

1994, chapter 2

## AN ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE DU QUÉBEC

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### Bill 135

Introduced by Madam Liza Frulla, Minister of Culture and Communications

Introduced 11 November 1993

Passage in principle 2 December 1993

Passage 3 May 1994

**Assented to 5 May 1994**

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**Coming into force: on the date or dates fixed by the Government, with the exception of sections 1 to 5, 7 to 12, the first paragraph of section 13, and sections 17, 18, 81, 82 and 89 to 95 which will come into force on 5 May 1994**

- 1 November 1994: s. 28  
G.O., 1994, Part 2, p. 2667
- 31 March 1995: ss. 6, 13 (2<sup>nd</sup> par.), 14-16, 19-27, 29-36, 40, 41 (1<sup>st</sup> par., subpar. 1, 2, 3, 4, 5, 7, 2<sup>nd</sup> par.), 42-46, 52-80, 83-88, 96-98  
G.O., 1995, Part 2, p. 49
- 1 September 1995: ss. 37-39  
G.O., 1995, Part 2, p. 49
- 1 December 1995: ss. 47-51  
G.O., 1995, Part 2, p. 49

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### Acts amended:

Act respecting financial assistance for students (R.S.Q., chapter A-13.3)

Act respecting private education (R.S.Q., chapter E-9.1)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Consumer Protection Act (R.S.Q., chapter P-40.1)

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Regulations Act (R.S.Q., chapter R-18.1)

### Act replaced:

Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62)





## CHAPTER 2

### An Act respecting the Conservatoire de musique et d'art dramatique du Québec

[Assented to 5 May 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

## CHAPTER I

### ESTABLISHMENT AND ORGANIZATION

Establish-  
ment

**1.** A Conservatoire is hereby established under the name of "Conservatoire de musique et d'art dramatique du Québec".

Legal person

**2.** The Conservatoire is a legal person.

Head office

**3.** The Conservatoire has its head office in the territory of the Communauté urbaine de Québec. A notice of the location and of any relocation of the head office shall be published in the *Gazette officielle du Québec*.

Board of  
directors

**4.** The affairs of the Conservatoire are administered by a board of directors composed, as and when they are appointed or elected, of the following members:

(1) seven persons from various regions of Québec, including the chairman of the board of directors, appointed by the Minister of Culture and Communications following consultation with bodies considered by the Minister to be representative of the fields of music and dramatic art; two of such persons must be former students, one in music and the other in dramatic art, of the Conservatoire or of the Conservatoire de musique et d'art dramatique de la province de Québec established by the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62);

(2) two persons appointed by the Minister of Education following consultation with bodies considered to be representative of the fields of college and university-level education;

(3) one person appointed by the Minister of Education following consultation with bodies considered to be representative of the fields of elementary and secondary education;

(4) the principal of the institution of the Conservatoire at Montréal which provides instruction in music;

(5) another principal of an institution of the Conservatoire which provides instruction in music, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(6) one principal of an institution of the Conservatoire which provides instruction in dramatic art, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(7) two teachers of institutions of the Conservatoire which provide instruction in music, including one from the Montréal institution, and one teacher from an institution of the Conservatoire which provides instruction in dramatic art, elected respectively by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;

(8) one member of the staff of the Conservatoire belonging to none of the categories mentioned in subparagraphs 5, 6 and 7, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(9) two full-time students at the Conservatoire, one studying music and one studying dramatic art, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01) or, where that provision cannot be applied, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire.

**Elections**

The elections referred to in subparagraphs 5 to 9 of the first paragraph shall be held and presided over by the person designated by the board members in office.

**Terms of office**

**5.** The terms of office of the members of the board of directors referred to in subparagraphs 1 to 3 of the first paragraph of section 4 shall not exceed three years, the terms of the members referred to in subparagraphs 5 to 8 of that paragraph shall not exceed two years, and the terms of the members referred to in subparagraph 9 of that paragraph shall be of one year.

Terms of  
office

The terms of office of the members referred to in subparagraphs 1 to 3 and subparagraph 9 of the first paragraph of section 4 may not be renewed more than once. The terms of office of the members referred to in subparagraphs 5 to 8 of that paragraph may be renewed twice.

Vacancy

Any vacancy in a position held by a student occurring during his term of office shall be filled for the unexpired portion of the term.

Terms of  
office

**6.** At the end of their terms of office, the members of the board of directors remain in office until they are replaced, reappointed or re-elected.

