

NATIONAL ASSEMBLY

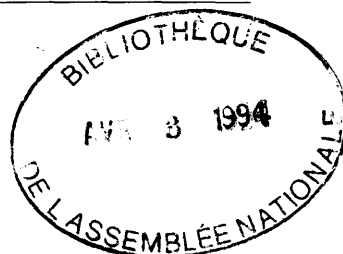
THIRD SESSION

THIRTY-FOURTH LEGISLATURE

Bill 6

**An Act to amend the Act respecting
the Ministère de la Culture and
other legislative provisions**

Introduction



**Introduced by
Madam Liza Frulla
Minister of Culture and Communications**

**Québec Official Publisher
1994**

EXPLANATORY NOTES

This bill amends the Act respecting the Ministère de la Culture in order to change the name of the department to “Ministère de la Culture et des Communications” and to introduce into the Act the provisions of the Act respecting the Ministère des Communications relating to the functions conferred on the Minister of Culture and Communications.

The bill repeals the Act respecting the Ministère des Communications and contains provisions to ensure concordance.

ACTS AMENDED BY THIS BILL:

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Archives Act (R.S.Q., chapter A-21.1);
- Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1);
- Cultural Property Act (R.S.Q., chapter B-4);
- Cinema Act (R.S.Q., chapter C-18.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);
- Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);

- Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62);
- Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- Retail Sales Tax Act (R.S.Q., chapter I-1);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Ministère de la Culture (R.S.Q., chapter M-17.1);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the Montréal Museum of Fine Arts (R.S.Q., chapter M-42);
- National Museums Act (R.S.Q., chapter M-44);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01);
- Act respecting the Société de radio-télévision du Québec (R.S.Q., chapter S-11.1);
- Act respecting the Société de la Place des Arts de Montréal (R.S.Q., chapter S-11.03);
- Act respecting the Société du Grand Théâtre de Québec (R.S.Q., chapter S-14.01);
- Act respecting the Société générale des industries culturelles (R.S.Q., chapter S-17.01);
- Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1);

- Transport Act (R.S.Q., chapter T-12);
- Act respecting the Conseil des arts et des lettres du Québec (1992, chapter 66);
- Act respecting the protection of personal information in the private sector (1993, chapter 17);
- Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (1993, chapter 48).

ACT REPEALED BY THIS BILL:

- Act respecting the Ministère des Communications (R.S.Q., chapter M-24).

Bill 6

An Act to amend the Act respecting the Ministère de la Culture and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE MINISTÈRE DE LA CULTURE

1. The title of the Act respecting the Ministère de la Culture (R.S.Q., chapter M-17.1) is replaced by the following title:

“Act respecting the Ministère de la Culture et des Communications”.

2. Section 1 of the said Act is replaced by the following section:

“**1.** The Ministère de la Culture et des Communications shall be under the direction of the Minister of Culture and Communications appointed under the Executive Power Act (R.S.Q., chapter E-18).”

3. Section 2 of the said Act is amended by adding, at the end, the words “and Communications”.

4. The said Act is amended by inserting, after the heading of Chapter II, the following section:

“**9.1** The Minister shall be responsible for culture and communications in Québec; in fulfilling these responsibilities, he shall see to it that positive cultural, social and economic effects are generated.”

5. Section 10 of the said Act is amended by replacing the word “The” in the first line of the first paragraph by the words “As regards culture, the”.

6. The said Act is amended by inserting, after section 10, the following section:

“10.1 As regards communications, the Minister shall perform his duties in the fields of the media, telecommunications and communications enterprises.”

7. The said Act is amended by inserting, after section 12, the following section:

“12.1 Within the scope of his duties, the Minister shall also develop communications policies, propose them to the Government, and coordinate their application.”

8. Section 14 of the said Act is amended

(1) by striking out paragraph 1;

(2) by inserting the words “or technical” after the word “financial” in the first line of paragraph 2, and by striking out the word “cultural” in the last line of that paragraph;

(3) by striking out the word “cultural” in the first line of paragraph 3 and by adding, at the end of that paragraph, the words “in matters of culture or communications”;

(4) by adding, at the end of paragraph 4, the words “and of Québec expertise in matters relating to communications”;

(5) by adding, at the end of paragraph 5, the words “and to the development of communications enterprises, in Québec, elsewhere in Canada and abroad”;

(6) by inserting, after paragraph 5, the following paragraphs:

“(5.1) promote the development of productions, with original and varied content, in the fields of communications;

“(5.2) encourage the implementation of technologies related to the communications sector with a view to generating positive cultural, social and economic effects;

“(5.3) contribute to the development of communications systems in all regions of Québec;”;

(7) by adding, at the end of paragraph 7, the words “or on communications matters”;

(8) by replacing the words “Minister of Communications the standards referred to in paragraph 10 of section 14 of the Act respecting the Ministère des Communications (chapter M-24) in respect of” in the first, second and third lines of paragraph 10 by the words “minister responsible for the administration of the Act respecting government services to departments and public bodies and amending various legislative provisions, standards concerning”.

