



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 11
(2014, chapter 16)

An Act respecting the Société du Plan Nord

Introduced 30 September 2014
Passed in principle 5 November 2014
Passed 4 December 2014
Assented to 5 December 2014

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EXPLANATORY NOTES

This Act establishes the Société du Plan Nord (the Company), whose mission is to contribute, in collaboration with the representatives of the regions and the aboriginal nations concerned as well as the private sector, to the integrated and coherent development of the area covered by the Northern Plan, in keeping with the principle of sustainable development and in accordance with the policy directions defined by the Government in relation to the Northern Plan.

The Company may, within the scope of its mission, coordinate and contribute to the implementation of the Government's policy directions relating to the Northern Plan. It may coordinate infrastructure projects and develop or operate infrastructures, alone or in partnership. In addition, it may assist and support local and Native communities in their development projects and carry out or contribute to research and development activities as well as activities to acquire knowledge of the area covered by the Northern Plan. Furthermore, the Company is allowed to contribute to setting up mechanisms to allow 50% of that area to be used, by 2035, for purposes other than industrial purposes, for the protection of the environment and for the preservation of biodiversity. It may also contribute to maximizing the economic spinoffs generated by the development of the natural resources in the area, in accordance with Québec's intergovernmental and international trade commitments, advise the Government on any matter the latter submits to it, and carry out any other mandate given to it by the Government.

The Act provides for the establishment of a marketing office whose purpose is to communicate to Québec enterprises the supply and equipment needs of ordering parties operating in the area covered by the Northern Plan.

The Company is required to establish a strategic plan setting out the objectives it is pursuing and the priorities it has established in accordance with the Government's policy directions relating to the Northern Plan. The plan must include the activities of the Company's subsidiaries, is subject to Government approval and must be tabled in the National Assembly.

The sums used to finance the Company's activities are to come from the contributions the Company receives, the monies it collects and the sums from the Northern Plan Fund put at its disposal. The financial contribution by the Company within the framework of its activities may be made in the form of financial assistance or of sums to be allocated to the activities of a government department, in keeping with the strategic plan.

The Act prescribes the organizational and operating rules of the Company, including with respect to the establishment of an Assembly of Partners.

Lastly, the Act provides that employees of the Ministère du Conseil exécutif assigned to the Secrétariat au Plan Nord will be transferred to the Company, and includes transitional and consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (chapter A-6.001);
- Act to establish the Northern Development Fund (chapter F-3.2.1.1.1);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Act respecting Investissement Québec (chapter I-16.0.1);
- 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 de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1);

- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Act respecting the Ministère du Tourisme (chapter M-31.2);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

Bill 11

AN ACT RESPECTING THE SOCIÉTÉ DU PLAN NORD

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

CONSTITUTION

1. A joint stock company to be known as the “Société du Plan Nord” (the Company) is constituted.

2. The Company is a mandatary of the State.

Its property forms part of the domain of the State, but the performance of its obligations may be levied against its property.

The Company binds none but itself when it acts in its own name.

3. The head office of the Company is in the territory of Ville de Québec. Notice of the location or of any change in the location of the head office is published in the *Gazette officielle du Québec*.

The Company also establishes satellite offices to ensure its presence in the area covered by the Northern Plan, more particularly, in the territories of Nunavik, James Bay–Eeyou Istchee, Côte-Nord and northern Saguenay–Lac-Saint-Jean.

CHAPTER II

MISSION, ACTIVITIES AND POWERS

DIVISION I

MISSION

4. The Company’s mission is to contribute, in collaboration with the representatives of the regions and the aboriginal nations concerned as well as the private sector, to the integrated and coherent development of the area covered by the Northern Plan, in keeping with the principle of sustainable development and in accordance with the Government’s policy directions relating to the Northern Plan.

This mission is based, in particular, on the declaration signed by the Northern Plan partners on 9 May 2011. The Company must make the declaration available on its website.

The area covered by the Northern Plan includes all of Québec located north of the 49th degree of north latitude and north of the St. Lawrence River and the Gulf of St. Lawrence.

