



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 59

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

Introduction

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

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EXPLANATORY NOTES

This bill proposes to combine the Société générale du cinéma du Québec established pursuant to the Cinema Act with the Société de développement des industries de la culture et des communications. The present functions of the two corporations will henceforth be exercised by the latter Société, which will now be called the Société générale des industries culturelles, or SOGIC.

The bill changes the composition of SOGIC's board of directors and authorizes it to grant financial assistance to enterprises in any of the fields within its jurisdiction.

The board of directors of the Institut québécois du cinéma will be formed of nine members appointed by the Government and drawn exclusively from the cultural industries milieu. The advisory role of the Institut with respect to certain objects is given greater emphasis.

In addition, the bill provides that the regulation-making formerly assigned to the Régie du cinéma may henceforth be exercised by the Government.

Bill 59

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

“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.

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.

“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.

“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.”

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

“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, and shall submit them to the Government for approval.”

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 Sections 12 and 13 of the said Act are repealed.

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

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

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

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

6. Section 18 of the said Act is amended by adding, after subparagraph 8 of the first paragraph, the following subparagraph:

“(9) the television broadcasters.”

7. Section 20 of the said Act is repealed.

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

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

“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.”

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

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

11. Section 31 of the said Act is repealed.

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

13. 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”.

14. 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.

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

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

“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.

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

16. Section 39 of the said Act is repealed.

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

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

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

20. Sections 92, 98, 115, 118 and 182 of the said Act are amended by replacing the words “of the Régie”, wherever they appear, by the words “of the Government”.

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

22. Section 97 of the said Act is amended

(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”.

23. Section 108 of the said Act is amended

(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”.

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

“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.

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

25. 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”.

26. 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 striking out the words “, after consultation with the Institut,” in the first line of subparagraph 4 of the first paragraph;

(3) by inserting, after subparagraph 11, the following subparagraph:

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

27. Section 171 of the said Act is repealed.

28. 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”.

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

“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”.”

30. 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;”.

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

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

32. Section 5 of the said Act is amended

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

“**5.** The affairs of the company shall be administered by a board of directors composed of nine members including a chairman and two vice-chairmen. Not more than two of the other six 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:

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

33. Section 9 of the said Act is amended by replacing the last line by the words “be replaced, while his incapacity lasts, by the vice-chairman elected by the board”.

34. Section 10 of the said Act is amended by replacing the word “vice-chairman” by the word “vice-chairmen”.

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

“**11.** The Government shall fix the remuneration, social benefits and other conditions of employment of the chairman and the two vice-chairmen.

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.”

36. Section 12 of the said Act is amended by replacing the words “the vice-chairman” by the words “one of the vice-chairmen”.

37. 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.

38. Section 20 of the said Act is amended by inserting, after subparagraph *d* of the first paragraph, the following subparagraph:

“(d.1) grant financial assistance to an enterprise pursuing endeavours in a field other than cinema contemplated in the first paragraph of section 4;”.

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

“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 and submit them to the Conseil du trésor for approval.

“21.1 Following the approval, 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.

“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.”

40. Section 29 of the said Act is amended by replacing the first paragraph by the following paragraph:

“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.”

41. 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 Act.

42. 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.

43. 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.

44. 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 Act.

45. 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 Act*) become, without other formality, members of the personnel of the Société générale des industries culturelles.

46. 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.

47. 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.

48. 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).

49. In any Act, regulation, proclamation, order in council, order, contract or other document, the name "Société de développement des industries de la culture et des communications" shall be replaced by

the name “Société générale des industries culturelles”, unless the context indicates otherwise.

50. This Act will come into force on the date fixed by the Government.