



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 52

An Act respecting the Ministère de la Culture

Introduction

**Introduced by
Madam Liza Frulla-Hébert
Minister of Cultural Affairs**

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EXPLANATORY NOTES

This bill provides for the creation of the Ministère de la Culture to replace the Ministère des Affaires culturelles.

It provides that the Minister of Culture will have authority to act in the fields of heritage, the arts, literary culture and the cultural industries. It confers on the Minister of Culture the mandate of defining a cultural policy as well as sectorial policies concerning particular fields within his competence. In addition, the Minister of Culture will have the power to develop a policy integrating the arts with architecture and with the environment. Finally, the bill gives the Minister of Culture certain special powers with respect to some of his duties, such as his duties with respect to public libraries and regional service centres for public libraries.

Moreover, the bill proposes certain amendments to various Acts, in particular to enable municipalities to establish and maintain public libraries, arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls.

ACTS AMENDED BY THIS BILL:

- Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1);
 - Cities and Towns Act (R.S.Q., chapter C-19);
 - Municipal Code of Québec (R.S.Q., chapter C-27.1);
 - Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1);
 - Charter of the city of Montréal (1959-60, chapter 102);
 - Charter of the city of Québec (1929, chapter 95).
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ACT REPEALED BY THIS BILL:

- Public Libraries Act (R.S.Q., chapter B-3).

ACT REPLACED BY THIS BILL:

- Act respecting the Ministère des Affaires culturelles (R.S.Q., chapter M-20).

Bill 52

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ORGANIZATION OF THE DEPARTMENT

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

2. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of Culture.

3. Under the direction of the Minister, the Deputy Minister shall administer the department.

He shall also perform any other duties assigned to him by the Government or the Minister.

4. In the performance of his duties, the Deputy Minister has the authority of the Minister.

5. The Deputy Minister may delegate the performance of his duties under this Act, in writing and so far as he indicates, to a public servant or to the holder of a position.

He may, in the instrument of delegation, authorize the subdelegation of such duties as he indicates; where applicable, he shall identify the public servant or holder of a position to whom this subdelegation may be made.

6. The personnel of the department shall be composed of the public servants necessary for the performance of the duties of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Minister shall determine the duties of the public servants of the department so far as they are not determined by law or by the Government.

7. The signature of the Minister or of the Deputy Minister gives authority to any document emanating from the department.

No deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the personnel of the department or by the holder of a position, and in these last two cases, only so far as determined by the Government.

8. The Government may permit, on the conditions that it fixes, that the signature of the Minister or Deputy Minister be affixed by means of an automatic device to the documents it determines.

The Government may also permit that a facsimile of the signature be engraved, lithographed or printed on the documents it determines. The facsimile must be authenticated by the countersignature of a person authorized by the Minister.

9. Every document or copy of a document emanating from the department or forming part of its records, if signed or certified true by a person referred to in the second paragraph of section 7, is authentic.

CHAPTER II

DUTIES AND POWERS OF THE MINISTER

10. The Minister shall perform his duties in the fields of heritage, the arts, literature and in cultural industries.

His duty in those fields is to support primarily activities of creation, organization, production, promotion, diffusion, training, research and conservation and to contribute to their development. He shall also see to the harmonization of the activities of the Government, its departments and public bodies in cultural matters.

11. The Minister shall develop a cultural policy, propose it to the Government and coordinate its implementation.

The object of the policy is, in particular, to

- (1) contribute to the affirmation of the Québec cultural identity;
- (2) foster the development of artistic creation;
- (3) promote citizens' access to and participation in cultural life.

In the development of the cultural policy, the Minister shall ensure the cooperation of the government departments and bodies or agencies concerned.

12. Within the scope of the cultural policy, the Minister may also establish sectorial policies relating to the fields within his competence. He shall supervise and coordinate the implementation of such policies.

13. The Minister shall devise and submit to the Government for approval a policy integrating the arts with architecture and with the environment of buildings and sites. The policy shall apply to the government departments and agencies and to the persons who receive from them a grant for the realization of a project for the construction of a building or the development of a site.

