



Chapter E-18

EXECUTIVE POWER ACT

DIVISION I

POWERS OF THE LIEUTENANT-GOVERNOR

Powers vested in
Lieutenant-Governor.

1. In matters within the jurisdiction of Québec, all powers, authorities and functions which, in respect of like matters, were vested in or exercisable by the Governors or Lieutenant-Governors of the several Provinces now forming part of the Dominion of Canada or any of the said Provinces, under commissions, instructions or otherwise, at or before the passing of the Union Act, are and shall be (so far as the Parliament of Québec has power thus to enact) vested in and exercisable by the Lieutenant-Governor or Administrator for the time being of Québec, in the name of Her Majesty or otherwise as the case may require; subject always to the royal prerogative as heretofore.

R. S. 1964, c. 9, s. 1.

Pardons.

2. Section 1 shall include the power of commuting and remitting sentences for offences against the laws of Québec, or offences over which the legislative authority of Québec extends.

R. S. 1964, c. 9, s. 2; 1999, c. 40, s. 128.

DIVISION I.1

OFFICE STAFF OF THE LIEUTENANT-GOVERNOR

Executive secretary.

2.1. The Lieutenant-Governor may appoint his executive secretary and the other persons required for the orderly administration of his office.

1978, c. 15, s. 123; 1984, c. 27, s. 62.

Standards and scales.

2.2. The standards and scales according to which the executive secretary and the other members of the office staff of the Lieutenant-Governor are recruited, appointed and remunerated, as well as their other conditions of employment, are fixed by the Conseil du trésor.

1984, c. 27, s. 62.

DIVISION II

CONSEIL EXÉCUTIF

Composition of
Conseil exécutif.

3. The Conseil exécutif du Québec shall consist of such persons as the Lieutenant-Governor may appoint.

R. S. 1964, c. 9, s. 3; 1977, c. 5, s. 14.

Portfolios.

4. The Lieutenant-Governor may appoint, under the Great Seal, from among the members of the Conseil exécutif, the following officials, who shall remain in office during pleasure:

- (1) A Prime Minister who shall, *ex officio*, be president of the Conseil;
- (2) Ministers of State;
- (3) A Minister charged with the administration of justice, called the Minister of Justice;
- (4) A Minister of International Relations;
- (5) A Minister of Culture and Communications;
- (6) A Minister of Finance;
- (7) A Minister of Revenue;
- (8) A Minister of Natural Resources;
- (9) *(Subparagraph replaced)*;
- (10) A Minister of Agriculture, Fisheries and Food;
- (11) *(Subparagraph repealed)*;
- (12) A Minister of Employment and Solidarity;
- (13) A Minister of Health and Social Services;
- (14) A Minister of Municipal Affairs and Greater Montréal;
- (15) *(Subparagraph repealed)*;
- (16) A Minister of Industry and Trade;
- (17) A Minister of Transport;
- (18) A Minister of Education;
- (19) *(Subparagraph repealed)*;
- (20) *(Subparagraph repealed)*;
- (21) *(Subparagraph repealed)*;
- (22) *(Subparagraph repealed)*;
- (23) Ministers-Delegate;
- (24) A Minister of the Environment;
- (25) *(Subparagraph repealed)*;
- (26) *(Subparagraph repealed)*;
- (27) A Minister of Labour;
- (28) *(Subparagraph repealed)*;
- (29) *(Subparagraph repealed)*;
- (30) *(Subparagraph repealed)*;
- (31) A Minister of Public Security;
- (32) A Minister of Relations with the Citizens and Immigration;
- (33) A Minister of Child and Family Welfare;
- (34) A Minister of Regions;
- (35) A Minister of Research, Science and Technology.

Other ministers.

The Government may also appoint as minister, in the same manner, from among the members of the Conseil exécutif, any other official whom it

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designates for the application of the second paragraph of section 9; such official shall remain in office during pleasure.

R. S. 1964, c. 9, s. 4; 1965 (1st sess.), c. 16, s. 19; 1966-67, c. 23, s. 4; 1966-67, c. 72, s. 17; 1968, c. 43, s. 17; 1968, c. 68, s. 18; 1969, c. 14, s. 13; 1969, c. 65, s. 13; 1969, c. 26, s. 7; 1970, c. 42, s. 12; 1971, c. 10, s. 1; 1972, c. 54, s. 13; 1973, c. 27, s. 13; 1973, c. 22, s. 23; 1975, c. 76, s. 9; 1976, c. 7, s. 1; 1977, c. 5, s. 14; 1979, c. 49, s. 12; 1979, c. 77, s. 18; 1979, c. 81, s. 18; 1981, c. 9, s. 42; 1981, c. 10, s. 17; 1982, c. 50, s. 18; 1982, c. 53, s. 18; 1982, c. 52, s. 199; 1983, c. 23, s. 108; 1983, c. 55, s. 140; 1983, c. 40, s. 70; 1984, c. 36, s. 37; 1984, c. 47, s. 205; 1985, c. 21, s. 97; 1985, c. 23, s. 24; 1986, c. 52, s. 16; 1986, c. 86, s. 23; 1988, c. 41, s. 56; 1988, c. 46, s. 1; 1990, c. 64, s. 28; 1992, c. 44, s. 81; 1992, c. 65, s. 43; 1993, c. 51, s. 33; 1994, c. 12, s. 38; 1994, c. 13, s. 11; 1994, c. 14, s. 12; 1994, c. 15, s. 30; 1994, c. 16, s. 21; 1994, c. 17, s. 55; 1994, c. 18, s. 39; 1996, c. 29, s. 43; 1996, c. 21, s. 47; 1997, c. 63, s. 128; 1997, c. 58, s. 44; 1997, c. 91, s. 51; 1999, c. 8, s. 23; 1999, c. 43, s. 9; 1999, c. 36, s. 158.

