



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 195

Québec Identity Act

Introduction

**Introduced by
Madam Pauline Marois
Member for Charlevoix**

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EXPLANATORY NOTES

This bill sets forth measures to enable the Québec nation to express its identity.

It provides for the drafting of a Québec Constitution and the setting up of a select parliamentary committee.

It establishes Québec citizenship.

It stipulates that, in the interpretation and application of fundamental human rights and freedoms, due regard should be paid to the historical heritage of the Québec nation and to its fundamental values.

It includes provisions aimed at ensuring the predominance of the French language and the quality of written and spoken French in Québec.

It proposes to promote understanding of Québec's national history, mastery of written and spoken French and appreciation of Québec culture.

Finally, it contains provisions aimed at helping foreign nationals integrate into Québec society.

LEGISLATION AMENDED BY THIS BILL:

- Charter of the French language (R.S.Q., chapter C-11);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Act respecting immigration to Québec (R.S.Q., chapter I-0.2);
- Education Act (R.S.Q., chapter I-13.3);
- Civil Code of Québec (1991, chapter 64).

Bill 195

QUÉBEC IDENTITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT

1. The purpose of this Act is to enable the Québec nation to express its identity through

(1) the creation of a Québec Constitution;

(2) the establishment of Québec citizenship;

(3) the interpretation and application of fundamental rights and freedoms with due regard for the historical heritage and fundamental values of the Québec nation and, in particular, the importance of ensuring the predominance of the French language, protecting and promoting Québec culture, guaranteeing equality between women and men, and preserving the secularity of public institutions;

(4) the adoption of legislative provisions to ensure the predominance of French as the language of work, economic activity and education in Québec;

(5) the adoption of legislative provisions to ensure the quality of written and spoken French in Québec;

(6) the adoption of legislative provisions to promote understanding of Québec's national history, mastery of written and spoken French and appreciation of Québec culture; and

(7) the adoption of legislative provisions to help foreign nationals integrate into Québec society.

CHAPTER II

QUÉBEC CONSTITUTION

2. The National Assembly must provide for the drafting of a Québec Constitution that will set forth the fundamental values of the Québec nation, establish Québec citizenship, present its national symbols, enshrine human

rights and freedoms and fundamental linguistic rights, and describe Québec's parliamentary, government and judicial institutions. Such a Constitution must also provide for its own revision and ensure its own supremacy.

3. A select parliamentary committee, called the "Select Committee on the Québec Constitution", is to be established under the authority of the National Assembly.

The Committee is to be established not later than three months after the coming into force of this Act.

4. The Committee's mandate is to frame a draft Québec Constitution on the basis of the draft Québec Constitution introduced in the National Assembly on (*insert the date of introduction of Bill 196*) and to formulate recommendations to the National Assembly in that regard.

The Committee is also to formulate recommendations on the manner in which the draft Québec Constitution is to be approved.

5. The Committee is to consist of 32 members, namely,

(1) 16 Members of the National Assembly appointed by the recognized parliamentary groups proportionately to their representation in the National Assembly; and

(2) 16 civil society representatives, with each parliamentary group appointing the same number of civil society representatives as it did Members of the National Assembly under subparagraph 1.

Each of the groups mentioned in the first paragraph must consist of an equal number of women and men.

A list of the Committee members is to be submitted by the parliamentary groups to the President of the National Assembly not later than seven days after the coming into force of this Act.

The Committee is to be co-chaired by a woman and a man. The Committee members are to designate one co-chair from among the Members of the National Assembly and one from among the civil society representatives.

6. The Committee is to begin its work not later than six months after the coming into force of this Act.

Although established to consider a matter referred to it by the National Assembly, the Committee is to convene its public meetings and deliberative meetings in accordance with Standing Order 148 of the National Assembly.

The Committee is to hold a general consultation. It is to set time aside to hear individuals who did not submit a brief but notified the Committee of their desire to be heard.

7. The Committees Secretariat of the National Assembly is to provide the support required for the Committee to run smoothly.

The Committee is to have the resources it needs to carry out its mandate, in particular as regards research and publicity.

8. Within two years after being established, the Committee is to submit its final report to the President of the National Assembly and make the report public by whatever means it considers appropriate. During those two years, the Committee may also submit progress reports and make them public in the same manner.

The Committee's progress reports and final report may contain observations, conclusions and recommendations. The Committee is not limited to a clear day, after consideration of the draft Québec Constitution, to determine in a deliberative meeting the observations, conclusions and recommendations it intends to submit to the National Assembly.

The President of the National Assembly tables the reports in the National Assembly without delay or, if the National Assembly is not sitting, within 15 days of resumption.

9. The procedural rules for standing parliamentary committees apply to the Committee only to the extent that they are compatible with the provisions of this Act.

CHAPTER III

QUÉBEC CITIZENSHIP

10. The Civil Code of Québec (1991, chapter 64) is amended by inserting the following title after article 49:

“TITLE TWO.1

“QUÉBEC CITIZENSHIP

“49.1. Québec citizenship is hereby established.

