

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 5

An Act to amend the Québec Broadcasting Bureau Act

First reading
Second reading
Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The object of this bill is to amend the Québec Broadcasting Bureau Act in order to specify the nature of its mandate and the mode of achieving it. Its object is also to redefine that body's administrative structure.

The bill specifies that the object of Radio-Québec is to establish and operate an educational broadcasting firm to cover the whole territory of Québec. The educational programming of Radio-Québec will have to be submitted to the Régie des services publics in accordance with the Act respecting educational programming.

The bill provides for the establishment of regional committees to deal with the production, programming and management operations of Radio-Québec in each region. Chairmen of regional committees will sit on the board of directors of the corporation.

Sec. 1. *The proposed amendment replaces the name of the Québec Broadcasting Bureau.*

Sec. 2. *The proposed amendment provides concordance with section 1 of the bill.*

Sec. 3. *Sections 6, 7 and 8 of the act presently read as follows:*

6. The rights and powers of the Bureau shall be exercised by a board of directors composed of seven members, including a chairman, all appointed for a fixed period not to exceed five years by the Lieutenant-Governor in Council who shall fix the salary or, if necessary, the additional salary, fees and allowances of each member. Once fixed, their term and salary cannot be reduced.

The members of the board of directors of the Bureau shall remain in office, notwithstanding the expiry of their term, until reappointed or replaced.

At least one and not more than two of the members of the board must be chosen from among the functionaries of the government or of a body under its jurisdiction.

Bill 5

An Act to amend the Québec Broadcasting Bureau Act

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

1969, c. 17,
s. 1, am. **1.** Section 1 of the Québec Broadcasting Bureau Act (1969, chapter 17) is amended by adding the following paragraph:

“Radio-Québec”.
“From (*insert here the date of the coming into force of Bill 5*), that body, hereinafter called “the corporation”, is designated under the name of “Société de radio-télévision du Québec” or “Radio-Québec”.

Interpreta-
tion. **2.** The said act is amended by replacing the word “Bureau” wherever it occurs, except in sections 32 and 33, by the word “corporation”, with the necessary changes.

Interpreta-
tion. Wherever, in an act, regulation, proclamation, order in council or document, the expression “Québec Broadcasting Bureau” or the word “Bureau” is used to designate the Québec Broadcasting Bureau, it is replaced by the expression “Société de radio-télévision du Québec” or the word “corporation”, respectively.

1969, c. 17,
ss. 6, 7, 8,
replaced. **3.** Sections 6, 7 and 8 of the said act, replaced by section 1 of chapter 58 of the statutes of 1972, are again replaced by the following:

“DIVISION IA

“ADMINISTRATION OF THE CORPORATION

Board of
directors. **6.** The affairs of the corporation are administered by a board of directors composed of the following persons:

(a) a chairman appointed by the Lieutenant-Governor in Council;

The members shall choose from among themselves a vice-chairman who shall replace the chairman of the board of directors in case of his absence or inability to act or vacancy in his office. The term of the vice-chairman shall be one year and may be renewed.

“7. The Lieutenant-Governor in Council shall appoint, from among the members of the board of directors, a president and general manager of the Bureau for a fixed period not to exceed ten years and shall fix his salary. Once fixed, his term and salary cannot be reduced. He shall remain in office, notwithstanding the expiry of his term, until reappointed or replaced.

The president and general manager shall be responsible for the current administration of the affairs of the Bureau within the scope of the policy on production, distribution and broadcasting of audio-visual material determined by the board of directors. He shall also exercise the powers conferred upon him by regulation of the board of directors. He shall participate of right in the proceedings of the board of directors and shall account to it for the exercise of his rights and powers, and shall represent the Bureau in all its relations with third parties.

“8. The board of directors shall designate an assistant general manager from among the functionaries of the Bureau, upon the recommendation of the president and general manager.

The assistant general manager shall assist the president and general manager in the exercise of his duties and shall replace him in case of his inability to act or absence or vacancy in his office.”

(b) the president and general manager of the corporation contemplated in section 8-3;

(c) the chairmen of regional committees appointed under section 20-6, not exceeding ten;

(d) persons equal in number to the number of chairmen contemplated in paragraph c, appointed by the Lieutenant-Governor in Council, including two, representing the sector of education, on the recommendation of the Ministre de l'éducation; and

(e) one person appointed by the Lieutenant-Governor in Council from among the employees of the corporation, on their recommendation.