Remunera-  
tion

**7.** The members of the board of directors receive no remuneration. They are, however, entitled, on the presentation of vouchers, to the reimbursement of reasonable expenses incurred in the performance of their duties, on the conditions and to the extent prescribed by by-law of the Conservatoire.

Chairman

**8.** The chairman shall preside over the meetings of the board of directors, supervise its operations and assume all other duties assigned to him by by-law of the Conservatoire.

Vice-  
chairman

**9.** The members of the board of directors shall designate a vice-chairman from among their number.

Vice-  
chairman

When the chairman is absent or unable to act, the vice-chairman shall act as chairman of the board of directors.

Quorum

**10.** A majority of the board members constitutes a quorum at meetings of the board.

Tie-vote

In the case of a tie-vote, the chairman has a casting vote.

Meeting  
place

The board may hold its meetings at any place in Québec.

Special  
meeting

**11.** Upon a written request of a majority of the members of the board in office, the chairman shall call a special meeting of the board.

Conflict of  
interest

**12.** Every member of the board who has a direct or indirect interest in an enterprise that places his personal interest in conflict with that of the Conservatoire must, on pain of forfeiture of office, disclose his interest in writing to the director general, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from the meeting while the matter is discussed or voted on.

Voting	Furthermore, every member of the board who is a member of the staff of the Conservatoire must, on pain of forfeiture of office, abstain from voting on any matter concerning his employment status, remuneration, fringe benefits and other conditions of employment, or those of the category of employees to which he belongs. In addition, the member must, after having been given an opportunity to present his views, withdraw from the meeting while the matter is discussed or voted on.
Voting	The second paragraph applies in the same manner to every member of the board who is a member of the staff, except the principal of an educational institution of the Conservatoire, with respect to any matter concerning the remuneration, fringe benefits and other conditions of employment of other categories of employees.
Rules of internal management	<b>13.</b> The Conservatoire may, by by-law, establish rules for its internal management.
Executive committee	It may, in particular, provide for the establishment of an executive committee and determine its duties and powers; the committee shall be composed of members of the board of directors chosen in the majority from among the members appointed under subparagraph 1 of the first paragraph of section 4, of at least one member chosen from among the members appointed or elected under subparagraphs 5 to 9 of that paragraph and of the principal of the institution of the Conservatoire at Montréal which provides instruction in music.
Director general and academic director	<b>14.</b> The Conservatoire shall appoint a director general and, after obtaining the advice of the academic commissions, it shall appoint an academic director. The advice of the commissions is not, however, required for the appointment of the first academic director.
Terms of office	Their terms of office shall not exceed five years, and may not be renewed more than once.
Full-time duties	They shall discharge their duties on a full-time basis.
Director general	<b>15.</b> The director general is responsible for the management of the Conservatoire within the scope of its by-laws and policies.
Academic director	Under the authority of the director general, the academic director shall deal with matters of an academic nature.
Meetings	The director general and the academic director shall take part in the meetings of the board of directors of the Conservatoire and of the executive committee but are not entitled to vote.

Conflict of  
interest

**16.** In no case may the director general or the academic director, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that places his personal interest in conflict with that of the Conservatoire. However, forfeiture is not incurred where such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with dispatch.

Signature

**17.** No act, document or writing shall be binding upon the Conservatoire unless it is signed by the chairman, the director general or a staff member of the Conservatoire, and, where signed by a staff member, it shall be binding only to the extent determined by by-law of the Conservatoire.

Signature

The Conservatoire may, on the conditions and with respect to the documents it determines, allow a required signature to be affixed by means of an automatic device, or allow a facsimile of a signature to be engraved, lithographed or printed. However, the facsimile has the same value as the signature itself only if the document is countersigned by a person authorized by the chairman or the director general.

Minutes

**18.** The minutes of the meetings of the board of directors, approved by the board and certified by the chairman or by any other person authorized to do so by the Conservatoire, are authentic. The same rule applies in respect of documents or copies emanating from the Conservatoire or forming part of its records when signed or certified as true copies by one of those persons.

## CHAPTER II

### OBJECTS AND POWERS

Objects

**19.** The objects of the Conservatoire are to administer and operate, in various regions of Québec, institutions providing instruction in music and institutions providing instruction in dramatic art for the professional training and continuing education of performing artists and creative artists.

Objects

A further object of the institutions providing instruction in music is to foster and encourage, in their communities, initial training of high standard in the field of music, as well as the presence and vitality of bodies essential to the music world.

Objects

In the pursuit of its objects, the Conservatoire shall take account of the specific characteristics of each educational institution.

