

Social Development Partnerships Program

CALL FOR PROPOSALS

**Projects to Support
Early Learning and Child Care
and Social Inclusion of Children and Families**

**M-30 Supporting
Documentation**

December 2004

**Completion of this document is required if you are located in
Quebec.**

PROCEDURES WITH RESPECT TO BILL M-30
An Act respecting the Ministère du Conseil exécutif,
R.S.Q., c. M-30.

An organization in Quebec whose operations are partially or fully funded by the province of Quebec may be subject to *An Act Respecting the Conseil exécutif* (L.R.Q., chapter M-30).

Under sections 3.11 and 3.12 of *An Act respecting the Ministère du Conseil exécutif* (hereinafter referred to as Act) certain entities, as defined in the meaning of the Act, such **municipal bodies, school bodies or public agencies**, must obtain an authorization, indicated by the Act, before signing any agreement with the Government of Canada, its departments or agencies, or a federal public agency.

Consequently, any **entity that is subject to the Act is responsible for obtaining such authorization** before signing any agreement with the Government of Canada. This requirement does not apply to programs and initiatives exempt by order of the Quebec government, namely Summer Career Placements (SCP) and Partners in Promoting Summer Employment (PPSE). The Supporting Communities Partnership Initiative (SCPI) is also exempt by such an order, but only with respect to entities covered by section 3.12 of the Act.

The attached form must be completed and included with your project proposal.

1. If you answer “no” to all three questions on the form, your organization is not subject to the provisions of Chapter M-30 and the proposal evaluation process can move forward.
2. If you answer “yes” to one of the three questions, you must, on behalf of your organization, take the necessary measures to obtain the proper authorization from the Government of Quebec before obtaining funding from the Government of Canada.

You should contact the representative from the agency or institution in Quebec that provides you with funding to receive confirmation/verification as to whether your organization is subject to *An Act respecting the Ministère du Conseil exécutif*.

1. If the representative informs you that your organization is not subject to the Act, submit your proposal to Social Development Canada (SDC) by the deadline and attach the completed M-30 form.
2. If your organization is subject to the Act, submit your proposal to Social Development Canada by the deadline and attach the completed M-30 form,

which will indicate that your organization *is* subject to the Act. You are not required to contact SDC prior to submitting your proposal. If the proposal meets the evaluation criteria, it will be recommended for ministerial approval conditional on authorization from the Government of Quebec.

M-30 FORM

FORM TO BE COMPLETED WITH RESPECT TO BILL M-30
An Act respecting the Ministère du Conseil exécutif,
R.S.Q., c. M-30.

This form must be completed by the person representing the organization. It must be used for all funding applications pertaining to the Government of Canada's programs and initiatives, except those exempted by an order under *An Act respecting the Ministère du Conseil exécutif*, namely *Summer Career Placements* and *Partners in Promoting Summer Employment*.

Please review the relevant provisions of the Act, complete and sign this form, and return it to us along with all the required supporting documents. A copy of the financial statements from the last full year of your organization and an excerpt from its general by-laws regarding the appointment of board members will complete the exercise. If the funding application pertains to the Supporting Communities Partnership Initiative (SCPI), **answer only questions 1 and 3.**

Project Title:
Name of Entity (Organization):
Program:

1) Under section 3.11, is the applicant (proposed payee) a *municipal body* or *school body* within the meaning of 3.6.2 of the Act?

Yes ___

No ___

2) Under section 3.12, is the applicant (proposed payee) a *public agency* within the meaning of section 3.6.2 of the Act?

Yes ___

No ___

3) If an agreement is signed between applicant and the Government of Canada, will the agreement affect a *government agency*, *municipal body*, *school body* or *public agency* within the meaning of the Act?

Yes ___

No ___

If you answered “No” to all three questions, please sign this form and attach it to your application along with any appropriate supporting documents.

If you answered “Yes” to any question, you must do the following:

- Contact (as soon as possible) the program officer in charge of your project for advice on how to proceed.
- Obtain the authorization from the Quebec government or the Minister of Canadian Intergovernmental Affairs (as the case may be) before signing the contribution agreement.
- Provide a copy of this authorization.

