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# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

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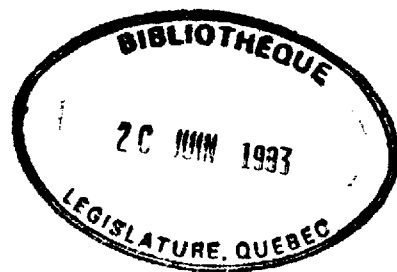
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Bill 35

Québec Museums Act

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First reading



Introduced by  
Mr Clément Richard  
Minister of Cultural Affairs

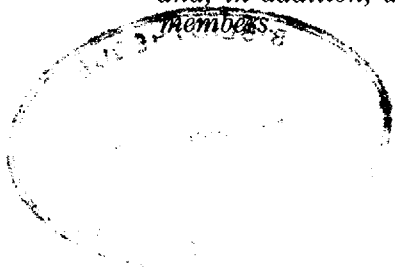
#### EXPLANATORY NOTES

*The object of this bill is to establish the Musée du Québec and the Musée d'Art contemporain de Montréal.*

*The role of the Musée du Québec will consist in making known, promoting and preserving Québec works of art of all periods from ancient to contemporary art and ensuring a place for international works of art through exhibitions and other cultural activities.*

*The role of the Musée d'Art contemporain de Montréal, on the other hand, will consist in making known, promoting and preserving Québec contemporary works of art and ensuring a place for international contemporary art through exhibitions and other cultural activities.*

*Finally, the bill indicates the composition and mode of appointment and replacement of the members of the board of directors of a museum and, in addition, allows the museum to create categories of non-voting members.*



# Bill 35

## Québec Museums Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

#### ESTABLISHMENT

- 1.** A Québec museum is hereby established under the name of the “Musée du Québec”.
- 2.** A Québec museum is hereby established under the name of the “Musée d’Art contemporain de Montréal”.

### CHAPTER II

#### CONSTITUTION AND ORGANIZATION

- 3.** A museum is a corporation; it has all the powers of a corporation in addition to those conferred on it by this Act.
- 4.** A museum is a mandatary of the Government.

The property of a museum forms part of the public domain but the performance of its obligations may be levied against its property other than the works of man or the products of nature included in its collections.

- 5.** The head office of a museum shall be at the place determined by the Government; notice of the address or change of address of the head office is published in the *Gazette officielle du Québec*.
- 6.** The affairs of a museum are administered by a board of directors consisting of nine members, including a chairman, appointed by the Government.

One of the members is appointed on the recommendation of the urban community or, if none, the municipal council, having jurisdiction at the place of the head office of the museum.

A second member is appointed after consultation with educational circles.

The remaining members are appointed after consultation with persons and organizations or associations interested in museology.

The by-laws of a museum may provide for other categories of members; these are non-voting members.

**7.** The Government shall fix the salary, fees or allowances of the members and any indemnities they are entitled to.

**8.** The chairman is appointed for a term of not over five years; the other members are appointed for a term of not over three years.

No members may be appointed for more than two consecutive terms nor, in the case of the chairman, may the second term exceed three years.

**9.** The chairman shall preside at meetings of the board of directors, supervise its operations and assume all the other duties assigned to him by by-law of the museum.

**10.** A member remains in office at the expiry of his term until he is replaced or reappointed.

Any vacancy among the members is filled according to the mode prescribed for the appointment of the member to be replaced.

**11.** Five members are a quorum at sittings of a board of directors.

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

**13.** If a member is absent or temporarily unable to act, the Government may, on the conditions it determines, appoint a person as interim member, according to the mode of appointment provided in section 6.

**14.** A museum shall appoint a director general; his salary, allowances, indemnities and other conditions of employment are determined in the contract provided for in section 31.

**15.** The director general is responsible for the management of the museum within the scope of its by-laws.

**16.** The director general shall devote his full time to his official duties; however, he may simultaneously carry out the duties of secretary.

**17.** A museum may appoint a secretary and any other employee necessary for its functions.

**18.** The secretary and the other employees are appointed and remunerated in accordance with the standards, scales and staffing plan established by the by-laws of the museum.

The by-laws come into force from the date of their approval by the Government.

**19.** Subject to section 38, a museum may adopt by-laws concerning the exercise of its powers and its internal management.