**Regulations**      **20.** The Conservatoire shall establish, by by-law, education regulations applicable to instruction in music, and education regulations applicable to instruction in dramatic art. These regulations shall pertain, subject to section 21, to the general organizational framework of the educational services, in particular as regards the admission and registration of students, regular attendance by students, programs of studies, the evaluation of learning achievement and the certification of studies.

**Applicable provisions**      **21.** The College Education Regulations, established under section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29), shall apply to the college-level instruction that, with the authorization of the Minister of Education, may be dispensed by the Conservatoire, any reference therein to colleges being read as a reference to the Conservatoire.

**Diplomas or attestations**      Diplomas or other attestations relating to programs of college studies shall be awarded pursuant to the College Education Regulations.

**Degrees, diplomas, certificates or attestations**      **22.** The Conservatoire may award the degrees, diplomas, certificates or other attestations of university studies to which a program of studies established and implemented by the Conservatoire with the authorization of the Minister of Education leads.

**By-laws**      **23.** The Conservatoire may, by by-law,

(1) prescribe the payment of admission or registration fees for the educational services offered by the Conservatoire, and of tuition fees for such services;

(2) fix the terms and conditions of payment of the fees referred to in subparagraph 1 and determine the sanctions and penalties which apply, or may apply, in case of failure to pay or late payment;

(3) determine the cases where withdrawal from a course gives entitlement to a refund of all or part of the tuition fees.

**Fees**      Such fees may vary according to the class of students or program of studies involved, or apply only to certain classes of students or programs of studies.

**Fees**      The requirement to pay tuition fees and the amount of such fees are governed by the by-laws in force on the date of the registration of the student by the Conservatoire.

Rules of conduct and discipline

**24.** The Conservatoire may, by by-law, establish rules of conduct and discipline applicable to its students, including the related sanctions.

Powers

**25.** In order to achieve its objects, the Conservatoire may, in particular,

- (1) adopt the programs of studies of the Conservatoire;
- (2) award degrees, diplomas, certificates or other attestations of studies relating to the programs of studies, including the “Prix du Conservatoire”;
- (3) enter into service agreements, with or without consideration, with any person or body;
- (4) create competitions for the awarding of prizes, and set the conditions related thereto;
- (5) enter, according to law, into agreements with governments other than the Government of Québec, with a department or body of such a government or with an international organization or with a body of such an organization;
- (6) form juries responsible for evaluating candidates for the “Prix du Conservatoire” and candidates participating in any other competition or examination, and determine their operating rules;
- (7) form advisory committees, in addition to the advisory bodies provided for in Chapter III, to facilitate the carrying out of this Act, and determine the duties, powers and operating rules of such committees;
- (8) solicit and receive gifts, legacies, subsidies and other contributions provided that the conditions that are attached thereto are compatible with the objects of the Conservatoire.

Agreement

**26.** The Conservatoire may, in addition, enter into any agreement of association or affiliation, with or without consideration, with a body dispensing training in the scenic arts field or the audiovisual field.

Exception

**27.** The Conservatoire shall not acquire, build, enlarge, convert, hypothecate or alienate an immovable, except with the authorization of the Government.



Staffing plan      **28.** The members of the staff of the Conservatoire shall be appointed according to the staffing plan established by the Conservatoire.

Approval          Such plan shall be submitted to the Government for approval.

Staff mem-      **29.** The Conservatoire shall determine, by by-law, the  
bers not rep- conditions of employment, classification and remuneration of the  
resented by members of its staff who are not members of a certified association  
certified within the meaning of the Labour Code (R.S.Q., chapter C-27).  
association

Approval          Such by-law shall be submitted to the Government for approval.

Collective      **30.** The Conservatoire may exercise a mandate for the  
labour agree- negotiation of a collective labour agreement in accordance with the  
ment conditions it has determined and which have been approved by the  
Government.

## CHAPTER III

### ADVISORY BODIES OF THE CONSERVATOIRE

#### DIVISION I

##### ACADEMIC COMMISSIONS

Establish-      **31.** A music studies commission called the Commission des  
ment études musicales, and a dramatic art commission called the  
Commission des études en art dramatique are hereby established at  
the Conservatoire.

