NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 109

An Act to affirm the cultural sovereignty of Québec and to enact the Act respecting the discoverability of French-language cultural content in the digital environment

Introduction

Introduced by
Mr. Mathieu Lacombe
Minister of Culture and Communications

Québec Official Publisher
2025

EXPLANATORY NOTES

This bill amends the Charter of human rights and freedoms in order to enshrine the right to discoverability of and access to original French-language cultural content.

The bill enacts the Act respecting the discoverability of French-language cultural content in the digital environment.

The enacted Act promotes discoverability of and access to original French-language cultural content in the digital environment. It applies to, in particular, every digital platform that offers a service for viewing audiovisual content online or for online listening as well as every manufacturer of television sets or of devices intended to be connected to a television set that include an interface enabling viewing of audiovisual content online.

The Act introduces the obligation for digital platforms that meet the criteria determined by government regulation to register with the Minister of Culture and Communications. It also introduces the obligation for digital platforms and manufacturers of television sets and connected devices to see to it that, by default, the interface of the digital platforms, television sets or devices is in French, according to the conditions determined by government regulation.

Furthermore, the Act specifies that certain digital platforms and certain manufacturers of television sets and connected devices must see to it that the interface provides access to digital platforms meeting the presence and discoverability criteria for original French-language cultural content that are determined by government regulation. In addition, certain manufacturers of television sets and devices connected to a television set must see to it that the interface provides access to viewing platforms offering original French-language cultural content that are determined by government regulation.

The Act creates, within the Minister of Culture and Communications, the Bureau de la découvrabilité des contenus culturels and confers on the Minister responsibility for reporting to the Government on the evolution of the presence, discoverability and consumption of original French-language cultural content in the digital environment.

The Act confers on the Government the power to make regulations in order to, in particular, establish the quantity or proportion of original French-language cultural content and of content available in a French version that must be offered by digital platforms as well as to establish criteria for determining what constitutes original French-language cultural content.

The Act also gives the Government the power to authorize the Minister to enter into an agreement with a digital platform in order to set out substitute measures for the obligations of the Act or the regulations.

Furthermore, the Act grants inspection and investigation powers and confers on the Minister the power to order a digital platform or a manufacturer to take the measures the Minister may indicate if of the opinion that the digital platform or the manufacturer is failing to perform the obligations imposed by the Act, the regulations or an agreement. The Act also introduces a system of monetary administrative penalties as well as penal provisions to ensure compliance with the Act and the regulations.

Lastly, the bill makes consequential amendments, and contains miscellaneous and final provisions.

LEGISLATION ENACTED BY THIS BILL:

– Act respecting the discoverability of French-language cultural content in the digital environment (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting the discoverability of French-language cultural content in the digital environment*).

LEGISLATION AMENDED BY THIS BILL:

– Charter of human rights and freedoms (chapter C-12);

– Act respecting administrative justice (chapter J-3);

– Act respecting the Ministère de la Culture et des Communications (chapter M-17.1).

Bill 109

AN ACT TO AFFIRM THE CULTURAL SOVEREIGNTY OF QUÉBEC AND TO ENACT THE ACT RESPECTING THE DISCOVERABILITY OF FRENCH-LANGUAGE CULTURAL CONTENT IN THE DIGITAL ENVIRONMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RIGHT TO DISCOVERABILITY AND ACCESS

CHARTER OF HUMAN RIGHTS AND FREEDOMS

1. The Charter of human rights and freedoms (chapter C-12) is amended by inserting the following section after section 42:

"**42.1.** Every person has a right, to the extent and according to the standards provided for by law, to discoverability of and access to original French-language cultural content."

CHAPTER II

ENACTMENT OF THE ACT RESPECTING THE DISCOVERABILITY OF FRENCH-LANGUAGE CULTURAL CONTENT IN THE DIGITAL ENVIRONMENT

2. The Act respecting the discoverability of French-language cultural content in the digital environment, the text of which appears in this chapter, is enacted.

