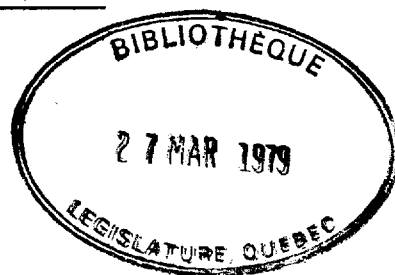


ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 2

An Act to establish the Institut québécois
de recherche sur la culture

First reading
Second reading
Third reading



M. CAMILLE LAURIN

Ministre d'état au développement culturel

EXPLANATORY NOTES

This bill provides for the establishment and organization of the Institut québécois de recherche sur la culture.

The objects of the Institut will be to conduct, promote and support research and studies on the various aspects of cultural phenomena, with a view to contributing to the cultural development of Québec.

The bill provides that the Institut will be composed of nine members appointed by the Government, including five appointed after consultation with the circles having an interest in cultural phenomena. At least three of the members will be chosen from among the researchers attached to the Institut.

The Ministre des finances may pay the sum of \$600 000 to the Institut out of the consolidated revenue fund for the fiscal year of the Government ending 31 March 1980, the sum of \$1 200 000 for the fiscal year ending 31 March 1981, the sum of \$1 500 000 for the fiscal year ending 31 March 1982, and a sum equal to that for the preceding fiscal year, plus a percentage fixed as prescribed in the bill, for each subsequent fiscal year.

The bill also provides that the Institut, in pursuing its objects, will be required to carry out any specific mandate entrusted to it by the minister responsible for the application of the act, with the approval of the Government.

Bill 2

An Act to establish the Institut québécois de recherche sur la culture

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

DIVISION I

ESTABLISHMENT AND COMPOSITION OF THE INSTITUT

Establish-
ment.

1. A body hereinafter called “the Institut” is created under the name of “Institut québécois de recherche sur la culture”.

Powers of
a corpora-
tion.

2. The Institut is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred on it by this act.

Mandatory
of the Gov-
ernment.

3. The Institut has the rights and privileges of a mandatory of the Government.

Property:
public
domain.

The property of the Institut forms part of the public domain, but the obligations of the Institut may be levied on its property.

Liability.

The Institut binds none but itself when it acts in its own name.

Head
office.

4. The head office of the Institut shall be at the place determined by the Government; notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

Offices
and
sittings.

The Institut may establish offices in such places as it may determine; it may hold sittings anywhere in Québec.

Composi-
tion.

5. The Institut is composed of nine members appointed by the Government, including five appointed after consultation with the circles having an interest in research on cultural phenomena.

Members
from the
Institut.

Not less than three of the members of the Institut must be appointed from among the researchers of the Institut.

President.

6. The Government shall appoint the president of the Institut from among the members of the Institut.

Vice-
president.

The members of the Institut shall appoint a vice-president from among the members not holding office as president or director general.

Functions
of the
president.

The president shall preside at meetings of the Institut and assume the other functions assigned to him by by-law.

Director
general.

7. The Government shall appoint a director general from among the members of the Institut. The director general is responsible for the administration of the Institut within the scope of its by-laws.

Exclusive
service.

8. The director general of the Institut shall exercise his duties on a full-time basis.

Terms of
office.

9. The president and the director general are appointed for not over five years and the other members of the Institut for four years.

Terms of
office.

However, with the exception of the president and the director general, three of the first members are appointed for three years.

Renewal
of term.

The term of office of a member shall not be renewed more than once, consecutively.

Expenses
and allow-
ance.

10. Members of the Institut other than the president and the director general receive no remuneration. However, they are entitled to the reimbursement of justifiable expenses incurred by them in the exercise of their functions, and they shall receive an attendance allowance fixed by the Government.]]

Remunera-
tion of the
president
and the
director
general.

11. The Government shall fix the remuneration, the social benefits and the other conditions of employment of the president and of the director general.

Secretary
and other
employees.

12. The Institut may appoint a secretary and any other employee necessary for its operations. It may retain the services of researchers and experts, as employees or otherwise, for the carrying on of its work.

Remunera-
tion.

The remuneration, social benefits and other conditions of employment of the secretary, employees, researchers and experts shall be fixed by the Institut and approved by the Government.

Offices
continued.

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

Vacancies.

Except in the case of the president or of the director general, any vacancy occurring during the course of a term is filled for the remainder of the term of the member to be replaced, following the mode of appointment provided in section 5.

Replace-
ment.

14. If the office of president is vacant or if the president is unable to act, the vice-president shall act as president until a new president is appointed or for as long as he is unable to act.

Replace-
ment.

15. If the office of director general is vacant or if the director general is unable to act, the Government may appoint a person whose remuneration, social benefits and other conditions of employment it shall fix, to exercise the functions of the director general for the remainder of his term or for as long as he is unable to act.

Quorum.
Casting
vote.

16. Five members of the Institut, including the president or the vice-president, are a quorum. If votes are equally divided, the president, or, if he is absent, the vice-president, has a casting vote.

Conflict of
interest.

17. Neither the president nor the director general of the Institut may, 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 Institut. However, such forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with all possible dispatch.

Applica-
bility.

Every employee of the Institut is subject to the first paragraph in the cases provided for by the by-laws of the Institut.

Disclosure.

Every other member of the Institut having an interest in an undertaking shall, under pain of forfeiture of his office, disclose it in writing to the president and abstain from participating in any deliberation or decision involving the undertaking in which he has an interest.

By-laws.

