



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 160
(2001, chapter 11)

**An Act respecting the Bibliothèque
nationale du Québec and amending
various legislative provisions**

**Introduced 14 November 2000
Passage in principle 29 November 2000
Passage 31 May 2001
Assented to 1 June 2001**

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EXPLANATORY NOTES

The object of this bill is to amend the Act to establish the Grande bibliothèque du Québec by amalgamating the Bibliothèque nationale du Québec with the Grande bibliothèque du Québec to create a new institution called the “Bibliothèque nationale du Québec”.

To that end, the bill replaces the title of the Act to establish the Grande bibliothèque du Québec by “An Act respecting the Bibliothèque nationale du Québec” and incorporates into the Act all the legislative provisions concerning the mission of the Bibliothèque nationale du Québec and those concerning the deposit of published documents.

In addition, the bill amends the composition of the board of governors of the new Bibliothèque nationale du Québec and proposes transitional measures concerning the transfer of the rights and obligations of the Bibliothèque nationale du Québec and its personnel to the new Bibliothèque nationale du Québec.

Lastly, the bill repeals the Act respecting the Bibliothèque nationale du Québec.

LEGISLATION AMENDED BY THIS BILL :

- Act to establish the Grande bibliothèque du Québec (R.S.Q., chapter G-3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Public Administration Act (2000, chapter 8);
- Financial Administration Act (2000, chapter 15).

LEGISLATION REPEALED BY THIS BILL :

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

Bill 160

AN ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE DU QUÉBEC AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The title of the Act to establish the Grande bibliothèque du Québec (R.S.Q., chapter G-3) is replaced by the following title :

“AN ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE
DU QUÉBEC”.

2. Section 1 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the first line by “Bibliothèque nationale”;

(2) by replacing the second paragraph by the following paragraph :

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

3. The said Act is amended by inserting the following section after section 2 :

“2.1. Each of the sites occupied by the library may be designated by a name reflecting its principal mission.”

4. Section 4 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the French text of the first line of the first paragraph by “Bibliothèque”;

(2) by replacing subparagraph 1 of the first paragraph by the following subparagraphs :

“(1) five persons, including the chair, appointed by the Government, on the recommendation of the Minister of Culture and Communications ;

“(1.1) five persons, appointed by the Government, on the recommendation of the Minister of Culture and Communications and after consultation with the library sector, the publishing industry, writers associations and universities. Three of the persons appointed must be librarians. Among the latter, one

librarian must be a specialist in the area of preservation and another in the area of dissemination;”;

(3) by replacing “Grande bibliothèque” in the French text of the first and third lines of subparagraph 3 of the first paragraph by “Bibliothèque”;

(4) by replacing the second paragraph by the following paragraph:

“The head librarian of Ville de Montréal shall also be a member of the board of the library.”

5. Section 5 of the said Act is amended by inserting “, 1.1” after “subparagraphs 1” in the second paragraph.

6. Section 9 of the said Act is amended by striking out “The board shall meet at least six times a year.”

7. Section 11 of the said Act is amended by adding “The staffing plan shall include at least two senior management positions, one responsible for the preservation mission of the library and the other responsible for its dissemination mission.” at the end of the first paragraph.

8. Section 13 of the said Act is amended by adding “. At least one member of the executive committee must be a librarian” after “members” at the end of subparagraph 1 of the second paragraph.

9. Section 14 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“14. The mission of the library is to assemble, preserve permanently and disseminate Québec’s published documentary heritage together with any related document of cultural interest, and documents relating to Québec that are published outside Québec.

The mission of the library is also to offer democratic access to Québec’s national documentary heritage, culture and knowledge and to act as catalyst in relation to Québec documentary institutions, thus contributing to the personal development of citizens.”

