may not issue a research project certificate in respect of a research project provided for in a partnership agreement unless an application to that effect is filed with the Minister before the beginning of the project.

Despite the first paragraph, the Minister may issue a research project certificate to a person or a partnership in respect of a research project carried out within the scope of a partnership agreement to which the person or partnership is a party if

(1) the application for the certificate is filed with the Minister on or before the 90th day following the day on which the research project began; or

(2) the application for the certificate is filed with the Minister within three years following the day on which the research project began and

(a) the application could not be filed within the time provided in subparagraph 1 for reasons beyond the control of the person or of the members of the partnership,

(b) the application gives the reasons why it could not be filed within such time, and

(c) the Minister considers that the reasons put forward justify the admissibility of the application.

“7.4. A research project certificate issued to a person or a partnership certifies that the research project referred to in it is a pre-competitive research project carried out under a partnership agreement to which the person or partnership is a party. The certificate also specifies the date on which its period of validity ends.

“7.5. In order for a research project to be considered to be a pre-competitive research project carried out under a partnership agreement to which the person or partnership filing the application for a certificate is a party, the following conditions must be met:

(1) each party to the partnership agreement (in this section referred to as a “partner”) has a scientific and technological interest in seeing the research project carried out, and the purpose of the partnership agreement coincides with the respective interests of all the partners, even if their sectors of activity differ;

(2) the partners are on an equal footing and share responsibility for the research project, each partner assuming its own liability, without guaranteeing the liability of the other partners;

(3) the partners pool their contributions to the research project, which contributions may be inputs of equipment, efforts, cash, knowledge or expertise;

(4) the expected duration and the purpose of the research project are defined in the partnership agreement;

(5) the research project affords each partner the possibility of using the results, such that each partner has an interest in seeing the project carried out in order to benefit from the results with a view to enhance its growth;

(6) the research project will affect the partners, whether the project is successful or not;

(7) each partner is entitled to benefit from the research project results, the planned sharing of those results being based on the interests of each partner and having to be coherent with the pursuit of its technological development; in that respect, the partnership agreement must include the obligation to negotiate conditions relating to the rights of each of the partners to exploit the intellectual property deriving from the research project, and must govern the disclosure of information on the obtention of a patent protecting the intellectual property, if applicable;

(8) all the partners participate in managing the research project and no partner is subordinate to another; and

(9) each partner performs a part of the work required to carry out the research project, while participating in the overall research project.

For the purpose of determining whether the condition of subparagraph 8 of the first paragraph is met, the establishment of a management committee and the development of a decision-making or dispute settlement mechanism, which may be provided for in the partnership agreement, are indicators that the research project is managed jointly.

For the purposes of subparagraph 9 of the first paragraph, groups of researchers, developers or engineers are considered to participate in the overall research project if they separately carry out work related to various aspects of the research project and participate in study sessions and discussions to integrate their respective research results in the overall structure of the project.”

ACT RESPECTING EDUCATIONAL PROGRAMMING

178. Section 3.1 of the Act respecting educational programming (chapter P-30.1) is amended by replacing “Minister of Economic Development, Innovation and Export Trade” in subparagraph 2 of the first paragraph by “Minister of Higher Education, Research, Science and Technology”.

179. Section 9 of the Act is amended by inserting “, to the Minister of Higher Education, Research, Science and Technology” after “members of the committee”.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

180. Section 31 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is replaced by the following section:

“31. The committees established under paragraphs 1 and 2 of section 30 are composed of persons appointed by the Minister of Education, Recreation and Sports and the committee established under paragraph 3 of that section is composed of persons appointed by the Minister of Higher Education, Research, Science and Technology. The committees also include persons appointed, as the case may be, by the group of school boards referred to in paragraph 1 of section 30, the group of school boards referred to in paragraph 2 of that section or the group of colleges.

A group of school boards or a group of colleges is an association, federation or other organization to which the majority of the school boards referred to in paragraph 1 of section 30, of the school boards referred to in paragraph 2 of that section or of the colleges belong and which is considered to be representative of such school boards by the Minister of Education, Recreation and Sports or of such colleges by the Minister of Higher Education, Research, Science and Technology, if it is not already recognized as such by law.”

