

SIXTH SESSION

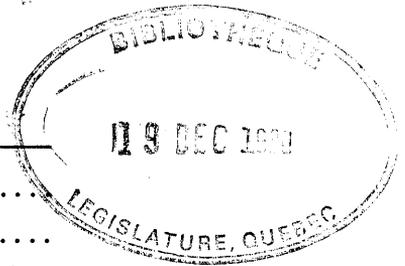
THIRTY-FIRST LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 20

Cinema Act

First reading
Second reading
Third reading



M. DENIS VAUGEOIS

Minister of Cultural Affairs

L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

EXPLANATORY NOTES

The object of this bill is to unify the legislation relating to the cinema.

Its leading provision is that the Minister of Cultural Affairs will be responsible for devising policy on the cinema for Québec and for proposing it to the Government.

It also provides that the Minister will have power to grant recognition to a film library and confer certain responsibilities on it regarding the conservation of the existing stock of film works.

It leaves the distribution of public funds for the private sector of the film industry to the Institut québécois du cinéma, and adds to the Institut's responsibilities the devising and proposing of technical standards for the film industry.

It replaces the Cinema Supervisory Board with a Régie du cinéma, the main functions of which will be to classify films, to control the advertising of the showing of films, and to issue, renew, suspend or revoke exhibitor's licences and distributor's licences.

It provides, as well, that the Régie du cinéma will be required to hold public hearings on certain aspects of its regulations.

Lastly, it provides for the institution of an appeal board to hear appeals from the decisions of the Régie du cinéma.

Bill 20

Cinema Act

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

CHAPTER I

INTERPRETATION

1. In this act, a film is a work produced by means of a technique that results in a cinematographic effect, regardless of the material means employed.

CHAPTER II

POLICY ON THE CINEMA

2. The Minister of Cultural Affairs shall devise policy on the cinema and propose it to the Government; he shall implement the policy, oversee its application and coordinate its execution.

He shall also foster the development of the Québec film industry.

3. Policy on the cinema, while respecting freedom of creation and expression, and freedom of choice for the public, must give priority to the following objectives:

(1) the establishment and development of the artistic, industrial and commercial organizational basis of a film industry that reflects the distinctive culture of Québec;

(2) the development of the Québec cinema and the diffusion of cinematographic culture in every part of Québec;

(3) the creation and development of independent and financially autonomous Québec firms in the film industry;

(4) the conservation and utilization of the existing stock of Québec cinematographic works, particularly through the development of film libraries in the public libraries;

(5) the development of children's films and of short subjects;

(6) the respect of copyrights on films and the establishment of mechanisms to oversee the production and distribution of such works.

4. Within the scope of the policy on the cinema, the Minister of Communications shall coordinate the production, acquisition, lending, rental and sale of films and other audiovisual works commissioned or produced by the government departments and by the public agencies designated by regulation of the Government.

A public agency is a school corporation, any agency to which the Government or a minister appoints the majority of the members, any agency to which, by law, the officers or employees are appointed or remunerated in accordance with the Civil Service Act (1978, c. 15), or any agency which derives more than one-half of its resources from the consolidated revenue fund.

5. The Minister shall see to the preservation and classification for archival purposes of films and other audiovisual works commissioned or produced by the government departments and the public agencies contemplated in section 4 and designated by regulation of the Government; he shall also see that the public has ready access to them.

6. The Government, by regulation, may require the holders of exhibitor's licences to include in their programming, in such proportion and for such time as it indicates, films that it regards as having been produced in Québec and for which it considers that suitable market outlets are restricted.

The proportion and the time contemplated in the first paragraph may vary according to the area or locality, the audience, the class of film and the category of the exhibitor's licence.

Where necessary, the Government may also make regulations prescribing modalities for compensating losses of revenue that may be incurred by holders of exhibitor's licences as a result of meeting the requirement of this section.

7. The Minister may take action against any practice employed in the film industry in Québec, if such practice tends to thwart the cultural needs of the population, or if it restricts the

availability or the free choice of films, unduly delays the exhibiting of films, or is otherwise inconsistent with the objectives set out in section 3.

In exercising his power under this section, the Minister may prohibit any practice referred to in the first paragraph and obtain the appropriate injunctions from the Superior Court.

