



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 135

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

Introduction

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

**Québec Official Publisher
1993**

EXPLANATORY NOTES

The bill establishes, in place of the Conservatoire de musique et d'art dramatique de la province de Québec, a new conservatory to be known as the "Conservatoire de musique et d'art dramatique du Québec". In contrast to the existing conservatory, the new conservatory will constitute a legal person distinct from the Ministère de la Culture.

The bill establishes the rules concerning the establishment and organization of the new conservatory and defines its objects and powers, which include, in particular, the provision of professional training and advanced studies in the fields of music and dramatic art. The bill provides for the creation of advisory bodies within the conservatory, sets out the financial provisions governing the conservatory, and specifies the measures of supervision and control to be exercised if necessary by the Minister of Culture and the Government in respect of the conservatory.

Lastly, the bill contains various provisions of concordance and transitional provisions.

ACTS AMENDED BY THIS BILL:

- Act respecting financial assistance for students (R.S.Q., chapter A-13.3);
- 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 respecting private education (1992, chapter 68).

ACT REPLACED BY THIS BILL:

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

Bill 135

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

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

2. The conservatory is a legal person.

3. The conservatory 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*.

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

(1) five persons, including the chairman of the board of directors, appointed by the Minister of Culture following consultation with bodies considered by the Minister to be representative of the fields of music and dramatic art; at least one of such persons must be a former student of the conservatory 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 Higher Education and Science following consultation with bodies considered by the

Minister 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 by the Minister to be representative of the fields of elementary and secondary education;

(4) one principal or person in charge of an institution of the conservatory providing instruction in music, and another from an institution providing instruction in dramatic art, elected by a majority vote of their peers in accordance with the by-laws of the conservatory;

(5) two teachers from the conservatory, one a music teacher and the other a dramatic art teacher, elected respectively by a majority vote of their peers, in accordance with the by-laws of the conservatory;

(6) one member of the staff of the conservatory belonging to none of the categories mentioned in subparagraphs 4 and 5, elected by a majority vote of his peers, in accordance with the by-laws of the conservatory;

(7) two full-time students at the conservatory, 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 conservatory.

The elections referred to in subparagraphs 4 to 7 of the first paragraph shall be held and presided over by the person designated by the board members in 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 4 to 6 of that paragraph shall be of two years, and the terms of the members referred to in subparagraph 7 of that paragraph shall be of one year.

The term of office of a member may not be renewed more than once.

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.

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.

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 conservatory.

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 conservatory.

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

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

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

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

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

11. 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 conservatory 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 a meeting while the matter is discussed or voted on.

Furthermore, a member of the staff of the conservatory 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. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

The second paragraph applies in the same manner to every staff member with respect to any matter concerning the remuneration, fringe benefits and other conditions of employment of other categories of employees.

12. The conservatory may, by by-law, establish rules for its internal management.

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 or elected under subparagraphs 1 to 3 of the first paragraph of section 4.

13. The conservatory shall appoint a director general and an academic dean.

They shall discharge their duties on a full-time basis.

14. The director general is responsible for the management of the conservatory within the scope of its by-laws and policies.

Under the authority of the director general, the academic dean shall deal with matters of an academic nature.

The director general and the academic dean shall take part in the meetings of the conservatory's board of directors and of the executive committee but are not entitled to vote.

15. In no case may the director general or the academic dean, 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 conservatory. 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.

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

The conservatory 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.

17. 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 conservatory, are authentic. The same rule applies in respect of documents or copies emanating from the conservatory or forming part of its records when signed or certified as true copies by one of those persons.

CHAPTER II

OBJECTS AND POWERS

18. The objects of the conservatory are to administer and operate educational institutions in various regions of Québec for the purpose of

(1) providing professional and advanced training in the fields of music and dramatic art;

(2) fostering and encouraging initial training of high standard in the field of music;

(3) fostering and encouraging the emergence of bodies indispensable to musical life.

