



## CHAPTER 22

### An Act respecting the Executive Power

[Assented to, the 9th of May, 1941]

**HIS MAJESTY**, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** Section 66 of the Legislature Act (Revised Statutes, 1925, chapter 3), as amended by the acts 17 George V, chapter 13, section 3; 18 George V, chapter 12, section 3; 20 George V, chapter 19, section 65; 21 George V, chapter 19, section 1; 25-26 George V, chapter 11, section 1; 25-26 George V, chapter 45, section 1; 1 Edward VIII (2nd Session), chapter 20, section 1, and 1 George VI, chapter 17, section 1, is again amended by replacing subsection 1 thereof by the following:

"1. The salaries of the ministers or members of the Executive Council shall not be a cause of disqualification within the meaning of section 65."

Exception as regards Executive Councilors, etc.

**2.** Section 5 of the Executive Power Act (Revised Statutes, 1925, chapter 6), as replaced by the act 1 Edward VIII (2nd Session), chapter 20, section 2, is again replaced by the following:

R. S., c. 6, s. 5, replaced.

**5.** The Lieutenant-Governor may appoint, under the Great Seal, from among the members of the Executive Council, the following officials, who shall remain in office during pleasure:

Members of Executive Council with portfolio, and their titles.

1. A Prime Minister who shall, *ex officio*, be president of the Council;
2. A Minister charged with the administration of justice, called the Attorney-General;

3. A Minister with the attributions mentioned in the Provincial Secretary's Department Act (Chap. 18), called the Provincial Secretary;
4. A Minister to preside over the Treasury Department, called the Provincial Treasurer;
5. A Minister of Lands and Forests;
6. A Minister of Colonization;
7. A Minister of Agriculture;
8. A Minister of Roads;
9. A Minister of Public Works;
10. A Minister of Labour;
11. A Minister of Health and Social Welfare;
12. A Minister of Mines and Maritime Fisheries;
13. A Minister of Municipal Affairs, Trade and Commerce;
14. A Minister of Fish and Game."

R. S., c. 6, s. 7, am. **3.** Section 7 of the said act, as amended by the act 25-26 George V, chapter 12, section 1, is again amended by adding thereto the following paragraph:

Coming into force of orders-in-council. Publication. "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 *Quebec Official Gazette* and in the first volume of the Statutes printed after such publication."

R. S., c. 10, s. 3, replaced. **4.** Section 3 of the Civil Service Act (Revised Statutes, 1925, chapter 10), as replaced by the act 1 Edward VIII (2nd Session), chapter 20, section 3, and amended by the acts 1 Edward VIII (2nd Session), chapter 29, section 1, and 3 George VI, chapter 13, section 1, is again replaced by the following:

Deputy-heads. **"3.** The deputy-heads are the deputy ministers of each of the departments enumerated in section 2 of the Public Department Act (Revised Statutes, 1925, chapter 13), who are designated respectively under the name of deputy minister of the department to which they are attached, except those of the first four departments enumerated in the said section, who are designated respectively "Clerk of the Executive Council", "Deputy Attorney-General", "Assistant Provincial Secretary" and "Assistant Provincial Treasurer". In the Department of Education, there are two deputy ministers who are the Secretaries thereof. The Executive Secretary of the Prime Minister is also a deputy minister, as also the Provincial Auditor, to the extent that such designation is consistent with

the functions assigned to him by the Provincial Audit Act."

**5.** Section 9 of the said act, as amended by the acts R. S., c. 10, s. 9, am. 16 George V, chapter 14, section 5; 1 Edward VIII (2nd Session), chapter 20, section 4; 1 Edward VIII (2nd Session), chapter 29, section 2; 2 George VI, chapter 25, section 3, and 3 George VI, chapter 13, section 2, is again amended by replacing the first paragraph thereof by the following:

"Each of the deputy ministers shall receive a salary Salaries of deputy ministers. of five thousand dollars for the first year following his appointment, with an annual increase of five hundred dollars until his salary has reached the maximum of six thousand dollars."

**6.** Section 2 of the Public Department Act (Revised R. S., c. 13, s. 2, replaced. Statutes, 1925, chapter 13), as replaced by the act 1 Edward VIII (2nd Session), chapter 20, section 5, and amended by the act 1 Edward VIII (2nd Session), chapter 29, section 3, is replaced by the following:

"**2.** The following departments are constituted for the administration of the affairs of the Province: Constitution of Departments.

