

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 109

An Act respecting educational programming

First reading
Second reading
Third reading

M. LOUIS O'NEILL
Ministre des communications



L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The object of this bill is to empower the Régie des services publics to declare the programming of a broadcasting or cablecasting firm to be educational, on the application of the firm.

This bill defines educational programming as programming that must favour the exercise by citizens of their right to education, promote their access to their cultural heritage, and favour the exercise of their right of freedom of expression and their right to information.

The Ministre des communications will be authorized to give financial and technical assistance, in accordance with the standards, terms and conditions fixed by government regulation, to broadcasting and cablecasting firms whose programming has been declared educational by the Board.

Bill 109

An Act respecting educational programming

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

DIVISION I

INTERPRETATION

Interpreta-
tion:
“cablecast-
ing firm”;

1. In this act, unless the context indicates otherwise,
(a) “cablecasting firm” means a person who operates a cable or wire network or system that distributes one or more audio or audio and video programmings intended to entertain, inform or instruct the audience linked with it;

“broadcast-
ing firm”;

(b) “broadcasting firm” means a person who operates an audio or an audio and video broadcasting station the programmes of which are intended to be received directly by the general public, and any network of such stations;

“pro-
gramming”;

(c) “programming” means the ordered arrangement of programmes composing the programme schedule of a broadcasting station or of a cablecasting channel;

“Board”.

(d) “Board” means the Régie des services publics instituted under the Public Service Board Act (Revised Statutes, 1964, chapter 229).

“educa-
tional pro-
gramming”.

2. For the purposes of this act, the expression “educational programming” designates any programming or any part thereof

(a) designed for presentation both in a context suitable for enabling the audiences for whom it is intended to pursue their education by acquiring knowledge, improving their knowledge or extending their scope of perception, and in conditions that make

it possible to supervise and evaluate such acquisition or improvement of knowledge or such extension of the scope of perception; or

(b) intended to supply information on the courses of study dispensed, or to present special events of educational value, within the educational system.

DIVISION II

EDUCATIONAL PROGRAMMING

Objects.

3. Educational programming shall

(a) favour the exercise of the right of citizens to education, particularly by presenting programmes that meet specific needs of the population, lead to the obtaining of diplomas or meet the needs of continuing education;

(b) promote the access of citizens to their cultural heritage, particularly by reflecting life in the various regions and favouring inter-regional exchanges, encouraging the creation and broadcasting of Québec audio, video or audio-visual productions, or generally granting a favoured position to the Québec culture; or

(c) favour the exercise of the right of citizens to freedom of expression and to information, particularly by encouraging discussion of the common interests and presenting them from every viewpoint, and encouraging greater openness to the world, or maintaining a fair balance between matters dealt with, interests concerned and opinions expressed.

DIVISION III

POWERS OF THE BOARD

Pro-
gramming
declared
to be
educational.

4. The Board may, at the request of a broadcasting or cablecasting firm, declare the programming or part of the programming submitted to it to be educational.

Modifica-
tion.

5. A broadcasting or cablecasting firm intending to substantially modify programming that has been declared educational shall, by way of an application, submit that modification to the prior approval of the Board.

Rebroad-
cast.

However, such an application is not required for the mere rebroadcast of programming already declared educational by the Board.

Educa-
tional
broadcast-
ing firm.

6. No broadcasting firm may designate itself as an educational broadcasting firm unless its programming has been wholly or partly declared educational by the Board.

Cable
educational
channel.

7. No cablecasting firm may designate one of its channels as a cable educational channel unless the programming it distributes through such channel has been wholly or partly declared educational by the Board.

Complaint.

8. Any person may, by way of an application, submit a complaint to the Board in respect of any contravention of this act or an order of the Board by a firm that broadcasts or distributes programming declared educational by the Board.

Notifica-
tion.

9. The Board shall inform the Ministre des communications and the Ministre de l'éducation of every application it receives and of any public hearing it holds under this act. They may take part in the inquiry and hearing and make the submissions they see fit to make.

DIVISION IV

POWERS OF THE MINISTER

Financial
and
technical
assistance.

10. The Ministre des communications may, in accordance with the standards, terms and conditions fixed by regulation of the Government, grant financial and technical assistance to broadcasting or cablecasting firms whose programming has been declared educational by the Board.

Draft
regulation
published.

11. The Government shall publish a draft regulation in the *Gazette officielle du Québec* at least thirty days before making the regulation.

Coming
into force.

Such regulation comes into force on the day the Government publishes a notice of the making thereof in the *Gazette officielle du Québec* or on any later date it indicates. If the Government has amended the draft regulation, the text of such amendments or the final text of the regulation shall be published with the notice.

DIVISION V

FINAL PROVISIONS

Govern-
ment, etc.,
bound.

12. This act is binding on the Government, government departments and agencies which are mandataries of the Government.

13. The Ministre des communications is responsible for the application of this act.

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