"ACT RESPECTING THE DISCOVERABILITY OF FRENCH-LANGUAGE CULTURAL CONTENT IN THE DIGITAL ENVIRONMENT

"AS culture plays a fundamental role in the vitality and development of societies, and as it is necessary to preserve and promote cultural and linguistic diversity, in particular in the digital age;

"AS Québec has the right and the capacity to act in order to preserve and promote the French language and Québec culture, including in the digital environment;

"AS the Parliament of Québec may adopt laws regarding activities under its legislative authority regardless of the technological means by which the activities are carried on;

"AS it is important for Québec to affirm its cultural sovereignty in the digital environment, in the spirit of UNESCO's Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which recognizes the sovereign right of States to adopt measures to protect the diversity of cultural expressions within their territory;

"AS Québec is the most legitimate judge of the state of its language and culture;

"AS digital platforms and connected devices play a preponderant role with regard to the recommendation and promotion of, and access to, cultural content;

"AS cultural content refers to the symbolic meaning, artistic dimension and values that originate from or express cultural identities;

"AS the cultural content viewed, listened to or read by today's youth will influence their development and their attachment to the Québec nation and its culture;

"AS, under the Charter of human rights and freedoms (chapter C-12), every person has a right, to the extent and according to the standards provided for by law, to discoverability of and access to original French-language cultural content;

"AS, according to section 90Q.2 of the Constitution Act, 1867, and section 1 of the Charter of the French language (chapter C-11), French is the only official and common language of Québec;

"RECOGNIZING the necessity of promoting, in the digital environment, original French-language cultural content, from Québec or elsewhere in the world, in order to preserve the richness of the French language, regardless of the technologies used;

"THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

"CHAPTER I

"PURPOSE AND SCOPE

"**1.** The purpose of this Act is to promote discoverability of and access to original French-language cultural content in the digital environment.

"**2.** This Act applies to every digital platform that offers a service for viewing audiovisual content online or listening to music, audio books or podcasts online or that provides access to such a service offered by a third-party platform as

well as every digital platform that offers services enabling access to online cultural content determined by government regulation.

It also applies to every manufacturer of television sets or of devices intended to be connected to a television set that include an interface enabling viewing of audiovisual content online or that provide access to online audiovisual content viewing services as well as to every manufacturer of devices that include an interface enabling access to online cultural content determined by government regulation.

"**3.** This Act does not apply to social media and digital platforms whose main purpose is to offer Indigenous content.

"**4.** For the purposes of this Act,

"digital platform" means a person or partnership that offers to the public content that is referred to in this Act, whether or not in exchange for a financial consideration;

"discoverability" means the online availability of content and its capability to be found easily among a set of other content, in particular by a person not searching for it;

"Indigenous content" means content in an Indigenous language or in a language understood by Indigenous communities and that is intended for those communities;

"manufacturer" means a manufacturer within the meaning of the Consumer Protection Act (chapter P-40.1); and

"social media" means a digital platform whose main purpose is to allow users to share content and interact with that content and with other users.

"**5.** The Government may, by regulation, define the terms and expressions used in this Act or clarify the definitions it contains.

"CHAPTER II

"REGISTRATION OF DIGITAL PLATFORMS

"**6.** Every digital platform that meets the criteria determined by government regulation must register with the Minister.

The Government may, in addition, determine the terms and conditions for the registration.

"**7.** For the purposes of this chapter, the Minister may require any document or information to determine whether a digital platform must register.

“**8.** The Minister may, if of the opinion that the digital platform must register, proceed with the registration.

“**9.** The Minister must, before proceeding with a registration, notify the digital platform concerned of that intention and give it at least 30 days to submit observations.

The notice must state

(1) the reasons why the Minister is of the opinion that the digital platform must register;

(2) the platform’s right to submit observations and the time limit for doing so;

(3) the right, under section 12, to obtain a review of the decision to proceed with the registration and the time limit for exercising that right; and

(4) the right, provided for in section 13, to contest the review decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

“**10.** On the expiry of the time limit specified in the notice for submitting observations and after examining the observations, if any, submitted by the digital platform concerned, the Minister notifies the platform of the Minister’s decision.

“**11.** Unless the Minister decides not to proceed with the registration, the digital platform concerned is deemed registered on the date of expiry of the time limit specified in the notice for submitting observations or on any later date determined by the Minister.

“**12.** The digital platform concerned may, within 30 days after notification of the notice, apply in writing to the Minister for a review of the decision to proceed with the registration.