181. Section 32 of the Act is amended by inserting “of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology” after “Minister” in the first paragraph.

182. Section 33 of the Act is amended by inserting “or to the Minister of Higher Education, Research, Science and Technology, as the case may be” after “Minister of Education, Recreation and Sports”.

183. Section 43 of the Act is replaced by the following section:

“**43.** The Conseil du trésor shall invite the Minister of Education, Recreation and Sports, the Minister of Higher Education, Research, Science and Technology or the Minister of Health and Social Services, as the case may be, to participate in its deliberations where they deal with the negotiations referred to in sections 44 and 53.”

FIRE SAFETY ACT

184. Section 55 of the Fire Safety Act (chapter S-3.4) is amended by inserting “or the Minister of Higher Education, Research, Science and Technology, as the case may be” after “Sports” in the first paragraph.

185. Section 62 of the Act is amended

(1) by replacing “15” in the first paragraph by “16”;

(2) by adding the following subparagraph after subparagraph 5 of the second paragraph:

“(6) a member of the personnel of the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie designated by the Deputy Minister of Higher Education, Research, Science and Technology.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

186. Section 88 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by replacing “Minister of Education, Recreation and Sports and the Minister of Economic Development, Innovation and Export Trade” by “Minister of Higher Education, Research, Science and Technology”;

(2) by replacing “Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (chapter M-30.01)” by “Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie (2013, chapter 28)”.

187. Sections 89 to 91 of the Act are amended by replacing “Minister of Education, Recreation and Sports and the Minister of Economic Development, Innovation and Export Trade” by “Minister of Higher Education, Research, Science and Technology”.

188. Section 110 of the Act is amended

(1) by inserting “or the Minister of Higher Education, Research, Science and Technology” after “Sports” in the third paragraph;

(2) by inserting “or the Minister of Higher Education, Research, Science and Technology, as applicable” after “Sports” in the fourth paragraph.

189. Sections 436.1 and 436.8 of the Act are amended by replacing “Minister of Education, Recreation and Sports” by “Minister of Higher Education, Research, Science and Technology”.

REGULATION RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

190. The Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended by inserting “or the Minister of Education, Recreation and Sports” after “Minister” in the first paragraph of sections 7 and 50, the third paragraph of section 32, the first, second and third paragraphs of section 46, section 52 and the last paragraph of section 56.

REGULATION RESPECTING THE TUITION FEES THAT A GENERAL AND VOCATIONAL COLLEGE MUST CHARGE

191. Section 3 of the Regulation respecting the tuition fees that a general and vocational college must charge (chapter C-29, r. 2) is amended by striking out “of Education, Recreation and Sports”.

REGULATION RESPECTING THE STANDARDS, CONDITIONS AND PROCEDURE FOR ALIENATION OF AN IMMOVABLE OF A GENERAL AND VOCATIONAL COLLEGE

192. Section 2 of the Regulation respecting the standards, conditions and procedure for alienation of an immovable of a general and vocational college (chapter C-29, r. 3) is amended by striking out “of Education, Recreation and Sports”.

COLLEGE EDUCATION REGULATIONS

193. Section 4 of the College Education Regulations (chapter C-29, r. 4) is amended by striking out “of Education, Recreation and Sports” in subparagraph 2 of the second paragraph.

REGULATION RESPECTING THE ACCREDITATION OF TRAINING BODIES, TRAINING INSTRUCTORS AND TRAINING SERVICES

194. Section 8 of the Regulation respecting the accreditation of training bodies, training instructors and training services (chapter D-8.3, r. 1) is amended by inserting “the ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie,” after “ministère de l’Éducation, du Loisir et du Sport,” in paragraph 3.

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING PRIVATE EDUCATION

195. Section 1 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is amended

(1) by striking out “, to college level education”;

(2) by adding the following sentence at the end: “The Minister of Higher Education, Research, Science and Technology shall exercise the functions provided for in this Regulation with regard to college level education.”

196. Section 9 of the Regulation is amended by inserting “relating to the level of instruction for which the permit is issued as” after “fees” in the first paragraph.