5. Within the scope of its mission, the Company may

(1) coordinate, and contribute financially or otherwise to, the implementation of the policy directions referred to in section 4;

(2) coordinate infrastructure projects and, if applicable, engage in infrastructure development and operation, alone or in partnership, including as a rail carrier;

(3) assist and support local and Native communities in their community and socio-economic development projects, among others;

(4) carry out or contribute to research and development activities as well as activities to acquire knowledge of the area;

(5) contribute to setting up mechanisms to allow 50% of the area covered by the Northern Plan to be used, by 2035, for purposes other than industrial purposes, for the protection of the environment and for the preservation of biodiversity;

(6) contribute to maximizing the economic spinoffs generated by the development of the natural resources in the area covered by the Northern Plan, in accordance with Québec's intergovernmental and international trade commitments;

(7) advise the Government on any matter the latter submits to it; and

(8) carry out any other mandate given to it by the Government.

6. The Company sets up a marketing office whose object is to communicate to local and regional enterprises as well as to all other Québec enterprises the supply and equipment needs of ordering parties operating in the area covered by the Northern Plan.

7. Any person may use a government-designated infrastructure that is fully or partially privately owned, for which construction began after 1 April 2015 and that is located on public land in the area covered by the Northern Plan.

If the infrastructure owner and a user carrying on industrial or commercial activities cannot reach an agreement regarding the sharing of the infrastructure construction, maintenance and operating costs, the Company acts as a mediator.

If they fail to reach an agreement by the end of the mediation process, the dispute is submitted to arbitration. The arbitrator's decision cannot be appealed.

The Company establishes by regulation the rules for arbitration. Such a regulation must be submitted for approval to the Government, which may approve it with or without amendment.

The Government may make or amend a regulation referred to in this section if the Company does not do so within the time specified by the Government.

8. The government departments and the other public bodies subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those listed or referred to in the second paragraph of section 3 of that Act, must inform the Company, at its request, of their actions and projects in the area covered by the Northern Plan.

9. The Company may establish any subsidiary whose object is limited to exercising activities the Company itself can exercise. The same applies to a subsidiary of such a subsidiary.

A subsidiary has the same powers as the Company in exercising its activities, unless its constituting act withdraws or restricts those powers. The subsidiary exercises its activities in accordance with the provisions of this Act that apply to it.

The establishment of a subsidiary by the Company or one of its subsidiaries must be authorized by the Government, on the conditions determined by the latter.

10. For the purposes of this Act, a legal person or partnership controlled by the Company is a subsidiary of the Company.

A legal person is controlled by the Company when the Company holds, directly or through legal persons the Company controls, more than 50% of the voting rights attached to the equity securities of the legal person or is in a position to elect a majority of its directors.

A partnership is controlled by the Company when the Company holds, directly or through legal persons the Company controls, more than 50% of the equity securities. However, a limited partnership is controlled by the Company when the Company or a legal person the Company controls is a general partner of the partnership.

11. The Company and its subsidiaries may not, without the Government's authorization, acquire control of a legal person or a partnership.

The Government may subject its authorization to conditions.

12. Subject to the provisions of a collective agreement, a subsidiary of the Company determines the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions approved by the Government.

13. The Company and its subsidiaries are deemed to be public bodies described in subparagraph 4 of the first paragraph of section 4 of the Act respecting contracting by public bodies (chapter C-65.1).

DIVISION II

STRATEGIC PLAN, CAPITAL PLAN AND OPERATING PLAN

14. The Company establishes, in accordance with the form, content and schedule determined by the Government, a strategic plan setting out the objectives it is pursuing and the priorities it has established in accordance with the Government's policy directions relating to the Northern Plan. The strategic plan must include the activities of the Company's subsidiaries.

The Company sends the plan to the Minister after obtaining the opinion of the Assembly of Partners established under section 51.

15. Planned expenditures and investments for the implementation of the strategic plan must correspond to the contributions the Company receives, the monies it collects and the sums from the Northern Plan Fund put at its disposal during the life of the strategic plan.

16. The Minister submits the strategic plan to the Government for approval, after consulting the Minister of Finance and the ministers concerned whose responsibilities are related to the Company's sectoral activities.

17. The Minister lays the Company's strategic plan before the National Assembly within 15 days after approval of the plan or, if the Assembly is not sitting, within 15 days of resumption.

18. A strategic plan approved by the Government applies until it is replaced by another plan that has been so approved.

19. Each year, the Company sends its capital plan and its operating plan for the next fiscal year to the Minister, at the time and in accordance with the form and content determined by the Minister.