Remuneration. **"7.** The Lieutenant-Governor in Council shall fix the remuneration, social benefits and other conditions of employment of the directors; once fixed, their remuneration cannot be reduced.

Terms of office. **"8.** The directors are appointed for a period which cannot exceed five years in the case of the president and general manager and three years in the case of each of the other directors.

Continuance in office. **"8-1** At the expiry of his term of office, a director remains in office until he is replaced or reappointed.

Renewal. The term of office of a director shall not be renewed more than once consecutively.

Vice-chairman. **"8-2** The board of directors shall designate, among the directors other than the chairman and the president and general manager, a vice-chairman who shall assume the duties of chairman in the case of vacancy in the office or of the inability to act of the chairman.

President and general manager. **"8-3** The Lieutenant-Governor in Council shall appoint, for a period not exceeding five years, a president and general manager of the corporation, who shall exercise that function on a full-time basis.

Function. The president and general manager of the corporation is responsible for the administration and management of the corporation within the scope of the regulations made by the board of directors.

Vacancy. **"8-4** In the case of vacancy in the office or of the inability to act of the president and general manager, the Lieutenant-Governor in Council may appoint a person to exercise his functions for the remainder of his term of office or during his inability to act, and shall fix that person's remuneration, social benefits and other conditions of employment."

Sec. 4. *Section 11 of the act presently reads as follows:*

“11. No member of the Bureau, under pain of forfeiture of his office, shall have any direct or indirect interest in an undertaking that puts his personal interest in conflict with that of the Bureau. The same applies to the president and general manager and the assistant general manager of the Bureau.

Such forfeiture, however, shall not be incurred if such interest devolves to him by succession or gift and he renounces or disposes of it with all possible dispatch.”

Sec. 5. *Sections 12, 13 and 14 of the act presently read as follows:*

“12. The president and general manager and the assistant general manager shall devote their time exclusively to the work of the Bureau and the duties of their office.

“13. The regulations of the board of directors of the Bureau shall, to come into force, be approved by the Lieutenant-Governor in Council. They shall be published in the *Québec Official Gazette*.

“14. Four members, including the president or, in the cases contemplated in section 8, the vice-president, shall constitute a quorum of the Bureau.”

Sec. 6. *The object of the proposed amendment is to transfer the end of the fiscal year of the corporation from 31 March to 31 August each year.*

1969, c. 17,
s. 11, re-
placed.

4. Section 11 of the said act, amended by section 3 of chapter 58 of the statutes of 1972, is replaced by the following section:

Conflict of
interest.

“11. The president and general manager shall not, under pain of forfeiture of office, have any direct or indirect interest in any undertaking putting his personal interest in conflict with that of the corporation. However, that 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.

Disclosure.

Every other director having an interest in an undertaking must, under pain of forfeiture of office, disclose it in writing to the chairman and refrain from participating in any deliberation or decision in connection with the undertaking in which he has an interest.”

1969, c. 17,
ss. 12, 13,
14, re-
placed.

5. Sections 12, 13 and 14 of the said act are replaced by the following section:

Regula-
tions.

“12. The board of directors may, by regulation,

(a) delimit regions and establish a regional committee for each of them;

(b) establish standards of installation and operation of broadcasting facilities and standards of programming, production and broadcasting;

(c) establish standards of financial management;

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

(e) establish a programming committee or any other committee for the examination of such questions as it may determine, determine its functions and powers and fix the term of office of its members;

(f) determine the mode by which the chairmen of the regional committees are designated to the board of directors, when their number exceeds ten;

(g) generally, regulate the exercise of the powers of the corporation and its internal management.

Approval.

The regulations of the corporation made under paragraphs a, b and c and section 10 must be approved by the Lieutenant-Governor in Council to come into force. They shall be published in the *Gazette officielle du Québec*.”

1969, c. 17,
s. 18, re-
placed.

6. Section 18 of the said act is replaced by the following section:

Sec. 7. *The proposed amendment provides concordance with section 6 of the bill.*

Section 19 of the act presently reads as follows:

19. Not later than the 30th of June each year, the Bureau shall submit to the Minister entrusted with the carrying out of this act a report on its activities for its previous fiscal year; such report shall also contain all the information which such Minister may prescribe.