The by-laws come into force from the date of their approval by the Government.

**20.** No member may, under pain of forfeiture of office, have a direct or indirect interest in an undertaking causing his personal interest to conflict with his official duties.

However, forfeiture is not incurred if the interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

**21.** The minutes of the meetings of the board of directors, approved by the board and certified true by the chairman or the secretary, are authentic.

Similarly, documents or copies emanating from a museum or forming part of its records are authentic if so certified.

## CHAPTER III

### FUNCTIONS AND POWERS

**22.** The functions of the Musée du Québec are to make known, promote and preserve Québec art of all periods, from ancient art to contemporary art, and to ensure a place for international art through exhibitions and other cultural activities.

**23.** The functions of the Musée d'Art contemporain de Montréal are to make known, promote and preserve contemporary Québec art and to ensure a place for international contemporary art through exhibitions and other cultural activities.

**24.** A museum may, in particular, in the exercise of its functions,

(1) acquire, alienate, lease, lend, borrow, exchange, preserve or restore objects which are the works of man or the products of nature according to the conditions it stipulates by by-law;

(2) solicit and receive gifts, legacies, subsidies or other contributions and dispose thereof;

(3) promote the works of man or the products of nature in Québec and abroad through exhibitions or by any other appropriate means;

(4) ensure coordination and establish methods of collaboration with other persons or associations in the field of museology in Québec.

In the exercise of its functions under subparagraph 1 of the first paragraph, a museum shall accept no donation, gifts, grants or other contributions to which charges or conditions are attached, except in cases and on conditions determined by regulation of the Government.

Every by-law made under the second paragraph comes into force ten days after its publication in the *Gazette officielle du Québec* or on any later date indicated in it.

**25.** A museum shall not, without obtaining the prior authorization of the Government,

(1) acquire, alienate, hypothecate or lease an immovable;

(2) enter into a contract for more than three years, except a contract for services in connection with an exhibit or other cultural activity;

(3) contract a loan that increases the aggregate of sums borrowed by the museum and outstanding above the amount determined by the Government.

**26.** A museum shall proceed by way of public tenders in all cases where a department must do so according to the rules adopted under the Financial Administration Act (R.S.Q., chapter A-6).

## CHAPTER IV

### GOVERNMENT GUARANTEES

**27.** The Government may determine the conditions of any subsidy it grants to a museum to cover the whole or part of the payment in capital and interest of any loan or other obligation of the museum.

[[**28.** The Government may guarantee, on such conditions as it may fix, the payment in capital and interest of any loan or other obligation of a museum.]

The sums required for the administration of this section are taken out of the consolidated revenue fund.]]

## CHAPTER V

## ACCOUNTS AND REPORTS

**29.** The fiscal period of a museum ends on 31 March each year.

**30.** A museum shall prepare a development plan in accordance with the form, tenor and periodicity fixed by the Government.

The plan is subject to the approval of the Government.

**31.** A museum shall, each year, enter into a contract with the Government.

The contract shall determine, in particular,

(1) the salary, allowances, indemnities and other conditions of employment of the director general of the museum;

(2) the amount of financial commitments beyond which the museum requires the authorization of the Government;

(3) the conditions on which the museum may exercise a mandate pertaining to the negotiation of a collective labour agreement with its employees;

(4) the conditions on which a museum may sign a collective labour agreement with its employees;

(5) the budget of the museum for the following year.

The Government shall determine any other subjects to be covered in the contract and the time of year the museum is to present the contract to it.

**32.** A museum shall, within four months from the end of its fiscal period, file its financial statements and a report of its activities for the preceding fiscal period with the Minister.

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

**33.** The Minister shall table the report of activities and the financial statements of a museum before the National Assembly within 30 days of receiving them, if the Assembly is in session or, if it is not sitting, within 30 days of the next session or of resumption, as the case may be.

**34.** A museum shall also furnish to the Minister any information he requires on its activities.

**35.** The books and accounts of a museum must be audited every year by the Auditor General and whenever the Government so orders.

