



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 403
(1998, chapter 38)

An Act to establish the Grande bibliothèque du Québec

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Passage in principle 24 March 1998
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Assented to 20 June 1998**

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EXPLANATORY NOTES

This bill provides for the establishment of a library to be known as the “Grande bibliothèque du Québec”.

The mission of the library will be to offer democratic access to culture and knowledge, and to act in that respect as a catalyst in relation to Québec documentary institutions, thus contributing to the personal development of citizens. The library will pursue the following objectives: to assert the importance of reading and acquiring knowledge, to promote Québec publishing, to facilitate ongoing independent learning, to further the integration of newcomers to Québec, to reinforce inter-library cooperation and exchanges and to stimulate Québec’s participation in the development of the virtual library. The library is given the powers necessary to fulfil its mission.

The bill also sets out rules relating to the operation of the library and to the composition of its board of governors.

The Act respecting the Bibliothèque nationale du Québec is amended so as to require that library to enter into an agreement, subject to government approval, with the library established under this bill whereby the latter library will be given custody of the second copy of every published document deposited with the Bibliothèque nationale du Québec, together with a mandate to promote such documents and make them available to the public.

Finally, the bill provides that agreements with the city of Montréal concerning the collection of the Bibliothèque centrale and the city’s contribution towards the operating expenses of the Grande bibliothèque must be submitted to the Government for approval.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1).

Bill 403

AN ACT TO ESTABLISH THE GRANDE BIBLIOTHÈQUE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

1. A library is hereby established under the name of “Grande bibliothèque du Québec”.

The library may also be designated by the acronym “GBQ” and by any other name determined by the Government.

The library is a legal person.

2. The library is a mandatary of the State.

The property of the library forms part of the domain of the State, but the performance of its obligations may be levied against its property other than published documents or the property forming part of its collections.

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

3. The library and the head office of the library shall be located in the territory of Ville de Montréal at the place determined by the Government.

Notice of the location or of any change in location of the head office shall be published in the *Gazette officielle du Québec*.

4. The affairs of the library shall be administered by a board of governors composed of the following persons who shall become members of the board upon their appointment or election :

(1) seven persons, including the chair, appointed by the Government on the recommendation of the Minister of Culture and Communications ; at least one of those persons shall be a librarian ;

(2) two persons appointed by Ville de Montréal ;

(3) two users of the library, including one resident of Ville de Montréal, elected by a majority vote of their peers, in accordance with the by-laws of the library.

The chair of the Bibliothèque nationale du Québec and the head librarian of Ville de Montréal shall also be members of the board of the library.

5. The term of office of the board members referred to in the first paragraph of section 4 shall not exceed five years.

The term of office of the members referred to in subparagraphs 1 and 2 of the first paragraph of section 4 may be renewed only once.

6. On the expiry of their term, the members of the board shall remain in office until replaced or reappointed.

7. The chair shall preside at meetings of the board and be responsible for the administration and direction of the library within the scope of its by-laws and policies.

The functions of the chair shall be exercised on a full-time basis.

8. The members of the board shall designate a vice-chair from among their number.

If the chair is absent or unable to act, the vice-chair shall act as chair of the board.

9. The quorum at meetings of the board is a majority of its members.

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

The board shall meet at least six times a year.

10. The Government shall determine the remuneration, employment benefits and other conditions of employment of the chair.

The other members of the board shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. The members are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

11. The members of the personnel of the library shall be appointed according to the staffing plan and the standards established by by-law of the library. The by-law shall also determine the standards and scales of remuneration, employment benefits and other conditions of employment of the members of the personnel.

The by-law must be submitted to the Government for approval.

12. Neither the chair nor any member of the personnel of the library may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing their personal interest to conflict with that of the library. However, forfeiture of office is not incurred where the interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.

Any other member of the board who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with that of the library must, on pain of forfeiture of office, disclose the interest in writing to the chair, abstain from voting on any matter relating to the enterprise, and avoid influencing any decision relating to the enterprise. The member must also withdraw from a meeting during any discussion or vote on such a matter.

13. The library may make by-laws to provide for its internal management.

Such by-laws may, in particular,

(1) establish an executive committee composed of not fewer than five members of the board of governors, including the chair and a member appointed by Ville de Montréal, determine its functions and powers and fix the term of office of its members;

(2) establish such advisory committees as the library considers necessary for the fulfilment of its mission;

(3) provide that absence from a number of meetings fixed therein, in the cases and circumstances determined therein, constitutes a vacancy.

The members of the committees formed under subparagraph 2 of the second paragraph shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. The members are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

CHAPTER II

MISSION AND POWERS

14. The mission of the library is to offer democratic access to culture and knowledge, and to act as a catalyst in relation to Québec documentary institutions, thus contributing to the personal development of citizens.

More specifically, the library shall pursue the following objectives: to assert the importance of reading, research and acquiring knowledge, promote Québec publishing, facilitate ongoing independent learning, foster the integration of newcomers to Québec, reinforce inter-library cooperation and

exchanges and stimulate Québec's participation in the development of the virtual library.