The plans are submitted to the Government for approval.

DIVISION III

FINANCIAL CONTRIBUTION BY COMPANY

20. A financial contribution by the Company may be made in the form of financial assistance or of sums to be allocated to the activities of a government department, in keeping with the strategic plan referred to in section 14.

21. When granting sums to be allocated to the activities of a government department, the Company and the minister concerned enter into an agreement providing for their allocation. The minister lays the agreement before the National Assembly within 15 days after it is entered into or, if the Assembly is not sitting, within 15 days of resumption.

The minister concerned is accountable before the National Assembly for the obligations incumbent on the minister under the agreement.

22. Sums to be allocated to the activities of a government department are paid into a special fund when permitted by law; otherwise, they are accounted for in a specified purpose account.

A specified purpose account is created by the Government on the sole proposal of the minister concerned. Sections 6 and 7 of the Financial Administration Act (chapter A-6.001) apply, in all other respects, to such an account.

DIVISION IV

ACQUISITION OF PROPERTY

23. The Company becomes, from the date and on the terms determined by the Government, the owner of the property that is part of the domain of the State and that is transferred to the Company by the Government.

The Government may, for the purposes of this Act, draw up the technical description of the transferred property.

The Company assumes the obligations and acquires the rights of the Government as regards the transferred property.

24. The value of the transferred property is its book value as at the date of the transfer.

25. The Company may request that a transfer of property under section 23 be registered in the land register by means of a notice containing the number of the order authorizing the transfer and the description of the transferred property.

26. For the purposes of this Act, the Minister may acquire by expropriation in favour of the domain of the State any property that the Company cannot otherwise acquire.

The Company acquires the property as soon as the transfer of ownership takes effect in accordance with section 53 of the Expropriation Act (chapter E-24).

27. The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to transfers of property under this Act.

DIVISION V

LIMITATIONS ON COMPANY'S POWERS

28. The Company may not, without the authorization of the Government,

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

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

(3) acquire, hold or dispose of assets in excess of the limits or in contravention of the terms determined by the Government; or

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

The amounts, limits and terms determined under this section may also apply to the group formed by the Company and its subsidiaries or to one or more members of that group.

This section does not apply to the contracts or other commitments entered into by the Company in carrying out a mandate given to it by the Government.

CHAPTER III

ORGANIZATION AND OPERATION

DIVISION I

BOARD OF DIRECTORS

29. The Company is administered by a board of directors composed of 9 to 15 members, including the chair of the board and the president and chief executive officer.

At least the majority of the board members, including the chair, must qualify as independent directors in the opinion of the Government.

The majority of the board members must be from the area covered by the Northern Plan.

The Government appoints the members of the board of directors, other than the chair and the president and chief executive officer, based on the expertise and experience profiles approved by the board, and on their interest in and knowledge of the northern environment.

Those members are appointed for a term of up to four years.

30. The Government appoints the chair of the board of directors for a term of up to five years. The chair must reside in the area covered by the Northern Plan.

31. At the expiry of their term, the members of the board of directors remain in office until they are replaced or reappointed.

32. Any vacancy during the term of office of a member of the board of directors is filled in the manner prescribed for the appointment of the member to be replaced.

A member's absence from the number of board meetings determined in the Company's by-laws, in the cases and circumstances specified in the by-laws, constitutes a vacancy.

33. On the recommendation of the board of directors, the Government appoints the president and chief executive officer based on the expertise and experience profile approved by the board.

The president and chief executive officer is appointed for a term of up to five years. The office of president and chief executive officer is a full-time position.

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

34. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 33 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.

35. If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Company's personnel to exercise the functions of that position.

36. Board members other than the president and chief executive officer receive no remuneration, 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.

37. The quorum at meetings of the board of directors is the majority of its members, including the president and chief executive officer or the chair of the board.

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

38. The board of directors of the Company may sit anywhere in Québec.

39. The board members may waive notice of a board meeting. Their attendance at a board meeting constitutes a waiver of notice, unless they are present for the sole purpose of contesting the legality of the meeting.

40. Unless otherwise provided in the by-laws, the board members may, if all consent, participate in a meeting of the board by means of equipment enabling all participants to communicate directly with one another.

In such a case, they are deemed to be present at the meeting.

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

A copy of the resolution must be kept with the minutes of the proceedings or any other equivalent record book.