RÈGLEMENT SUR L’EXERCICE DES POUVOIRS ET LA RÉGIE INTERNE DE L’INSTITUT DE TOURISME ET D’HÔTELLERIE DU QUÉBEC

197. Section 11 of the Règlement sur l’exercice des pouvoirs et la régie interne de l’Institut de tourisme et d’hôtellerie du Québec (chapter I-13.02, r. 1, French only) is amended by inserting “et au ministre de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” after “Sport” in paragraph 12.

REGULATION RESPECTING UNIVERSITY INVESTMENTS

198. Section 1 of the Regulation respecting university investments (chapter I-17, r. 1) is amended by striking out “of Education, Recreation and Sports” in the introductory clause.

REGULATION RESPECTING THE DELEGATIONS OF POWERS AND DUTIES OF THE MINISTER OF EDUCATION, RECREATION AND SPORTS

199. Paragraph 3 of section 1 and sections 3, 7 and 8 of the Regulation respecting the delegations of powers and duties of the Minister of Education, Recreation and Sports (chapter M-15, r. 1) are repealed.

OTHER AMENDING PROVISIONS

200. The expression “Minister of Economic Development, Innovation and Export Trade” is replaced by “Minister of Higher Education, Research, Science and Technology” in the following legislative provisions:

(1) section 42 of the Act respecting the Centre de recherche industrielle du Québec (chapter C-8.1);

(2) the second paragraph of section 1 of the Act respecting artistic, literary and scientific competitions (chapter C-51).

201. The expressions “Minister of Education, Recreation and Sports” and “Ministère de l’Éducation, du Loisir et du Sport” are replaced by “Minister of Higher Education, Research, Science and Technology” and “Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie”, respectively, wherever they appear in the following legislative provisions:

(1) section 64 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01);

(2) section 88.3 of the Charter of the French language (chapter C-11);

(3) sections 16.1, 51 and 72 of the General and Vocational Colleges Act (chapter C-29);

(4) section 47 of the Act respecting the Commission d’évaluation de l’enseignement collégial (chapter C-32.2);

(5) subparagraph 2 of the first paragraph of section 4 and sections 21 and 22 of the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1);

(6) section 10 of the Act respecting educational institutions at the university level (chapter E-14.1);

(7) section 24 of the Act respecting university foundations (chapter F-3.2.0.1);

(8) section 27 of the Court Bailiffs Act (chapter H-4.1);

(9) section 7 of the Act respecting Institut national de santé publique du Québec (chapter I-13.1.1);

(10) paragraph *c* of section 1 of the University Investments Act (chapter I-17);

(11) subparagraph *b* of the first paragraph of section 29 of the Medical Act (chapter M-9);

(12) section 2 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14);

(13) paragraph *b* of section 15 of the Pharmacy Act (chapter P-10);

(14) section 15 and subparagraph 5 of the second paragraph of section 18 of the Police Act (chapter P-13.1);

(15) section 63 of the Act respecting pre-hospital emergency services (chapter S-6.2);

(16) paragraph *f* of section 1 and section 59 of the Act respecting the Université du Québec (chapter U-1).

The expression “Minister of Education, Recreation and Sports” is replaced by “Minister” in the following legislative provisions:

(1) sections 19, 34, 37 and 63 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01);

(2) section 2 of the General and Vocational Colleges Act (chapter C-29);

(3) section 5, subparagraph 3 of the second paragraph of section 13 and section 22 of the Act respecting the Commission d’évaluation de l’enseignement collégial (chapter C-32.2);

(4) paragraph 13 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);

(5) section 6.1 of the University Investments Act (chapter I-17).

202. The following legislative provisions are amended by inserting, depending on the context, “, the Minister of Higher Education, Research, Science and Technology”, “, the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” or “, the Deputy Minister of Higher Education, Research, Science and Technology” after “Minister of Education, Recreation and Sports”, “Ministère de l’Éducation, du Loisir et du Sport” or “Deputy Minister of Education, Recreation and Sports”:

(1) the second paragraph of section 84 of the Individual and Family Assistance Act (chapter A-13.1.1);

(2) the sixth paragraph of section 65 of the Health Insurance Act (chapter A-29);

(3) the third paragraph of section 7 of the Act respecting the Conseil du statut de la femme (chapter C-59);

(4) section 6.1 and the second paragraph of section 63 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);

(5) paragraph *e* of section 23 of the Youth Protection Act (chapter P-34.1).