Members      **32.** The music studies commission shall be composed of the  
following members:

(1) the academic director of the Conservatoire;

(2) the principal of the institution of the Conservatoire at Montréal which provides instruction in music, and one other principal of an institution of the Conservatoire which provides instruction in music, appointed by the Conservatoire;

(3) six teachers from institutions of the Conservatoire which provide instruction in music, including two teachers from the Montréal institution, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;

(4) two students studying music on a full-time basis at the Conservatoire, appointed in accordance with section 32 of the Act

respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01) or, where that provision cannot be applied, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;

(5) a former music student of the Conservatoire or of the Conservatoire de musique et d'art dramatique de la province de Québec, established by the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62), appointed by the Conservatoire;

(6) one person appointed by the other members of the commission in office.

Representa-  
tives

The representatives of the students must be from different institutions; the same applies to the representatives of the teachers, except those representing the Montréal institution.

Members

**33.** The dramatic art commission shall be composed of the following members:

(1) the academic director of the Conservatoire;

(2) two principals of institutions of the Conservatoire which provide instruction in dramatic art, appointed by the Conservatoire;

(3) four teachers from institutions of the Conservatoire which provide instruction in dramatic art, including two from the Montréal institution and two from the Québec institution, elected, respectively, by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;

(4) two students studying dramatic art on a full-time basis at the Conservatoire, one in Montréal and the other in the city of Québec, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01) or, where that provision cannot be applied, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;

(5) a former dramatic art student of the Conservatoire or of the Conservatoire de musique et d'art dramatique de la province de Québec, established by the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62), appointed by the Conservatoire;

(6) one person appointed by the other members of the commission in office.

Chairman **34.** The members of each academic commission shall designate a chairman from among their number.

Terms of office **35.** The members of an academic commission shall be appointed or elected for the period determined by by-law of the Conservatoire.

Operating rules The operating rules of a commission shall also be determined by by-law of the Conservatoire.

Remuneration **36.** The members of a commission receive no remuneration. They are, however, entitled, on the presentation of vouchers, to be reimbursed for the reasonable expenses incurred in the performance of their duties, on the conditions and to the extent prescribed by by-law of the Conservatoire.

Principal **37.** The principal of an educational institution may cause the person in charge of academic affairs at the institution to represent him, with the full exercise of his powers, on one of the academic commissions.

Functions **38.** The function of the academic commissions, in their respective fields, is to advise the Conservatoire on any question concerning the education regulations, the programs of studies dispensed by the Conservatoire and the evaluation of learning achievement, including the procedures for the certification of studies.

Functions The commissions may also, regarding such matters, make recommendations to the Conservatoire.

Advice **39.** The academic commissions must advise the Conservatoire on any question submitted by the Conservatoire in matters within their competence.

Required documents The following must be submitted to the competent commission before being discussed by the board of directors:

- (1) the draft by-laws relating to the education regulations;
- (2) the proposed programs of studies of the Conservatoire;
- (3) the proposals concerning the "Prix du Conservatoire", and the competitions of the Conservatoire.

## DIVISION II

## ORIENTATION COMMITTEES

Establish-  
ment

**40.** An orientation committee is hereby established in each educational institution of the Conservatoire.

Members

**41.** The orientation committee of an institution providing instruction in music shall include at least the following members:

(1) three teachers at the institution, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire and, where applicable, the person in charge of academic affairs at the institution;

(2) one member of the non-teaching staff of the institution, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(3) one full-time student attending the institution, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01) or, where that provision cannot be applied, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(4) one parent of a student attending the institution who is not a member of the teaching staff of the institution, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(5) one person appointed by the other members of the orientation committee in office, following consultation with bodies involved in the field of music;

(6) one person appointed by the other members of the orientation committee in office, following consultation with private institutions providing music instruction under a restricted permit issued under the Act respecting private education (R.S.Q., chapter E-9.1);

(7) one or two persons appointed by the other members of the orientation committee in office, following consultation with school boards, general and vocational colleges, university-level institutions and private institutions accredited for purposes of subsidies.

Members

The members of the orientation committee in office may appoint additional members.

**Members**            **42.** The orientation committee of an institution providing instruction in dramatic art shall include at least the following members:

(1) two teachers of the institution, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;

(2) one member of the non-teaching staff of the institution, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(3) one full-time student attending the institution, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01) or, where that provision cannot be applied, elected by a majority vote of his peers, in accordance with the by-laws of the Conservatoire;

(4) two persons appointed by the other members of the orientation committee in office, following consultation with bodies the Conservatoire considers representative of the dramatic art field;

(5) one person appointed by the other members in office of the orientation committee of the institution, following consultation with general and vocational colleges and university-level institutions.

**Members**            The members of the orientation committee in office may appoint additional members.

**Terms of office**            **43.** The members of an orientation committee shall be appointed or elected for the period determined by by-law of the Conservatoire.