The Minister shall see to the implementation of the policy.

14. In the performance of his duties, the Minister may, in particular,

(1) provide any person, group, body or agency with the services he considers necessary;

(2) grant, on the conditions he fixes, financial assistance in respect of cultural activities or equipment;

(3) conclude cultural development agreements with municipalities, regional bodies or groups;

(4) foster the diffusion of Québec culture in Canada and abroad;

(5) contribute to the development of cultural industries in cooperation with other government departments and public bodies;

(6) conclude an agreement according to law with a government other than the Government of Québec, a department of that government, an international organization or an agency of such a government or organization;

(7) conduct or commission research, surveys, studies or inventories on cultural matters;

(8) obtain from departments or public bodies the information necessary to devise and implement his policies;

(9) propose any measure furthering the protection of the rights of creators and artists as regards intellectual property;

(10) establish jointly with the Minister of Communications the standards referred to in paragraph 10 of section 14 of the Act respecting the Ministère des Communications (R.S.Q., chapter M-24) in respect of the acquisition, use and management of copyrights on the documents held by the Government, by departments and by the public bodies designated by the Government.

15. Within six months after the end of each fiscal year, the Minister shall table in the National Assembly a report of the activities of the Ministère de la Culture for that fiscal year or, if the Assembly is not sitting, within thirty days of resumption.

CHAPTER III

PUBLIC LIBRARIES AND REGIONAL SERVICE CENTRES FOR PUBLIC LIBRARIES

16. For the purpose of devising the sectorial policy on public libraries, the Minister shall consult the municipalities, the libraries and the book industry to identify the needs as regards public libraries and establish objectives relating to the services which public libraries may offer.

17. For the application of such policy, the Minister shall establish priorities and means aimed at supporting the establishment of public libraries and the development of their activities.

To this end, he may, in particular,

(1) promote cooperation between public libraries and with any other library or interested body or agency;

(2) provide professional or technical assistance for the organization and management of public libraries;

(3) compile and publish the information available on public libraries.

18. The Minister may authorize the incorporation of a regional service centre for public libraries and apply to the Inspector General

of Financial Institutions for the issue of letters patent of incorporation under Part III of the Companies Act (R.S.Q., chapter C-38) where the centre pursues all of the following objects:

(1) the establishment, maintenance and development of collections of published documents, document processing services and every other professional or technical service relating to the operation of a public library;

(2) the conclusion of contracts for document services and professional or technical services relating to the operation of a public library;

(3) the fostering of pooling of resources, exchanges between public libraries and cooperation with any library or interested body or agency;

(4) the promotion of any other activity related to the operation of a public library;

(5) the encouragement and support of training, information, organization and cultural development programs that are compatible with the objects mentioned in paragraphs 1 to 4.

In addition, a regional centre may have any other object not incompatible with the objects mentioned in the first paragraph.

19. A regional centre may, with the authorization of the Minister and in accordance with the Companies Act, amalgamate, change its corporate name, or apply for supplementary letters patent or for dissolution.

20. In the event of the dissolution of a regional centre, its property devolves to another regional centre, to a municipality or to an intermunicipal management board that consents to such devolution and is designated by the Minister.

21. A regional centre shall transmit to the Minister any information he requires regarding its activities.

22. The Minister shall have the same duties with regard to regional centres as he does with regard to public libraries.

CHAPTER IV

AMENDING PROVISIONS

ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE DU QUÉBEC

23. Section 58 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is repealed.

PUBLIC LIBRARIES ACT

24. The Public Libraries Act (R.S.Q., chapter B-3) is repealed.

CITIES AND TOWNS ACT

25. Section 468 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by adding the words “or public libraries” after the word “activities” in the fifth line of the fourth paragraph;

(2) by adding the words “or public libraries” after the word “activities” in the third line of the seventh paragraph.