Such report shall be laid before the National Assembly if it is in session or, if not, within thirty days after the opening of the next session.

The Bureau shall give such Minister any information he may require respecting its operations.”

Sec. 8. *Section 20 of the act presently reads as follows:*

20. The books and accounts of the Bureau shall be audited by the provincial auditor each year and also whenever so ordered by the Lieutenant-Governor in Council; his reports shall accompany the annual report of the Bureau.”

The proposed amendment enacts Division IB of the act, which provides for the organization of regional committees of the corporation.

Fiscal year. **"18.** The fiscal year of the corporation ends on 31 August each year."

1969, c. 17, s. 19, replaced. **7.** Section 19 of the said act is replaced by the following section:

Report. **"19.** At the expiry of four months after the end of its fiscal year, the corporation must submit to the Minister entrusted with the carrying out of this act a report of its activities for the preceding fiscal year. That report must also contain all the information the Minister may prescribe.

Tabling. The Minister shall table the report of the corporation before the Assemblée nationale within thirty days of receiving it. If he receives it while the Assemblée nationale is not in session, he shall table it within thirty days after the opening of the next session or, as the case may be, within fifteen days after resumption.

Additional information. The corporation shall provide to the Minister entrusted with the carrying out of this act any information he may require on its activities."

1969, c. 17, s. 20, replaced, ss. 20-1 to 20-10, added. **8.** Section 20 of the said act is replaced by the following:

Audit. **"20.** The books and accounts of the corporation shall be audited each year and every time the Lieutenant-Governor in Council so orders, by the auditors designated by him; the auditors' report must accompany the annual report of the corporation.

"DIVISION IB

"REGIONAL COMMITTEES

Functions. **"20-1** The functions of a regional committee established under paragraph *a* of section 12, are

(a) to establish the regional programming for the region it represents;

(b) to provide for the production of programmes for that region;

(c) to attend to the management of the human and material resources assigned to the programming and production of programmes for that region.

Additional functions. In addition, the regional committee shall exercise any other function the board of directors of the corporation may assign to it.

Exercise. It shall exercise its functions in conformity with the regulations of the corporation.

Opinion to
the board
of direc-
tors.

“20-2 A regional committee may give its opinion to the board of directors on any question in connection with the programming of the corporation.

Composi-
tion.

“20-3 A regional committee is composed of seven members appointed by the Lieutenant-Governor in Council, including

(a) four persons, on the recommendation of the socioeconomic and cultural bodies of the region;

(b) two persons, on the recommendation of the educational establishments of the region;

(c) one person who is one of the employees of the corporation in the region, on their recommendation.

Terms of
office.

“20-4 The members of a regional committee shall be appointed for a period which must not exceed three years.

Domicile.

“20-5 A member of a regional committee must, under pain of forfeiture of office, be domiciled in the region represented by the committee of which he is a member for the whole duration of his term of office.

Chairman.

“20-6 A regional committee shall appoint a chairman from among the persons contemplated in paragraphs *a* and *b* of section 20-3, for a period that must not exceed that of his term of office. The chairman of a regional committee cannot be appointed regional director under section 20-8.

Disclosure.

“20-7 Every member of a regional committee having an interest in an undertaking must, under pain of forfeiture of office, disclose it in writing to the chairman and refrain from participating in any deliberation or decision in connection with the undertaking in which he has an interest.

Regional
director.

“20-8 The board of directors of the corporation shall appoint a regional director for each of the regions, on the recommendation of the regional committee established for the region for which he is appointed.

Function.

The regional director, under the authority of the regional committee, shall supervise the conduct of the activities of the corporation in the region for which he is appointed. He shall attend the meetings of the regional committee and perform his duties on a full-time basis.

Minutes
and docu-
ments.

“20-9 The minutes of sittings of a regional committee, approved by this committee and certified true by the chairman of this committee or by any other person authorized to do so by the

Sec. 9. *Section 21 of the act presently reads as follows:*

“21. The objects of the Bureau shall be to establish, possess and operate a service for producing audio-visual material and for radio and television broadcasts called “Radio-Québec”.

Moreover, at the request of the Minister of Communications, it shall prepare for educational purposes audio-visual material and radio and television broadcasts for and in cooperation with the other departments or government bodies.”