8. The Government, by regulation, may require any holder of an exhibitor's or a distributor's licence to give to the Minister any information he may request regarding the amounts he pays or receives, as the case may be, as distribution fees, film rental and admission fees.

It may in addition, by regulation, require any holder of an exhibitor's or a distributor's licence to give to the Minister such other information as he considers necessary for the devising and implementing of policy on the cinema.

The officer to whom information referred to in the second paragraph is given is subject, so far as applicable, to the requirement of secrecy enacted in sections 16, 19 and 20 of the Act respecting the Bureau de la Statistique (R.S.Q., c. B-8).

CHAPTER III

THE FILM LIBRARY

9. The Minister, on such conditions as he may fix, may grant recognition to a film library and confer on it the functions vested in him by this act in respect of the conservation of the existing stock of Québec films and the distribution of the film repertoire.

10. The recognized film library may, provided that it pays for it, require the owner of a film produced in Québec and exhibited to the public to deposit a print of the film in the library.

The time allowed to deposit the print, the standards of quality the deposited print must conform to and the other modalities of deposit are determined by regulation of the Government.

11. The recognized film library shall carry out the functions conferred on it by the Minister under the terms of a contract entered into with the Minister annually.

CHAPTER IV

THE INSTITUT QUÉBÉCOIS DU CINÉMA

DIVISION I

ESTABLISHMENT AND MANDATE OF THE INSTITUT

12. The Institut québécois du cinéma is hereby established.

13. The Institut is a corporation within the meaning of the Civil Code; it is vested with the general powers of such a corporation and the special powers conferred on it by this act.

14. Within the scope of the policy of Québec on the cinema, the mandate of the Institut is to allocate funds set aside by the Government for the private sector of the film industry.

15. The Institut shall carry out its mandate in accordance with a contract it shall make with the Minister.

The contract must establish the goals the Institut must pursue for the term of the contract, its fields of activity, its maximum staff, the limits to the financial commitments it may make and the terms and conditions to be observed in carrying out its functions.

16. In carrying out its mandate, the Institut shall

(1) promote and, taking into account the profitability of its investments, lend financial support to the creation, production, distribution, broadcasting and exhibiting of Québec films within the meaning of section 20;

(2) foster the distribution, broadcasting and exhibiting of films in Québec;

(3) foster firms and industries contributing to cinematographic production in Québec;

(4) promote Québec cinema and encourage its exhibition at festivals and other cinematographic events;

(5) foster training, research and innovation in the field of cinematography in Québec.

17. The Institut shall carry out its mandate by the following means:

(1) investments in production, in return for a share of the profits;

(2) loans or advances with interest at a rate equal to or higher than the current market rate;

(3) loans or advances without interest or at a lower rate than the current market rate, in the cases determined by regulation of the Government;

(4) guarantees to lenders or investors, directly or indirectly, particularly through investment companies;

(5) acquisition of shares or property in firms active in the field of the cinema;

- (6) premiums for high quality and achievement;
- (7) subsidies, including deficit-reducing subsidies, in the cases determined by regulation of the Government;
- (8) prizes for excellence;
- (9) reinvestment by recipients of financial assistance of their profits from the sums advanced by the Institut;
- (10) any other means authorized by the Government.

18. The Institut also has the role of devising and proposing to the Government, the Régie du cinéma and any other person technical standards respecting the film industry. For that purpose, it may carry out such research and studies as it sees fit.

19. The Institut shall cooperate with the Minister in devising and applying the policy on the cinema defined pursuant to this act.

The Institut shall advise the Minister on any question that he submits to it and may make recommendations to the Minister on any question relating to policy on the cinema.

20. The Institut shall recognize as Québec films such works as it may indicate, in such measure as it may determine; it shall recognize them according to the standards it shall establish by regulation, in consultation with the Minister.

The Institut may in the same way recognize a coproduced film, to the extent corresponding, in its estimation, to Québec participation, if it is of the opinion that this participation provides benefits to persons resident in Québec at least equal to those it provides to non-residents, and that the film takes account of the distinctive culture of Québec.

DIVISION II

STRUCTURE AND OPERATION OF THE INSTITUT

21. The Institut is composed of seven members appointed by the Government in accordance with this division.

22. The Minister shall recognize, on such conditions as he may determine, the most representative association of each of the five following sectors of cinema activity: producing, directing, artists and technicians, distributing, and exhibiting.