1. The Department of the Executive Council, presided over by the Prime Minister;

2. The Department of the Attorney-General, presided over by him;

3. The Department of the Provincial Secretary, presided over by him;

4. The Treasury Department, presided over by the Provincial Treasurer;

5. The Department of Lands and Forests, presided over by the Minister of Lands and Forests;

6. The Department of Colonization, presided over by the Minister of Colonization;

7. The Department of Agriculture, presided over by the Minister of Agriculture;

8. The Roads Department, presided over by the Minister of Roads;

9. The Department of Public Works, presided over by the Minister of Public Works;

10. The Department of Labour, presided over by the Minister of Labour;

11. The Department of Health and Social Welfare, presided over by the Minister of Health and Social Welfare;

12. The Department of Mines and Maritime Fisheries, presided over by the Minister of Mines and Maritime Fisheries;

13. The Department of Municipal Affairs, Trade and Commerce, presided over by the Minister of Municipal Affairs, Trade and Commerce;

14. The Department of Fish and Game, presided over by the Minister of Fish and Game;

15. The Department of Education, which is under the Provincial Secretary, but the administrative direction of which is confided to the Superintendent of Education."

R. S., c. 18, s. 4, am. **7.** Section 4 of the Provincial Secretary's Department Act (Revised Statutes, 1925, chapter 18) is amended by striking out sub-paragraphs *b*, *c* and *e* of paragraph 7 thereof and paragraph 8 thereof.

Id., s. 30, am. **8.** Section 30 of the said act is amended by replacing sub-paragraph 1 thereof by the following:  
 "1. The word "Minister" means the Minister of Municipal Affairs, Trade and Commerce;"

Id., s. 31, am. **9.** Section 31 of the said act is amended by replacing the words: "Provincial Secretary", in the second line thereof, by the word: "Minister".

R. S., c. 79A, am. **10.** The Mines and Fisheries Act (Revised Statutes, 1925, chapter 79A, as enacted by the act 1 Edward VIII (2nd Session), chapter 20, section 9) is amended by inserting therein, before the word: "fisheries", wherever it appears therein, the word: "maritime".

Id., s. 3, am. Section 3 of the said act is further amended by striking out sub-paragraphs 3 and 4 thereof.

Inter-pretation. In any act, proclamation, order-in-council, contract or other document, respecting the matters contemplated by section 3 of the said act, as amended by this section, the expressions: "Minister of Mines and Fisheries", "Department of Mines and Fisheries" and "Deputy Minister of Mines and Fisheries" shall mean, respectively, the Minister of Mines and Maritime Fisheries, the Department of Mines and Maritime Fisheries, and the Deputy Minister of Mines and Maritime Fisheries.

R. S., cc. 80, 84, am. In particular, the Quebec Mining Act (Revised Statutes, 1925, chapter 80) and the Maritime Fish-

eries Bureau Act (Revised Statutes, 1925, chapter 84) are so amended.

**11.** The Revised Statutes, 1925, are amended by R. S., c. 83A, inserting therein, after chapter 83 thereof, the following <sup>added.</sup> chapter:

### “CHAPTER 83A

#### “AN ACT RESPECTING THE DEPARTMENT OF FISH AND GAME

“**1.** This act may be cited as the *Fish and Game* <sup>Short title.</sup> *Department Act.*

“**2.** The Minister of Fish and Game, called in this <sup>Minister.</sup> act the “Minister”, shall have the administration and direction of the Department of Fish and Game.

“**3.** The functions, duties and powers of the Minister <sup>Functions, etc., of Minister.</sup> shall consist in the control and management, throughout the Province:

1. of the fisheries within the Province’s jurisdiction, except maritime fisheries;

2. of everything connected with hunting;

3. of the Laurentides National Park, the Trembling Mountain Park, the Gaspesian National Park, and the Mount Orford National Park.

“**4.** The Minister may himself investigate, or au- <sup>Right to investigate.</sup> thorize any competent person in writing to investigate in his stead, the conduct of any employee under his control or any matter connected with the administration or management of his department.

“**5.** 1. The Lieutenant-Governor in Council shall <sup>Deputy Minister.</sup> appoint a Deputy Minister of Fish and Game.