26. The said Act is amended by replacing subdivision 25 of Division XI by the following:

“§ 25.—*Public libraries*

“**471.** The council may, by by-law, establish and maintain on the territory of the municipality public libraries having as their objects, in particular, the conservation, consultation and lending of published documents as well as the giving of information and the organization of reading-related activities.

“**471.0.1** The council may, by by-law, establish rules relating to the operation of the libraries as well as the conditions of use by the public of the services offered by them.

“**471.0.2** The council may, on the conditions it determines, contribute to the establishment and maintenance of public libraries in the territory of the municipality or in a contiguous territory.

“§ 25.0.1.—*Arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls*

“**471.0.3** The council may, by by-law, establish and maintain in the territory of the municipality arts centres, public museums,

exhibition centres, heritage interpretation centres and performance halls.

“471.0.4 The council may, on the conditions it determines, contribute to the establishment and maintenance of arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls in the territory of the municipality or in a contiguous territory.”

MUNICIPAL CODE OF QUÉBEC

27. Article 524 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 136 of chapter 21 of the statutes of 1992, is again amended by striking out paragraph 2.

28. The said Code is amended by inserting, after article 524, the following sections:

“SECTION VII.1

“PUBLIC LIBRARIES

“524.1 Any local municipality may, by by-law, establish and maintain in its territory public libraries having as their objects, in particular, the conservation, consultation and lending of published documents as well as the giving of information and the organization of reading-related activities.

“524.2 A local municipality may, by by-law, establish rules relating to the operation of the libraries as well as the conditions of use by the public of the services offered by them.

“524.3 Any local municipality may, on the conditions it determines, contribute to the establishment and maintenance of public libraries in the territory of the municipality or in a contiguous territory.

“SECTION VII.2

“ARTS CENTRES, PUBLIC MUSEUMS, EXHIBITION CENTRES, HERITAGE INTERPRETATION CENTRES AND PERFORMANCE HALLS

“524.4 Any local municipality may, by by-law, establish and maintain in its territory arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls.

“524.5 Any local municipality may, on the conditions it determines, contribute to the establishment and maintenance of arts

centres, public museums, exhibition centres, heritage interpretation centres and performance halls in its territory or in a contiguous territory.”

29. Article 569 of the said Code is amended

(1) by adding the words “or public libraries” after the word “activities” in the fourth line of the fourth paragraph;

(2) by adding the words “or public libraries” after the word “activities” in the third line of the seventh paragraph.

ACT RESPECTING THE DEVELOPMENT OF QUÉBEC FIRMS IN THE BOOK INDUSTRY

30. The schedule to the Act respecting the development of Québec firms in the book industry (R.S.Q., chapter D-8.1), amended by section 152 of chapter 21 of the statutes of 1992, is again amended by replacing the words “general lending libraries within the meaning of the Public Libraries Act (chapter B-3)” in the first and second lines of paragraph *e* by the words “regional service centres for public libraries referred to in the Act respecting the Ministère de la Culture (1992, chapter (*insert here the chapter number of this Act*)))”.

CHARTER OF THE CITY OF MONTRÉAL

31. Article 528 of the Charter of the city of Montréal (1959-60, chapter 102), amended by section 56 of chapter 59 of the statutes of 1962, section 9 of chapter 90 of the statutes of 1968, section 1 of chapter 92 of the statutes of 1968, section 22 of chapter 96 of the statutes of 1971, section 53 of chapter 77 of the statutes of 1977, section 12 of chapter 40 of the statutes of 1980, section 23 of chapter 71 of the statutes of 1982, section 5 of chapter 86 of the statutes of 1988 and by section 14 of chapter 87 of the statutes of 1988, is again amended

(1) by striking out the words “*Libraries, museums and*” in the heading that precedes paragraph 3;

(2) by striking out the words “Authorize the construction of libraries, arts centres and museums or take part in their establishment, maintenance, fitting-up and interior or exterior maintenance;” in paragraph 3;

(3) by striking out the words “, public or civic libraries” in paragraph 6.