He shall, in writing, request each of the recognized associations to submit to him, within thirty days, the names of three representative candidates from its sector.

23. From among the persons whose names are submitted to him, the Minister shall select for each sector the person whose appointment he recommends to the Government.

If an association fails to submit the names it proposes for its sector within the prescribed time or if a particular sector has no recognized association, the Minister shall himself choose the person he considers representative of the sector concerned and recommend him for appointment to the Government.

24. Once the Government has made the five appointments under section 23, the Minister, after consulting the members so appointed, shall propose to the Government two other members, one of whom shall represent the film viewing public.

25. The Minister may at any time ascertain the representative character of any association recognized by him pursuant to section 22 and, if necessary, recognize another more representative association from the same sector.

26. The members of the Institut must be domiciled in Québec.

27. The members of the Institut are appointed for three years. In no case may a member be appointed for more than two consecutive full terms of office.

28. The members remain in office at the expiry of their term until they are replaced or re-appointed.

29. Every vacancy among the members of the Institut is filled in accordance with the formalities prescribed for the appointment of the member to be replaced, but only for the unexpired portion of that member's term of office.

30. The Institut shall have its head office in the place determined by the Government; a notice of the location or of any change of location of the head office is to be published in the *Gazette officielle du Québec*.

The Institut may sit anywhere in Québec.

31. The members of the Institut shall appoint a director general.

32. The office of director general of the Institut is incompatible with that of member of the Institut. The director general holds office on a full-time basis.

33. The director general of the Institut is responsible for its administration within the scope of this act and the by-laws of the Institut.

He shall define the duties of the personnel of the Institut and supervise their work.

34. The Minister is to receive notice and minutes of all meetings of the members of the Institut.

35. Not later than 30 September each year, the Institut shall submit a report to the Minister of its activities for the previous fiscal period.

The report must also contain all the information the Minister may prescribe. It shall be tabled before the National Assembly within fifteen days following its reception if it is in session or, if not, within thirty days of the opening of the next session or of resumption, as the case may be.

Furthermore, the Institut must give to the Minister any information he may require on its activities.

36. No deed, document or writing binds the Institut or may be imputed to it unless it is signed by the director general.

A deed, document or writing signed by a member of the Institut or of its personnel may also bind the Institut or be imputed to it to the extent provided by by-law of the Institut.

DIVISION III

CONFLICTS OF INTEREST

37. No member of the Institut may take part in the discussion of a matter putting his personal interest in conflict, directly or indirectly, with that of the Institut.

The Institut shall decide whether a matter involves a conflict of interest for a member; the member shall not take part in this decision.

38. A member of the Institut must notify it immediately upon acquiring an interest in a contract or a draft contract with the Institut.

A member is deemed to have such an interest if he is a director, representative, employe or officer of a firm that has an interest in a contract with the Institut or if he has an interest in the capital, property or financing of the firm.

39. The time when an interested member must report his interest is determined by by-law of the Institut.

The member must report his interest by declaring it in writing or by making an oral statement recorded in the minutes of the meetings of the Institut.

40. A member of the Institut shall on taking office, and thereafter in accordance with the terms and conditions established by by-law of the Institut, make a general declaration of his interests in any firms that could become the recipients of financial assistance from the Institut.

41. The director general of the Institut shall not, under pain of forfeiture of office, have any direct or indirect interest in an activity putting his personal interest in conflict with that of the Institut.

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

42. Any contract made with the Institut in contravention of this division may be cancelled at the request of the Minister or the Institut.

DIVISION IV

BY-LAWS AND REGULATIONS OF THE INSTITUT

43. The remuneration, indemnities and other benefits to which the members of the Institut and the director general are entitled are fixed by by-law of the Institut.

The Institut may also fix the remuneration, indemnities and other benefits of the personnel of the Institut, but in this case it shall do so in such a way that their remuneration equals what they would receive in the same office if they were appointed and remunerated pursuant to the Civil Service Act.