15. To fulfil its mission, the library may, in particular,

(1) make the documents in the collections of the library available for consultation or for loan and afford researchers access to specialized collections ;

(2) facilitate access to those collections throughout the territory of Québec, in particular by the use of computer-generated media ;

(3) offer introductory services in documentary research and in the use of new technology ;

(4) organize informational activities to enhance public awareness with respect to reading and activities to promote Québec publishing ;

(5) offer services adapted to handicapped persons, newcomers to Québec, persons with reading difficulties, workers undergoing career transition, businesses and other special users ;

(6) contribute to enhancing the international influence of Québec's expertise and heritage through active participation in the network of international documentary institutions, particularly those of the French-speaking world ;

(7) encourage cooperation between public libraries and other library networks and act as an auxiliary library for all public libraries in Québec ;

(8) develop support and specialized technical services and make them available to public libraries ;

(9) participate in the elaboration of a virtual union catalogue and encourage the participation of documentary institutions in the development of applications in the virtual library.

16. In addition, the library may, in particular,

(1) acquire, alienate, rent, lend, borrow, exchange, preserve and restore documents ;

(2) enter into agreements or participate in joint projects with any person or body ;

(3) enter into an agreement authorized by law with a government other than the Government of Québec, with a department of such a government, with an international organization or with an agency of such a government or organization ;

(4) receive gifts, bequests, subsidies and other contributions, provided that any attached conditions are consistent with the fulfilment of its mission ;

(5) conduct research or studies.

Every agreement entered into with Ville de Montréal pertaining to the Bibliothèque centrale collection, including the Phonothèque collection and the multilingual biblioservice collection, must be submitted to the Government for approval.

17. The library shall, on the date fixed by the Minister, submit a three-year plan of its activities to the Minister. The plan must be consistent with the orientations and objectives given to the library by the Minister.

The plan shall be established in the form determined by the Minister and contain the information the Minister requires. The plan must be submitted to the Minister for approval.

The Minister shall table the plan in the National Assembly within 30 days of its approval or, if the Assembly is not sitting, within 30 days of resumption.

The competent parliamentary committee of the National Assembly shall examine the plan and hear the representatives designated by the library for that purpose.

18. The library may not, without the authorization of the Government,

(1) build, acquire, alienate or hypothecate an immovable ;

(2) contract a loan that raises the aggregate of the unrepaid borrowings of the library to an amount that exceeds an amount determined by the Government.

19. The library shall offer, free of charge, access to and on-site consultation of the catalogues and collections of the library and, except in the cases provided by by-law of the library, the lending of documents.

The library may not charge subscription fees.

20. The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) does not apply to a document acquired, rented, received in exchange or borrowed by the library from a person or body other than those to which sections 3 to 7 of that Act apply.

CHAPTER III

FINANCIAL PROVISIONS

21. The fiscal year of the library ends on 31 March.

22. The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment of the principal of and interest on any loan contracted by the library as well as the performance of its obligations ;

(2) authorize the Minister of Finance to advance to the library any amount considered necessary for the performance of its obligations or the fulfilment of its mission ;

(3) grant a subsidy to the library to provide for the performance of its obligations.

Sums that the Government may be called upon to pay under subparagraphs 1 and 2 of the first paragraph shall be taken out of the consolidated revenue fund.

23. Ville de Montréal shall contribute on an annual basis towards the operating expenses of the library subject to the terms and conditions agreed by the Minister of Culture and Communications and the city. Such agreement must be submitted to the Government for approval.

24. The sums received by the library shall be applied to the payment of its obligations. Any surplus shall be retained by the library unless the Government decides otherwise.

CHAPTER IV

DOCUMENTS, ACCOUNTS AND REPORTS

25. A deed, document or writing binds the library only if it is signed by the chair of the board or a member of the personnel of the library and, in the latter case, only to the extent determined by by-law of the library.

The library, subject to the conditions it determines, may allow a required signature to be affixed by means of an automatic device to the documents it determines, or a facsimile of a signature to be engraved, lithographed or printed on such documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair of the library.

26. The minutes of the meetings of the board of governors, approved by it and certified by the chair or any other person authorized to do so by the library, are authentic. The same applies to documents or copies of documents emanating from the library or forming part of its records, provided they are signed or certified by any such person.

27. Not later than 31 July each year, the library must file its financial statements with the Minister together with a report on its activities for the preceding fiscal year.

The financial statements and the report must contain all the information prescribed by the Minister.

28. The Minister shall table the report and the financial statements before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

29. The books and accounts of the library shall be audited each year by the Auditor General, and whenever so ordered by the Government.

The report of the auditor must accompany the activities report and the financial statements of the library.

CHAPTER V

AMENDING AND MISCELLANEOUS PROVISIONS

30. The Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is amended by inserting, after section 18, the following section:

“18.1. The library shall enter into an agreement with the Grande bibliothèque du Québec to give the latter library custody of the second copy of the documents referred to in section 36, together with a mandate to promote such documents and make them available to the public. The agreement must be submitted to the Government for approval.”

31. The library shall carry out the construction, layout and equipment installation work required for the fulfilment of its mission. The library may take any action to prepare for its opening to the public.

Sections 16 to 18 apply for the purposes of this section.

32. The appropriations granted for the fiscal year (*insert here the fiscal year in which this provision comes into force*) to the Ministère de la Culture et des Communications shall, to the extent and according to the procedure determined by the Government, be transferred to the library.

The appropriations granted for the fiscal year (*insert here the fiscal year in which this provision comes into force*) to the Bibliothèque nationale du Québec shall, to the extent and according to the procedure determined by the Government, be transferred to the library.

33. The Minister of Culture and Communications is responsible for the administration of this Act.

34. The provisions of this Act come into force on the date or dates to be fixed by the Government.