Comments

The information provided in this document is collected by the Government of Canada for program administration purposes and will be stored in Program Record Number HRDC HRI 293. Instructions for making requests pursuant to the *Privacy Act* and the *Access to Information Act* are given in *Info Source*, a publication available at all federal government offices, including all Canada Human Resources Centres, or on the Internet at: <http://infosource.gc.ca/index-e.html>

I certify that I have read and understood all the information above, and that the information I have supplied is accurate.

Name and Title of representative:

Signature of representative:

Date:

**Excerpts from An Act respecting the Ministère du Conseil Exécutif R.S.Q.,
c. M-30**

3.6.2. In this subdivision,

(...)

“government agency” means a legal person or agency that, under its constituting Act, is empowered to make inquiries, issue permits or licences or make regulations for purposes other than its internal management and, if it is a legal person, has one of the following characteristics:

- (1) it is the mandatory or agent of the State or of another government in Canada;
- (2) it enjoys the rights and privileges of a mandatory or agent referred to in paragraph 1;

“municipal body” means

- (1) a municipality;
- (2) a metropolitan community;
- (3) a legal person or body that has one of the following characteristics:
 - (a) a majority of its members are appointed by one or more municipal bodies;
 - (b) more than half of its financing is provided by one or more municipal bodies;
- (4) a group of municipal bodies;

“school body” means

- (1) a school board;
- (2) the Conseil scolaire de l’île de Montréal;
- (3) a legal person or body that has one of the following characteristics:

- (a) a majority of its members are appointed by one or more school bodies;
- (b) more than half of its financing is provided by one or more school bodies;

(4) a group of school bodies.

“public agency” means

- (1) a legal person or agency that, although not a government agency, a municipal body or a school body, has one of the following characteristics:
- (a) a majority of its members come from the Québec public sector, that is, are appointed by the Government, a minister, a government agency, a municipal body, a school body or another public agency;
 - (b) its personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);
 - (c) more than half of its financing is derived from Québec public funds, that is from the consolidated revenue fund, a government agency, a municipal body, a school body or another public agency;

(2) a group of public agencies;

3.11. Except to the extent expressly provided for by law, no municipal body or school body may, without the prior authorization of the Government, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency.

The Government may attach such conditions as it determines to the authorization.

Any contravention of the provisions of the first paragraph or any failure to comply with the conditions referred to in the second paragraph entails the nullity of the agreement.

The Minister, concurrently with the minister responsible for or the minister who subsidizes the municipal or school body, shall see to the negotiation of the agreement.

3.12. No public agency may, without the prior authorization of the Minister, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency.

The minister responsible for or the minister who subsidizes the public agency shall give an advisory opinion on the draft agreement to the Minister before the decision on the application for authorization is made.

The Minister may attach such conditions as he or she determines to the

authorization. The Minister may, in particular, fix as a condition that the financing obtained under the agreement referred to in the first paragraph will not be subsequently taken into consideration to determine whether or not the agency is subject to this section.

Any contravention of the provisions of the first paragraph or any failure to comply with the conditions referred to in the third paragraph entails the nullity of the agreement.

The Minister, concurrently with the minister responsible for or the minister who subsidizes the public agency, shall see to the negotiation of the agreement.

3.12.1. No government agency, municipal body or school body may, without the prior authorization of the Government, permit or tolerate being affected by any agreement entered into between a third person and another government in Canada or one of its departments or government agencies, or a federal public agency.

The Government may attach such conditions as it determines to the authorization.

The first paragraph also applies to a public agency which, in that case, must obtain prior authorization in writing from the Minister, who may attach such conditions as he or she determines to the authorization. The minister responsible for or the minister who subsidizes the public agency shall give an advisory opinion to the Minister before the decision on the application for authorization is made.

For the purposes of the first paragraph, an agency or body is permitting or tolerating being affected by an agreement when, for instance, it enters into an agreement that is related to an agreement referred to in that paragraph.

Any contravention of the first or third paragraph or any failure to comply with the conditions referred to in the second or third paragraph entails, for the agency or body, the nullity of any stipulation or agreement having any effect whatever in its respect.

3.13. The Government, to such extent and subject to such conditions as it determines, may exempt the whole or a part of an agreement or class of agreements which it designates from the application of this division.

(...)