42. The minutes of board meetings, approved by the board and certified true by the chair of the board, the president and chief executive officer or any other person so authorized by the by-laws, are authentic, as are the documents and copies emanating from the Company or forming part of its records if signed or certified true by one of those persons.

43. No act or document binds the Company or may be attributed to it unless it is signed by the chair of the board of directors, the president and chief executive officer or, to the extent determined in the by-laws of the Company, by another member of the Company's personnel.

The by-laws may provide for subdelegation of the power to sign acts and documents, and determine particulars as to how it is to be exercised.

Unless otherwise provided in the by-laws, a signature may be affixed on a document by any means.

A by-law made under this section is published in the *Gazette officielle du Québec*.

44. The Company may, in its by-laws, provide for its internal management and determine a framework of operation for the board of directors, establish

an executive committee or any other committee, and delegate the exercise of its powers to such a committee.

The by-laws may also provide for the delegation of the powers of the board of directors to a member of the Company's personnel.

45. No act or document of the Company or decision of the board of directors is invalid simply because there are fewer independent directors than prescribed by this Act.

46. For the purposes of section 19 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), the board of directors establishes a governance, ethics and human resources committee and an audit committee, each of which is to be composed of a majority of independent directors.

47. The members of the Company's personnel are appointed in accordance with the staffing plan established by the board of directors.

Subject to a collective agreement, the Company determines the standards and scales of remuneration and the employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

48. The Company adopts standards of ethics and professional conduct for its personnel. The standards must contain provisions that include, as a minimum, the requirements for public servants prescribed by the Public Service Act (chapter F-3.1.1).

49. The Company fulfils the obligations set out in sections 10 and 11 of the Act respecting the governance of state-owned enterprises with respect to any person who acted at its request as a director of a legal person of which the Company is a shareholder or a creditor.

50. Sections 142, 159 to 162, 179, 180 and 184, paragraph *b* of subsection 2 of section 185 and sections 188 and 189 of the Companies Act (chapter C-38) do not apply to the Company.

No by-law or regulation of the Company is subject to shareholder ratification.

DIVISION II

ASSEMBLY OF PARTNERS

51. The Assembly of Partners, whose role is to provide an opinion on any matter the Minister or the Company submits to it in relation to the Company's mission or activities, is established.

The Assembly may also, on its own initiative, submit advice and recommendations to the Minister or the Company.

The opinion of the Assembly of Partners is not binding on the board of directors.

52. In appointing the members of the Assembly of Partners, the Company ensures that it is representative of the local and Native communities in the territories of Nunavik, James Bay–Eeyou Istchee, Côte-Nord and northern Saguenay–Lac-Saint-Jean and the main sectors of activity concerned.

Any vacancy during the term of office of a member of the Assembly of Partners is filled in the manner prescribed for the appointment of the member to be replaced.

At the expiry of their terms, the members of the Assembly of Partners remain in office until they are replaced or reappointed.

53. The Assembly of Partners appoints a president and a vice-president from among its members.

54. The chair of the board of directors and the president and chief executive officer of the Company participate in the meetings of the Assembly of Partners as observers.

55. The Company establishes by by-law the other rules of the Assembly of Partners governing the appointment and term of office of its members and its operation.

CHAPTER IV

FINANCIAL PROVISIONS

DIVISION I

FINANCING OF COMPANY

56. The Company finances its activities out of the contributions it receives, the fees it collects and the sums from the Northern Plan Fund put at its disposal.

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

(1) guarantee the payment of the principal and interest of any loan contracted by the Company or one of its subsidiaries and the performance of their obligations;

(2) make any commitment in relation to the realization or financing of a project of the Company or one of its subsidiaries; and

(3) authorize the Minister of Finance to advance to the Company or one of its subsidiaries any amount considered necessary for the pursuit of its mission.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

58. The Company may, by regulation, set the fees payable for the use of an infrastructure under its responsibility.

A regulation under this section must be submitted for approval to the Government, which may approve it with or without amendment.

The Government may make or amend a regulation referred to in this section if the Company does not do so within the time specified by the Government.

59. Each year, the Company submits its budgetary estimates for the following fiscal year to the Minister, at the time and in accordance with the form and content determined by the Minister.

The estimates are submitted for approval to the Government, which makes them public.