44. The Institut may also, by regulation,

(1) determine the form of applications for financial assistance presented to it, the information they must contain and the documents that must accompany them;

(2) establish rules for the appointment of juries to award prizes and other benefits the Institut may grant, and make sections 37 to 40 and 42 applicable to such juries;

(3) determine the scales, criteria and limits to be observed by the Institut in granting financial assistance;

(4) establish the minimum frequency of meetings of the Institut;

(5) establish, in consultation with the Minister, the standards contemplated in section 20.

45. A regulation adopted by the Institut pursuant to paragraph 3 or 5 of section 44 is published by the Institut in the *Gazette officielle du Québec* with a notice that upon the expiry of a period of at least thirty days following publication, it will be submitted to the Government for approval.

46. A by-law adopted by the Institut pursuant to section 39, 40 or 43 or a regulation adopted pursuant to paragraph 2, 3, 4 or 5 of section 44 must be submitted for approval to the Government, which may then amend it.

A by-law or regulation contemplated in section 39, 40 or paragraph 2, 3, 4 or 5 of section 44 comes into force following its approval by the Government, upon its publication in the *Gazette officielle du Québec* or on a later date indicated in the by-law or regulation; a by-law adopted pursuant to section 43 comes into force upon its approval by the Government or on a later date indicated in the by-law.

A regulation adopted by the Institut under paragraph 1 of section 44 comes into force on its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation.

DIVISION V

FINANCIAL PROVISIONS

47. The fiscal period of the Institut ends on 31 March every year.

48. Every year, the Institut must submit its budget for the next fiscal period to the Minister, before the date prescribed by him. The budget has no effect until approved by the Minister.

49. The books and accounts of the Institut are to be audited annually by the Auditor General and also at any time the Government may determine.

DIVISION VI

TEMPORARY ADMINISTRATION

50. The Government, on its own initiative or at the request of at least three members of the Institut, may appoint one or more

persons for the administration of the Institut for a period of sixty days if

(1) the Institut exceeds the mandate granted to it by virtue of this act,

(2) the Institut makes an expenditure not provided for in the budget or inconsistent with the contract with the Minister,

(3) the Government has reason to believe the assets of the Institut have been misappropriated or becomes aware that part of the assets are unaccountably missing, or

(4) the Government has reason to believe that a serious offence has been committed, particularly embezzlement or breach of trust by a member of the Institut, or that the Institut has been seriously remiss in fulfilling the obligations imposed on it by this act or the regulations or by any contract with the Minister.

51. The temporary administrator shall substitute for the members of the Institut during his administration.

52. The temporary administrator shall submit a detailed report of his findings to the Minister, together with his recommendations, without delay.

The Minister must then grant a hearing to the implicated members of the Institut.

53. Once the Minister has received the report contemplated in section 52, the Government may

(1) order the extension or termination of the temporary administration according to the conditions it determines;

(2) prescribe the time within which any situation contemplated in section 50 must be remedied;

(3) declare one or more members of the Institut forfeited of office;

(4) revoke temporarily or permanently all or part of the mandate mentioned in sections 14 to 17.

CHAPTER V

THE RÉGIE DU CINÉMA

DIVISION I

ESTABLISHMENT AND FUNCTIONS OF THE RÉGIE

54. A body is hereby established under the name of the Régie du cinéma.

55. The functions of the Régie are

(1) to classify films according to the segments of the total audience to which they are directed;

(2) to regulate advertising connected with the exhibiting of films;

(3) to issue, renew, suspend or revoke exhibitor's or distributor's licences;

(4) to keep a register of the films produced in Québec;

(5) to supervise the application of this chapter and the regulations made under it.

The Régie shall advise the Minister on any question he may submit to it.

56. The Régie is composed of not more than seven members, including a president and a vice-president, appointed for a term of not over five years by the Government.

57. If a member of the Régie is temporarily absent or unable to act, the Government may appoint a person to replace him temporarily.

58. In no case may a member of the Régie be appointed for more than two full consecutive terms.

However, a member remains in office at the end of his term until he is re-appointed or replaced.

59. The Government determines the remuneration, social benefits and other conditions of employment of the members of the Régie. Once fixed, their remuneration may in no case be reduced.

60. The president is responsible for the administration and general direction of the affairs of the Régie.

If the president is temporarily absent or unable to act, he is replaced by the vice-president.

The members of the Régie hold office on a full-time basis.

61. The members of the Régie are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., c. C-37), except the power to order imprisonment.