The Minister of Employment and Solidarity is designated under the name of Minister of Social Solidarity. O.C. 1509-98 of 98.12.15, (1999) 131 G.O. 2 (French), 76.

5. *(Repealed).*

1986, c. 86, s. 24.

President of Conseil
exécutif.

6. The Prime Minister shall be, *ex officio*, President of the Conseil exécutif.

R. S. 1964, c. 9, s. 6; 1965 (1st sess.), c. 11, s. 18; 1971, c. 10, s. 2; 1974, c. 7, s. 14; 1977, c. 5, s. 14.

Additional
indemnities.

7. In addition to the indemnities, allowances and other amounts and benefits to which he is entitled according to the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1),

(1) the Prime Minister shall receive an annual indemnity equal to 105% of the annual indemnity contemplated in section 1 of the said Act;

(2) each other member of the Conseil exécutif shall receive an annual indemnity equal to 75% of the annual indemnity contemplated in section 1 of the said Act;

(3) *(subparagraph replaced).*

Travel and living
expenses.

The Government shall establish, by regulation, the conditions, scales and terms of payment, to members of the Conseil exécutif, of a lump sum allowance for their official expenses and an allowance to cover their travel and living expenses and any other expenses related to their duties.

Entertainment
expenses.

If the Prime Minister at the same time holds one of the offices mentioned in section 4, he shall not be entitled to any other indemnity and allowance for entertainment expenses than those attached to the function of Prime Minister.

1974, c. 7, s. 14; 1977, c. 5, s. 14; 1978, c. 11, s. 9; 1982, c. 66, s. 60; 1987, c. 109, s. 40.

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Payment.	<p>8. The sums contemplated in section 7 shall be paid out of the consolidated revenue fund.</p> <p>1974, c. 7, s. 14; 1982, c. 66, s. 61.</p>
Defining duties and changing name of Departments or Ministers.	<p>9. The Government may define the duties to be exercised by any member of the Conseil exécutif and change the name under which a minister or department is designated.</p>
Transfer of branches.	<p>It may also transfer one or more branches of a department from the control of a minister to the control of another minister or entrust part of the duties of a minister to another minister, or allow a minister to exercise part of the functions of another, under the latter's direction. The minister to whom branches or duties are so transferred or entrusted shall, with respect to such branches or duties, have the same powers and perform the same duties as the minister who formerly had the control of or responsibility for them, or the minister under whose direction he acts, as the case may be.</p>
Publication.	<p>Every order in council adopted under the provisions of this section shall be in force from and after the date thereof and shall be afterwards published in the <i>Gazette officielle du Québec</i>.</p> <p>R. S. 1964, c. 9, s. 7; 1971, c. 10, s. 3; 1977, c. 5, s. 14.</p>
Secretary-General.	<p>10. The Secretary-General, the Associate Secretaries-General and the Deputy Secretaries of the Conseil exécutif are appointed and remunerated in accordance with the Public Service Act (chapter F-3.1.1).</p>
Functions.	<p>The Secretary-General shall assist the Conseil in the performance of its duties; he shall have, with regard to the public servants of the Conseil, the powers assigned by the said Act to a Deputy Minister.</p>
Delegation.	<p>The Secretary-General may, in writing, on the conditions, to the extent and for the time he specifies, delegate or subdelegate all or part of the responsibilities vested in him under this section.</p>
Rank and privileges.	<p>The Government may confer on every associate secretary-general of the Conseil exécutif the rank and privileges of deputy minister, which shall not be cause for the conferee to cease to discharge his duties under the authority of the Secretary-General of the Conseil exécutif.</p> <p>1968, c. 12, s. 1; 1976, c. 7, s. 2; 1977, c. 5, s. 14; 1977, c. 14, s. 3; 1978, c. 15, s. 133, s. 140; 1983, c. 55, s. 141; 1992, c. 24, s. 4.</p>
Executive Secretary to the Prime Minister.	<p>10.1. The Executive Secretary to the Prime Minister has the same rank and privileges as those of a deputy minister. This section does not grant him the classification of administrator of state within the meaning of the Public Service Act (chapter F-3.1.1).</p> <p>1983, c. 55, s. 142.</p>
Temporary transfer.	<p>11. (1) The powers, duties and functions of the members of the Conseil exécutif, as well as those of the Prime Minister, may, by order in council, be, wholly or in part, temporarily conferred upon any member of the Conseil appointed in virtue of section 3; provided such member of the Conseil exécutif be or become a member of the National Assembly.</p>

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- Vice-president of Conseil. (2) Any member of the Conseil exécutif may, by order in council, be appointed vice-president of the Conseil exécutif and charged, as such, with the duties and powers of the president of the Conseil when the latter is absent from the capital.
- No remuneration. (3) But every such member appointed under this section shall exercise his functions gratuitously.
- Quorum. (4) The Government has and always had the power to fix the quorum of the Conseil exécutif.
- R. S. 1964, c. 9, s. 8; 1968, c. 9, s. 67; 1977, c. 5, s. 14.