“**13.** A review decision that confirms the registration may, within 60 days after its notification, be contested before the Administrative Tribunal of Québec by the digital platform concerned.

The Tribunal may only confirm or quash the contested decision.

“**14.** The Minister keeps up to date a registration register, and publishes it on the Minister’s website.

The register must contain the following information:

(1) the name and address of the digital platform;

(2) the date of its registration;

(3) the nature of the services offered by the digital platform; and

(4) the substitute measures agreed on under section 21, if any.

"**CHAPTER III**

"OBLIGATIONS APPLICABLE TO INTERFACES OF DIGITAL PLATFORMS AND TELEVISION SETS AND CONNECTED DEVICES

"**15.** Digital platforms and manufacturers referred to in section 2 must see to it that, by default, the interface of the digital platforms, television sets or devices enabling access to online cultural content is in French, according to the terms and conditions determined by government regulation.

"**16.** Digital platforms that provide access to services offered by a third-party digital platform and manufacturers referred to in section 2 must see to it that the interface provides access, according to the terms and conditions determined by government regulation, to digital platforms meeting the presence and discoverability criteria for original French-language cultural content that the Government determines by regulation.

"**17.** Manufacturers of television sets or of devices intended to be connected to a television set that include an interface enabling viewing of audiovisual content online must see to it that the interface provides access, according to the terms and conditions determined by government regulation, to viewing platforms that the Government determines by regulation. Those platforms must offer content the majority of which is original French-language cultural content and be operated by a legal person established in the public interest or a non-profit legal person.

"**18.** For the purposes of sections 16 and 17, the Government may, in addition, by regulation, determine conditions governing the visibility of the digital platforms that must be accessible in accordance with those sections, as well as conditions governing the discoverability of their content.

"**19.** A manufacturer's compliance with the obligations set out in sections 16 to 18 or in a regulation made under those sections must not give rise to a financial consideration from digital platforms.

"**CHAPTER IV**

"REGULATIONS

"**20.** To ensure that the objectives of this Act are achieved, the Government may, by regulation,

(1) establish criteria for determining what constitutes original French-language cultural content;

(2) establish the quantity or proportion of original French-language cultural content or of content available in a French version that must be offered by digital platforms;

(3) establish the quantity or proportion of original French-language cultural content accessible to persons with a disability or of content accessible to persons with a disability and available in a French version that must be offered by digital platforms;

(4) determine the obligations with respect to discoverability of content referred to in subparagraphs 2 and 3, in particular to content recommendation, promotion or display;

(5) determine the metadata standards applicable to original French-language cultural content and to content available in a French version; and

(6) determine exceptions to the obligations set out in this Act or the regulations with regard to digital platforms, manufacturers, television sets, connected devices or to content.

The Government may establish standards that differ according to whether they are applicable to audiovisual content, music, audio books, podcasts or online content determined by government regulation. The Government may also determine content categories for which it may determine different standards.

"**CHAPTER V**

"SUBSTITUTE MEASURES

"**21.** The Minister may enter into an agreement with a digital platform referred to in section 6 in order to set out substitute measures for the obligations of this Act or the regulations that are applicable to that platform. The substitute measures must enable the achievement of the objectives of this Act in a manner that is at least equivalent.

The agreement specifies the provisions of this Act or the regulations that do not apply to the digital platform as well as the obligations that apply in their stead.

The agreement must, to be valid, be approved by the Government.

"**22.** The agreement has a maximum five-year term.

The agreement comes into force on the date it is signed by the Minister, but it may provide that one or more of its provisions take effect on an earlier date.

“**23.** The Government may, by regulation, determine the criteria that a digital platform must meet in order for substitute measures to be agreed on.

“**24.** The register referred to in section 14 contains the information concerning the substitute measures agreed on as well as the provisions of this Act or the regulations that do not apply to the digital platform and the obligations that apply in their stead.

“**25.** The Minister may terminate an agreement with a digital platform if it fails to comply with an order of the Minister or has incurred a monetary administrative penalty or committed an offence under this Act or the regulations.

“**26.** Before terminating an agreement, the Minister must notify the digital platform concerned of that intention and give the platform at least 30 days to submit observations.