32. The said charter is amended by inserting, after article 528*d*, the following divisions:

“DIVISION 10

“PUBLIC LIBRARIES

“528e. The council may, by by-law, establish and maintain in the territory of the city public libraries having as their objects, in particular, the conservation, consultation and lending of published documents as well as the giving of information and the organization of reading-related activities.

“528f. The council may, by by-law, establish rules relating to the operation of the libraries as well as the conditions of use by the public of the services offered by them.

“528g. The council may, on the conditions it determines, contribute to the establishment and maintenance of public libraries in the territory of the city or in a contiguous territory.

“DIVISION 11

“ARTS CENTRES, PUBLIC MUSEUMS, EXHIBITION CENTRES, HERITAGE
INTERPRETATION CENTRES AND PERFORMANCE HALLS

“528h. The council may, by by-law, establish and maintain in the territory of the city arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls.

“528i. The council may, on the conditions it determines, contribute to the establishment and maintenance of arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls in the territory of the city or in a contiguous territory.”

CHARTER OF THE CITY OF QUÉBEC

33. Section 314*a* of the Charter of the city of Québec (1929, chapter 95) is repealed.

34. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, section 5 of chapter 104 of the statutes of 1931-32, section 19 of chapter 111 of the statutes of 1935, section 67 of chapter 102 of the statutes of 1937, section 12 of chapter 104 of the statutes of 1938, section 22 of chapter 102 of the statutes of 1939, section 27 of chapter 74 of the statutes of 1940, section 12 of chapter 50 of the statutes of 1943, section 8 of chapter 47 of the statutes of 1944, section 20 of chapter 71 of the statutes of 1945, section 17 of chapter 51 of the statutes of 1948, section 8 of chapter 63 of the statutes of 1951-52, section 4 of chapter 36 of the statutes of 1952-53, section

1 of chapter 67 of the statutes of 1955-56, section 9 of chapter 50 of the statutes of 1957-58, section 6 of chapter 96 of the statutes of 1960-61, section 7 of chapter 66 of the statutes of 1963, section 5 of chapter 69 of the statutes of 1964, section 2 of chapter 85 of the statutes of 1966-67, section 38 of chapter 86 of the statutes of 1969, sections 29, 30 and 31 of chapter 68 of the statutes of 1970, section 146 of chapter 55 of the statutes of 1972, section 29 of chapter 75 of the statutes of 1972, section 8 of chapter 80 of the statutes of 1973, section 12 of chapter 97 of the statutes of 1974, section 15 of chapter 54 of the statutes of 1976, section 457 of chapter 72 of the statutes of 1979, sections 23, 45 and 51 of chapter 42 of the statutes of 1980, section 272 of chapter 63 of the statutes of 1982, section 17 of chapter 64 of the statutes of 1982, sections 22, 59 and 60 of chapter 61 of the statutes of 1984, section 140 of chapter 27 of the statutes of 1985, section 22 of chapter 116 of the statutes of 1986, section 17 of chapter 88 of the statutes of 1988, section 1 of chapter 81 of the statutes of 1989, sections 1155 to 1168 of chapter 4 of the statutes of 1990, section 9 of chapter 91 of the statutes of 1990, section 165 of chapter 74 of the statutes of 1991 and by section 15 of chapter 84 of the statutes of 1991, is again amended by striking out the words "contribute to the establishment and maintenance of libraries, reading rooms and public museums for historical, literary, artistic or scientific purposes; and also to" in paragraph 105.

35. The said charter is amended by inserting, after section 336*m*, the following sections:

"336*n*. The city may, by by-law, establish and maintain in its territory public libraries having as their objects, in particular, the conservation, consultation and lending of published documents as well as the giving of information and the organization of reading-related activities.

"336*o*. The city may, by by-law, establish rules relating to the operation of the libraries as well as the conditions of use by the public of the services offered by them.