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

19. The conservatory shall establish, by by-law, its education regulations. The conservatory education regulations shall pertain, subject to section 20, 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.

20. 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 Higher Education and Science, may be dispensed by the conservatory, any reference therein to colleges being read as a reference to the conservatory.

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

21. The conservatory may award the degrees, diplomas, certificates and other attestations of university studies to which a

program of studies established and implemented by the conservatory with the authorization of the Minister of Higher Education and Science leads.

22. The conservatory may, by by-law,

(1) prescribe the payment of admission or registration fees for the educational services offered by the conservatory, 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.

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.

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 conservatory.

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

24. In order to achieve its objects, the conservatory may, in particular,

(1) adopt the programs of studies of the conservatory;

(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 conservatory’s objects.

25. The conservatory 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.

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

27. The members of the staff of the conservatory shall be appointed according to the staffing plan established by the conservatory.

Such plan shall be submitted to the Government for approval.

28. The conservatory shall determine, by by-law, the conditions of employment, classification and remuneration of the members of its staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., chapter C-27).

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

29. The conservatory may exercise a mandate for the negotiation of a collective labour agreement in accordance with the conditions it has determined and which have been approved by the Government.

CHAPTER III

ADVISORY BODIES OF THE CONSERVATORY

DIVISION I

ACADEMIC COMMISSIONS

30. A music studies commission called the Commission des études musicales, and a dramatic art commission called the Commission des études en art dramatique are hereby established at the conservatory.

31. The music studies commission shall be composed of the following members:

(1) the academic dean of the conservatory, who shall be the chairman of the commission;

(2) the principal of the institution of Conservatoire de Montréal that provides instruction in music, and one other principal or person in charge of an institution of the conservatory which provides instruction in music, appointed by the conservatory;

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

(4) two students studying music on a full-time basis at the conservatory, 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 conservatory;

(5) a former music student of the conservatory 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 conservatory.

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

(1) the academic dean of the conservatory, who shall be the chairman of the commission;

(2) two principals or persons in charge of institutions of the conservatory which provide instruction in dramatic art, appointed by the conservatory;

(3) four teachers from institutions of the conservatory 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 conservatory;

(4) two students studying dramatic art on a full-time basis at the conservatory, one in Montréal and the other in 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 conservatory;

(5) a former dramatic art student of the conservatory 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 conservatory.

33. The members of an academic commission shall be appointed or elected for the period determined by by-law of the conservatory.

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

34. The principal or person in charge 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.

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

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

36. The academic commissions must advise the conservatory on any question submitted by the conservatory in matters within their competence.

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 conservatory education regulations;
- (2) the proposed programs of studies of the conservatory;
- (3) the proposals concerning the “Prix du Conservatoire”, and the conservatory’s competitions.

DIVISION II

ORIENTATION COMMITTEES

37. An orientation committee is hereby established in each educational institution of the conservatory.

38. The orientation committee of an institution providing instruction in music shall be composed of 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 conservatory 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 conservatory;
- (3) one student attending the institution on a full-time basis, 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 conservatory;
- (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 conservatory;
- (5) 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 (1992, chapter 68);

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

(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.

39. The orientation committee of an institution providing instruction in dramatic art shall be composed of the following members:

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

(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 conservatory;

(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 conservatory;

(4) two persons appointed by the other members of the orientation committee in office, following consultation with bodies the conservatory 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.

40. The members of an orientation committee shall be appointed or elected for the period determined by by-law of the conservatory.

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

41. The members of an orientation committee must designate a chairman from among their number.

However, no member of the staff of an institution of the conservatory may be the chairman of an orientation committee.

42. The principal or person in charge of an institution shall take part in meetings of the orientation committee but is not entitled to vote.

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

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

44. The orientation committee shall advise the conservatory on any question submitted by the conservatory 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.

45. The orientation committee must be consulted by the conservatory concerning

(1) the criteria used in selecting the principal or person in charge 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.

