

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 71

**AN ACT TO AMEND THE CINEMA ACT
AND THE ACT RESPECTING THE SOCIÉTÉ
DE DÉVELOPPEMENT DES INDUSTRIES DE
LA CULTURE ET DES COMMUNICATIONS**

Bill 59

Introduced by Madam Lise Bacon, Minister of Cultural Affairs

Introduced 19 June 1987

Passage in principle 11 November 1987

Passage 17 December 1987

Assented to 17 December 1987

Coming into force: on the date fixed by the Government

Acts amended:

Cinema Act (R.S.Q., chapter C-18.1)

Act respecting the Société de développement des industries de la culture et des communications (R.S.Q., chapter S-10.01)



Éditeur officiel
Québec



CHAPTER 71

An Act to amend the Cinema Act and the Act respecting the Société de développement des industries de la culture et des communications

[Assented to 17 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-18.1,
s. 9,
replaced **1.** Section 9 of the Cinema Act (R.S.Q., chapter C-18.1) is replaced
by the following sections:

Financial as-
sistance **“9.** Financial assistance may be granted to the private sector of
the cinema industry by the Société générale des industries culturelles
contemplated in the third paragraph of section 1 of the Act respecting
the Société générale des industries culturelles (R.S.Q., chapter S-10.01)
out of the funds annually allocated by the Government to that sector,
and according to the assistance plan, programs and criteria for the
allotment of such assistance established in accordance with this Act.

Functions of
SOGIC For that purpose, the functions of the Société in the field of cinema
are

(1) to recognize as Québec films such works as it may indicate in
accordance with the standards established by regulation of the
Government;

(2) to promote or provide assistance for cinematographic creation
and the production of films recognized as Québec films;

(3) to promote or provide assistance for the distribution and
exhibition of films in Québec as well as the development of technical
industries;

(4) to promote or provide assistance to the Québec cinema by fostering its participation in film festivals and other cinematographic events and to promote cinematographic culture in Québec;

(5) to encourage the participation of television enterprises in producing and broadcasting Québec films;

(6) to encourage or provide assistance for training, research, development and innovation in the field of cinema.

Management of funds

“9.1 The Société shall manage the funds that the Government allocates to the private sector of the cinema industry in accordance with the assistance plan and programs, and shall allot financial assistance in any form contemplated in section 10.

Regulations

“9.2 The Société may, for the purpose of the programs, prescribe by regulation the form of applications for financial assistance presented to it, the information they must contain and the documents which must accompany them as well as the other requirements which must be met by applicants for financial assistance.”

c. C-18.1,
s. 11,
replaced

2. Section 11 of the said Act is replaced by the following section:

Assistance plan

“11. Each year, the Société shall establish the financial assistance plan, the programs and the criteria for the allotment of such assistance which it proposes for the next fiscal year.

Approval

The Société shall submit the plan and the programs to the Minister for approval. The Minister shall consult the Institut québécois du cinéma before approving the plan and the programs.

Criteria

The Société shall submit the criteria for the allotment of such assistance to the Government for approval.”

c. C-18.1,
ss. 12, 13,
repealed

3. Sections 12 and 13 of the said Act are repealed.

c. C-18.1,
s. 14,
replaced

4. Section 14 of the said Act is replaced by the following section:

Transmission of sums

“14. Following the approvals, the Minister shall transmit to the Société the sums allocated by the Government to the private sector of the cinema industry.”

c. C-18.1,
s. 17,
replaced

5. Section 17 of the said Act is replaced by the following section:

Board of directors

“17. The affairs of the Institut shall be administered by a board of directors composed of eleven members appointed by the Government in accordance with this division.”

c. C-18.1,
s. 20,
replaced

6. Section 20 of the said Act is replaced by the following section:

Other mem-
bers

“20. The Minister shall propose to the Government the appointment of three other members representing fields of prior interest to the Institut who do not belong to an association recognized under section 18.”

c. C-18.1,
s. 22, am.

7. Section 22 of the said Act is amended by striking out the second paragraph.

c. C-18.1,
s. 26,
replaced

8. Section 26 of the said Act is replaced by the following section:

Remunera-
tion

“26. The members of the Institut are not remunerated, except in the cases, on the conditions and to the extent determined by the Government, but they are entitled to reimbursement for expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.”

c. C-18.1,
s. 30, am.

