



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 11

(2006, chapter 26)

An Act to amend the Act respecting the Conservatoire de musique et d'art dramatique du Québec

Introduced 9 May 2006

Passage in principle 26 May 2006

Passage 15 June 2006

Assented to 15 June 2006

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EXPLANATORY NOTES

This bill amends the Act respecting the Conservatoire de musique et d'art dramatique du Québec to modify the provisions concerning the administration of the Conservatoire, in particular the composition of its board of directors. It also updates the financial provisions of the Act.

The bill contains transitional provisions concerning the transfer of personnel as well as consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

Bill 11

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATOIRE DE MUSIQUE ET D'ART DRAMATIQUE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting the Conservatoire de musique et d'art dramatique du Québec (R.S.Q., chapter C-62.1), amended by section 195 of chapter 28 of the statutes of 2005, is again amended

(1) by replacing “seven” in the first line of subparagraph 1 of the first paragraph by “eight”;

(2) by striking out subparagraph 4 of the first paragraph;

(3) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) two principals of institutions of the Conservatoire which provide instruction in music, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;”;

(4) by striking out “, including one from the Montréal institution,” in the second line of subparagraph 7 of the first paragraph;

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

“The director general of the Conservatoire is a member of the board.”

2. Section 12 of the Act is amended

(1) by inserting “, except the director general,” after “board” in the first line of the first paragraph;

(2) by replacing “director general” in the fourth line of the first paragraph by “chairman”;

(3) by inserting “the director general and” after “except” in the second line of the third paragraph;

(4) by adding the following paragraph at the end:

“Despite the second paragraph, the director general may vote on any matter concerning the employment status, remuneration, fringe benefits or other conditions of employment of the academic director.”

3. Section 13 of the Act is amended by replacing the second paragraph by the following paragraph:

“It may, in particular, provide for the establishment of an executive committee and determine its duties and powers; the committee must be composed of the director general, of members of the board of directors chosen in the majority from among the members appointed under subparagraph 1 of the first paragraph of section 4, of one member chosen from among the members elected under subparagraphs 5 and 6 of that paragraph and of at least one member chosen from among the members appointed or elected under subparagraphs 7 to 9 of that paragraph.”

4. Section 15 of the Act is amended by replacing the third paragraph by the following paragraph:

“The academic director shall take part in the meetings of the board of directors and the executive committee of the Conservatoire, but is not entitled to vote.”

5. Section 32 of the Act is amended

(1) by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraphs:

“(2) the principal of an institution of the Conservatoire which provides instruction in music, appointed by the Conservatoire;

“(3) one teacher from each of the institutions of the Conservatoire which provide instruction in music, elected by a majority vote of their peers, in accordance with the by-laws of the Conservatoire;”;

(2) by striking out “; the same applies to the representatives of the teachers, except those representing the Montréal institution” in the first, second and third lines of the last paragraph.

6. Section 41 of the Act is amended by striking out subparagraph 6 of the first paragraph.

7. Section 53 of the Act is replaced by the following section:

“53. Each year, the Conservatoire submits its budgetary estimates for the following fiscal year to the Minister, for approval, in accordance with the form and content and the schedule determined by the Minister.”

8. Section 54 of the Act is replaced by the following section:

“54. The fees and charges prescribed by the Conservatoire, as well as any other amount it receives, are part of its revenues and must be allocated to the payment of its obligations. The Conservatoire retains any surpluses, unless the Government decides otherwise.”

9. Section 55 of the Act is repealed.

10. Section 63 of the Act is replaced by the following section:

“63. The Government may, subject to the conditions it determines,

(1) guarantee payment of the principal and interest on any loan or other obligation of the Conservatoire; and

(2) authorize the Minister of Finance to advance to the Conservatoire any amount considered necessary to meet its obligations.

The sums required for the purposes of this section are taken out of the consolidated revenue fund.”

11. Section 75 of the Act is replaced by the following section:

“75. Section 204 of the Act respecting municipal taxation (chapter F-2.1) is amended by replacing paragraph 13 by the following paragraph:

“(13) an immovable included in a unit of assessment entered on the roll in the name of a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d’art dramatique du Québec;”.

12. Section 76 of the Act is repealed.

13. Section 77 of the Act is replaced by the following section:

“77. Section 255 of the Act respecting municipal taxation is amended

(1) by inserting “the Conservatoire de musique et d’art dramatique du Québec,” after “(chapter I-17),” in the second line of subparagraph 1 of the third paragraph;

(2) by inserting “or the Conservatoire de musique et d’art dramatique du Québec” after “paragraph 1” in the second line of subparagraph 2 of the third paragraph.”

14. Section 81 of the Act is amended

(1) by inserting “after 15 June 2006” after “appointed” in the second line of the first paragraph;

(2) by replacing “adopt and transmit to the Minister, according to the conditions prescribed in sections 53 and 54, the budget” in the first and second lines of subparagraph 4 of the second paragraph by “submit to the Minister for approval, in accordance with section 53, the budgetary estimates”.

15. The Act is amended by inserting the following section after section 82:

“82.1. For the first year of operation of the new Conservatoire, the admission, registration and tuition fees, and the terms and conditions of payment and refund, are the same as those determined for the former Conservatoire.

The Minister shall, on behalf of the new Conservatoire, collect the fees payable before the coming into force of Chapter II.

For the subsequent years, the fees and terms and conditions remain applicable unless they are replaced or modified by the new Conservatoire.”

16. Section 84 of the Act is amended by replacing “at Chicoutimi, Hull” in the third line by “at Saguenay, Gatineau”.

17. Section 89 of the Act is amended by replacing the first paragraph by the following paragraph:

“89. The employees of the Direction générale du Conservatoire de musique et d’art dramatique of the Ministère de la Culture et des Communications, and the employees of the branches of the former Conservatoire, in office on 14 June 2006 become employees of the new Conservatoire, subject to the conditions of employment applicable to them and provided that a decision providing for their transfer is made by the Conseil du trésor before 15 June 2007. The same applies to any employee of the Ministère de la Culture et des Communications whose principal or secondary tasks are related to the activities of the new Conservatoire.”

18. Section 93 of the Act is replaced by the following section:

“93. A person who, in accordance with the applicable conditions of employment, refuses to be transferred to the new Conservatoire is assigned to the new Conservatoire 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 92, which person remains in the employ of the new Conservatoire.”

19. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting “Conservatoire de musique et d’art dramatique du Québec” in alphabetical order.

20. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by inserting “The Conservatoire de musique et d’art dramatique du Québec”, in alphabetical order.

21. This Act comes into force on 15 June 2006, except

(1) sections 19 and 20, which come into force on the date to be set by the Government; and

(2) sections 3 to 8, 10, 11, 13 and 16, which come into force on the date to be set by the Government for the coming into force of the provisions they amend.