**Operating rules**            The operating rules of an orientation committee shall also be determined by by-law of the Conservatoire.

**Chairman**            **44.** The members of an orientation committee must designate a chairman from among their number.

**Restriction**            However, no member of the staff of an institution of the Conservatoire may be the chairman of an orientation committee.

**Remuneration**            **45.** The members of an orientation committee receive no remuneration. They are, however, entitled, on the presentation of vouchers, to be reimbursed for the reasonable expenses incurred in the performance of their duties, on the conditions and to the extent prescribed by by-law of the Conservatoire.

**Meetings**            **46.** The principal of an institution shall take part in meetings of the orientation committee but is not entitled to vote.

Meeting

**47.** The orientation committee of each institution shall meet at least twice each year.

Meeting place

**48.** The orientation committee may meet on the premises of the educational institution.

Administrative support services and equipment

It may also use the institution's administrative support services and equipment, in accordance with the terms and conditions established by the principal of the institution following consultation with the orientation committee.

Advisory function

**49.** The orientation committee shall advise the Conservatoire on any question submitted by the Conservatoire concerning the orientation of the institution, taking into account, in particular, the needs of a region as regards music and dramatic art, and labour market prospects for holders of diplomas.

Advisory function

The orientation committee shall also advise the Conservatoire on any matter likely to improve the organization of services provided by the institution.

Consultation

**50.** The orientation committee must be consulted by the Conservatoire concerning

(1) the appointment of the principal of the institution;

(2) the conditions governing the implementation of the education regulations at the institution;

(3) the conditions governing the organization of instruction in the institution;

(4) the draft by-laws concerning the conduct and discipline of students;

(5) the budget allotted to the institution.

Consultation

The orientation committee of an institution providing instruction in music must advise the Conservatoire on the objectives to be achieved in initial training in the field of music, and on the presence and vitality of bodies essential to the music world.

Duties and powers

**51.** The orientation committee shall, in addition, perform the duties and exercise the powers that may be delegated to it, by by-law, by the Conservatoire.

Delegation      The delegation is valid for one year. It shall be extended from one year to the next unless otherwise decided in accordance with the first paragraph.

## CHAPTER IV

### FINANCIAL PROVISIONS

Fiscal year      **52.** The fiscal year of the Conservatoire shall end on 30 June each year.

Budget      **53.** The Conservatoire must adopt and forward to the Minister of Culture and Communications on or before the date and in the form he determines, its operating, investment and debt service budget for the ensuing fiscal year.

Budget      The budget must determine the financial resources allotted to each educational institution of the Conservatoire. It must be accompanied with any information or document which the Minister may require concerning the activities of the Conservatoire.

Budget      **54.** The budget must maintain a balance between expenditures, on the one hand, and the subsidies granted to the Conservatoire by the Minister and its other revenues, on the other.

Surplus      The Conservatoire may include any surplus in its budget, as revenue.

Deficit      It must include any deficit in its budget, as expenditure.

Budget      **55.** The Minister may, on the conditions and according to the procedure he determines, authorize the Conservatoire to adopt a budget that does not maintain the balance referred to in section 54.

Expenditures      **56.** If, on 1 July, the Conservatoire has not adopted its budget, it is authorized to incur, for that month, expenditures equal to one-twelfth of the amount of its expenditures for the preceding school year.

Expenditures      The same applies for each month of the school year if, on the first day of the month, the budget has not been adopted.

Payments or obligations      **57.** The Conservatoire may not make payments or assume obligations the cost of which exceeds, in the same fiscal year, the amounts at its disposal for the fiscal year in which such payments or obligations are made or assumed.

**Commitment** Nothing in this section shall prevent the Conservatoire from making a commitment for a term of more than one fiscal year.

**Interim reports** **58.** The Conservatoire shall forward to the Minister, on the dates and in the form he determines, interim reports on its financial situation.

**Information** It must also provide the Minister with any information he requires concerning its activities.

**Financial statements** **59.** The financial statements of the Conservatoire, together with the financial reports required by the Minister, shall be forwarded to the latter on or before 1 December each year in the form he determines.

**Report of activities** The Conservatoire shall also submit to the Minister, within the same time limit, a report of its activities for the preceding fiscal year.

**Reports and statements** The Minister shall table the reports and statements before the National Assembly within 30 days of receiving them or, if the National Assembly is not sitting, within 30 days of resumption.

**Audit** **60.** The books and accounts of the Conservatoire shall be audited each year by the Auditor General and, in addition, each time the Government so orders.