“**27.** On the expiry of the time limit specified in the notice and after examining the observations, if any, submitted by the digital platform concerned, the Minister notifies the platform of the decision to terminate the agreement or not.

“**28.** If the Minister decides to terminate the agreement, it ends on the date determined by the Minister, which must not be earlier than the date of expiry of the time limit specified in the Minister’s notice referred to in section 26.

“CHAPTER VI

“BUREAU DE LA DÉCOUVRABILITÉ DES CONTENUS CULTURELS

“**29.** An administrative unit is established within the Ministère de la Culture et des Communications under the name “Bureau de la découvrabilité des contenus culturels”.

The Bureau is composed of public servants designated by the Minister.

“**30.** The mission of the Bureau is to see that this Act, its regulations and the agreements made in accordance with this Act are complied with.

“**31.** The Bureau gives its opinion on any matter within its jurisdiction submitted to it by the Minister and attaches to the opinion any recommendations the Bureau considers appropriate.

“**32.** In addition to its functions under this Act, the Bureau exercises the functions conferred on it by the Minister.

“**CHAPTER VII**

“REPORT

“**33.** The Minister monitors the evolution of the presence, discoverability and consumption of original French-language cultural content in Québec’s digital environment. The Minister reports on it to the Government at least once every three years.

The Minister publishes the report on the Minister’s department’s website within 30 days after presenting it to the Government.

Every digital platform or manufacturer must provide to the Minister, in the form and within the time determined by the latter, the non-personal information relating to the presence, discoverability and consumption of content that the Minister requests and that is necessary for the purposes of the first paragraph. The Minister may communicate that information to the Institut de la statistique du Québec for the production of statistical information for the same purposes.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one has a right of access to any document containing such information.

“**CHAPTER VIII**

“INSPECTIONS AND INVESTIGATIONS

“**34.** The Minister may, for the purposes of this Act, conduct inspections and investigations.

“**35.** The Minister may designate, generally or specially, any person to conduct an inspection or investigation.

The public servants of the Bureau have, by virtue of office, the rights and powers to conduct inspections and investigations.

“**36.** In an investigation other than an investigation regarding an offence under this Act, the persons referred to in section 35 are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“**37.** A person who conducts an inspection may, by notification of a notice, require any information relating to the carrying out of this Act, its regulations and the agreements entered into in accordance with it, as well as the communication, for examination or reproduction, of any related document.

Any person who has custody, possession or control of documents referred to in this section must communicate them to and facilitate their examination by the person conducting an inspection.

"**38.** A person conducting an inspection or investigation must, at the request of any interested person, identify themselves and produce the certificate attesting their capacity.

"**CHAPTER IX**

"IMMUNITY

"**39.** Despite any other Act, the Minister, the public servants of the Bureau and any person designated to conduct an inspection or investigation cannot be compelled to make a deposition relating to information obtained in the exercise of their functions or to produce a document containing such information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one has a right of access to any such document.

"**40.** No judicial proceedings may be brought against the Minister, the public servants of the Bureau or the persons designated to conduct an inspection or investigation for an act or omission in good faith in the exercise of their functions.

"**41.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be brought, nor any injunction granted, against the Minister, a public servant of the Bureau or a person designated to conduct an inspection or investigation in the exercise of their functions.

A judge of the Court of Appeal may, on an application, summarily annul any proceedings brought or decision rendered contrary to the provisions of the first paragraph.

"**CHAPTER X**

"ORDERS

"**42.** The Minister may, on the conditions set by the Minister, order a digital platform or a manufacturer to take the measures the Minister indicates where the Minister is of the opinion that the platform or manufacturer is failing to perform its obligations under this Act, a regulation made under it or, in the case of a digital platform, under an agreement referred to in section 21.

The Minister may, for the same reasons, issue an order against a third person that, on behalf of a digital platform or a manufacturer, carries on the platform's or manufacturer's activities or performs its obligations.

"**43.** At least 15 days before issuing an order against a digital platform, a manufacturer or a third person referred to in section 42, the Minister must, as prescribed by section 5 of the Act respecting administrative justice (chapter J-3), notify a prior notice to them in writing, stating the reasons that appear to justify the order, the date on which the order is to take effect and the possibility to submit observations. Where a prior notice is notified to a third person, the Minister must also notify it to the digital platform or the manufacturer on whose behalf the third person carries on their activities or performs their obligations.