203. The following legislative provisions are amended by inserting, depending on the context, “or the Minister of Higher Education, Research, Science and Technology” or “or the Ministère de l’Enseignement supérieur,

de la Recherche, de la Science et de la Technologie”, with the necessary grammatical adjustments, after “Minister of Education, Recreation and Sports” or “Ministère de l’Éducation, du Loisir et du Sport” wherever they appear:

(1) subparagraph *o* of the second paragraph of section 69.1 of the Tax Administration Act (chapter A-6.002);

(2) subparagraph *d* of subparagraph 7 and subparagraph 7.1 of the third paragraph of section 12, subparagraph 3 of the first paragraph of section 16.10 and the second paragraph of section 95.0.1 of the Professional Code (chapter C-26);

(3) paragraph 1 of section 8 of the Pay Equity Act (chapter E-12.001);

(4) paragraph 5 of section 3 of the Act respecting labour standards (chapter N-1.1);

(5) the second paragraph of section 103 of the Act respecting the legal publicity of enterprises (chapter P-44.1);

(6) section 9 of Schedule I to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

(7) paragraphs 13 and 14 of section 167 of the Act respecting occupational health and safety (chapter S-2.1);

(8) section 125 of the Act respecting health services and social services for Cree Native persons (chapter S-5).

204. The expressions “Minister of Education, Recreation and Sports” or “Minister of Education”, “Ministère de l’Éducation, du Loisir et du Sport” or “Ministry of Education, Recreation and Sports”, and “Assistant Deputy Minister for Professional and Technical Training” are replaced wherever they appear in the following regulatory provisions by “Minister of Higher Education, Research, Science and Technology”, “Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie” and “Assistant Deputy Minister for Higher Education”, respectively:

(1) any regulatory provision made under the Professional Code (chapter C-26) and any provision of a regulation respecting the committee on training of professionals of a professional order, except for the Regulation respecting the committee on training of nursing assistants (chapter C-26, r. 155) and the Regulation respecting the joint committee on training in medicine (chapter M-9, r. 18);

(2) the second occurrence of “Minister of Education, Recreation and Sports” in section 37 of the Regulation respecting hearing devices and insured services (chapter A-29, r. 2);

(3) the third paragraph of section 11.2 of the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);

(4) the fourth paragraph of section 26 of the Regulation respecting safety in public baths (chapter B-1.1, r. 11);

(5) the definition of “annual income” in the first paragraph of section 9 of the Regulation respecting the determination of child support payments (chapter C-25, r. 6), the second paragraph of that section and line 208 of Schedule I to that Regulation;

(6) section 14 of the Regulation respecting the professional activities that may be engaged in within the framework of pre-hospital emergency services and care (chapter M-9, r. 2.1);

(7) the second paragraph of section 3 of the Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d’assurances (chapter C-32.1.2, r. 1);

(8) subparagraph 2 of the first paragraph of section 9 and subparagraph 3 of the first paragraph of section 13 of the Regulation respecting the application of the Real Estate Brokerage Act (chapter C-73.1, r. 1);

(9) section 20 of the Regulation respecting the terms and conditions for the issue of a permit by the Chambre des huissiers de justice du Québec (chapter H-4.1, r. 7);

(10) subparagraph iii of paragraph *b* of subsection 2 of section 99, subparagraph *d* of the first paragraph of section 132, section 133 and the third paragraph of section 228 of the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1);

(11) subparagraphs 4 and 8 of the first paragraph of section 4 of the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4);

(12) section 18 of the Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);

(13) section 24 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(14) section 2 and paragraphs 2 and 3 of section 10 of the Regulation respecting the conditions governing the exercise of functions within a municipal fire safety service (chapter S-3.4, r. 1);

(15) paragraph 2 of section 1 of the Regulation respecting the training required to obtain an agent licence to carry on private security activities (chapter S-3.5, r. 2);

(16) subparagraph 3 of the first paragraph of section 15 of the Reduced Contribution Regulation (chapter S-4.1.1, r. 1);