9. Section 30 of the said Act is amended by replacing the first paragraph by the following paragraph:

Quorum

“30. Six members, including the chairman or the vice-chairman, are a quorum at sittings of the Institut.”

c. C-18.1,
s. 31,
repealed

10. Section 31 of the said Act is repealed.

c. C-18.1,
s. 32, am.

11. Section 32 of the said Act is amended by striking out the words “or the secretary” in the first line.

c. C-18.1,
s. 33, am.

12. Section 33 of the said Act is amended by replacing the words “, the vice-chairman or the secretary” in the second and third lines by the words “or the vice-chairman”.

c. C-18.1,
s. 34, am.

13. Section 34 of the said Act is amended

(1) by striking out the words “secretary and the other” in the second line of the first paragraph;

(2) by striking out the words “secretary and other” in the second line of the second paragraph.

c. C-18.1,
ss. 35, 36,
replaced

14. Sections 35 and 36 of the said Act are replaced by the following sections:

Functions of
Institut

“35. The functions of the Institut are to advise the Minister on the devising and implementation of the policy on the cinema industry.

Advisory
role

“36. Within the scope of the policy on the cinema industry, the Institut shall also advise the Minister on

(1) the objectives in the field of cinema and the assistance plan and programs proposed by the Société générale des industries culturelles;

(2) draft regulations of the Government or of the Régie du cinéma.

Research

The Institut may also conduct research and studies in the field of cinema.

Public
hearing

“36.1 The Institut shall, at least once during successive two-year periods, hold a public hearing on any of the subjects dealt with in Chapter III. The Institut shall give a public notice stating that it intends to hold such a hearing and specifying the subject of the hearing.

Hearing
committee

For the purposes of this section, the Institut shall form a hearing committee composed of representatives from the milieus concerned by the subject chosen and submit the composition of the committee, for approval, to the Minister, who shall ensure that the committee is representative.”

c. C-18.1,
s. 39,
repealed

15. Section 39 of the said Act is repealed.

c. C-18.1,
s. 46, am.

16. Section 46 of the said Act is amended by striking out the words “and of the Société” in the second line.

c. C-18.1,
Chap. II,
Div. V,
repealed

17. Division V of Chapter II of the said Act is repealed.

c. C-18.1,
s. 73, am.

18. Section 73 of the said Act is amended by striking out paragraph 3.

c. C-18.1,
s. 83,
replaced

19. Section 83 of the said Act is replaced by the following section:

Rules

“83. The Régie may affix its stamp according to the following rules:

(1) if a version other than the French version is exhibited with a print having French dubbing, the Régie shall stamp at least as many prints with French dubbing as there are prints in a version other than the French version; except in the cases and on the conditions determined by regulation of the Government, a person applying for a stamp shall make an undertaking to the Régie to exhibit the prints dubbed in French simultaneously;

(2) if only one version other than the French version exists and the person applying for a stamp files a contract with the Régie for the French dubbing of the film in Québec and proof of delivery of the elements of dubbing to the person responsible therefor, the Régie shall affix a provisional stamp to the number of prints, for the term and on the other conditions prescribed by regulation of the Government;

(3) if the person applying for a stamp proves that only one version other than the French version exists, a provisional stamp shall be affixed by the Régie to one copy only for the term and on the conditions prescribed by regulation of the Government."

20. Sections 92, 98, 115 and 182 of the said Act are amended by replacing the words "of the Régie", wherever they appear, by the words "of the Government".

c. C-18.1,
ss. 92, 98,
115, 182,
am.

21. Section 94 of the said Act is amended by adding, at the end, the words "and of the Government".

c. C-18.1,
s. 94, am.

22. Section 97 of the said Act is amended

c. C-18.1,
s. 97, am.

(1) by replacing the words "Régie, transmit twice a month to the latter" in the second line of the first paragraph by the words "Government, transmit twice a month to the Régie";

(2) by replacing the word "Régie" in subparagraph 7 of the second paragraph by the word "Government";

(3) by replacing the following: "1 to 5" in the second line of the third paragraph by the following: "3 and 4".

23. Section 102 of the said Act is amended by replacing the second paragraph by the following paragraph:

c. C-18.1,
s. 102, am.