**Auditor's report** The report of the auditor must be submitted with the report of the activities and the financial statements of the Conservatoire.

**Short-term investments** **61.** The Conservatoire may use the funds put at its disposal under this Act to make short-term investments

(1) in securities issued or guaranteed by the Government of Canada, the Gouvernement du Québec or the government of another Canadian province;

(2) in securities issued by the municipalities of Québec;

(3) in deposits with a bank or financial institution registered with the Régie de l'assurance-dépôts du Québec, or in certificates, notes or other short-term securities or instruments issued or guaranteed by a bank or any such financial institution.

**Loans** **62.** In no case may the Conservatoire, unless authorized by the Government, contract a loan that increases its total outstanding borrowings to more than the amount determined by the Government.



Guarantee **63.** The Government may, on the conditions it determines, guarantee the payment in capital and interest of any loan or other obligation contracted or assumed by the Conservatoire.

Consolidated revenue fund The sums required under this section shall be taken out of the consolidated revenue fund.

Subsidies **64.** The Minister may, on the conditions he determines, grant, with the authorization and on behalf of the Government, a subsidy to the Conservatoire to provide, in whole or in part, for the payment in capital and interest of any loan contracted by the Conservatoire.

Subsidies **65.** The Minister may withhold or cancel all or part of the amount of a subsidy intended for the Conservatoire, other than a subsidy referred to in section 64, if the Conservatoire refuses or neglects to comply with a provision of this Act or a condition to the grant of the subsidy.

## CHAPTER V

### SUPERVISORY AND CONTROL MEASURES

Investigations and inquiries **66.** The Minister of Culture and Communications may direct a person he designates to investigate whether the provisions of this Act are being complied with by the Conservatoire, or to inquire into any matter related to the educational methods, administration or operation of the Conservatoire.

Immunity and powers The person so designated shall have, for the purposes of the investigation or inquiry, the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Investigations and inquiries The Minister and Deputy Minister shall possess, by virtue of their office, the authority to make investigations or inquiries.

Administration by the Minister **67.** The Minister may, after having given the Conservatoire an opportunity to present its views, assume the administration of the Conservatoire in the place and stead of the board of directors for a period of not more than 120 days,

(1) where the Conservatoire engages in practices or tolerates a situation incompatible with the pursuit of its objects;

(2) where the Minister considers that there has been a gross fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board of directors;

(3) where the Conservatoire has been seriously remiss in the performance of its obligations under this Act.

Extension

**68.** The period provided for in section 67 may be extended by the Government, provided that none of the extensions exceeds 90 days.

Provisional  
administra-  
tion

**69.** Where the Minister assumes the provisional administration of the Conservatoire, the powers of the board of directors are suspended and are thereupon exercised by the Minister.

Immunity

**70.** No person who assumes, under the authority of the Minister, the provisional administration of the Conservatoire may be prosecuted for an official act performed in good faith in the performance of his duties.

Report

**71.** The Minister shall make a report to the Government upon ascertaining that a situation described in section 67 has been corrected or that it will not be possible to correct it before the end of the provisional administration.

Receipt of  
report

**72.** After receiving the report of the Minister, the Government may

(1) terminate the provisional administration on the date it fixes or extend it; or

(2) declare the members of the board of directors forfeited of office and order the Minister to see to their replacement in accordance with section 4.

## CHAPTER VI

### CONCORDANCE AMENDMENTS

c. A-13.3,  
s. 4, am.

**73.** Section 4 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3) is amended by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) he has obtained a diploma, or the equivalent of a doctoral degree, from the Conservatoire de musique et d'art dramatique de la province de Québec, established by the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62), or a university degree or the equivalent from the Conservatoire de musique et d'art dramatique du Québec;”.

c. E-9.1, s. 4,  
am.

**74.** Section 4 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended by inserting, after paragraph 1, the following paragraph:

“(1.1) to the Conservatoire de musique et d’art dramatique du Québec;”.

c. F-2.1,  
s. 204, am.

**75.** Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 139 of chapter 68 of the statutes of 1992, is again amended by replacing paragraph 13 by the following paragraph:

“(13) an immovable belonging to a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (R.S.Q., chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;”.

c. F-2.1,  
s. 236, am.

**76.** Section 236 of the said Act, amended by section 140 of chapter 68 of the statutes of 1992, is again amended by inserting the words “the Conservatoire de musique et d’art dramatique du Québec,” after the word and figure “(chapter I-17),” in the tenth line of paragraph 1.

c. F-2.1,  
s. 255, am.