9. Section 15 of the said Act is amended by inserting the words “et des Communications” after the word “Culture” in the third line.

CONCORDANCE AMENDMENTS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

10. Section 174 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), replaced by section 109 of chapter 17 of the statutes of 1993, is amended by replacing the word “Communications” in the first line by the word “Justice”.

ACT RESPECTING THE CONSEIL DU STATUT DE LA FEMME

11. Section 7 of the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59), amended by section 20 of chapter 51 of the statutes of 1993, is again amended by replacing the words “, the Deputy Minister of Culture and the Deputy Minister of Communications” in the fifth and sixth lines of the third paragraph by the words “and the Deputy Minister of Culture and Communications”.

EXECUTIVE POWER ACT

12. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 33 of chapter 51 of the statutes of 1993, is again amended

(1) by inserting the words “and Communications” after the word “Culture” in subparagraph 5 of the first paragraph;

(2) by striking out subparagraph 22 of the first paragraph.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

13. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1), amended by section

34 of chapter 51 of the statutes of 1993, is again amended by replacing the word “Communications” in the eighth line by the words “Culture and Communications”.

ACT RESPECTING THE MINISTÈRE DES COMMUNICATIONS

14. The Act respecting the Ministère des Communications (R.S.Q., chapter M-24) is repealed.

GOVERNMENT DEPARTMENTS ACT

15. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 42 of chapter 51 of the statutes of 1993, is again amended

(1) by replacing paragraph 4 by the following paragraph:

“(4) The Ministère de la Culture et des Communications, presided over by the Minister of Culture and Communications;”;

(2) by striking out paragraph 21.

ACT RESPECTING EDUCATIONAL PROGRAMMING

16. Section 9 of the Act respecting educational programming (R.S.Q., chapter P-30.1), amended by section 44 of chapter 51 of the statutes of 1993, is again amended by replacing the word “Communications” in the first line by the words “Culture and Communications”.

17. Section 10 of the said Act is amended by inserting the words “Culture and” after the words “Minister of” in the first line of the first paragraph.

18. Section 13 of the said Act is amended by inserting the words “Culture and” after the words “Minister of” in the first line.

ACT RESPECTING THE RÉGIE DES TÉLÉCOMMUNICATIONS

19. Section 12 of the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01) is amended by inserting the words “Culture and” after the words “Minister of” in the fourth line of the first paragraph.

20. Section 98 of the said Act is amended by inserting the words “Culture and” after the words “Minister of” in the first line.

ACT RESPECTING THE SOCIÉTÉ DE RADIO-TÉLÉVISION DU QUÉBEC

21. Section 28 of the Act respecting the Société de radio-télévision du Québec (R.S.Q., chapter S-11.1) is amended by inserting the words “Culture and” after the words “Minister of” in the first line.

ACT RESPECTING THE SOCIÉTÉ GÉNÉRALE DES INDUSTRIES CULTURELLES

22. Section 5 of the Act respecting the Société générale des industries culturelles (R.S.Q., chapter S-17.01) is amended by replacing the words “Two members of the board shall be appointed on the recommendation of the Minister of Communications; the remaining members” in the fourth, fifth and sixth lines of the first paragraph by the words “Members other than such officers”.

23. Section 15 of the said Act is amended by inserting the words “and Communications” after the word “Culture” in the second line of the first paragraph.

24. Section 21 of the said Act is amended by replacing the words “or the Minister of Communications, as the case may be,” in the fifth line of the first paragraph by the words “and Communications”.

25. Section 21.1 of the said Act is amended by replacing the words “or the Minister of Communications, as the case may be,” in the first and second lines by the words “and Communications”.

26. Section 24 of the said Act is amended by inserting the words “and Communications” after the word “Culture” in the first line of the first paragraph.

27. Section 26 of the said Act is amended by inserting the words “and Communications” after the word “Culture” in the second line of the first paragraph and in the second line of the second paragraph.