Exception "The first paragraph does not apply to a dealer in respect of the films he has purchased, leased or borrowed from or exchanged with a person who is the holder of a distributor's licence."

24. The said Act is amended by inserting, after section 105.1, the following section:

c. C-18.1,
s. 105.2,
added

Coproduc-
tion agree-
ment

"105.2 Notwithstanding sections 105 and 105.1, the Régie may issue a special distributor's licence to the producer of a film produced under a coproduction agreement recognized by the Government as giving entitlement to obtain such a permit."

25. Section 108 of the said Act is amended

c. C-18.1,
s. 108, am.

(1) by replacing the words “Régie, transmit to it” in the second line of the first paragraph by the words “Government, transmit to the Régie,”;

(2) by replacing the word “Régie” in the second line of the third paragraph by the word “Government”.

c. C-18.1,
s. 109,
replaced

26. Section 109 of the said Act is replaced by the following section:

Investment
in film
production

“109. The holder of a distributor’s licence shall, within the time limits and on the conditions determined by regulation of the Government, invest in the production of Québec films, within the meaning of the standards prescribed by regulation of the Government, a percentage of the total gross distribution revenue it realizes annually in Québec.

Percentage
of revenue

The percentage is determined by regulation of the Government and shall not exceed 10%.”

c. C-18.1,
s. 114, am.

27. Section 114 of the said Act is amended

(1) by replacing the word “Régie” in the third line of the first paragraph by the word “Government”;

(2) by replacing the word “Régie” in the first line of the second paragraph by the word “Government”.

c. C-18.1,
s. 118, am.

28. Section 118 of the said Act is amended

(1) by striking out the word “retail” in the second line;

(2) by replacing the words “of the Régie” by the words “of the Government”.

c. C-18.1,
ss. 120, 121,
am.

29. Sections 120 and 121 of the said Act are amended by striking out the word “retail”.

c. C-18.1,
s. 122, am.

30. Section 122 of the said Act is amended by striking out the words “retail or” in the second line.

c. C-18.1,
ss. 122.1-
122.5,
added

31. The said Act is amended by inserting, after section 122, the following:

“§ 2.—Video Material Retail Dealer’s Licences

Video
dealer

“122.1 No person may operate a video material retail outlet unless he is the holder of a video material retail dealer’s licence issued by the Régie. Such a licence is required for each video material retail outlet.

Application
for licence

"122.2 An application to obtain or renew a video material retail dealer's licence must be made in accordance with the regulations of the Government.

Valid period

"122.3 A video material retail dealer's licence is valid for a one year period.

Annual
duties

"122.4 The annual duties exigible from the holder of a video material retail dealer's licence prescribed by regulation of the Régie are payable on the issue or renewal of the licence.

Grounds for
refusal

"122.5 The Régie may, after giving the person concerned an opportunity to be heard, refuse to issue or renew a video material retail dealer's licence, suspend it or revoke it in the following cases:

- (1) if he has been found guilty of an offence against this Act or any regulation thereunder within the last two years;
- (2) if he fails to pay his annual duties when due;
- (3) if he does not satisfy the conditions provided for in this Act and the regulations thereunder for obtaining or renewing the licence."

c. C-18.1,
s. 137,
repealed

32. Section 137 of the said Act is repealed.

c. C-18.1,
s. 167, am.

33. Section 167 of the said Act is amended by replacing paragraph 5 by the following paragraph:

"(5) prescribe the amount of the duties payable by the holder of a filming licence, a special distributor's licence or a video material retail dealer's licence;"

c. C-18.1,
s. 168, am.

34. Section 168 of the said Act is amended

(1) by replacing the words "The Régie may also" in the first line of the first paragraph by the words "The Government may";

(2) by inserting, after subparagraph 2 of the first paragraph, the following subparagraph:

"(2.1) prescribe conditions for obtaining or renewing a video material retail dealer's licence;"

(3) by striking out the words ", after consultation with the Institut," in the first line of subparagraph 4 of the first paragraph;

(4) by inserting, after subparagraph 11 of the first paragraph, the following subparagraph:

“(11.1) establish standards for the recognition of films as Québec films;”;

(5) by inserting, after subparagraph 15 of the first paragraph, the following subparagraphs:

“(16) determine, for the purposes of section 83, the number of prints of a film to which a stamp may be affixed by the Régie, the duration of the stamp and the other conditions for the affixing of such a stamp;

“(17) prescribe the cases in which and the conditions on which a person applying for a stamp may be exempted from the obligation prescribed in paragraph 1 of section 83.”

c. C-18.1,
s. 171,
repealed

35. Section 171 of the said Act is repealed.

c. S-10.01,
title, am.