No member may be prosecuted by reason of an official act done in good faith in the exercise of his functions.

62. No member of the Régie may, under pain of forfeiture of office, have any direct or indirect interest in an activity putting his personal interest in conflict with his duties of office.

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

63. The secretary and the other members of the personnel of the Régie are appointed and remunerated in accordance with the Civil Service Act.

64. The Régie has its head office at the place determined by the Government; a notice of the location or of any change of location of the head office is to be published in the *Gazette officielle du Québec*.

The Régie may sit anywhere in Québec.

65. The Régie shall fix the quorum of its sittings by resolution.

For the purposes of the classification of films, divisions of the Régie, consisting of at least two members, may sit simultaneously. In case of a tie-vote on a question, the question is submitted to the president, who shall decide it.

66. Every writing or document emanating from the Régie signed or attested by the president, the vice-president or the secretary of the Régie in his official capacity is authentic and makes proof of its content without its being necessary to prove the signature.

67. Not later than 30 June every year, the Régie shall transmit to the Minister a report of its activities for the preceding fiscal period.

The report shall be tabled before the National Assembly within thirty days of its receipt if the Assembly is in session; if not, the report shall be tabled within thirty days from the opening of the next session or, as the case may be, from resumption.

68. The fiscal period of the Régie ends on 31 March every year.

DIVISION II

CLASSIFICATION OF FILMS AND
APPROVAL OF ADVERTISING

69. A person wishing to exhibit a film in public must first apply to the Régie for classification in accordance with this act and the regulations of the Régie.

70. A film submitted for classification must be in its complete form with no alterations but those expressly authorized in writing by the person empowered to give the authorization.

No person may alter the film thereafter without the authorization; if it is altered, it must again be submitted to the Régie for classification.

71. Within fifteen days following the application, the Régie, if of the opinion that the content of the film does not endanger public order or good morals, shall assign one of the three following classes to the film, according to the sector of the audience to which it is directed:

- (1) "For all";
- (2) "14 and over";
- (3) "18 and over".

If the Régie is of the opinion that the film is specially intended for children, it shall also mark it "For children".

72. The Régie shall stamp every print of every film that it classifies and that is intended for exhibition to the public to show the classification given to the film.

73. Where the original version of a film is not in French, the Régie shall not stamp more than one print of the film that has no French subtitles or French dubbing. Every other copy of the film, to be stamped, must have French subtitles or French dubbing.

Notwithstanding the first paragraph, the Régie, within the scope of a regulation made by it, may place a special stamp on an additional print of a film that does not have French subtitles or French dubbing. This stamp indicates the class assigned to the film under section 71, and, as the case may be, in what place or on what occasion this print may be exhibited to the public.

74. Subject to the second paragraph of section 70, no person may apply for the reclassification of a film before the expiry of a period of three years since it was classified.

75. A person wishing to advertise a film, particularly by means of trailers or posters, must have them approved beforehand by the Régie.

76. The Régie shall approve an advertisement if it is of the opinion that it conforms to the requirements of the class "For all".

77. The Régie may revoke any stamp issued pursuant to section 72 if it is of the opinion that the film is not being exhibited to the public in conformity with this act and the regulations thereunder.

The president of the Régie may also require that a classified print of a film be returned to him for examination.

DIVISION III LICENCES

§ 1.—*Exhibitor's Licences*

78. An exhibitor's licence entitles its holder to operate premises where films are exhibited to the public.

79. The board shall issue an exhibitor's licence to every person who applies therefor in accordance with this act and the regulations of the Régie.

80. An exhibitor's licence is valid for the period fixed by the Régie, up to ten years, and is renewable.

81. The duties payable annually by the holder of an exhibitor's licence are payable to the Régie on the issue or renewal of the licence and, subsequently, on 30 April every year.

82. The Régie, after giving the person concerned an opportunity to be heard, may refuse to issue or to renew, or suspend or revoke his exhibitor's licence if he is guilty of an offence against this act or a regulation thereunder, or if he has failed to pay the annual duties when due.

§ 2.—*Distributor's Licences*

83. A distributor's licence entitles its holder to sell, lease or exchange films in Québec on a commercial basis.

84. The Régie shall issue a distributor's licence to every person who applies therefor and pays the duties prescribed by regulation of the Régie.