(17) subparagraph 1 of the first paragraph of section 1 of the Regulation respecting the conditions for the registration of an ambulance technician in the national workforce registry (chapter S-6.2, r. 1);

(18) the definitions of “Minister” and “Ministry” in section 1 and section 95 of the Regulation respecting certain conditions of employment of senior executives of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202573 dated 21 June 2005 (2005, G.O. 2, 2423) as amended;

(19) the definitions of “Minister” and “Ministry” in section 1 of the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by a ministerial order dated 17 June 2005 and approved by the Conseil du trésor, T.B. 202574 dated 21 June 2005 (2005, G.O. 2, 2449) as amended.

205. The following regulatory provisions are amended by inserting, depending on the context, “or the Minister of Higher Education, Research, Science and Technology” or “or the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie”, with the necessary grammatical adjustments, after “Minister of Education, Recreation and Sports”, “Ministère de l’Éducation, du Loisir et du Sport” or “Ministère de l’Éducation du Québec” wherever they appear:

(1) the first and last paragraphs of section 3 of the Regulation respecting legal aid (chapter A-14, r. 2);

(2) paragraph 2 of section 3, paragraph 3 of section 4.2, subparagraph *b* of subparagraph 3 of the first paragraph of section 15 and subparagraph 2 of the first paragraph of section 23 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1);

(3) paragraph 2 of the definition of “person with a hearing deficiency” in section 1 of the Regulation respecting hearing devices and insured services (chapter A-29, r. 2);

(4) subparagraph 1 of the first paragraph of section 26 of the Regulation respecting insured visual aids and related services (chapter A-29, r. 3);

(5) the third paragraphs of sections 16 and 50 of the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (chapter A-29, r. 4);

(6) the introductory clause of the first paragraph of section 6.1 of the Regulation respecting certificates of qualification and apprenticeship in

electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1);

(7) subparagraph *d* of paragraph 3 of section 25 of the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2);

(8) subparagraph *i* of paragraph *b.2* of subsection 1 of section 1 and subsection 5.2 of section 47 of the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);

(9) the second paragraph of section 2 of the Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons (chapter I-8, r. 4);

(10) sections 890.15R1 and 1086R97 of the Regulation respecting the Taxation Act (chapter I-3, r. 1);

(11) subparagraph 1 of the fourth paragraph of section 44 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(12) paragraph 3 of article 26 of Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium (chapter R-9, r. 11);

(13) paragraph 3 of article 15 of Schedule II to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Sweden (chapter R-9, r. 39);

(14) paragraph 2 of the definition of “personne à charge” in section 1 of the Règlement sur les régimes complémentaires d’avantages sociaux dans l’industrie de la construction (chapter R-20, r. 10);

(15) section 6 of the By-law respecting housing (chapter S-8, r. 7);

(16) subparagraph 2 of the first paragraph of section 4 of the Regulation respecting the disposition of certain surplus or confiscated properties (chapter T-8.1, r. 2).

CHAPTER VII

INCORPORATION INTO THIS ACT OF PROVISIONS FROM OTHER ACTS

206. Sections 13.1, 13.3, 13.4 and 13.7 of the Act respecting the Ministère de l’Éducation, du Loisir et du Sport (chapter M-15) become sections 17 to 20 of this Act, respectively, after replacing “Minister of Education, Recreation and Sports” in paragraph 3 of section 13.3 of that Act by “Minister” and

renumbering paragraphs 2 to 5 of section 13.3 of that Act as paragraphs 1 to 4 of the corresponding section of this Act.

207. Sections 46 to 83 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01) become sections 21 to 63 of this Act, respectively, after renumbering paragraph 5 of section 61 of that Act as paragraph 4 of the corresponding section of this Act and renumbering Divisions I to V of Chapter V of that Act as subdivisions 1 to 5 of Division II of Chapter III of this Act and after replacing

(1) the reference to sections 50, 50.1, 50.2 and 50.3 in section 54 of that Act by a reference to sections 25 to 28 of this Act;

(2) the reference to section 57 in section 60 of that Act by a reference to section 35 of this Act;

(3) the reference to section 75 in section 76.1 of that Act by a reference to section 54 of this Act;

(4) the reference to section 64 in section 78 of that Act by a reference to section 42 of this Act;

(5) the expression “this Chapter” in section 81 of that Act by “Division II”;

(6) the reference to section 81 in section 82 of that Act by a reference to section 61 of this Act;

(7) the reference to sections 81 and 82 in section 83 of that Act by a reference to sections 61 and 62 of this Act.

