

NATIONAL ASSEMBLY

FIRST SESSION

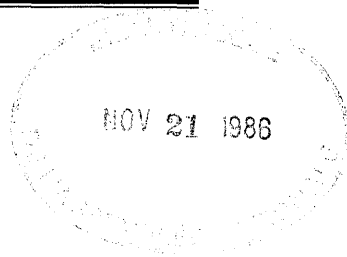
THIRTY-THIRD LEGISLATURE

Bill 157

An Act to amend the Cinema Act

Introduction

**Introduced by
Madam Lise Bacon
Minister of Cultural Affairs**



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EXPLANATORY NOTE

This bill introduces a new special distributor's licence into the Cinema Act to provide for the implementation of the agreement entered into between the Government and Motion Picture Export Association of America.

Bill 157

An Act to amend the Cinema Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Cinema Act (R.S.Q., chapter C-18.1) is amended by replacing section 105 by the following sections:

“105. A special distributor’s licence may be issued only to a person who is the producer of the film or holder of the world rights to the film and who on 17 December 1982 held a licence issued under section 30 of the Licenses Act (R.S.Q., chapter L-3).

For the purposes of this section,

(1) the producer is the person who, according to the terms of the agreement that existed on the first day of shooting, was intended to hold or jointly hold the copyright on the completed film. A legal person is deemed to be intended to hold or jointly hold the copyright if the majority shareholder of the legal person is intended to hold or jointly hold the copyright.

The person shall file an affidavit in the Régie attesting that he, or it, fulfils the requirements of this paragraph;

(2) the holder of the world rights is the person who holds the right to distribute the film throughout the world. A legal person is deemed to hold the world rights if its majority shareholder holds the rights.

The person shall file an affidavit in the Régie attesting that he, or it, holds the world distribution rights.

“105.1 Notwithstanding section 105, a special distributor’s licence may be issued to a member in good standing, on 1 January 1987, of an association of distributors which entered into an agreement, before that date, with the Minister of Cultural Affairs to make films from all parts of the world more readily available to film distributors in Québec.

The licence shall be issued by the Régie, in accordance with the Act and the conditions determined in the agreement, upon the production of a certificate of conformity issued by the Minister in the form prescribed in Schedule I. The Minister shall issue such a certificate to a member who, in the opinion of the Minister, fulfils the requirements of the agreement.

The Minister shall table a copy of the agreement in the National Assembly.”

2. Section 168 of the said Act is amended by striking out paragraph 8 of the first paragraph.

3. The said Act is amended by adding the following schedule:

“SCHEDULE I

CERTIFICATE OF COMPLIANCE (Section 105.1)

WHEREAS (*name of applicant*) has made an application for the issue of a certificate of conformity under section 105.1 of the Cinema Act;

WHEREAS the applicant has proved that he was a member in good standing, on 1 January 1987, of the association which signed a distribution agreement;

WHEREAS the applicant has also proved, to my satisfaction, that he is observing the conditions of that agreement.

IN CONSEQUENCE WHEREOF, in accordance with section 105.1 of the Cinema Act, this certificate of conformity is issued on this day to

DATE: _____

MINISTER OF CULTURAL AFFAIRS”.

4. Section 5 of the Act respecting the Ministère des Affaires Culturelles (R.S.Q., chapter M-20) is amended by adding, at the end, the following paragraph:

“The report shall include a copy of every certificate of conformity issued under section 105.1 of the Cinema Act.”

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