DIVISION II

CAPITAL

60. The authorized capital of the Company is made up of an unlimited number of shares with a par value of \$1,000 each.

61. The Company issues shares each time property with a book value greater than zero is transferred to it in accordance with sections 23 and 26.

No shares may otherwise be issued by the Company.

62. The value of the shares issued by the Company corresponds to the book value of the property transferred to the Company.

However, in the case of property transferred to the Company by expropriation, the value of the shares issued corresponds to the indemnity paid to the expropriated party and the other charges payable in connection with the expropriation.

63. If the book value of property transferred to the Company does not amount to a multiple of 1,000, the Company issues a fractional share so that the value of the shares issued as a result of the transfer of property corresponds to the value of that property.

The same applies if the indemnity paid to an expropriated party and the other charges payable in connection with the expropriation do not amount to a multiple of 1,000.

64. The shares and fractional shares issued by the Company are allotted to the Minister of Finance and form part of the domain of the State.

The Company sends the share certificates to the Minister of Finance as they are issued.

65. The dividends payable by the Company are set by the Government.

CHAPTER V

ACCOUNTS AND REPORTS

66. The fiscal year of the Company ends on 31 March.

67. Not later than 30 June each year, the Company must file its financial statements and an activity report for the preceding fiscal year with the Minister.

The financial statements and activity report must contain all the information required by the Minister and be accompanied by the separate financial statements of each of the Company's subsidiaries. The report must also contain the information the directors are required to provide annually to the shareholders under the Companies Act.

68. The Minister lays the financial statements and activity report of the Company and the separate financial statements of each of its subsidiaries before the National Assembly within 15 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.

69. The Company must give the Minister or the Minister of Finance any information he or she requires concerning the Company or its subsidiaries.

CHAPTER VI

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

70. Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting "Société du Plan Nord" in alphabetical order.

ACT TO ESTABLISH THE NORTHERN DEVELOPMENT FUND

71. The title of the Act to establish the Northern Development Fund (chapter F-3.2.1.1.1) is replaced by the following title:

"An Act to establish the Northern Plan Fund".

72. Section 2 of the Act is amended

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

“2. The Fund is dedicated to the administration of the Société du Plan Nord and to financing its activities that concern financial assistance for strategic infrastructure, measures promoting the development of the area covered by the Northern Plan, research and development, knowledge acquisition, protection of that area, and social measures aimed, in particular, at meeting the needs of the populations living in that area.”;

(2) by replacing “area open to northern development” in the second paragraph by “area covered by the Northern Plan”.

73. Section 4 of the Act is amended by replacing “area open to northern development” in the second paragraph by “area covered by the Northern Plan”.

74. Section 6 of the Act is amended

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

“6. The Minister may debit from the Fund the sums the Minister pays to the Société du Plan Nord.”;

(2) by striking out “or transfers” and “and transfers” in the second paragraph;

(3) by striking out the third paragraph.

75. Sections 7 and 8 of the Act are repealed.

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

76. Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by inserting “Société du Plan Nord” in alphabetical order.

ACT RESPECTING INVESTISSEMENT QUÉBEC

77. Section 26 of the Act respecting Investissement Québec (chapter I-16.0.1) is amended by replacing paragraph 3.1 by the following paragraph:

“(3.1) the sums paid by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

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

78. Section 60 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 3.1 of the first paragraph:

“(3.2) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

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

79. Section 18 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1) is amended by adding the following paragraph after paragraph 2:

“(2.1) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16).”

ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES
COMMUNICATIONS

80. Section 22.3 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by inserting the following paragraph after paragraph 4.1:

“(4.2) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES
SERVICES SOCIAUX

81. Section 11.3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) is amended by inserting the following paragraph after paragraph 3:

“(3.1) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,
DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

82. Section 21.20 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) is amended by inserting the following paragraph after paragraph 2:

“(2.1) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES
NATURELLES ET DE LA FAUNE

83. Section 17.3 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following paragraph after paragraph 5:

“(5.1) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

84. Section 17.12.13 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

85. Section 17.12.17 of the Act is amended by striking out subparagraph 1.1 of the first paragraph.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

86. Section 12.32 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing paragraph 2.10 by the following paragraph:

“(2.10) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT
DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

87. Section 15.4 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by replacing paragraph 3.2 by the following paragraph:

“(3.2) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

ACT RESPECTING THE MINISTÈRE DU TOURISME

88. Section 21 of the Act respecting the Ministère du Tourisme (chapter M-31.2) is amended by replacing paragraph 2.1 by the following paragraph:

“(2.1) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation, in accordance with section 21 of the Act respecting the Société du Plan Nord (2014, chapter 16);”.