"**44.** The Minister's order must state the reasons for which it is issued. The order must be notified to each person to whom it applies.

The order takes effect on the date it is notified or on any later date specified in the order.

"**45.** The Minister may revoke or amend an order the Minister has issued under this chapter.

"CHAPTER XI

"INJUNCTION AND PARTICIPATION IN PROCEEDINGS

"**46.** The Minister may apply to a judge of the Superior Court for an injunction regarding the carrying out of this Act.

The application for an injunction constitutes a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure (chapter C-25.01) applies, except that the Minister cannot be required to give security.

"**47.** The Minister may, on the Minister's own initiative and without notice, intervene in any proceeding concerning a provision of this Act.

"CHAPTER XII

"MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

"DIVISION I

"MONETARY ADMINISTRATIVE PENALTIES

"§1. — *General application framework*

"**48.** The Minister develops and makes public a general framework for applying monetary administrative penalties in connection with penal proceedings, specifying the following elements in particular:

(1) the purposes of the penalties, such as urging the person to rapidly take the measures required to remedy the failure to comply and deter its repetition;

(2) the categories of functions held by the persons designated to impose penalties;

(3) the criteria that must guide the designated persons when a failure to comply has been ascertained, including the nature of the failure, whether it has been repeated, the benefits derived from it, the seriousness of the harm or potential harm resulting from it and the measures taken by the person to remedy the failure;

(4) the circumstances in which priority will be given to penal proceedings; and

(5) the other terms regarding such penalties, such as the fact that they must be preceded by notification of a notice of non-compliance.

"§2.—*Failures to comply*

"**49.** A monetary administrative penalty of $2,500 in the case of a natural person and $15,000 in any other case may be imposed on anyone that fails to comply with an order made by the Minister under this Act.

"**50.** A regulation made under this Act may specify that a failure to comply with any of the regulation's provisions may give rise to a monetary administrative penalty.

The regulation may define conditions for applying the penalty and determine the amounts or the method for determining them. The amounts may vary according to, among other things, the seriousness of the failure to comply, without exceeding the maximum amounts set out in section 49.

"**51.** If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

"§3.—*Notice of non-compliance and imposition*

"**52.** In the event of a failure to comply referred to in subdivision 2, a notice of non-compliance may be notified to the party responsible for the failure urging the party to take without delay the measures necessary to remedy it.

The notice must mention that the failure could, among other things, give rise to a monetary administrative penalty.

For the purposes of this division, the party responsible for a failure to comply is the person on which a monetary administrative penalty is imposed or could be imposed, as applicable, for a failure to comply under subdivision 2.

"**53.** The imposition of a monetary administrative penalty for a failure to comply with a provision of this Act is prescribed by two years from the date on which the failure to comply was ascertained.

In the absence of evidence to the contrary, the date of the inspection or investigation report ascertaining the failure to comply constitutes conclusive proof of the date on which the failure to comply was ascertained.

"**54.** No monetary administrative penalty for a failure to comply with a provision of this Act may be imposed on the party responsible for a failure to comply if a statement of offence has already been served on the party for a contravention of the same provision on the same day, based on the same facts.

"**55.** A monetary administrative penalty is imposed by a person designated by the Minister in that regard by the notification of a notice of claim to the party responsible for the failure.

The notice must state

(1) the amount of the claim;

(2) the reasons for it;

(3) the time from which it bears interest;

(4) the right, under section 57, to obtain a review of the decision to impose the penalty and the time limit for exercising that right; and

(5) the right to contest the review decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

The notice of claim must also include information on the procedure for recovery of the amount claimed. The party responsible for the failure to comply must also be informed that the facts on which the claim is founded may result in penal proceedings.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

"**56.** No accumulation of monetary administrative penalties may be imposed on the same person for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In a case where more than one penalty would be applicable, the person imposing the penalty determines which penalty is most appropriate in light of the circumstances and the purposes of the penalties.

"§4. — *Review*

"**57.** The party responsible for a failure to comply may, within 30 days after notification of the notice of claim, apply in writing to the Minister for a review of the decision to impose a monetary administrative penalty.

