



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 42

(2004, chapter 16)

An Act to amend various legislative provisions concerning professional artists

Introduced 30 March 2004

Passage in principle 18 May 2004

Passage 17 June 2004

Assented to 17 June 2004

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EXPLANATORY NOTES

This bill amends the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters to enable the Commission de reconnaissance des associations d'artistes et des associations de producteurs to recognize an association of authors of dramatic works for the purpose of the public performance of works they have already created.

The bill also amends the Act to clarify the scope of the agreements that may be concluded between a recognized association of artists or a recognized group and an association of promoters or a promoter.

It also enables the Government to make regulations prescribing the inclusion of compulsory elements in circulation contracts covering the works of artists represented by an association of artists or a group of such associations, and prescribing a compulsory form for those contracts.

Furthermore, the bill amends the Act respecting the professional status and conditions of engagement of performing, recording and film artists by adding multimedia to the artistic fields covered by the Act and by including a provision regarding the possibility of extending the provisions of a collective agreement.

The bill states that people and organizations representative of the artistic and literary communities must be consulted on the appointment of the members of the Commission. It also provides for an accelerated decision-making process for the Commission.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1).

Bill 42

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING PROFESSIONAL ARTISTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS IN THE VISUAL ARTS, ARTS AND CRAFTS AND LITERATURE, AND THEIR CONTRACTS WITH PROMOTERS

1. The Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (R.S.Q., chapter S-32.01) is amended by inserting the following section after section 10:

“**10.1.** In the field of literature, the Commission may also recognize an association of professional artists who create dramatic works. This recognition shall cover only the public performance of works that have already been created, whether or not they have been performed in public before.”

2. Section 26 of the said Act is amended by replacing “stipulating the minimum conditions of” in subparagraph 8 of the first paragraph by “for the”.

3. The heading of Division II of Chapter III of the said Act is replaced by the following heading:

“GENERAL AGREEMENT ON CIRCULATION CONTRACTS”.

4. Section 43 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**43.** A recognized association or group and an association of promoters or a promoter that does not belong to such an association may conclude a general agreement that provides for the inclusion of compulsory elements, in addition to the elements and requirements already set out in Division I of Chapter III, in a circulation contract covering the works of the artists represented by the recognized association or group.

The conduct and the relations of the parties with respect to such an agreement must be governed by good faith and diligence.”

5. The said Act is amended by inserting the following section after section 45:

“45.1. The Government may, by regulation,

(1) prescribe the inclusion of compulsory elements in circulation contracts covering the works of artists represented by a recognized association or group and to be concluded between those artists and the promoters;

(2) draw up compulsory forms for circulation contracts covering the works of those artists.

The elements and forms prescribed by regulation may vary with the artistic field, the artistic activity and the nature of the circulation contract.”

ACT RESPECTING THE PROFESSIONAL STATUS AND CONDITIONS OF ENGAGEMENT OF PERFORMING, RECORDING AND FILM ARTISTS

6. Section 1 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (R.S.Q., chapter S-32.1) is amended by inserting “multimedia,” after “variety entertainment,” in the third line.

7. Section 33.1 of the said Act is amended by replacing “91” in the first line by “91.1”.

8. Section 35.1 of the said Act is amended by inserting the following paragraph at the end:

“The group agreement can also stipulate that, at the date of expiry, the minimum conditions of engagement of artists contained in the agreement continue to apply until a new agreement is signed.”

9. Section 44 of the said Act is amended

(1) by replacing “for a fixed term of not over five years” in the second and third lines of the first paragraph by “on the proposal of the Minister of Culture and Communications, following consultation with persons or organizations the Minister considers representative of the artistic and literary communities”;

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

“Their term of office shall not be longer than five years.”

10. The said Act is amended by inserting the following section after section 47.1:

“47.2. The chairman or a member designated by the chairman can rule alone on an application for recognition by an association of artists or an association of producers if the application is not contested and is not the subject of an address to the Commission.

This is also the case for an application for the designation of a mediator or an arbitrator.”

11. The said Act is amended by inserting the following section after section 63:

“63.1. The Commission must carry out its functions and powers efficiently and with diligence.

A decision must be rendered by the Commission within 90 days after a matter is taken under advisement.

The chairman of the Commission may extend this period, taking into account the circumstances and the interests of the associations of artists, the associations of producers and the producers concerned. The chairman shall inform the parties concerned of any extension granted.”

12. This Act comes into force on 17 June 2004.