**36.** The auditor's report must accompany the report of activities and the financial statements of a museum.

**37.** The sums received by a museum must be allocated to the payment of its obligations.

## CHAPTER VI

### BY-LAWS

**38.** A museum may, by by-law,

(1) establish standards on the internal management of the establishment, and surveillance and security measures for the objects found therein;

(2) establish committees of persons to advise it on the acquisition of objects, or on any other matter connected with its functions as well as standards on the operation of the committees;

(3) determine conditions for acquiring, alienating, leasing, lending, borrowing, donating, exchanging, preserving or restoring objects that are the works of man or the products of nature;

(4) establish classes of non-voting members and determine their duties, powers and obligations.

**39.** Where a museum adopts a by-law pursuant to section 38, it shall submit it for approval to the Government, which may amend it.

The by-law comes into force after its approval, with or without amendment, by the Government, ten days after its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

## CHAPTER VII

### TRANSITIONAL AND FINAL PROVISIONS

**40.** Section 4 of the Act respecting the Ministère des Affaires culturelles (R.S.Q., chapter M-20) is amended by replacing the words "provincial libraries and museums" in the first and second lines by the words "Québec libraries and museums".

**41.** No person may use the name "Musée du Québec" or "Musée d'Art contemporain de Montréal" in Québec to designate any immovable, undertaking or body without the written authorization of the museum concerned.



**42.** The Musée du Québec and the Musée d'Art contemporain de Montréal established under this Act, become, from (*insert here the date of coming into force of this section*), owners of the works of man and the products of nature included in their collections, located in the Musée du Québec and the Musée d'Art contemporain de Montréal, respectively and which are part of the public domain.

**43.** Unless otherwise required by the context, the Musée du Québec and the Musée d'Art contemporain de Montréal are substituted of right for the Musée du Québec division and the Musée d'Art contemporain de Montréal division, respectively, at the Ministère des Affaires culturelles, in any regulation, by-law, order in council, order, directive, contract or other document where those divisions are mentioned.

**44.** Employees of the Musée du Québec or the Musée d'Art contemporain de Montréal having acquired permanent status pursuant to the Civil Service Act (R.S.Q., chapter F-3.1) before (*insert here the date of coming into force of this section*), retain the civil service classification they had on that date.

They may apply for a transfer to another employment in the civil service and take part in advancement competitions in accordance with the provisions of the Civil Service Act.

For the purposes of section 81 of the Civil Service Act, the museums are deemed to be agencies within the meaning of that Act.

**45.** Section 77 of the Civil Service Act applies to every employee contemplated in section 44 who takes part in an advancement competition.

**46.** Every employee contemplated in section 44 who has been transferred to an employment in the civil service in accordance with that section may apply to the Office du recrutement et de la sélection du personnel de la fonction publique for a readjustment of his classification within his class of employment to take into account the experience and additional years of formal training acquired while he was employed by the Musée du Québec or the Musée d'Art contemporain de Montréal.

**47.** Every employee contemplated in section 44 who has been promoted in accordance with that section may, in respect of the application of the rules of classification applicable at the time of his promotion, request that the Office du recrutement et de la sélection du personnel de la fonction publique take into account the experience and additional years of formal training acquired while he was employed by the Musée du Québec or the Musée d'Art contemporain de Montréal.

**48.** Should the Musée du Québec or the Musée d'Art contemporain de Montréal cease its activities, every employee contemplated in section 44 may either be laid off or transferred to an employment in the civil service that corresponds to his classification before (*insert here the date of coming into force of section 44*).

The Office du recrutement et de la sélection du personnel de la fonction publique shall readjust the classification of the employee in the same manner as in section 46.

**49.** Subject to the recourses which may exist pursuant to a collective agreement, no employee contemplated in section 44 may be dismissed or demoted except in accordance with section 87 or 97 of the Civil Service Act, as the case may be.

**50.** Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by adding the following paragraph after paragraph 19:

“(20) the director general and employees of a museum established under the Québec Museums Act (1983, chapter *insert here chapter number of Bill 35*).”

**51.** This Act replaces the Act respecting museums (R.S.Q., chapter M-43).

**52.** Every provision of a regulation, by-law, order in council or order made under the Act respecting museums remains in force.

**53.** The Minister of Cultural Affairs is responsible for the administration of this Act.

**54.** 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).

**55.** This Act comes into force on the date fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date fixed by proclamation of the Government.