



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 21
(2013, chapter 4)

**An Act to optimize government action in
delivering public services to citizens and
businesses**

**Introduced 13 February 2013
Passed in principle 20 March 2013
Passed 10 April 2013
Assented to 17 April 2013**

**Québec Official Publisher
2013**

EXPLANATORY NOTES

This Act confers the mission to provide citizens and businesses throughout Québec a single window for simplified access to public services on the Minister of Employment and Social Solidarity. For that purpose, the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail is amended to transfer responsibility for certain activities exercised by Services Québec to the Minister.

This Act contains provisions allowing the Minister to carry out that mission, in particular by providing information to citizens and businesses, by providing referral services with respect to the delivery of services and by exercising any functions and engaging in any activities related to delivery of services that are assigned to the Minister by an agreement.

As well, responsibility for the register of civil status and the power to appoint the registrar of civil status are transferred to the Minister.

In addition, the Goods and Services Fund is established to finance the delivery of goods and services under the Minister's authority, including those related to the functions of the registrar of civil status.

Changes are introduced as regards the handling of complaints concerning service delivery and the implementation of measures or programs under the Minister's authority.

Lastly, transitional and consequential provisions are introduced, in particular with respect to terminating the terms of office of the members of the board of Services Québec and to the transfer of Services Québec personnel, assets and documents.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (chapter A-6.001);
- Public Administration Act (chapter A-6.01);
- Individual and Family Assistance Act (chapter A-13.1.1);

- Health Insurance Act (chapter A-29);
- 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).

LEGISLATION REPEALED BY THIS ACT:

- Act respecting Services Québec (chapter S-6.3).

Bill 21

AN ACT TO OPTIMIZE GOVERNMENT ACTION IN DELIVERING PUBLIC SERVICES TO CITIZENS AND BUSINESSES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SERVICES QUÉBEC

1. The Act respecting Services Québec (chapter S-6.3) is repealed.

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

2. Section 2 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

(1) by adding “as well as in the area of services to citizens and businesses” at the end of the first paragraph;

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

“In the area of services to citizens and businesses, the Minister’s mission is to provide a single window in order to procure simplified access to public services throughout Québec. To do so, the Minister shall

(1) see that integrated service delivery is developed in a manner that guarantees its efficiency and ensure a government presence in all regions of Québec, based on the directions determined by the Government;

(2) provide information to citizens and businesses and referral services with respect to the delivery of the services that are available to them;

(3) ensure that the department provides a main gateway to business start-up and development services, including ready access to the forms and procedures needed to complete registration, modification, declaration and other formalities;

(4) ensure optimal use of information technologies in the delivery of services while taking into consideration the choice of citizens and businesses regarding the mode of service delivery;

(5) facilitate access to public documents by citizens and businesses in keeping with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(6) foster concerted action and partnership in the delivery of services; and

(7) propose to any person, department or body the Minister may enter into agreements with, means to enhance the delivery of services to citizens and businesses.”

3. Section 3 of the Act is amended by inserting “, subject to subparagraph 4 of the first paragraph of section 77.1 of the Public Administration Act (chapter A-6.01),” after “shall” in the first paragraph.

4. The Act is amended by inserting the following section after section 5:

“5.0.1. When exercising functions or engaging in activities assigned by an agreement entered into for the purposes of this Act, the Minister is vested with all the necessary powers.

When a function or activity assigned to the Minister is exercised or engaged in by a public officer, the officer becomes a member of the personnel of the department if the agreement so provides. Otherwise, the Minister designates persons to exercise the function or engage in the activity, and publishes the designations in the *Gazette officielle du Québec*.”

5. The Act is amended by inserting the following sections after section 57:

“57.1. The Minister is responsible for the register of civil status and appoints the registrar of civil status.

“57.2. The registrar of civil status is a public officer and a member of the personnel of the department. The registrar exercises the functions provided for by law, attending exclusively to the work and duties of the registrar of civil status. However, at the request and in lieu of the Minister of Justice, the registrar may also grant the special exemptions provided for in articles 63 and 67 of the Civil Code and the authorizations provided for in article 366 of that Code.

If no designation has been made under article 151 of the Civil Code and the registrar of civil status is absent or unable to act, the Minister designates a public servant from the department to exercise the functions of registrar of civil status, and publishes the designation in the *Gazette officielle du Québec*.

“57.3. The registrar of civil status must inform the Attorney General, as soon as possible, of cases that could raise general interest issues or require the intervention of the Minister of Justice or Attorney General.

“57.4. The Minister must adopt a policy for the examination and processing of complaints received in respect of the delivery of services and the implementation of measures or programs under the Minister’s authority.

“57.5. To process such complaints, the Minister designates an administrative unit separate from the units responsible for delivering services or implementing measures or programs under the Minister’s authority.

“57.6. Complaints received by the administrative unit must be processed promptly and must be examined and analyzed, unless they are clearly unfounded, including if they do not pertain to one of the matters governed by this Act.

“57.7. The complainant must be informed of the results of the examination of the complaint, as well as of any applicable remedy procedures.

The first paragraph does not operate to allow the disclosure of confidential information.

“57.8. In the department’s annual management report, the Minister reports on the policy described in section 57.4, and states the number of complaints received, the nature of the complaints, the means used to settle them, the follow-up given to the complaints, and the level of satisfaction of complainants.”

6. The Act is amended by inserting the following chapter before Chapter VII:

“CHAPTER VI.1

“GOODS AND SERVICES FUND

“68.1. The Goods and Services Fund is established within the Ministère de l’Emploi et de la Solidarité sociale.

