

NATIONAL ASSEMBLY

FIFTH SESSION

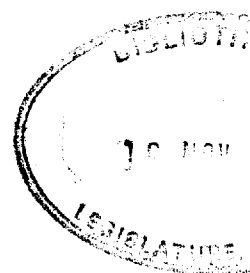
THIRTY-SECOND LEGISLATURE

Bill 1

An Act respecting the Société du Parc des expositions agro-alimentaires

Introduction

**Introduced by
Mr Jean Garon
Minister of Agriculture, Fisheries and Food**



**Québec Official Publisher
1984**

EXPLANATORY NOTES

This bill provides for the establishment and organization of a company to be called the Société du Parc des expositions agro-alimentaires.

The object of the company will be to administer, accommodate and operate the Parc des expositions agro-alimentaires established on Ile Notre-Dame and designed to promote agriculture, fisheries and the agro-food sector, to favour increased participation of the population in the development of the agro-food industry, to stimulate awareness of the agricultural, horticultural, marine and food products of Québec and to allow the population to come into contact with nature and to engage in outdoor recreational activities.

In view of its object, the company will have the functions of organizing exhibitions and informational activities respecting agriculture, fisheries or food and of stimulating the participation of the communities concerned.

To allow the company to pursue its functions, the bill grants it certain powers, including that of soliciting and receiving gifts, legacies, grants or other contributions, and of prescribing the fees for admission of the public to the Parc des expositions agro-alimentaires or for the use of property and services in the park.

This bill also defines relations between the company, the Government and the city of Montréal. Thus, the members of the board of directors will be appointed by the Government, including two members designated by the city of Montréal; the staffing plan, remuneration of the personnel and immovable acquisitions will be subject to approval by the Government, and the budget estimates of the company will be subject to prior approval by both the Government and the executive committee of the city of Montréal.

Finally, the bill provides that the Minister of Agriculture, Fisheries and Food will be empowered, subject to approval by the Government, to give the Parc des expositions agro-alimentaires another name.

ACT AMENDED BY THIS BILL

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

Bill 1

An Act respecting the Société du Parc des expositions agro-alimentaires

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

1. A company called the “Société du Parc des expositions agro-alimentaires” is hereby established.

2. The company is a corporation.

3. The company is a mandatary of the Government.

The property of the company forms part of the public domain but the performance of its obligations may be levied against its property.

The company binds only itself when it acts in its own name.

4. The company has its corporate seat in the territory of the city of Montréal, at the place determined by the Government. Notice of the location or of any transfer of the corporate seat shall be published in the *Gazette officielle du Québec*.

5. The company is administered by a board of directors composed of seven members, including the president, appointed by the Government, although two of the members are designated by the city of Montréal.

6. The Minister of Agriculture, Fisheries and Food shall appoint a vice-president from among the members of the board of directors.

In the unavoidable absence of the president, the vice-president shall perform his duties.

7. The president is appointed for not over five years and the other members for not over three years.

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

The terms of the president and of the other members may be renewed consecutively once only.

8. Any vacancy occurring during a term of office shall be filled in accordance with the mode of appointment prescribed in section 5.

Absence from a number of meetings of the board of directors determined by the rules of internal management of the company constitutes a vacancy in the cases and circumstances they indicate.

9. The president shall preside over the meetings of the board of directors, direct its operations and carry out the other functions vested in him by by-law of the company.

10. The Government shall fix, as the case may be, the salary, allowances, indemnities and other conditions of employment of the president and the vice-president of the board and of the other members of the board of directors.

11. In no case may the president, under pain of forfeiture of office, have any direct or indirect interest in any undertaking causing his personal interest to conflict with that of the company. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

Any member of the board of directors other than the president who has an interest in an undertaking described in the first paragraph shall, under pain of forfeiture of office, disclose it in writing to the president and abstain from participating in any deliberation or decision concerning the undertaking.