85. A distributor's licence expires on 30 April every year; it may be renewed on payment of the duties prescribed by regulation of the Régie.

86. Where a distributor's licence is issued after 1 May, the duties payable are reduced by the Régie in proportion to the number of months of the year elapsed.

87. The Régie, after giving the person concerned an opportunity to be heard, may refuse to issue or to renew, or suspend or revoke his distributor's licence if he is guilty of an offence against this act or a regulation thereunder.

DIVISION IV

DECISIONS OF THE RÉGIE

88. The Régie shall render its decisions in writing, setting forth the reasons on which they are based, and communicate them to the parties to the proceedings by such means as it considers appropriate.

89. The Régie may rectify, on request, a clerical error, error in computation or other formal error in any of its decisions.

90. The Régie may review a decision

(1) respecting an application for classification of a film or approval of advertising connected with a film, on the application of the person who submitted the film for classification or the advertising for approval, provided he applies to the Régie within ten days from its decision;

(2) in other cases, on the application of an interested person, provided he applies to the Régie within thirty days from its decision.

91. The Régie shall, before reaching a decision on an application for review, give the applicant the opportunity to be heard.

An interested person may also intervene in respect of an application other than an application contemplated in paragraph 1 of section 90.

92. A decision rendered by the Régie under section 90 may be appealed from to the Appeal Board established in Chapter VI.

DIVISION V

INSPECTIONS AND SEIZURES

93. Any person authorized by the Régie to act as an inspector may enter any place where films intended for public exhibition are kept, or any place where films are exhibited to the public, in order to examine a film and ascertain that a stamp has been issued for it by the Régie in accordance with this act or to ascertain that a regulation contemplated in subparagraph 3, 4 or 6 or the first paragraph of section 97 is being complied with.

94. An inspector shall produce, on demand, a certificate of his office signed by the president or the secretary of the Régie.

95. An inspector may require the issue of a search warrant under the Summary Convictions Act (R.S.Q., c. P-15) and seize a film for which no stamp has been issued by the Régie in accordance with this act or which has been used in contravention of this act or a regulation thereunder.

A justice of the peace may order a film to be returned once it has served the purpose for which it was seized; he may also order pirated prints to be destroyed.

DIVISION VI

REGULATIONS OF THE RÉGIE

96. The Régie may, by regulation,

(1) prescribe the amount of the duties payable annually by the holder of an exhibitor's licence; this amount may vary according to the class of the licence;

(2) prescribe the amount of the duties payable annually by the holder of a distributor's licence;

(3) prescribe the amount of the inspection charges for an application for the classification of a film or an application for a licence;

(4) fix the procedure for the filing, examination and hearing of any application that must be submitted to it under this chapter, including the documents and vouchers required;

(5) provide for the setting up of a system of registers of its decisions and determine how the decisions are to be published.

97. The Régie may also, by regulation,

(1) establish categories of exhibitor's licences, taking into account the nature of the premises where films are exhibited, the type of films ordinarily exhibited there, the frequency at which they are exhibited, whether the exhibition of films is the main or a secondary use of the premises, and whether the premises are covered by a permit issued under the Act respecting liquor permits (1979, c. 71);

(2) fix the rights and obligations that each category of licence confers on its holder;

(3) establish, after consultation with the Institut, technical standards respecting the exhibition of films to the public;

(4) establish standards for the arrangement or conversion of a place where films are exhibited to the public;

(5) establish standards and conditions for the exhibition of a visa, the posting up and the exhibition of the classification of a film, or the posting up of a licence or of any advertising, including any information or warning that must appear thereon;

(6) fix the number of persons responsible for ensuring supervision of a place where a film is exhibited to the public and define their duties;

(7) determine in or on what kind of place or occasion a film print for which a special stamp has been issued under the second paragraph of section 73 may be exhibited to the public.

For the purposes of subparagraph 1 of the first paragraph, a licence to operate an outdoor theatre constitutes a category of exhibitor's licence.

98. A regulation made by the Régie must be submitted for approval to the Government, which may amend it.

99. Before submitting a regulation adopted under section 96 to the Government for approval, the Régie shall publish it in the *Gazette officielle du Québec*, with a notice that on the expiry of not under thirty days from publication, it will be submitted for approval to the Government.