“49.2. A person is a Québec citizen if the person

(1) is a Canadian citizen and is domiciled in Québec on (*insert the date of coming into force of this Act*); or

(2) was born in Québec after (*insert the date of coming into force of this Act*), or was born abroad after (*insert the date of coming into force of this Act*) to a parent who, at that time, was a Québec citizen.

The Minister grants citizenship to any person who

- (1) has been a Canadian citizen for at least three months;
- (2) is domiciled in Québec;
- (3) has effectively resided in Québec for six months, including the three months preceding the date of the person's application;
- (4) has an appropriate knowledge of the French language; and
- (5) has an appropriate knowledge of Québec and of the responsibilities and advantages of citizenship.

“49.3. A person granted citizenship must take the following oath before the Minister of Justice or the person designated by the Minister:

“I, (*name of citizen*), swear that I will be loyal to the people of Québec, that I will faithfully observe the laws of Québec and that I will faithfully fulfill my duties as a citizen in compliance with the Québec Constitution.”

“49.4. If, on a report from the Minister of Justice, the Government is satisfied that a person has obtained citizenship under this Title by fraud or false representation or by knowingly concealing material facts, it may issue an order under which the person ceases to be a citizen as of the date specified.

“49.5. The Minister of Justice issues a citizenship card to any citizen who applies for one.

The card is valid only if the citizen is in compliance with this Code and with the rules governing the taking of the oath of citizenship.

“49.6. A person who is a Québec citizen has the right to

- (1) run in municipal, school and legislative elections;
- (2) participate in the public funding of political parties; and
- (3) petition the National Assembly for the redress of grievances.

“49.7. The Minister of Justice must make regulations determining

- (1) the rules governing applications for the grant, resumption or loss of citizenship;
- (2) the rules governing the taking of the oath of citizenship;
- (3) the procedure for obtaining a citizenship card; and
- (4) the grounds on which requirements may, for humanitarian reasons, be waived for the purposes of the grant, resumption or loss of citizenship.”

CHAPTER IV

HUMAN RIGHTS AND FREEDOMS

11. The Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by inserting the following section after section 40:

“**40.1.** Every person has a right, to the extent and according to the standards provided for by law, to learn French.”

12. The Charter is amended by inserting the following section after section 50:

“**50.1.** The Charter must be interpreted and applied with due regard for the historical heritage and fundamental values of the Québec nation and, in particular, the importance of ensuring the predominance of the French language, protecting and promoting Québec culture, guaranteeing equality between women and men, and preserving the secularity of public institutions.”

CHAPTER V

FRENCH LANGUAGE, NATIONAL HISTORY AND QUÉBEC CULTURE

13. Section 136 of the Charter of the French language (R.S.Q., chapter C-11) is amended by replacing “100” in the first paragraph by “25”.

14. Section 139 of the Charter is amended by replacing “50” in the first paragraph by “10”.

15. Section 148 of the Charter is amended by adding the following paragraph at the end:

“It shall also determine, by regulation, the particular conditions applicable to enterprises with 25 to 50 employees that are under the obligation to obtain a francization certificate, and the support and assistance measures those enterprises may be offered.”

16. Section 151 of the Charter is amended by replacing “50” in the first paragraph by “25”.

17. The Charter is amended by inserting the following sections after section 205.1:

“**205.2.** Every enterprise with 50 employees or more that is under the obligation to obtain a francization certificate and that does not hold such a certificate after a period of 10 years is guilty of an offence.

The enterprise is liable to the penalties determined by government regulation.

“205.3. No enterprise with 50 employees or more that does not hold a francization certificate may obtain public contracts from the Gouvernement du Québec, its departments or bodies, or its state-owned enterprises.”

18. Section 23 of the Education Act (R.S.Q., chapter I-13.3) is amended by adding the following paragraph at the end:

“The regulation must prescribe, among other things, that a person may hold a teaching licence only if the person has passed a national oral and written language proficiency examination, and determine the particulars relating to the examination.”

19. Section 447 of the Act is amended by inserting the following paragraph after the second paragraph:

“The basic school regulation must also promote

- (1) learning and understanding of Québec’s national history;
- (2) learning and mastery of written and spoken French; and
- (3) learning and appreciation of Québec culture.”

CHAPTER VI

IMMIGRATION TO QUÉBEC

20. The Act respecting immigration to Québec (R.S.Q., chapter I-0.2) is amended by inserting the following section after section 3.2.2.1:

“3.2.2.2. The Minister shall enter into a three-year integration contract with persons settling in Québec, with a view to facilitating their integration into Québec society.

In the contract, the Minister shall undertake to provide the support and assistance required to that end.

The integration contract must include an obligation to learn French and to acquire an appropriate knowledge of French within the time specified.

The Minister may determine the terms of the contract, which may vary according to the foreign national’s age or circumstances.”

CHAPTER VII

FINAL PROVISION

21. This Act comes into force on *(insert the date of assent to this Act)*.