18. The Institut may make by-laws for its internal management and the exercise of its powers, and particularly

(a) to establish an executive committee, determine its functions and powers and fix the term of office of its members;

(b) to determine the functions and powers of the president, vice-president, director general and of the other employees of the Institut;

(c) to create a category of members affiliated with the Institut having no voting rights nor any part in the management of the Institut, and determine their conditions of admissibility as well as their rights and obligations;

(d) to establish endowment funds out of the sums received as gifts, legacies, grants or other forms of contribution except those sums that may be granted by the Government or the government departments or agencies, and determine the modes of administration and disposition of such funds.

Publication. The by-laws of the Institut made pursuant to this section shall be published in the *Gazette officielle du Québec*.

Authenticity of documents. **19.** The minutes of the sittings of the Institut approved by the Institut and certified by the president or by any other person authorized to do so by the internal management by-laws of the Institut are authentic. The same rule applies to documents or copies emanating from the Institut or forming part of its records, when so certified.

DIVISION II

FUNCTIONS AND POWERS OF THE INSTITUT

Objects. **20.** The objects of the Institut are to conduct, promote and support research and studies on the various aspects of cultural phenomena, with a view to contributing to the cultural development of Québec.

Powers. **21.** In the pursuit of its objects, the Institut may, in particular,

(a) devise and carry out the research plans and programmes necessary for a better understanding of cultural changes in Québec;

(b) promote collaboration and co-operation among researchers engaged in the field of cultural research and studies;

(c) place such services and information at the disposal of researchers as may be useful to them in their cultural research and studies;

(d) hold meetings, symposiums or briefings and publish the findings of the studies and research of the Institut or of other organizations pursuing similar objects;

(e) on the basis of the findings of its studies and research, and by way of forecasts and opinions, participate in the framing and review of cultural policy.

Authoriza-
tion
required.

22. The Institut, unless authorized by the Government, shall not

(a) make any agreement with any government or government body in accordance with the Intergovernmental Affairs Department Act (1974, chapter 15);

(b) make any loan that would increase its total unrepaid borrowings to an amount exceeding that determined by the Government;

(c) acquire or dispose of immoveables;

(d) make a financial engagement for a sum exceeding the amount determined by the Government.

Prohibited
trans-
actions.

23. The Institut shall not acquire shares of another corporation or operate a commercial undertaking. It shall not grant loans, gifts, legacies or subsidies.

Contribu-
tion
accepted.

24. The Institut may receive and accept any gift, legacy, grant or any other contribution.

Conditional
gifts not to
be
accepted.

It shall not, however, accept any gift, legacy, grant or other contribution to which charges or conditions are attached, unless from the Gouvernement du Québec, or a department or agency thereof, without the authorization of the Government.

Mandate
of the Min-
ister ap-
proved by
the Gov-
ernment.

25. The Institut, in pursuing its objects, must carry out any specific mandate entrusted to it, with the approval of the Government, by the minister responsible for the application of this act.

Tabling.

Such a mandate must be tabled before the Assemblée nationale within fifteen days of its approval by the Government. If the mandate is approved while the Assemblée nationale is not sitting, it must be tabled before it within fifteen days following the opening of the next session or, as the case may be, resumption.

DIVISION III

FINANCIAL PROVISIONS

Payments
out of cons.
rev. fund
authorized.

26. The Ministre des finances may pay the sum of \$600 000 to the Institut out of the consolidated revenue fund for the fiscal year of the Government ending 31 March 1980, the sum of \$1 200 000 for the fiscal year ending 31 March 1981, the sum of

\$1 500 000 for the fiscal year ending 31 March 1982, and a sum equal to that for the preceding fiscal year, plus 10 per cent or such higher percentage not in excess of 25 per cent for each fiscal year as the Government may fix, for each subsequent fiscal year.]]

Additional
payments
voted
annually.

[[**27.** The minister entrusted with the application of this act may also pay to the Institut, in addition to the sums paid pursuant to section 26, any additional sum, out of the appropriations voted annually for that purpose by the Legislature.]]

Payment of
expenses.

28. The sums paid pursuant to sections 26 and 27 by the Ministre des finances and by the minister entrusted with the application of this act shall be used to pay the administrative and other expenses incurred by the Institut through the application of this act.

DIVISION IV

MISCELLANEOUS PROVISIONS

Financial
year.

29. The financial year of the Institut terminates on 31 March each year.

Report.

30. On the expiration of four months following the end of its financial year, the Institut must make a report of its activities for the preceding financial year to the minister entrusted with the application of this act. That report must also contain all the information that may be prescribed by the minister.

Tabling of
report.

31. The minister shall table the report of the Institut before the Assemblée nationale within thirty days of his receiving it. If he receives it while the Assemblée nationale is not sitting, he shall table it within thirty days following the opening of the next session or, as the case may be, within fifteen days of resumption.

Audit.

32. The books and accounts of the Institut shall be audited by the auditor general each year and also whenever so ordered by the Government. His reports shall accompany the annual report of the Institut.

Minister
respon-
sible.

33. The Government shall entrust a minister with the application of this act.

1973, c. 12,
s. 2, am.

34. Section 2 of the Government and Public Employees Retirement Plan (1973, chapter 12), amended by section 1 of chapter 9 of the statutes of 1974, section 47 of chapter 41 of the statutes of 1975, section 9 of chapter 51 of the statutes of 1976,

section 1 of chapter 21 and section 232 of chapter 68 of the statutes of 1977 and by section 105 of chapter 7, section 31 of chapter 38, section 25 of chapter 18, section 31 of chapter 24 and section 53 of chapter 64 of the statutes of 1978, is again amended by adding after paragraph 15 of the first paragraph, the following paragraph:

“(16) the president, the director general and the employees of the Institut québécois de recherche sur la culture.”

Coming
into force.

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