208. Sections 45.1 to 45.14 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation become sections 64 to 77 of this Act, respectively, after renumbering Divisions I and II of Chapter IV.1 of that Act as Divisions I and II of Chapter IV of this Act and replacing the reference to section 45.3 in section 45.5 of that Act by a reference to section 66.

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

209. Unless the context indicates otherwise, in any document other than an Act or a regulation, including in any order, order in council, policy, budget rule, permit, certificate, proclamation, administrative document, judicial pleading or contract,

(1) a reference to the Minister or Deputy Minister of Education, Recreation and Sports or the Ministère de l'Éducation, du Loisir et du Sport, or to the Minister or Deputy Minister of Economic Development, Innovation and Export

Trade or the Ministère du Développement économique, de l'Innovation et de l'Exportation is, if the matter is under the responsibility of the Minister of Higher Education, Research, Science and Technology, a reference to the Minister or Deputy Minister of Higher Education, Research, Science and Technology or the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie; and

(2) a reference to the Act respecting the Ministère de l'Éducation, du Loisir et du Sport or the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation, or to any of their provisions, concerning a matter within the jurisdiction of the Minister of Higher Education, Research, Science and Technology is a reference to this Act or to the corresponding provision of this Act.

210. The Regulation respecting private educational institutions at the college level (chapter E-9.1, r. 4) is deemed to have been made by the Minister of Higher Education, Research, Science and Technology.

211. A person or body referred to in section 8 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) that provides services for levels of instruction under the responsibility of the Minister of Higher Education, Research, Science and Technology and the Minister of Education, Recreation and Sports may, despite section 9 of that Regulation as amended by section 196, maintain a single security guarantee until 30 June 2014.

212. The records and other documents of the Ministère du Développement économique, de l'Innovation et de l'Exportation and of the Ministère de l'Éducation, du Loisir et du Sport are transferred to the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, to the extent that they pertain to matters within the jurisdiction of the Minister.

213. Any proceeding relating to higher education, research, science, innovation or technology or to any other matter devolving upon the Minister of Higher Education, Research, Science and Technology to which the Minister of Education, Recreation and Sports or the Minister of Economic Development, Innovation and Export Trade is a party is continued by the Minister of Higher Education, Research, Science and Technology without continuance of suit.

214. The members of the councils, committees or commissions whose composition is modified or in respect of which the authority responsible for appointments is changed by this Act continue in office on the same terms, until they are replaced or reappointed.

215. Until the coming into force of the by-laws of the advisory committee on the financial accessibility of education adopted under section 84, the committee is governed by the rules of internal management adopted under section 23.6 of the Act respecting the Conseil supérieur de l'éducation (chapter C-60), with the necessary modifications.

In addition, until that coming into force, any unexplained absence from four consecutive meetings constitutes a vacancy for the purposes of section 82.

216. The members of the personnel of the Ministère de l'Éducation, du Loisir et du Sport and the Ministère du Développement économique, de l'Innovation et de l'Exportation who exercise functions relating to matters within the jurisdiction of the Minister of Higher Education, Research, Science and Technology become members of the personnel of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie.

217. The Conseil du trésor may, after consultation with the ministers concerned and to the extent it determines, transfer appropriations between the Ministère de l'Éducation, du Loisir et du Sport and the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie or between the latter and the Ministère des Finances et de l'Économie, for the fiscal year 2013-2014, to reflect the sharing of responsibilities among the ministers.

218. The Government may, by regulation, prescribe any other consequential or transitional provision necessary for the carrying out of this Act.

Such a regulation is not subject to the publication requirement or the requirement as regards its date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1) and may, once published and if it so provides, apply from any date not prior to 5 January 2014.

219. This Act comes into force on 5 January 2014.