**77.** Section 255 of the said Act, amended by section 141 of chapter 68 of the statutes of 1992, is again amended

(1) by inserting the words “to the Conservatoire de musique et d’art dramatique du Québec,” after the words and figure “of section 204,” in the second line of the third paragraph;

(2) by replacing the words “such an establishment, institution or college” in the tenth and eleventh lines of the third paragraph by the words “an institution or a college referred to in this paragraph or by the Conservatoire de musique et d’art dramatique du Québec”.

c. P-40.1,  
s. 188, am.

**78.** Section 188 of the Consumer Protection Act (R.S.Q., chapter P-40.1), amended by section 151 of chapter 68 of the statutes of 1992, is again amended by inserting, after paragraph *g*, the following paragraph:

“(g.1) the Conservatoire de musique et d’art dramatique du Québec established under the Act respecting the Conservatoire de musique et d’art dramatique du Québec (1994, chapter 2);”.

c. R-10,  
Sched. I, am.

**79.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by

orders in council 327-93 of 17 March 1993, 1202-93 of 1 September 1993, 1573-93 of 17 November 1993 and 1728-93 of 8 December 1993 and by section 153 of chapter 68 of the statutes of 1992, section 65 of chapter 40 of the statutes of 1993, section 31 of chapter 41 of the statutes of 1993, section 6 of chapter 50 of the statutes of 1993 and section 13 of chapter 74 of the statutes of 1993, is again amended by inserting the words "the Conservatoire de musique et d'art dramatique du Québec" in paragraph 1 at the place determined by the alphabetical order of the French text.

c. R-18.1,  
s. 3, am.

**80.** Section 3 of the Regulations Act (R.S.Q., chapter R-18.1), amended by section 691 of chapter 57 of the statutes of 1992, is again amended by inserting, after paragraph 3, the following paragraph:

"(3.0.1) draft by-laws or by-laws of the Conservatoire de musique et d'art dramatique du Québec;"

## CHAPTER VII

### TRANSITIONAL AND FINAL PROVISIONS

First board  
of directors

**81.** The first board of directors of the new Conservatoire, composed of the members appointed pursuant to subparagraphs 1 to 3 of the first paragraph of section 4, is charged with taking all the preparatory measures necessary for the operation of the new Conservatoire from the date of coming into force of Chapter II, except the measures coming under the responsibility of the Minister of Culture and Communications pursuant to section 82.

Functions

The board of directors shall, before that date,

(1) adopt the by-laws referred to in sections 4, 7, 29, 32, 33, 35, 36, 41, 42, 43 and 45 and in the first paragraph of section 13;

(2) establish the staffing plan of the Conservatoire;

(3) establish an assignment plan for the employees who will be transferred to the new Conservatoire under section 89;

(4) adopt and transmit to the Minister, according to the conditions prescribed in sections 53 and 54, the budget of the new Conservatoire for its first fiscal year.

Assistance  
furnished by  
department  
personnel

The first board of directors may, for such purposes and with the authorization of the Minister, request the assistance of the personnel of the Ministère de la Culture et des Communications or contract a loan.

Publication	The board of directors must make public, in the manner it considers most appropriate, the by-laws adopted under section 4.
By-laws	The by-laws adopted by the first board of directors pursuant to subparagraph 1 of the second paragraph of this section must be adopted again, with or without amendment, at a meeting of the board of directors composed of all members appointed or elected under section 4.
Powers	<b>82.</b> The Minister may, on behalf of the new Conservatoire and before the coming into force of Chapter II, admit and register students and hire teachers and non-teaching staff.
Substitution	<b>83.</b> Unless the context indicates otherwise, the new Conservatoire is substituted by operation of law for the former Conservatoire, namely, the Conservatoire established under chapter C-62 of the Revised Statutes of Québec, in any regulation, order in council, order, directive, contract or other document in which the former Conservatoire is mentioned.
Words replaced	For that purpose, the term “institution” is substituted for the term “branch”, where necessary.
Branches	<b>84.</b> The branches of the former Conservatoire, namely, for instruction in dramatic art, those at Montréal and Québec, and for instruction in music, those at Chicoutimi, Hull, Montréal, Québec, Rimouski, Trois-Rivières and Val d'Or, become institutions of the new Conservatoire as if they had been established by the new Conservatoire.
Movable property	<b>85.</b> All movable property belonging to the State which, on 30 March 1995, is used for the operation of the former Conservatoire becomes, on the conditions determined by the Government, the movable property of the new Conservatoire.
Substitution	In every matter pending in respect of the movable property, the new Conservatoire is substituted for the Attorney General, without continuance of suit.
Basic school regulations and programs of studies	<b>86.</b> The basic school regulations and the programs of studies in force at the former Conservatoire become the education regulations and the programs of studies of the new Conservatoire, subject to their being replaced or amended by the new Conservatoire.
Acts of former Conservatoire	<b>87.</b> All acts performed for the former Conservatoire are binding on the new Conservatoire as if the latter had performed them.