Under the direction and authority of the Minister, <sup>His duties.</sup> the Deputy Minister shall have the supervision of the other officers, employees, messengers or servants; he shall have general control of the affairs of the department and shall exercise the other powers and duties assigned to him by the Lieutenant-Governor in Council.

The orders of the Deputy Minister must be carried <sup>His powers.</sup> out in the same manner as those of the Minister and his authority shall be that of the head of the department, and his official signature shall give force and authority to any document which is or may be within the jurisdiction of the department.

He may suspend any employee of the depart- <sup>Idem.</sup> ment who refuses or neglects to obey his orders or whose conduct he deems to be reprehensible, and shall report thereon to the Minister.

Secretary  
and other  
officers.

2. The Lieutenant-Governor in Council shall also appoint a secretary and all other officers, clerks and messengers necessary for the proper administration of the department in conformity with the Civil Service Act or the Outside Service Act (Revised Statutes, 1925, chapters 10 and 10A), as the case may be.

Duties  
determined  
by Minister.

“6. The respective duties of the officers and clerks of the department, not expressly defined by law or by the Lieutenant-Governor in Council, shall be determined by the Minister.

Signature of  
deeds, etc.

“7. No deed, contract, document or writing shall be binding upon the department, nor may it be ascribed to the Minister, unless signed by him or by the Deputy Minister.

Authenticity  
of copies  
of documents.

“8. Every copy of a document forming part of the records of the department, certified by the Minister or the Deputy Minister as a true copy, shall be authentic and shall have the same effect as the original.

Right to pass  
over private  
property.

“9. The Minister or any officer of the Department of Fish and Game, and any person accompanying them or who is regularly authorized by the Minister, may enter upon and pass over any private property, if it be necessary to do so for the accomplishment of a duty resulting from a law the carrying out of which is within the Minister's jurisdiction.”

Inter-  
pretation.

12. In any act, proclamation, order-in-council, contract or other document, respecting the matters contemplated by section 3 of the Fish and Game Department Act (Revised Statutes, 1925, chapter 83A, as enacted by section 11 of this act), the expressions: “Minister of Mines and Fisheries”, “Department of Mines and Fisheries”, and “Deputy Minister of Mines and Fisheries” shall mean, respectively, the Minister of Fish and Game, the Department of Fish and Game and the Deputy Minister of Fish and Game.

R. S., cc. 83,  
86, 87, 88, 89  
and 90; 2  
Geo. VI, c. 49  
and 16  
Geo. V, c. 30,  
am.

In particular, the following acts are so amended, namely: the Quebec Fisheries Act (Revised Statutes, 1925, chapter 83); the Game Laws (Revised Statutes, 1925, chapter 86); the Fish and Game Club Act (Revised Statutes, 1925, chapter 87); the Laurentides Park Act (Revised Statutes, 1925, chapter 88); the Trembling Mountain Park Act (Revised Statutes, 1925, chapter 89); the Gaspesian National Park Act (Revised Statutes, 1925, chapter 90); the Mount Orford National Park Act (2 George VI, chapter 49), and the Act

respecting the Island of Anticosti (16 George V, chapter 30).

**13.** Section 3 of the Municipal Affairs, Trade and Commerce Department Act (Revised Statutes, 1925, chapter 101), as replaced by the act 25-26 George V, chapter 45, section 8, is amended by adding thereto the following sub-paragraph:

"5. Compiling statistics, except demographic statistics."

**14.** The Department of Health Act (Revised Statutes, 1925, chapter 185A, as enacted by the act 1 Edward VIII (2nd Session), chapter 29, section 4) is amended by replacing the expressions: "Department of Health", "Minister of Health" and "Deputy Minister of Health", wherever they occur, by the expressions: "Department of Health and Social Welfare", "Minister of Health and Social Welfare" and "Deputy Minister of Health and Social Welfare", respectively.

**15.** Sections 2 and 3 of the said act are replaced by the following:

"**2.** The Minister of Health and Social Welfare shall have the administration of the Department of Health and Social Welfare.

"**3.** The functions, powers and duties of the Minister of Health and Social Welfare shall be to supervise the administration or carrying out, as the case may be, of the laws connected with the following objects:

- a. Hygiene and public health;
- b. Public charities;
- c. The insane;
- d. Public and private hospitals.