36. The title of the Act respecting the Société de développement des industries de la culture et des communications (R.S.Q., chapter S-10.01) is amended by replacing the words “de développement des industries de la culture et des communications” by the words “générale des industries culturelles”.

c. S-10.01,
s. 1, am.

37. Section 1 of the said Act is amended by adding at the end the following paragraph:

Name of
company

“From (*insert here the date of coming into force of this Act*), the company shall be called “Société générale des industries culturelles” or referred to under the initials “SOGIC”.”

c. S-10.01,
s. 4, am.

38. The first paragraph of section 4 of the said Act is amended by inserting, after paragraph 1 of subparagraph *a* of the first paragraph, the following paragraph:

“(1.1) cinema;”.

c. S-10.01,
s. 4.1,
added

39. The said Act is amended by adding, after section 4, the following section:

Functions
and powers

“4.1 The company shall also have the functions and powers vested in it by Division III of Chapter II of the Cinema Act (R.S.Q., chapter C-18.1).

Acquisition
and renovation

The company may also, with the authorization of the Government, acquire, restore, renovate, manage or operate immovables.”

c. S-10.01,
s. 5, am.

40. Section 5 of the said Act is amended

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

Board of
directors

“5. The affairs of the company shall be administered by a board of directors composed of nine members including a chairman. Not more than two of the other eight members shall be chosen from among the officers of the Government or of a Government agency. Two members of the board shall be appointed on the recommendation of the Minister of Communications; the remaining members shall be chosen after consultation with the cinema and cultural industries milieu.”;

(2) by adding, at the end, the following paragraph:

Right to
vote

“The officers appointed under the first paragraph are not entitled to vote.”

c. S-10.01,
s. 9,
replaced

41. Section 9 of the said Act is replaced by the following section:

Replace-
ment

“9. If the president and managing director is temporarily absent or unable to act, the board of directors shall designate one of the vice-presidents to replace him.”

c. S-10.01,
s. 10,
replaced

42. Section 10 of the said Act is replaced by the following section:

Exclusive
service

“10. The president and managing director and the vice-presidents appointed under section 12.1 shall devote their time exclusively to their duties of office.”

c. S-10.01,
s. 11,
replaced

43. Section 11 of the said Act is replaced by the following section:

Remunera-
tion

“11. The Government shall fix the remuneration, social benefits and other conditions of employment of the president and managing director.

Expenses

The other members of the company are not remunerated, except in the cases, on the conditions and to the extent determined by the Government, but they are entitled to reimbursement for expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.”

c. S-10.01,
s. 12,
replaced

44. Section 12 of the said Act is replaced by the following section:

Quorum

“12. Five directors of the company, including the president and managing director, are a quorum.”

c. S-10.01,
s. 12.1,
added

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

Vice-
presidents

“12.1 In addition to the members of the board of directors, the Government shall appoint two vice-presidents of the company.

Terms of
office

The vice-presidents shall be appointed for a term not exceeding five years and shall remain in office notwithstanding the expiry of their terms until they are replaced or reappointed.

Salary

The Government shall fix the salary and the other conditions of employment of each vice-president of the company."

c. S-10.01,
s. 15, am.

46. Section 15 of the said Act is amended by inserting the word "cinema," before the word "culture" in the fifth line of the first paragraph.

c. S-10.01,
s. 20, am.

47. Section 20 of the said Act is amended

(1) by striking out the words "or grant financial assistance" in subparagraph *d* of the first paragraph;

(2) by inserting, after subparagraph *d* of the first paragraph, the following subparagraph:

"(*d.1*) grant financial assistance in a field other than cinema contemplated in the first paragraph of section 4;".

c. S-10.01,
ss. 21, 21.1,
replaced

48. Sections 21 and 21.1 of the said Act are replaced by the following sections:

Financial as-
sistance
plan

"21. Where the company has authority to grant financial assistance under subparagraph *d.1* of the first paragraph of section 20, it shall prepare the financial assistance plan and the programs and criteria by which the assistance is allotted. The company shall submit the plan and programs to the Minister of Cultural Affairs or the Minister of Communications, as the case may be, for approval.