The Fund is to be used to finance

(1) the delivery of goods and services under the Minister’s authority that are related to the functions of the registrar of civil status;

(2) activities to further the achievement of the mission described in the third paragraph of section 2; and

(3) goods and services delivery activities, including with respect to products or services related to the department’s expertise.

“68.2. The following are credited to the Fund:

(1) the sums collected in achieving the objects of the second paragraph of section 68.1;

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

(3) the other sums the Minister is entitled to under any Act, regulation, order, order in council or agreement as consideration for the services rendered by the Minister;

(4) the sums transferred to it by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

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

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

“68.3. The sums required for the payment of any investment-related cost or expense needed to achieve the objects of the second paragraph of section 68.1 are debited from the Fund.

“68.4. Any surplus accumulated by the Fund may only be transferred to the general fund on the dates and to the extent determined by the Government.”

OTHER AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

7. Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Services Québec”.

PUBLIC ADMINISTRATION ACT

8. The Public Administration Act (chapter A-6.01) is amended by inserting the following sections after section 73:

“73.1. The Conseil du trésor may, on the conditions it determines, require one or more departments or bodies of the Administration to have recourse to a department or a body of the Administration that it designates to exercise specific functions or engage in specific activities related to the delivery of services to citizens or businesses.

The decision may provide for the remuneration of that designated department or body by the department or body concerned. The decision may also provide for the transfer to the designated department or body of any document or property in the possession of the department or body that is required for the carrying out of the decision.

Such a decision requires the approval of the Government.

This section does not apply to administrative bodies exercising adjudicative functions.

“73.2. When exercising functions or engaging in activities assigned by a decision under section 73.1, the Minister or the chief executive officer of the body is vested with all the necessary powers.

When such a function or activity is exercised or engaged in by a public officer, the officer becomes a member of the personnel of the department or body if the decision so provides. Otherwise, the Minister or chief executive officer designates persons to exercise the function or engage in the activity, and publishes the designations in the *Gazette officielle du Québec*.”

9. Section 77.2 of the Act is repealed.

INDIVIDUAL AND FAMILY ASSISTANCE ACT

10. Section 38 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended by striking out “and establish a complaint processing procedure for matters governed by this Act” in the first paragraph.

11. Sections 40 to 43 of the Act are repealed.

HEALTH INSURANCE ACT

12. Section 65 of the Health Insurance Act (chapter A-29) is amended by striking out “, Services Québec” in the sixth paragraph.

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

13. Section 5 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 paragraph 2.

TRANSITIONAL AND FINAL PROVISIONS

14. Unless the context indicates otherwise and with the necessary modifications, in any document,

(1) a reference to Services Québec, depending on the context, is a reference to the Minister of Employment and Social Solidarity or the Ministère de l’Emploi et de la Solidarité sociale;

(2) a reference to the Act respecting Services Québec (chapter S-6.3) or to any of its provisions is a reference to 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); and

(3) a reference to the Supply of Goods and Services Fund of the Ministère de l’Emploi et de la Solidarité sociale established by Order in Council 431-2006 (2006, G.O. 2, 2456, in French only) is a reference to the

Goods and Services Fund, established by section 68.1 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

15. The Minister of Employment and Social Solidarity replaces Services Québec; the Minister acquires the rights of Services Québec and assumes its obligations.

16. The records and other documents of Services Québec become records and documents of the Ministère de l'Emploi et de la Solidarité sociale.

17. The assets and liabilities of Services Québec are transferred to the Goods and Services Fund.

18. The assets and liabilities of the Supply of Goods and Services Fund of the Ministère de l'Emploi et de la Solidarité sociale are transferred to the Goods and Services Fund.

19. The activities of the Supply of Goods and Services Fund of the Ministère de l'Emploi et de la Solidarité sociale end on 17 April 2013.

20. The expenditure and investment estimates for the Goods and Services Fund that are set out in Schedule I are approved for the 2013–2014 fiscal year. Those estimates include the appropriations allocated for that year to the Supply of Goods and Services Fund of the Ministère de l'Emploi et de la Solidarité sociale.

21. The members of the personnel of Services Québec become, without further formality, employees of the Ministère de l'Emploi et de la Solidarité sociale, except those working as jurists or legal managers in the Direction des services juridiques, who become employees of the Ministère de la Justice.

22. The terms of office of the members of the board of directors of Services Québec end on 17 April 2013.

23. The terms of office of the vice-chairs of Services Québec end on 17 April 2013, with no compensation other than the compensation provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, in French only). However, vice-chairs who benefit from public service job security are reinstated under the conditions set out in their notice of appointment in the case of a return to the public service.

24. The Regulation respecting the signing of certain deeds, documents or writings of Services Québec adopted by the board of directors of Services Québec remains in force until it is repealed or replaced by the Government.

25. The Attorney General of Québec becomes, without continuance of suit, a party to all proceedings to which Services Québec was a party.

26. The examination of any complaint of which Services Québec was seized under section 18 of the Act respecting Services Québec and of which the Minister of Employment and Social Solidarity was seized under section 40 of the Individual and Family Assistance Act (chapter A-13.1.1) is continued by the Minister of Employment and Social Solidarity under sections 57.4 to 57.8 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

27. This Act has effect from 1 April 2013 and all acts performed by Services Québec from that date until 17 April 2013 are deemed to have been performed by the Minister.

28. This Act comes into force on 17 April 2013.

SCHEDULE I
(Section 20)

GOODS AND SERVICES FUND

2013–2014 EXPENDITURE AND INVESTMENT ESTIMATES

Revenue **\$97,004,537**

Expenditures **\$96,833,937**

Surplus (deficit) for the fiscal year \$170,600

Investments

Capital investments \$7,318,279

Balance of loans and advances (\$9,143,978)