12. Four members including the president or the vice-president are a quorum at sittings of the board of directors.

In case of an equality of votes, the president or, if he is prevented from acting, the vice-president has a casting vote.

13. A decision signed by all the members of the board of directors has the same force as if it had been taken at a regular sitting.

14. The Government shall appoint a director general and fix his remuneration, social benefits and other conditions of employment.

The president may simultaneously hold the office of director general.

15. The director general is responsible for the management of the company. He shall exercise his duties full time and may simultaneously hold the office of secretary.

16. The secretary and the other members of the personnel of the company are appointed and remunerated according to the standards, scales and staffing plan established by by-law of the company.

The by-law may also determine the social benefits and other conditions of employment of the secretary and the other members of the personnel and subject them to the requirements of the second paragraph of section 11.

The by-law is subject to approval by the Government, and comes into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date it indicates.

DIVISION II

OBJECT, FUNCTIONS AND POWERS

17. The object of the company is to provide for the administration, setup and operation of the Parc des expositions agro-alimentaires established on Île Notre-Dame for the purposes of

- (1) promoting agriculture, fisheries and the agro-food sector;
- (2) favouring increased participation of the population in the development of the Québec agro-food industry;
- (3) stimulating Québec and foreign visitors' awareness of the agricultural, marine, food and horticultural products of Québec;
- (4) allowing the population to come into contact with nature and to engage in outdoor recreational activities.

18. For the attainment of its object the company has the following functions:

- (1) to promote the organization of exhibitions, informational activities, competitions, public markets and any other activities designed to stimulate awareness of the agriculture, fisheries and agro-food sector of Québec;

(2) to stimulate participation in its activities by the various communities concerned, especially the agricultural or horticultural production sector, the food processing industry, the food distribution networks and the restaurant and recreational sectors.

19. The company may, more particularly,

(1) subject to subparagraph 1 of the first paragraph of section 22, acquire, alienate, lease, lend, borrow, exchange, conserve or restore property and equipment designed to stimulate awareness of agriculture, fisheries and the agro-food sector or designed for recreational purposes;

(2) carry on any activity that may contribute to the development of the Parc des expositions agro-alimentaires;

(3) develop and implement educational programs and services for the community and for the users of the Parc des expositions agro-alimentaires;

(4) solicit and receive gifts, legacies, grants or other contributions;

(5) form committees of persons and refer matters respecting the administration of this Act to them for advice, and lay down their operating rules.

In the exercise of its functions under subparagraph 4 of the first paragraph, the company shall accept no gift, legacy, grant or other contribution to which charges or conditions are attached, except in such cases and on such conditions as the Government may determine by regulation.

A regulation made under the second paragraph comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date it indicates.

20. The company shall aim at ensuring the profitability of the Parc des expositions agro-alimentaires.

21. The company may, by by-law,

(1) prescribe rules on the use of the Parc des expositions agro-alimentaires and the property and services in the park;

(2) prescribe rules on the supervision and protection of the property and services of the Parc des expositions agro-alimentaires;

(3) prescribe the fees payable for admission to the Parc des expositions agro-alimentaires, for the use of property or services in the park and for participation in its activities;

(4) provide cases where the fees prescribed under subparagraph 3 may be waived in whole or in part.

A by-law adopted under this section is subject to approval by the Government. It comes into force ten days after its date of publication in the *Gazette officielle du Québec* or on any later date it indicates.

22. In no case may the company, except with the authorization of the Government,

(1) acquire, alienate, assign by lease or otherwise or give as security immovable property;

(2) acquire or hold stocks or shares of another legal person or a partnership, alone or jointly with another person;

(3) make a contract for a term of more than three years, except a service contract for an exhibition or some other informational activity;

(4) contract any loan that increases its total outstanding borrowings to more than the amount determined by the Government.

23. The company, with the authorization of the Government and according to law, may enter into any agreement with any government other than that of Québec, any department of such a government, any international organization or any agency of such a government or organization, in order to carry out its functions.