The persons responsible for the review are designated by the Minister; they must not belong to the same administrative authority as the persons responsible for imposing such penalties.

"**58.** The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless the person considers it necessary to proceed in some other manner.

"**59.** The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state the applicant's right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days after receipt of the application or, if applicable, after the expiry of the time granted to the applicant to submit observations or produce documents, the interest provided for in the fourth paragraph of section 55 on the amount owing ceases to accrue until the decision is rendered.

"**60.** A review decision that confirms the imposition of a monetary administrative penalty may, within 60 days after its notification, be contested before the Administrative Tribunal of Québec by the party responsible for the failure to comply to which the decision pertains.

The Tribunal may only confirm or quash the contested decision.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued on the penalty while the matter was pending before it.

"§5. — *Recovery*

"**61.** If the party responsible for a failure to comply has defaulted on payment of a monetary administrative penalty, its directors and officers are solidarily liable with that party for the payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure.

"**62.** The payment of a monetary administrative penalty is secured by a legal hypothec on the debtor's movable and immovable property.

For the purposes of this division, the debtor is the party responsible for a failure to comply that is required to pay a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that party for the payment of the penalty.

"**63.** The debtor and the Minister may enter into a payment agreement with regard to a monetary administrative penalty owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of any other administrative penalty under this Act, an acknowledgement of the facts giving rise to it.

"**64.** If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Minister may issue a recovery certificate on the expiry of the time for applying for a review of the decision to impose the penalty, on the expiry of the time for contesting the review decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the decision to impose the penalty or the review decision, as applicable.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

"**65.** Where the Minister of Revenue allocates, once a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), any refund owed to a person following the application of a fiscal law to the payment of the amount shown on the certificate, that allocation interrupts the prescription provided for in the Civil Code with regard to the recovery of the amount.

"**66.** On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision establishing the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

"**67.** The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Minister.

"§6. — *Register*

"**68.** The Minister keeps a register relating to monetary administrative penalties.

The register must contain at least the following information:

(1) the date the penalty was imposed;

(2) the date and nature of the failure, and the legislative or regulatory provisions under which the penalty was imposed;

(3) if the penalty was imposed on a legal person, its name and the address of its head office or that of one of its establishments;

(4) if the penalty was imposed on a partnership, an association without legal personality or a natural person, the partnership's, association's or person's name and address;

(5) the amount of the penalty imposed;

(6) the date of receipt of an application for review and the date and conclusions of the decision;

(7) the date a proceeding is brought before the Administrative Tribunal of Québec and the date and conclusions of the decision rendered by the Tribunal, as soon as the Minister is made aware of the information;

(8) the date a proceeding is brought against the decision rendered by the Administrative Tribunal of Québec, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Minister is made aware of the information; and

(9) any other information the Minister considers of public interest.

The information contained in the register is public information as of the time the decision imposing the penalty becomes final.

"**DIVISION II**

"PENAL PROVISIONS

"**69.** The following are liable to a fine of $2,500 to $25,000 in the case of a natural person and $15,000 to $150,000 in any other case:

(1) anyone who provides a document or information that they know to be false or inaccurate, or access to such a document or information, to the Minister, the public servants of the Bureau or a person designated to conduct an inspection or investigation; and

(2) anyone who hinders or attempts to hinder, in any manner, the exercise, by the Minister, a public servant of the Bureau or a person designated to conduct an inspection or investigation, of a function for the purposes of this Act.

"**70.** Anyone who contravenes an order of the Minister is liable to a fine of $5,000 to $50,000 in the case of a natural person and $30,000 to $300,000 in any other case.

"**71.** The Government may determine the provisions of a regulation it makes under this Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government.

The maximum amounts set under the first paragraph may vary according to, among other things, the seriousness of the offence, without exceeding those prescribed by section 70.

"**72.** The fines prescribed by sections 69 and 70 or by the regulations are doubled for a second offence and tripled for a third or subsequent offence.

In addition, if an offender commits an offence under this Act after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a third or subsequent offence.

This section applies where the prior finding of guilty pronounced in the two-year period preceding the subsequent offence or, if the minimum fine to which the offender was liable for the prior offence was that prescribed in section 70, in the five-year period preceding the subsequent offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

"**73.** If an offence under this Act is committed by a director or officer of a legal person or of another group, regardless of its juridical form, the minimum and maximum fines are double those applicable to a natural person for that offence.