The orientation committee of an institution providing instruction in music must also be consulted by the conservatory on the objectives to be met with respect to initial training in the field of music, and with respect to bodies indispensable to musical life.

CHAPTER IV

FINANCIAL PROVISIONS

46. The fiscal year of the conservatory shall end on 30 June each year.

47. The conservatory must adopt and forward to the Minister of Culture on or before the date and in the form he determines, its

operating, investment and debt service budget for the ensuing fiscal year.

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

48. The budget must maintain a balance between expenditures, on the one hand, and the subsidies granted to the conservatory by the Minister and its other revenues, on the other.

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

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

49. The Minister may, on the conditions and according to the procedure he determines, authorize the conservatory to adopt a budget that does not maintain the balance referred to in section 48.

50. If, on 1 July, the conservatory 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.

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

51. The conservatory 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.

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

52. The conservatory shall forward to the Minister, on the dates and in the form he determines, interim reports on its financial situation.

53. The financial statements of the conservatory, 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.

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

54. The books and accounts of the conservatory shall be audited each year by the Auditor General and, in addition, each time the Government so orders.

The report of the auditor must be submitted with the report of the activities and the financial statements of the conservatory.

55. The conservatory 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 Government of 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.

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

[[**57.** 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 conservatory.

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

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

59. The Minister may withhold or cancel all or part of the amount of a subsidy intended for the conservatory, other than a subsidy referred to in section 58, if the conservatory 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

60. The Minister of Culture may direct a person he designates to investigate whether the provisions of this Act are being complied with by the conservatory, or to inquire into any matter related to the educational methods, administration or operation of the conservatory.

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.

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

61. The Minister may, after having given the conservatory an opportunity to present its views, assume the administration of the conservatory in the place and stead of the board of directors for a period of 120 days,

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

62. The period provided for in section 61 may be extended by the Government, provided that none of the extensions exceeds ninety days.

63. Where the Minister assumes the provisional administration of the conservatory, the powers of the board of directors are suspended and are thereupon exercised by the Minister.

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

65. The Minister shall make a report to the Government upon ascertaining that a situation described in section 61 has been corrected

or that it will not be possible to correct it before the end of the provisional administration.

66. After receiving the report of the Minister, the Government may

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

(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

67. 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;”.

68. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 168 of chapter 21 of the statutes of 1992 and 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;”.

69. Section 236 of the said Act, amended by section 169 of chapter 21 of the statutes of 1992 and 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 figures “(chapter I-17),” in the twelfth line of paragraph 1.

70. 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”.

71. 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 (1993, chapter *insert here the chapter number of Bill 135 of the statutes of 1993*);”.

72. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 398-92 and 399-92 of 25 March 1992, 669-92 of 6 May 1992, 1263-92 of 1 September 1992, 1666-92 of 25 November 1992, 327-93 of 17 March 1993, 1202-93 of 1 September 1993 and by section 293 of chapter 21 of the statutes of 1992, section 71 of chapter 44 of the statutes of 1992, section 53 of chapter 67 of the statutes of 1992, section 153 of chapter 68 of the statutes of 1992, section 65 of chapter 40 of the statutes of 1993 and section 31 of chapter 41 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.

73. Section 3 of the Regulations Act (R.S.Q., chapter R-18.1), amended by section 297 of chapter 21 of the statutes of 1992 and by section 691 of chapter 57 of the statutes of 1992, is again amended by inserting, after paragraph 3, the following paragraph:

“(3.01) draft by-laws or by-laws of the Conservatoire de musique et d’art dramatique du Québec;”.

74. Section 4 of the Act respecting private education (1992, chapter 68) is amended by inserting, after paragraph 1, the following paragraph:

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

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

75. The first board of directors of the new conservatory, 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 conservatory from the date of the coming into force of Chapter II, except the measures coming under the responsibility of the Minister of Culture pursuant to section 76.