Sec. 10. *Sections 23, 24 and 25 of the act presently read as follows:*

“23. The Bureau may erect stations for radio or wire broadcasting and provide such stations with all the equipment which it deems suitable.

It may also acquire, by agreement or expropriation, any station for radio or wire broadcasting and any immovable or real right which it deems necessary for establishing new stations; it may also alienate the property so acquired.

“24. The Bureau may acquire, hold or alienate shares of the capital stock of any corporation carrying on any business which, in its opinion, would be useful for the attainment of its objects.

“25. The Bureau shall exercise the powers conferred upon it by sections 21 to 24 in accordance with the regulations made under section 3a of the Communications Department Act (1969, chapter 65).

The power of expropriation conferred upon the Bureau by section 23 shall be exercised only with the prior authorization of the National Assembly of Québec.”

Sec. 11. *Section 28 of the act presently reads as follows:*

“28. The receipts of the Bureau shall be appropriated for the payment of the loans and other obligations of the Bureau and of the advances made by the Minister of Finance under sub-paragraph b of section 27, and the balance shall be paid into the consolidated revenue fund.”

committee, are authentic. The same rule applies to documents and copies emanating from a committee or forming part of its records, when so certified.

Applicability. **“20-10** Sections 7 and 8-1 apply, *mutatis mutandis*, to a regional committee.”

1969, c. 17, s. 21, replaced, s. 21-1, added. **9.** Section 21 of the said act, replaced by section 7 of chapter 58 of the statutes of 1972, is again replaced by the following sections:

Objects. **“21.** The objects of the corporation are to establish, possess and operate a service for producing audio-visual material and radio and television broadcasts.

Object. The main object of the corporation is to establish and operate an educational broadcasting firm to cover the whole territory of Québec.

Régie des services public. **“21-1** The corporation must submit all of its educational programming to the Régie des services publics in accordance with the Act respecting educational programming (1979, chapter *insert here the chapter number of Bill 4*).”

1969, c. 17, s. 25, replaced. **10.** Section 25 of the said act, replaced by section 8 of chapter 58 of the statutes of 1972, is replaced by the following section:

Powers. **“25.** The corporation shall exercise the powers conferred on it by the second paragraph of section 23 and by section 24 to the extent and on the conditions determined by regulation of the Lieutenant-Governor in Council.”

1969, c. 17, s. 28, replaced. **11.** Section 28 of the said act, amended by section 9 of chapter 58 of the statutes of 1972, is replaced by the following section:

Disposal of receipts. **“28.** The receipts of the corporation shall be appropriated to the repayment of its loans and of the advances made by the Ministre des finances under subparagraph *b* of section 27, and to the payment of its other obligations; the balance shall be paid into the consolidated revenue fund.”

Sec. 12. *Section 12 of the bill is transitional, and is intended to maintain in office the present directors of the Québec Broadcasting Bureau.*

Sec. 13. *The proposed amendment provides concordance with section 5 and section 10 of the bill.*

Paragraphs d and e of section 3a of the Communications Department Act presently read as follows:

“3a. The Lieutenant-Governor in Council may make regulations to:

“(d) determine, subject to the Québec Broadcasting Bureau Act (1969, chapter 17), standards of production, acquisition, distribution and broadcast of radio and television programs and audio-visual material by the government departments and public bodies defined in section 3;

“(e) determine the standards of the setting up and operation of radio and television broadcasting by the Québec Broadcasting Bureau and the conditions on which such body may acquire, hold or alienate shares or capital stock of another corporation;”.

Continu-
ance in
office.

12. The chairman, the president and general manager and the other members of the board of directors of the Québec Broadcasting Bureau remain in office until the expiry of their term of office, as if they had been appointed under paragraphs *a*, *b* and *d*, respectively, of section 6, enacted by section 3 of this act.

1969, c. 65,
s. 3*a*, am.

13. Section 3*a* of the Communications Department Act (1969, chapter 65), enacted by section 3 of chapter 57 of the statutes of 1972, is amended by replacing paragraphs *d* and *e* by the following paragraph:

“(d) determine standards of production, acquisition and broadcast of radio and television programmes and audio-visual material by the government departments and public bodies defined in section 3;”.

Coming
into force.

14. This act will come into force on the date fixed by proclamation of the Government.