100. Before submitting a regulation adopted under section 97 to the Government for approval, the Régie shall publish it in the *Gazette officielle du Québec*, with a notice.

The notice must indicate that at the expiry of thirty days from publication, public hearings will be held on the regulation if the Régie has, during that time, received written and substantiated application to that effect. It must also indicate that the regulation

will subsequently be submitted, with or without amendment, for approval to the Government.

101. A regulation adopted by the Régie and approved by the Government comes into force on the day of its publication in the *Gazette officielle du Québec* or on any subsequent date indicated in the regulation.

CHAPTER VI

APPEAL BOARD

102. An appeal board is hereby instituted to hear the appeals contemplated in section 92.

103. The board is composed of ten members appointed for not over three years by the Government, on the recommendation of the Minister after consultation with the Institut.

104. Sittings of the board consist of three members. At each sitting, the three members shall appoint one of their number chairman.

105. The members remain in office at the expiry of their term until they are replaced or reappointed.

106. The Government shall determine the remuneration and the other conditions of employment of the members of the board according as they hold office on a full-time or a part-time basis.

107. The Government, by regulation, shall establish the procedure of appeal.

Sections 88 and 91 apply to the board, *mutatis mutandis*.

108. Appeals from decisions of the Régie must be brought to the board by the same persons and within the same time as in section 90.

109. No appeal lies from decisions of the board.

CHAPTER VII

REGULATIONS OF THE GOVERNMENT

110. The Government, by regulation, may

(1) designate the public agencies contemplated in sections 4 and 5;

(2) impose the requirement contemplated in section 6 on holders of exhibitor's licences, establish the related conditions and modalities and prescribe the modalities of compensation contemplated in that section;

(3) require the giving of information referred to in section 8 and prescribe the related conditions and modalities;

(4) prescribe the allowed time, the standards and the modalities pertaining to the deposit provided for in section 10;

(5) determine in what cases the Institut may employ the means authorized in paragraphs 3 and 7 of section 17;

(6) establish the procedure of appeal from decisions of the Régie, as provided in section 107.

111. The Minister shall publish a draft regulation drawn up pursuant to paragraph 2, 3, 4 or 5 of section 110 in the *Gazette officielle du Québec*, with a notice that on the expiry of not under thirty days from publication, it will be submitted to the Government for adoption.

112. A draft regulation published by the Minister in the *Gazette officielle du Québec*, may be amended at its adoption by the Government.

113. A regulation adopted by the Government under this act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation.

CHAPTER VIII

OFFENCES AND PENALTIES

114. No person may contravene an order given by the Minister under section 7.

115. No person may alter a film without the express and written authorization of the person empowered to give such authorization.

116. No person may exhibit a film to the public unless it has been classified and the print of the film has been stamped in conformity with this act.

117. No person may exhibit a trailer to the public unless it has been approved by the Régie.

118. Advertising connected with the public exhibition of a film is forbidden unless it has been approved by the Régie.

119. No person may admit to the public exhibition of a film

(1) a person under eighteen years of age if the film has been classified "18 and over";

(2) a person under fourteen years of age if the film has been classified "14 and over".

120. No person may exhibit in an outdoor theatre a film classified "18 and over".

121. The holder of an exhibitor's licence must post up, in a conspicuous place at the entrance to every place where he exhibits a film to the public, the class assigned to the film by the Régie under section 71.

Where films classified in several classes are exhibited at the same program, only the most restrictive class shall be posted up.

122. No person may

(1) obtain a licence under a name other than his own, or a licence on which his name is not shown as being the name of the person to whom the licence has been issued;

(2) if he holds a licence, lease or lend it to another person or trade it; or

(3) use a licence issued to another person.

123. No person may operate a place where films are exhibited to the public unless he holds an exhibitor's licence.

124. No person may sell, lease or exchange films in Québec on a commercial basis unless he holds a distributor's licence.

125. It is forbidden to hinder an inspector of the Régie in the performance of his duties, mislead him by concealment or false declarations, refuse to give him any information, document or film he is entitled to require or examine under this act, or conceal or destroy a document or film being the object of an inquiry.