The board of directors shall, before that date,

(1) adopt the by-laws referred to in sections 4, 7, 28, 31, 32, 38 and 39, and in the first paragraph of section 12;

(2) prepare a draft by-law concerning the admission fees, registration fees and tuition fees at the new conservatory;

(3) establish the staffing plan of the conservatory;

(4) establish an assignment plan for the employees who will be transferred to the new conservatory under section 83;

(5) adopt and transmit to the Minister, according to the conditions prescribed in sections 47 and 48, the budget of the new conservatory for its first fiscal year.

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 or contract a loan.

76. The Minister may, on behalf of the new conservatory and before the coming into force of Chapter II, admit and register students and hire teachers and non-teaching staff.

77. Unless the context indicates otherwise, the new conservatory is substituted by operation of law for the former conservatory, namely, the conservatory 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 conservatory is mentioned.

For that purpose, the term “institution” is substituted for the term “branch”, where necessary.

78. The branches of the former conservatory become institutions of the new conservatory as if they had been established by the new conservatory.

79. All movable property belonging to the State which, on *(insert here the date of the day preceding the date of coming into force of this section)*, is used for the operation of the former conservatory becomes, on the conditions determined by the Government, the movable property of the new conservatory.

In every matter pending in respect of the movable property, the new conservatory is substituted for the Attorney General, without continuance of suit.

80. The basic school regulations and the programs of studies in force at the former conservatory become the conservatory education regulations and the programs of studies of the new conservatory, subject to their being replaced or amended by the new conservatory.

81. All acts performed for the former conservatory are binding on the new conservatory as if the latter had performed them.

82. The records and other documents of the Ministère de la Culture concerning the former conservatory become the records and documents of the new conservatory, to the extent determined by the Minister.

83. The employees, including the managerial personnel, of the Direction générale du Conservatoire de musique et d'art dramatique of the Ministère de la Culture and the employees of the branches of the former conservatory, become the employees of the new conservatory, subject to the provisions of any collective agreement applicable to them, and to the extent that an order providing for their transfer is made before *(insert here the date occurring one year after the date of coming into force of this section)*. The same applies to any other employee of the Ministère de la Culture who is assigned, mainly or partly, to tasks related to the new conservatory's activities.

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

84. Every employee transferred to the new conservatory under section 83 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 conservatory, he was a public servant with permanent tenure in the department.

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

85. Where an employee referred to in section 84 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 conservatory.

Where an employee is transferred pursuant to section 84, the deputy minister or chief executive officer shall assign to him a classification compatible with the assessment provided for in the first paragraph.

Where an employee is promoted pursuant to section 84, his new classification must take account of the criteria set out in the first paragraph.

86. Where some or all of the activities of the new conservatory are discontinued or if there is a shortage of work, an employee referred to in section 84 is entitled to be placed on reserve in the public service with the classification he had before he was transferred.

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 85.

87. A person placed on reserve pursuant to section 86 shall remain with the new conservatory until the Office des ressources humaines is able to assign him a position.

88. Subject to the recourses available under a collective agreement, an employee referred to in section 84 who is dismissed may bring an appeal under section 33 of the Public Service Act.

89. 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 on the date on which the employees were transferred in accordance with section 83,

continue to represent those employees at the new conservatory until the date of expiry of the collective agreements in force at the time of the transfer.

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

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

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

90. The term of office of the first representative of the principals or persons in charge of institutions providing instruction in dramatic art, and of the first representative of the music teachers, on the board of directors of the new conservatory, shall be one year.

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

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

[[**92.** The appropriations granted for the fiscal year (*insert here the fiscal year during which this section comes into force*) to the Ministère de la Culture are, to the extent and according to the terms and conditions determined by the Government, transferred to the new conservatory.

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.]]

93. The Minister of Culture is responsible for the administration of this Act.

94. The provisions of this Act will come into force on the dates fixed by the Government.