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

89. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting “— The Société du Plan Nord” in alphabetical order.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

90. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by inserting “the Société du Plan Nord” in paragraph 1 in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

91. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by inserting “the Société du Plan Nord” in paragraph 1 in alphabetical order.

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

DIVISION I

HUMAN RESOURCES

92. The person holding the position of Associate Secretary General at the Ministère du Conseil exécutif, responsible for the Secrétariat au Plan Nord on 4 January 2015, becomes the president and chief executive officer of the Company on the same conditions until appointed as such or replaced by the Government.

During that time, the person is on leave without pay from the public service, if applicable.

93. Subject to the conditions of employment applicable to them, the employees of the Ministère du Conseil exécutif assigned to the Secrétariat au Plan Nord and identified by the Secretary General of the Conseil exécutif before 1 April 2016 become employees of the Company.

94. An employee who, on the date he or she was transferred to the Company under section 93, was a public servant with permanent tenure may apply for a transfer to a position in the public service or enter a competition for promotion in accordance with the Public Service Act (chapter F-3.1.1).

Section 35 of the Public Service Act applies to an employee who participates in such a competition for promotion.

95. An employee described in section 93 who applies for a transfer or enters a competition for promotion may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into consideration the classification the employee had in the public service on the date of transfer, as well as the years of experience and the formal education acquired while employed by the Company.

If an employee is transferred under section 94, the deputy minister or chief executive officer of the body whom the employee comes under assigns to the employee a classification consistent with the assessment provided for in the first paragraph.

If promoted under section 94, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

96. If some or all of the Company's activities are discontinued, an employee referred to in section 93 who had permanent tenure on the date of his or her transfer to the Company is placed on reserve in the public service with the same classification the employee had on the date of the transfer.

If some of the Company's activities are discontinued, the employee continues to exercise his or her functions within the Company until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

When assigning a position to an employee referred to in this section, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 95.

97. An employee described in section 93 who, in accordance with the conditions of employment applicable to him or her, refuses to be transferred to the Company, is assigned to the Company until the Chair of the Conseil du

trésor is able to assign the employee to a position in accordance with section 100 of the Public Service Act.

98. Subject to any remedy under a collective agreement, an employee described in section 93 who is dismissed may bring an appeal under section 33 of the Public Service Act if he or she was a public servant with permanent tenure on the date of the transfer.

99. The conditions of employment of employees described in section 93 continue to apply, with the necessary modifications, until they are modified by the Company.

DIVISION II

ORGANIZATION

100. For the appointment of the first board of directors, section 29 is to be read as follows:

“29. The Company is administered by a board of directors composed of 9 to 15 members, including the chair and the president and chief executive officer.

At least the majority of the board members, including the chair, must qualify as independent directors in the opinion of the Government.

The majority of the board members must be from the area covered by the Northern Plan.

The Government appoints the members of the board of directors, other than the chair and the president and chief executive officer, based on their interest in and knowledge of the northern environment.

The majority of the board members, other than the chair and the president and chief executive officer, are appointed for a term of up to two years. The other members are appointed for a term of up to four years.”

101. The files, records and other documents of the Secrétariat au Plan Nord of the Ministère du Conseil exécutif become files, records and other documents of the Company.

102. The acts under sections 6 and 8 of the Act to establish the Northern Development Fund (chapter F-3.2.1.1.1), as they read before 1 April 2015, continue to apply, with the necessary modifications, as though the transfers and payments provided for in those sections were contributions made by the Company under section 21 of this Act.

103. Unless the context indicates otherwise, in any document, a reference to the Northern Development Fund is a reference to the Northern Plan Fund

and a reference to the area open to northern development is a reference to the area covered by the Northern Plan.

DIVISION III

FINAL PROVISIONS

104. The Government appoints the minister responsible for the administration of this Act.

105. The provisions of this Act come into force on 1 April 2015, except sections 8, 14, 15, 29, 30, 36 to 42, 46, 47, 51 to 55, 70, 92, 100 and 104, which come into force on 4 January 2015.