28. Section 27 of the said Act is amended by inserting the words “and Communications” after the word “Culture” in the first line.

29. Section 29 of the said Act is amended by striking out the second sentence of the first paragraph.

30. Section 33 of the said Act is amended by inserting the words “and Communications” after the word “Culture”.

TRANSPORT ACT

31. Section 1 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing the words “communications within the meaning of section 2 of the Act respecting the Ministère des Communications (chapter M-24)” in the second and third lines of subparagraph *a* of the first paragraph by the words “the broadcast, transmission and reception of sound, pictures, signs, signals, data or messages by wire, cable, waves or any electrical, electronic, magnetic, electromagnetic or optical means”.

ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

32. Section 98 of the Act respecting the protection of personal information in the private sector (1993, chapter 17) is amended by replacing the word “Communications” in the first line by the word “Justice”.

ACT RESPECTING THE LEGAL PUBLICITY OF SOLE PROPRIETORSHIPS, PARTNERSHIPS AND LEGAL PERSONS

33. Section 77 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (1993, chapter 48) is amended by replacing the words “Subject to the Act respecting the Ministère des Communications (R.S.Q., chapter M-24), the” in the first and second lines of the first paragraph by the word “The”.

34. The words “Minister of Culture” and “Ministère de la Culture” are replaced, respectively, by the words “Minister of Culture and Communications” and “Ministère de la Culture et des Communications” wherever they occur in the following provisions:

(1) sections 4 and 84 of the Archives Act (R.S.Q., chapter A-21.1);

(2) sections 33 and 61 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1);

(3) sections 1 and 11 of the Cultural Property Act (R.S.Q., chapter B-4);

(4) sections 3 and 185 of the Cinema Act (R.S.Q., chapter C-18.1) and Schedule I to that Act;

(5) section 412 of the Cities and Towns Act (R.S.Q., chapter C-19);

(6) article 493 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(7) section 158.2 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 130 of chapter 3 of the statutes of 1993;

(8) section 1 of the Act respecting artistic, literary and scientific competitions (R.S.Q., chapter C-51);

(9) sections 1, 4, 8, 10 and 14 of the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62) and section 15 of that Act, amended by section 36 of chapter 26 of the 1993;

(10) section 6 of the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1), amended by section 32 of chapter 51 of the statutes of 1993, sections 17 and 52 and Schedule A to that Act;

(11) section 20.6 of the Retail Sales Tax Act (R.S.Q., chapter I-1);

(12) section 68 of the Taxation Act (R.S.Q., chapter I-3), and section 710 of that Act, amended by section 251 of chapter 16 of the statutes of 1993, section 24 of chapter 19 of the statutes of 1993 and section 43 of chapter 64 of the statutes of 1993;

(13) sections 10, 14 and 18 of the Act respecting the Montréal Museum of Fine Arts (R.S.Q., chapter M-42);

(14) section 55 of the National Museums Act (R.S.Q., chapter M-44);

(15) sections 27 and 42 of the Act respecting the Société de la Place des Arts de Montréal (R.S.Q., chapter S-11.03);

(16) sections 27 and 40 of the Act respecting the Société du Grand Théâtre de Québec (R.S.Q., chapter S-14.01);

(17) section 49 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01);

(18) section 76 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1);

(19) sections 5 and 49 of the Act respecting the Conseil des arts et des lettres du Québec (1992, chapter 66), amended by section 43 of chapter 65 of the statutes of 1992.

FINAL PROVISIONS

35. Unless the context indicates otherwise, in any other Act and in any regulation, by-law, order in council, ministerial order, proclamation, order, contract, agreement, accord or other document,

(1) a reference to the Minister or Deputy Minister of Culture or to the Ministère de la Culture is a reference to the Minister or Deputy Minister of Culture and Communications or to the Ministère de la Culture et des Communications;

(2) a reference to the Minister or Deputy Minister of Communications or to the Ministère des Communications is a reference to the Minister or Deputy Minister of Culture and Communications or to the Ministère de la Culture et des Communications in matters devolving to them;

(3) a reference to the Act respecting the Ministère de la Culture or to a provision thereof is a reference to the Act respecting the Ministère de la Culture et des Communications or to the corresponding provision of that Act;

(4) a reference to the Act respecting the Ministère des Communications or to a provision thereof is a reference to the Act respecting the Ministère de la Culture et des Communications or to the corresponding provision of that Act, where the matter in question is a matter to which that Act applies.

36. This Act comes into force on (*insert here the date of assent to this Act*).