126. Any person who infringes a provision of sections 114 to 125 or of a regulation made under this act is guilty of an offence and liable, in addition to costs, to a fine of not less than one hundred dollars nor more than one thousand dollars in the case of an individual and not less than five hundred dollars nor more than two

thousand dollars in the case of a corporation or partnership and, for a subsequent offence, to a fine of not less than two hundred dollars nor more than five thousand dollars in the case of an individual and not less than one thousand dollars nor more than ten thousand dollars in the case of a corporation or partnership.

127. Where a person erects, fits up or converts a place for the public exhibition of films contrary to the standards determined by regulation of the Régie, the Superior Court may, on a motion of the Minister, order such place to be demolished.

128. Proceedings may be instituted under the Summary Convictions Act (R.S.Q., c. P-15) by the Attorney General or any person generally or specially authorized by him for that purpose.

129. In any proceedings instituted for an offence against section 119, the accused is not liable to a penalty if he proves that he used reasonable diligence to ascertain the age of the person before admitting him to the place where the film is exhibited and had good reason to believe the person old enough to be lawfully admitted.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

130. The Minister of Cultural Affairs is entrusted with the application of this act.

131. Section 3 of the Act respecting the Ministère des affaires culturelles (R.S.Q., c. M-20) is amended by striking out paragraphs *c* and *d*.

132. Sections 17 and 18 of the said act are repealed.

133. Paragraph 1 of section 23 of the Licenses Act (R.S.Q., c. L-3) is amended by striking out the words "moving picture theatre".

134. Paragraph 2 of section 23 of the said act is repealed.

135. Section 30 of the said act is repealed.

136. This act replaces the Cinema Act (R.S.Q., 1964, c. 55) and the Act respecting the Cinema (R.S.Q., c. C-18).

137. The regulations made under the Cinema Act (R.S.Q., 1964, c. 55) and the Act respecting the Cinema (R.S.Q., c. C-18)

remain in force, where not inconsistent with this act, until they are repealed or replaced in conformity with this act.

138. The Régie du cinéma succeeds to the Cinema Supervisory Board for all legal purposes.

The Régie is authorized to use any documents or means of identification that were prepared in the name of the Cinema Supervisory Board, until it is able to replace them by documents or means of identification prepared in the name of the Régie du cinéma.

139. The members of the Cinema Supervisory Board appointed pursuant to the Cinema Act (R.S.Q., 1964, c. 55) become members of the Régie du cinéma on the day of the coming into force of this act for such time as may be determined by the Government.

Notwithstanding the Civil Service Act (1978, c. 15), the Government may appropriately classify those members of the Régie who are civil servants and whose terms of office referred to in the first paragraph are not renewed.

140. The members of the personnel of the Cinema Supervisory Board in office at the coming into force of this act become the members of the personnel of the Régie du cinéma.

141. In any act, proclamation, order in council, order, contract or document, the expressions "Board of Cinema Censors" and "Cinema Supervisory Board" designate the Régie du cinéma.

142. Every film classified by the Cinema Supervisory Board before the coming into force of this act is deemed to have been classified under this act, in the corresponding class provided for in section 71 of this act.

Advertising approved by the Cinema Supervisory Board before the coming into force of this act is deemed to have been approved under this act.

143. The holder of a permit to fit up, alter or operate an outdoor theatre under the Cinema Act (R.S.Q., 1964, c. 55) is deemed to be the holder of an exhibitor's licence issued under this act, for one year from the date of the coming into force of this act.

144. The holder of a licence issued under section 27 or 30 of the Licenses Act (R.S.Q., c. L-3) and intended to permit the operation of a moving picture theatre or the business of film exchange is deemed to be the holder of an exhibitor's licence or distributor's

licence, as the case may be, issued under this act and valid until the date of expiration of his licence.

145. The members of the Institut appointed under the Act respecting the Cinema (R.S.Q., c. C-18) remain in office for the unexpired portion of their term until they resign. Subsequently, they shall be appointed or replaced in conformity with this act.

A term of office begun under the Act respecting the Cinema (R.S.Q., c. C-18) is a term for the purpose of section 27 of this act.

[[**146.** The sums required for the application of this act for the fiscal year 1980-1981 are taken out of the consolidated revenue fund and, for subsequent years, out of the appropriations voted every year therefor by the National Assembly.]]

147. This act will come into force on the date to be fixed by proclamation of the Government.