DIVISION III

DOCUMENTS, ACCOUNTS AND REPORTS

24. No deed, document or writing binds the company unless it is signed by the president, the vice-president, the secretary or a member of the personnel of the company and, in the case of such a member, only to the extent determined by by-law of the company.

The company may, by by-law and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines or a facsimile of a signature to be engraved, lithographed or printed on them. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the president of the company.

A by-law made pursuant to this section comes into force ten days after its date of publication in the *Gazette officielle du Québec* or on any later date it indicates.

25. A document or a copy of a document emanating from the company or forming part of its records and signed or certified by a person referred to in section 24 is authentic.

26. Each year, the company shall submit its budget estimates for the next fiscal year to the Government and the executive committee of the city of Montréal, for approval.

After consulting the chairman of the executive committee, the Government shall determine the final date for transmitting the estimates, and their form and tenor.

27. The fiscal year of the company ends on 31 December each year.

28. The company, within three months after the end of its fiscal year, shall submit its financial statements and a report of its activities for the preceding fiscal year to the Minister and to the chairman of the executive committee.

The financial statements and the report of activities must contain all the information required by the Minister or by the chairman of the executive committee.

29. The Minister shall table the report and financial statements in the National Assembly within 30 days of receiving them if it is in session or, if it is not sitting, within 30 days after the opening of the next session or after resumption.

30. The company shall furnish the Minister with any additional information he may require on its activities.

31. The books and accounts of the company shall be audited every year by the Auditor General and whenever ordered by the Government; the Government may, however, designate another auditor.

The report of the Auditor General or of the auditor designated by the Government must accompany the report of activities and financial statements of the company.

DIVISION IV

FINANCIAL PROVISIONS

[[32. The Government may, on the conditions it determines,

(1) guarantee any loan of the company and the performance of any of its obligations;

(2) authorize the Minister of Finance to advance to the company any amount considered necessary for the exercise of its functions and powers.

The sums that the Government may be called upon to pay under the guarantees or to advance to the company are taken out of the consolidated revenue fund.]]

33. All amounts received by the company must be allocated to the payment of its obligations.

DIVISION V

SPECIAL PROVISIONS

34. The Government, after consultation with the company, may determine

(1) the amount beyond which further financial commitments by the company require the authorization of the Government;

(2) the conditions on which the company may exercise a mandate respecting the negotiation of a collective labour agreement with the members of its personnel;

(3) the conditions on which the company may sign a collective agreement with the members of its personnel.

DIVISION VI

FINAL PROVISIONS

35. The name "Parc des expositions agro-alimentaires" shall not be used to designate any immovable, undertaking or organization, without the written authorization of the company.

The Minister, with the approval of the Government, may assign the park a name other than Parc des expositions agro-alimentaires. The name assigned by the Minister must be published in the *Gazette officielle du Québec*. From that publication, the new name replaces the expression "Parc des expositions agro-alimentaires", particularly in the statutes and in statutory instruments, and in no case may it be used to designate an immovable, undertaking or organization without the authorization of the Minister.

36. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), enacted by chapter 24 of the statutes of 1983 and amended by section 35 of chapter 7 of the statutes of 1984, is again amended

(1) by inserting the words “the Société du Parc des expositions agro-alimentaires” in paragraph 1, where the Commission de refonte des lois et des règlements determines;

(2) by adding the words “the Société du Parc des expositions agro-alimentaires” in paragraph 7, where the Commission de refonte des lois et des règlements determines.

37. Schedule III to the said Act, enacted by chapter 24 of the statutes of 1983 and amended by section 36 of chapter 7 of the statutes of 1984, is again amended by inserting the words “the Société du Parc des expositions agro-alimentaires” in paragraph 1 where the Commission de refonte des lois et des règlements determines.

38. The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

39. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

40. This Act comes into force on the date fixed by proclamation of the Government.