"**74.** If an offence under this Act continues for more than one day, it constitutes a separate offence for each day it continues.

"**75.** Anyone who, by an act or an omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under this Act is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

"**76.** In any penal proceedings relating to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence, taking all necessary precautions to prevent the commission of the offence.

"**77.** If a legal person or an agent, mandatary or employee of a legal person, of a partnership or of an association without legal personality commits an offence under this Act, the directors of the legal person, partnership or association are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the commission of the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

"**78.** In determining the penalty, the judge takes into account, in particular, the following aggravating factors:

(1) the foreseeable character of the offence or the failure to follow recommendations or warnings aimed at preventing it;

(2) the offender's attempts to cover up the offence or failure to try to mitigate its consequences;

(3) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and

(4) the offender's failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender's ability to do so.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

"**79.** When determining a fine higher than the minimum fine prescribed by this Act, or when determining the time within which an amount must be paid, the judge may take into account the offender's inability to pay, provided the offender proves the inability by establishing the offender's assets and liabilities.

"**80.** The prescription period for penal proceedings for offences under this Act is the longer of

(1) five years from the date on which the offence was committed; and

(2) two years from the date on which the inspection or penal investigation that led to the discovery of the offence began where false declarations are made to the Minister, an inspector or an investigator.

In the cases referred to in subparagraph 2 of the first paragraph, the certificate of the Minister, the inspector or the investigator constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the inspection or investigation began.

"CHAPTER XIII

"AMENDING PROVISIONS

"ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

"**81.** The heading of Chapter III.2 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is replaced by the following heading:

"QUÉBEC CULTURAL DEVELOPMENT FUND".

"**82.** Section 22.13 of the Act is amended

(1) by replacing "Avenir Mécénat Culture Fund" in the first paragraph by "Québec Cultural Development Fund";

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

"The Fund is dedicated to providing financial support for

(1) projects to produce online original French-language cultural content, and measures to support the discoverability of such content;

(2) measures taken by the Minister to encourage organizations working in the cultural and communications sectors to, among other things, develop ways of diversifying their funding sources and to capitalize a portion of their revenues derived from their fund-raising activities, so as to ensure financial security for such organizations."

"**83.** Section 22.14 of the Act is amended by adding the following paragraphs before paragraph 1:

"(0.1) the sums collected by the Minister as monetary administrative penalties under the Act respecting the discoverability of French-language cultural content in the digital environment (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting the discoverability of French-language cultural content in the digital environment*);

"(0.2) the sums received under substitute measures entered into in accordance with the Act respecting the discoverability of French-language cultural content in the digital environment;".

"**84.** Section 22.16 of the Act is amended

(1) by adding the following paragraph before paragraph 1:

"(0.1) the sums referred to in paragraphs 0.1 and 0.2 of section 22.14 and paid for the purposes set out in subparagraph 1 of the second paragraph of section 22.13 by the Minister;";

(2) by replacing "paid for the purposes of" in paragraph 1 by "referred to in paragraphs 1 to 5 of section 22.14 and paid for the purposes set out in subparagraph 2 of the second paragraph of".

"ACT RESPECTING ADMINISTRATIVE JUSTICE

"**85.** Section 37 of the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraph at the end:

"Proceedings referred to in paragraph 7.3 of Schedule IV shall be heard and determined by a single member who shall be an advocate or notary."

"**86.** Schedule IV to the Act is amended by inserting the following paragraph after paragraph 7.2:

"(7.3) sections 13 and 62 of the Act respecting the discoverability of French-language cultural content in the digital environment (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting the discoverability of French-language cultural content in the digital environment*);".

"**CHAPTER XIV**

"MISCELLANEOUS AND FINAL PROVISIONS

"**87.** The provisions of this Act prevail over any contrary provisions of any subsequent Act, unless such an Act expressly states that it applies despite this Act.

"**88.** The Minister of Culture and Communications is responsible for the administration of this Act."

CHAPTER III

FINAL PROVISION

3. This Act comes into force on the date or dates to be determined by the Government.