Records and documents

**88.** The records and other documents of the Ministère de la Culture et des Communications concerning the former Conservatoire become the records and documents of the new Conservatoire, to the extent determined by the Minister.

Employees

**89.** The employees, including the managerial personnel, of the Direction générale du Conservatoire de musique et d'art dramatique of the Ministère de la Culture et des Communications and the employees of the branches of the former Conservatoire become the employees of the new Conservatoire, subject to the provisions of any collective agreement applicable to them, and to the extent that an order in council providing for their transfer is made before 5 May 1995. The same applies to any other employee of the Ministère de la Culture et des Communications who is assigned, mainly or partly, to tasks related to the activities of the new Conservatoire.

Positions and duties

Such employees shall hold the positions and perform the duties assigned to them by the new Conservatoire, subject to the provisions of any collective agreement applicable to them.

Transfer

**90.** Every employee transferred to the new Conservatoire under section 89 may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) if, on the date on which he was transferred to the new Conservatoire, he was a public servant with permanent tenure in the department.

Provisions applicable

Section 35 of the Public Service Act applies to any employee who enters such a competition for promotion.

Assessment of classification

**91.** Where an employee referred to in section 90 applies for a transfer or enters a competition for promotion, he may require the Office des ressources humaines to give him an assessment of the classification that would be assigned to him in the public service. The assessment must take account of the classification of the employee on the date of the transfer, as well as the years of experience and the formal training acquired in the course of his employment with the new Conservatoire.

Classification

Where an employee is transferred pursuant to section 90, the deputy minister or chief executive officer shall assign to him a classification compatible with the assessment provided for in the first paragraph.

Classification

Where an employee is promoted pursuant to section 90, his classification must take account of the criteria set out in the first paragraph.

Shortage of  
work

**92.** Where some or all of the activities of the new Conservatoire are discontinued or if there is a shortage of work, an employee referred to in section 90 is entitled to be placed on reserve in the public service with the classification he had before he was transferred.

Classification

In such a case, the Office des ressources humaines shall, where applicable, establish his classification taking account of the criteria set out in the first paragraph of section 91.

Person  
placed on  
reserve

**93.** A person placed on reserve pursuant to section 92 shall remain with the new Conservatoire until the Office des ressources humaines is able to assign him a position.

Appeal

**94.** Subject to the recourses available under a collective agreement, an employee referred to in section 90 who is dismissed may bring an appeal under section 33 of the Public Service Act.

Associations  
of employees

**95.** The associations of employees certified in accordance with the provisions of Chapter IV of the Public Service Act that represent groups of employees of the Ministère de la Culture et des Communications on the date on which the employees were transferred in accordance with section 89, continue to represent those employees at the new Conservatoire until the date of expiry of the collective agreements in force at the time of the transfer.

Associations  
of employees

The associations of employees shall also represent the future employees of the new Conservatoire, according to the groups to which they belong, until the collective agreements referred to in the first paragraph expire.

Collective  
agreements

The provisions of the collective agreements continue to apply to the employees of the new Conservatoire so far as they are applicable, until they expire.

Exception

However, the provisions of the collective agreements concerning job security do not apply to the employees referred to in the second paragraph.

c. C-62,  
replaced

**96.** This Act replaces the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62).

Reference

Any reference to the latter Act shall be a reference to this Act.

Appropriations

**97.** The appropriations granted for the fiscal year 1994-95 to the Ministère de la Culture et des Communications are, to the extent and

according to the terms and conditions determined by the Government, transferred to the new Conservatoire.

Consolidated revenue fund

The other sums required for the carrying out of this Act are taken, for the same fiscal year, out of the consolidated revenue fund, to the extent determined by the Government.

Minister responsible

**98.** The Minister of Culture and Communications is responsible for the administration of this Act.

Coming into force

**99.** The provisions of this Act will come into force on the date or dates fixed by the Government, with the exception of sections 1 to 5, 7 to 12, the first paragraph of section 13, and sections 17, 18, 81, 82 and 89 to 95 which will come into force on 5 May 1994.