Criteria

The company shall submit the criteria by which the assistance is allotted to the Government for approval.

Allocation
of sums

"21.1 Following the approvals, the Minister of Cultural Affairs or the Minister of Communications, as the case may be, shall transmit to the company the sums allocated to the field indicated in the financial assistance plan.

Applications

"21.2 The company, by regulation, may determine the form of applications for financial assistance addressed to it, the information they must contain and the documents that must accompany them, and any other requirements to be met by persons seeking financial assistance."

c. S-10.01,
s. 23,
replaced

49. Section 23 of the said Act is replaced by the following section:

Agreements **"23.** The company may, according to law, enter into agreements with any government, or any of its departments or agencies and with any person with a view to furthering the carrying out of its duties."

c. S-10.01,
s. 29, am. **50.** Section 29 of the said Act is amended by replacing the first paragraph by the following paragraph:

Develop-
ment pro-
gram **"29.** The company must cause its development program and that of its subsidiaries to be approved each year by the Government. As regards matters included in the program and falling under the jurisdiction of the Minister of Communications, the Government shall give its approval on the recommendation of the Minister."

Members of
IQC **51.** The term of office of the members of the Institut québécois du cinéma appointed upon the proposal of the Minister pursuant to section 20 of the Cinema Act (R.S.Q., chapter C-18.1) ends on the date of coming into force of this section.

Rights and
obligations **52.** The Société générale des industries culturelles contemplated in the third paragraph of section 1 of the Act respecting the Société générale des industries culturelles (R.S.Q., chapter S-10.01) acquires the rights of the Société générale du cinéma du Québec established by the Cinema Act (R.S.Q., chapter C-18.1) and shall assume the obligations thereof.

Matters
pending **53.** Matters pending at the Société générale du cinéma du Québec established by the Cinema Act are continued and decided by the Société générale des industries culturelles.

Members
of former
Société **54.** The members of the Société générale du cinéma du Québec established by the Cinema Act shall cease to hold office on or before the date of coming into force of this section.

Personnel
of former
Société **55.** The members of the personnel of the Société générale du cinéma du Québec established by the Cinema Act who are in office on (*insert here the date of coming into force of this section*) become, without other formality, members of the personnel of the Société générale des industries culturelles.

Records and
documents **56.** The records and other documents of the Société générale du cinéma du Québec established by the Cinema Act are transferred to the Société générale des industries culturelles.

Appropri-
ations **57.** The appropriations allocated to the Société générale du cinéma du Québec established by the Cinema Act for the fiscal year 1987-88

are transferred, to the extent determined by the Government, to the Société générale des industries culturelles, for the remainder of that fiscal year.

President,
vice-
chairman

58. The president and managing director and the vice-chairman of the Société de développement des industries de la culture et des communications in office on (*insert here the date of coming into force of this section*) become the president and managing director, and one of the vice-presidents, respectively, of the Société générale des industries culturelles.

Conditions
of employ-
ment

They continue to be governed by the conditions provided in their deeds of appointment.

Other mem-
bers

The other members of the Société de développement des industries de la culture et des communications shall cease to be in office not later than on the date of the coming into force of this section.

Regulation
in force

59. The regulation respecting the recognition of films as Québec films approved by the Government by order in council 2518-83 dated 6 December 1983 remains in force and is deemed to have been enacted pursuant to subparagraph 11.1 of section 168 of the Cinema Act (R.S.Q., chapter C-18.1).

Regulation
under s. 168
of Cinema
Act

60. Any regulation made by the Régie du cinéma under section 168 of the Cinema Act (R.S.Q., chapter C-18.1) and approved by the Government is deemed to have been made by the Government under the said section. Such a regulation comes into force on the date indicated in the regulation.

Names
replaced

61. In any Act, statutory instrument, contract or other document, the name "Société de développement des industries de la culture et des communications" or "Société générale du cinéma du Québec" shall be replaced by the name "Société générale des industries culturelles", unless the context indicates otherwise.

Coming into
force

62. This Act will come into force on the dates fixed by the Government.