

THIRD SESSION

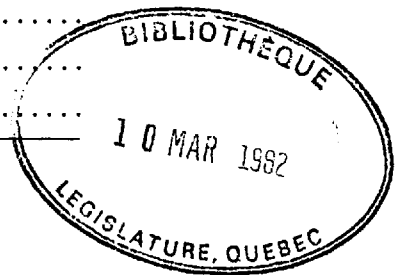
THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 52

**An Act respecting the Société
de la Place des Arts de Montréal**

First reading
Second reading
Third reading



M. CLÉMENT RICHARD

Minister of Cultural Affairs

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EXPLANATORY NOTES

This bill replaces the Act respecting Place des Arts (R.S.Q., chapter P-11).

It provides for the establishment and organization of the Société de la Place des Arts de Montréal ("the Corporation"), which is substituted for the Régie de la Place des Arts.

It provides that the nine members of the Corporation are to be appointed by the Government, three of them after consultation with the Communauté urbaine de Montréal.

It gives the Corporation a mandate to present, stage and produce performances. It makes the exercise of certain powers of the Corporation subject to government approval. Lastly, it requires the Corporation to obtain government approval of its development plan.

Bill 52

An Act respecting the Société
de la Place des Arts de Montréal

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

1. A body, herein referred to as “the Corporation”, is hereby established under the name of the “Société de la Place des Arts de Montréal”.

2. The Corporation is a corporation within the meaning of the Civil Code, and has all the powers of such a corporation in addition to those conferred on it by this Act.

3. The corporate seat of the Corporation is in the territory of the Communauté urbaine de Montréal.

4. The affairs of the Corporation are administered by a board of directors consisting of nine members appointed by the Government; three of the members, excluding the chairman, are appointed upon the recommendation of the Communauté urbaine de Montréal.

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

6. The members of the Corporation are appointed for a term of not over four years.

7. The members of the Corporation remain in office notwithstanding the expiry of their term until they are replaced or reappointed.

8. Five members are a quorum at sittings of the Corporation.

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

10. If a member of the Corporation is absent or temporarily unable to act, the Government, according to the mode of appointment provided in section 4 and on the conditions it determines, may appoint a person as interim member.

11. Each year, at its first meeting, the Corporation shall form an executive committee of three members, whose functions are determined by the by-laws of the Corporation.

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

The president of the Corporation is chairman of the committee *ex officio*; a vice-chairman and the third member are to be designated from among the other members of the Corporation.

12. The Corporation shall appoint a director general, whose salary, allowances, indemnities and other conditions of employment, are determined by the Government.

13. The director general is responsible for the management of the Corporation within the scope of its by-laws.

14. The director general shall perform his duties on a full-time basis; however, he may simultaneously carry out the duties of secretary.

15. The Corporation may appoint a secretary and any other employee necessary for its functions.

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

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

17. The Corporation may adopt internal management by-laws.

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

18. Every member of the Corporation having a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Corporation shall, under pain of forfeiture of office, disclose it in writing to the board of directors and abstain from participating in any decision bearing on the undertaking in which he has an interest.

19. The minutes of the sittings of the board of directors, approved by the board and certified by the president of the Corporation or by the secretary, are authentic.

Similarly, documents or copies emanating from the Corporation or forming part of its records are authentic if certified by the secretary.

CHAPTER II

FUNCTIONS AND POWERS

20. The functions of the Corporation are to present, stage and produce performances.

21. The Corporation shall not, without obtaining the prior authorization of the Government,

(1) exercise its powers in respect of property other than the Place des Arts de Montréal;

(2) acquire, alienate, hypothecate or take a lease on an immoveable;

(3) enter into a contract for more than three years, except a contract for less than five years in which the Corporation is the lessor;

(4) contract a loan that increases the aggregate of sums borrowed by the Corporation and outstanding above the amount determined by the Government;

(5) exercise a mandate pertaining to the negotiation of a collective labour agreement with its employees;

(6) sign a collective labour agreement with its employees.

22. The Corporation 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 III

GOVERNMENT GUARANTEES

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

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

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

CHAPTER IV

ACCOUNTS AND REPORTS

25. The fiscal period of the Corporation ends on 31 March each year.

26. The Corporation must have its development plan approved by the Government.

The Government shall determine the form and general tenor of the development plan and the time when the plan must be filed with it.

27. Within three months from the end of its fiscal period, the Corporation shall file its financial statements and a report of its activities for the preceding fiscal period with the Minister of Cultural Affairs.

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

28. The Minister shall table the report of activities and the financial statements of the Corporation before the National Assembly of Québec within thirty days of receiving them, if the Assembly is in session or, if it is not sitting, within thirty days of the next session or of resumption, as the case may be.

29. The Corporation shall also furnish to the Minister any information he requires on its activities.

30. The books and accounts of the Corporation must be audited every year by auditors appointed by the Corporation with

the approval of the Minister of Cultural Affairs, and whenever the Government orders them audited, by auditors appointed by the Government.

31. The report of the auditors must accompany the report of activities and the financial statements of the Corporation.

32. The sums received by the Corporation must be used to meet its obligations and the balance paid annually into the consolidated revenue fund.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

33. The name “Place des Arts de Montréal” shall not be used in Québec to designate any immovable, undertaking or body, without the written authorization of the Corporation.

34. The Société de la Place des Arts de Montréal is substituted for the Régie de la Place des Arts and, in that capacity, assumes its powers and obligations and acquires its rights.

35. Members and employees of the Régie de la Place des Arts who are in office when this section comes into force become members and employees, respectively, of the Société de la Place des Arts de Montréal.

36. The term of office of a member of the Régie de la Place des Arts that has not expired when this section comes into force is continued until the appointment of a new member by the Government according to the mode of appointment provided in section 4.

37. Every provision of a by-law, order in council or order made under the Act respecting Place des Arts (R.S.Q., chapter P-11) remains in force until it is amended or replaced.

38. In any Act, regulation, by-law, order in council, order, contract, agreement or other document, the words “Régie de la Place des Arts”, “Place des Arts” or “Board”, where they designate the Régie de la Place des Arts, are replaced by the words “Société de la Place des Arts de Montréal” or by the word “Corporation”.

39. The commitments of the Government in respect of the holders of obligations of the Régie de la Place des Arts are not changed by this Act.

40. The commitments of the city of Montréal in respect of the deficits of the Régie de la Place des Arts, in accordance with Orders in Council 679-65 of 31 March 1965 and 904-66 of 18 May 1966 and Order 3423-80 of 29 October 1980, are at the sole charge of the Government.

41. This Act replaces the Act respecting Place des Arts.

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

43. This Act will come into force on a date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on a later date to be fixed by proclamation of the Government.