The Minister shall further be charged with:

a. Promoting, by all means and measures which he may deem adequate, the advancement and development of public health and social welfare in the Province;

b. Coöperating with the Government of Canada to facilitate the carrying out in the Province of Quebec of the acts of the Parliament of Canada relating to public health and social welfare;

c. Promoting scientific studies on public health and social welfare and suggesting practical measures to ward off disease and death;

*d.* Compiling yearly statistics of the births, marriages and deaths in the Province and of the causes of deaths."

1 Ed. VIII  
(2nd), c. 29,  
s. 6, replaced.  
Inter-  
pretation.

**16.** Section 6 of the act 1 Edward VIII (2nd Session), chapter 29, is replaced by the following:

**6.** In any act, proclamation, order-in-council, contract or other document, respecting the matters contemplated by section 3 of the Department of Health and Social Welfare Act, the expressions: "Minister of Health", "Provincial Secretary", "Director of the Provincial Bureau of Health", "Director of the Quebec Bureau of Public Charities" shall mean the Minister of Health and Social Welfare; the expressions "Department of Health", "Department of the Provincial Secretary" shall mean the Department of Health and Social Welfare; the expressions "Deputy Minister of Health", "Assistant Provincial Secretary" shall mean the Deputy Minister of Health and Social Welfare.

R. S., cc. 186,  
186A, 186B,  
188, 189,  
189A, 190,  
207, 208 and  
212, am.

In particular, the following acts are so amended: the Quebec Public Health Act (Revised Statutes, 1925, chapter 186); the Health Units Act (Revised Statutes, 1925, chapter 186A); the Child Protection Tuberculosis Act (Revised Statutes, 1925, chapter 186B); the Tuberculosis and Infantile Mortality Act (Revised Statutes, 1925, chapter 188); the Quebec Public Charities Act (Revised Statutes, 1925, chapter 189); the Private Hospitals Act (Revised Statutes, 1925, chapter 189A); the Lunatic Asylum Act (Revised Statutes, 1925, chapter 190); the Non-Catholic Cemeteries Act (Revised Statutes, 1925, chapter 207); the Burial Act (Revised Statutes, 1925, chapter 208) and the Study of Anatomy Act (Revised Statutes, 1925, chapter 212), and consequently all words are struck out of the said acts to the effect that the Director of the Provincial Bureau of Health or the Director of the Quebec Bureau of Public Charities acts under the control of the Minister of Health and Social Welfare.

R. S., c. 261,  
am.

**17.** The Cadastre Act (Revised Statutes, 1925, chapter 261) is amended by replacing the expression: "Minister of Colonization", wherever it occurs therein, by the expression: "Minister of Lands and Forests".

1 Geo. VI,  
c. 48, s. 1,  
am.

**18.** Section 1 of the Act respecting tourist traffic (1 George VI, chapter 48) is amended by replacing subparagraph *a* thereof by the following:



"a. "Minister" designates the Prime Minister;". "Minister".

**19.** Section 1 of the Act to establish a general<sup>3 Geo. VI,</sup> purchasing service for the Government (3 George VI,<sup>c. 14, s. 1,</sup> chapter 14) is amended by replacing sub-paragraph a<sup>am.</sup> thereof by the following:

"a. "Minister" designates the Prime Minister;". "Minister".

**20.** The officers and employees of the services the<sup>Functions</sup> administration whereof is entrusted by this act to the<sup>continued.</sup> Department of Fish and Game may, without other appointment, continue to fulfil their functions in such department.

The Deputy Minister of Mines and Fisheries be-<sup>Deputy</sup> comes the Deputy Minister of Fish and Game; and<sup>Minister of</sup> it is declared that, since the 26th of August, 1936, he<sup>Fish and</sup> has legally discharged the duties and exercised the<sup>Game.</sup> powers assigned to the Deputy Minister of Mines and Fisheries by the Mines and Fisheries Act (Revised Statutes, 1925, chapter 79A, as enacted by the act 1 Edward VIII (2nd Session), chapter 20, section 9), especially those relating to the services whereof the administration is assigned by this act to the Department of Fish and Game.

**21.** This act shall come into force on the day of its<sup>Coming into</sup> sanction.<sup>force.</sup>