DIVISION II.1

PUBLICATION OF ORDERS

- Time limit. **11.1.** Government orders must be published in the *Gazette officielle du Québec* not later than thirty days after being made.
- Deferment. The Government may defer their publication for any grounds of public interest set forth in the orders.
- 1982, c. 30, s. 175.
- Substitution of indications. **11.2.** The Government may, in cases prescribed by regulation, substitute for the complete text of the order a notice indicating the title of the order, the date on which it was made, its number and the number of pages it contains. The title must be sufficiently descriptive to allow the exercise of the right of access.
- 1982, c. 30, s. 175.
- Draft regulation. **11.3.** After obtaining the advice of the Commission d'accès à l'information, the secretary-general of the Conseil exécutif shall publish in the *Gazette officielle du Québec*, the text of a draft regulation contemplated in section 11.2, with notice that at the expiry of not less than forty-five days after the publication, the text will be submitted to the Government for approval.
- 1982, c. 30, s. 175.
- Coming into force. **11.4.** Regulations passed under section 11.2 come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.
- 1982, c. 30, s. 175.

DIVISION II.2

OFFICE STAFF OF MINISTERS

- Executive secretary. **11.5.** Every minister may appoint an executive secretary and any other person required for the orderly administration of his office.
- 1983, c. 55, s. 143.
- Recruitment and remuneration. **11.6.** The standards and scales according to which an executive secretary and the other members of an office staff are recruited, appointed and remunerated, as

well as their other conditions of employment, are determined by the Conseil du trésor.

1983, c. 55, s. 143.

DIVISION III

DIRECTORS OR OFFICERS OF LEGAL PERSONS

Incompatibility. **12.** Notwithstanding any law to the contrary, no member of the Conseil exécutif du Québec may be a director or officer of a legal person of a commercial, industrial or financial nature, if the legal person does business with the Gouvernement du Québec, directly or indirectly, or pays or may be called upon to pay taxes under the Taxation Act (chapter I-3).

R. S. 1964, c. 9, s. 9; 1972, c. 24, s. 2; 1977, c. 5, s. 14; 1999, c. 40, s. 128.

Penalty. **13.** Every person who infringes the provisions of this division shall *ipso facto* be, and remain for two years, disqualified as a member of the Conseil exécutif du Québec and from being elected a member of the National Assembly and from sitting in that capacity. In addition, such person shall be liable, as long as the infringement lasts, to a daily fine of not less than \$100 and of not more than \$500, and, in the case of conviction, the court shall, by the final judgment, extend to five years the disqualification above enacted.

R. S. 1964, c. 9, s. 10; 1968, c. 9, s. 68; 1977, c. 5, s. 14.

Penal prosecution. **14.** Any penal prosecution in respect of an offence under this section must be heard and decided by preference.

Appeal. Any appeal from such a prosecution, after it is entered on the roll, shall have priority over other appeals.

R. S. 1964, c. 9, s. 11; 1965 (1st sess.), c. 80, a. 1; 1990, c. 4, s. 417.

15-16. (*Replaced*).

1990, c. 4, s. 417.

DIVISION IV

AGREEMENTS WITH OTHER GOVERNMENTS AND WITH MUNICIPALITIES

Agreements authorized. **17.** The Government may authorize the Minister of Health and Social Services to make with other governments and also with municipalities, any agreements which it deems conformable to the interests and the constitutional rights of Québec, for the joint execution of any project tending to safeguard and improve public health.

R. S. 1964, c. 9, s. 14; 1970, c. 42, s. 17; 1985, c. 23, s. 24; 1996, c. 2, s. 675.

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Powers of municipalities. **18.** Any municipality which is party to an agreement made in accordance with this division, may authorize, by resolution of its council, the acts and expenditure required for the execution of such agreement.

R. S. 1964, c. 9, s. 15; 1996, c. 2, s. 676.

Advances. **19.** The Gouvernement du Québec is authorized to make, out of the consolidated revenue fund, as an advance, payment of the whole or part of the contributory share of any party to such agreement.

Repayment. The sums thus advanced shall be repayable to the consolidated revenue fund and shall be deposited therein as soon as collected by the Government.

R. S. 1964, c. 9, s. 16; 1977, c. 5, s. 14.

DIVISION V

This Division ceased to have effect on 17 April 1987.

20. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 9 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter E-18 of the Revised Statutes.

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