"336*p*. The city may, on the conditions it determines, contribute to the establishment and maintenance of public libraries in its territory or in a contiguous territory.

"336*q*. The city may, by by-law, establish and maintain in its territory arts centres, public museums, exhibition centres, heritage interpretation centres and performance halls.

"336*r*. The city may, on the conditions it determines, contribute to the establishment and maintenance of arts centres, public

museums, exhibition centres, heritage interpretation centres and performance halls in its territory or in a contiguous territory.”

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

36. Every corporation incorporated before (*insert here the date of coming into force of this section*) whose corporate name includes the expression “general lending library” is deemed to be a regional service centre for public libraries within the meaning of this Act, and sections 19 to 22 apply to such a centre except a library belonging to the Regroupement des bibliothèques centrales de prêt du Québec, inc. incorporated by letters patent issued on 27 April 1987.

Such a centre is also deemed to have as its object the objects mentioned in section 18 of this Act.

37. Every provision contained in the letters patent of a centre referred to in section 36 that is incompatible with sections 18 and 20 of this Act is inoperative from (*insert here the date of coming into force of this section*).

38. At the request of the Minister, the Inspector General of Financial Institutions shall issue supplementary letters patent replacing, in whole or in part, the provisions contained in the letters patent of the centres by the corresponding provisions of sections 18 and 20 of this Act.

39. Every public library, arts centre, exhibition centre, heritage interpretation centre or performance hall established before (*insert here the date of coming into force of this section*) by a municipality governed by the Cities and Towns Act is deemed to have been established and maintained under sections 471 and 471.0.3, respectively, of the Cities and Towns Act, enacted by section 26 of this Act.

40. Every public library, arts centre, public museum, exhibition centre, heritage interpretation centre or performance hall established before (*insert here the date of coming into force of this section*) by a local municipality governed by the Municipal Code of Québec is deemed to have been established and maintained under articles 524.1 and 524.4, respectively, of the Municipal Code of Québec, enacted by section 28 of this Act.

41. Every public library, arts centre, public museum, exhibition centre, heritage interpretation centre or performance hall established before (*insert here the date of coming into force of this section*) by the city of Montréal is deemed to have been established and maintained under articles 528e and 528h, respectively, of the Charter of the city of Montréal, enacted by section 32 of this Act.

42. Every public library, arts centre, public museum, exhibition centre, heritage interpretation centre or performance hall established before (*insert here the date of coming into force of this section*) by the city of Québec is deemed to have been established and maintained under sections 336n and 336q, respectively, of the Charter of the city of Québec, enacted by section 35 of this Act.

43. In any Act, in any proclamation or agreement and in any order in council, order, by-law, regulation, contract, agreement or any other document, the words “Minister of Cultural Affairs”, “Deputy Minister of Cultural Affairs”, “Ministère des Affaires culturelles” and “Act respecting the Ministère des Affaires culturelles” are replaced, respectively, by the words “Minister of Culture”, “Deputy Minister of Culture”, “Ministère de la Culture” and “Act respecting the Ministère de la Culture” unless the context indicates otherwise.

44. The members of the personnel of the Ministère des Affaires culturelles become members of the personnel of the Ministère de la Culture without other formality.

45. The records and other documents of the Ministère des Affaires culturelles become the records and other documents of the Ministère de la Culture.

46. Matters pending at the Ministère des Affaires culturelles shall be continued by the Minister of Culture.

47. Appropriations granted to the Ministère des Affaires culturelles shall be transferred to the Ministère de la Culture.

48. Any reference to a general or special provision of the Act respecting the Ministère des Affaires culturelles is a reference to the corresponding provision of this Act.

49. The By-law of the Academy of Music of Québec (R.S.Q., c. M-20, r. 1), amended by O.C. 211-89 of 22 February 1989, shall continue to have effect until 1 July 1993.

50. This Act replaces the Act respecting the Ministère des affaires culturelles (R.S.Q., chapter M-20).

51. This Act will come into force on 1 January 1993.