10. Section 15 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the French text of the first line by “Bibliothèque”;

(2) by inserting the following paragraphs after paragraph 2:

“(2.1) preserve permanently a copy of the documents published in Québec, preferably in their original form or, failing that, in a medium using modern techniques of preservation;

“(2.2) acquire any document published outside Québec which may further the development of Québec documentation ;

“(2.3) publish a bibliography of the documents published in Québec, an analytical index of the articles contained in the major magazines published in Québec and any document that may be useful for research purposes ;

“(2.4) make known and enhance its collections and the collections of other libraries or bodies by exhibitions or any other appropriate means ;

“(2.5) establish forms of cooperation with other persons, partnerships or bodies in the field of documentation ;”.

11. Section 16 of the said Act is amended by inserting “solicit and” before “receive” in paragraph 4.

12. Section 17 of the said Act is amended by replacing the first paragraph by the following paragraph :

“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, both as regards its preservation mission and its dissemination mission.”

13. Section 18 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the French text of the first line by “Bibliothèque” ;

(2) by inserting “, take on lease” after “alienate” in paragraph 1.

14. The said Act is amended by inserting the following after section 20 :

“CHAPTER II.1

“DEPOSIT OF PUBLISHED DOCUMENTS

“20.1. Every publisher shall deposit with the library, free of charge, two copies of every edition of every document published by the publisher, within seven days of its publication.

“20.2. The deposit requirement does not apply to a film within the meaning of section 1 of the Cinema Act (chapter C-18.1).

“20.3. The deposit of a document transfers the ownership of the document.

“20.4. Where the retail price of a document varies according to the edition, the publisher shall deposit a copy of the document of the highest-priced edition and a copy of one of the other editions.

“20.5. Notwithstanding sections 20.1 and 20.4, the publisher shall deposit only one copy of a document

- (1) of a class of published documents prescribed by regulation; and
- (2) where the retail price of the document falls between two amounts fixed by regulation.

“20.6. Notwithstanding section 20.1, the Government may, by regulation, exempt publishers from the requirement to deposit certain classes of published documents and any document the retail price of which exceeds the amount fixed by regulation.

The publisher shall transmit to the library, in respect of such documents, any information prescribed by regulation, at the time indicated therein.

“20.7. The library may acquire, at the expense of a publisher who fails to deposit a document, the number of copies required for the deposit.

“20.8. The publisher shall enter on every published document or on the container of such a document the particulars concerning the deposit that are prescribed by regulation.

“20.9. This chapter also applies to every person or body who or which assumes the responsibility of producing a published document.

“CHAPTER II.2

“REGULATORY PROVISIONS

“20.10. The Government may, by regulation, after consultation with the library,

- (1) determine the classes of published documents for which the deposit of a single copy of one edition of the document is required;
- (2) fix the amounts provided for in paragraph 2 of section 20.5;
- (3) exempt publishers from the requirement to deposit certain classes of published documents and any document the retail price of which exceeds the amount fixed by regulation;
- (4) prescribe, in respect of certain documents excluded from the deposit requirements, the information that a person or body who or which assumes the

responsibility of producing a published document, or a publisher, is required to transmit to the library and indicate the time at which they must be transmitted ;

(5) determine the particulars concerning the deposit which must be mentioned on any published document or on the container of such a document ;

(6) determine, among the provisions of a regulation made under paragraphs 1 to 5, those the contravention of which constitutes an offence.

“CHAPTER II.3

“PENAL PROVISIONS

“20.11. Every publisher, person or body mentioned in section 20.9 who or which contravenes section 20.1 or 20.4 or a regulatory provision made under paragraph 1 or 5 of section 20.10 and the contravention of which constitutes an offence under paragraph 6 of that section is guilty of an offence and is liable to a fine of \$100 to \$400.

“20.12. Every publisher, person or body mentioned in section 20.9 who or which contravenes a regulatory provision made under paragraph 4 of section 20.10 and the contravention of which constitutes an offence under paragraph 6 of that section is guilty of an offence and is liable to a fine of \$500 to \$2 000.”

15. The said Act is amended by inserting the following section after section 26:

“26.1. The library shall submit its budget for the following year to the Government for approval within such time and in such form as the Government may determine.”

16. Section 27 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the first line of the first paragraph of the French text by “Bibliothèque”;

(2) by inserting “, particularly as regards its preservation mission and its dissemination mission” after “Minister” at the end of the second paragraph.

17. The said Act is amended by inserting the following section after section 32:

“32.1. Chapters II.1, II.2 and II.3 are binding on the Government, government departments and bodies which are mandataries of the State.”

18. Sections 2, 3, 7, 11 to 13, 16, 17, 19 to 26, 29 and 31 of the said Act are amended by replacing, in the French text, the words “Grande bibliothèque” wherever they appear by the word “Bibliothèque”.

19. The Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is repealed.

20. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “Grande bibliothèque du Québec” by “Bibliothèque nationale du Québec”.

21. Schedule 2 to the Financial Administration Act (2000, chapter 15) is amended by striking out “Grande bibliothèque du Québec”.

22. Section 150 of the French text of the Public Administration Act (2000, chapter 8) is amended by replacing “Grande bibliothèque” in paragraph 2 by “Bibliothèque”.

23. The new Bibliothèque nationale du Québec, governed by the Act to establish the Grande bibliothèque du Québec (R.S.Q., chapter G-3) as amended by this Act, is substituted for the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, and it acquires all the rights and assumes all the obligations thereof.

24. The records and other documents of the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, become the records and other documents of the new Bibliothèque nationale du Québec.

25. The current affairs of the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, are continued by the new Bibliothèque nationale du Québec.

26. The new Bibliothèque nationale du Québec becomes, without continuance of suit, a party to any proceedings to which the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, was a party.

27. The Regulation respecting the deposit of published documents (R.R.Q., chapter B-2.1, r.0.1), made by the Government under paragraph 1 of section 46 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1), is deemed to be a regulation made under section 20.10 of the Act respecting the Bibliothèque nationale du Québec, enacted by section 14 of this Act.

28. The employees of the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, who are in office on (*insert here the date preceding the date of coming into force of this section*) become, subject to the conditions of employment that are applicable to them, the employees of the new Bibliothèque nationale du Québec to the extent that a decision of the Conseil du trésor providing for their transfer is made before (*insert here the date that occurs 24 months after the date of coming into force of this section*).

29. Every employee transferred to the new Bibliothèque nationale du Québec under section 28 may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) if, on the date on which the employee was transferred to the new Bibliothèque, the employee was a public servant with permanent tenure at the Bibliothèque nationale du Québec.

Section 35 of the Public Service Act applies to any employee who enters a competition for promotion to a position in the public service.

30. When an employee referred to in section 29 wishes to obtain a transfer or enters a competition for promotion, the employee may require the chair of the Conseil du trésor to give the employee an assessment of the classification that would be assigned to the employee in the public service. The assessment must take account of the classification of the employee in the public service on the date of the employee's transfer, and the experience and formal training acquired in the course of the employee's employment with the new Bibliothèque nationale du Québec.

When an employee is transferred pursuant to section 29, the Deputy Minister or chief executive officer shall assign to the employee a classification compatible with the assessment provided for in the first paragraph.

When an employee is promoted pursuant to section 29, the employee's new classification must take account of the criteria set out in the first paragraph.

31. If all or some of the activities of the new Bibliothèque nationale du Québec are discontinued or if there is a shortage of work, any employee referred to in section 29 is entitled to be placed on reserve in the public service with the classification the employee had before the date of the employee's transfer.

The chair of the Conseil du trésor shall, where applicable, establish the employee's classification taking into account the criteria set out in the first paragraph of section 30.

32. A person who refuses, in accordance with the conditions of employment applicable to the person, to be transferred to the new Bibliothèque nationale du Québec, is assigned to the Bibliothèque until the chair of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act. The same applies to a person placed on reserve under section 31, and the person shall remain in the employ of the new Bibliothèque nationale du Québec.

33. Subject to any remedy available under a collective agreement, any employee referred to in section 29 who is dismissed may bring an appeal under section 33 of the Public Service Act (R.S.Q., chapter F-3.1.1).

34. The term of office of the part-time members appointed under section 4 of the Act to establish the Grande bibliothèque du Québec shall end on (*insert here the date of coming into force of this section*).

35. The provisions of this Act come into force on the date fixed by the Government.