



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 196

Québec Constitution

Introduction

Introduced by
Mr. Daniel Turp
Member for Mercier

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EXPLANATORY NOTES

The purpose of this bill is to entrench the fundamental values of Québec in a Québec Constitution.

To that effect, the bill covers such topics as Québec citizenship and Québec's national territory, natural and cultural heritage, national capital, official language and national symbols.

It affirms the supremacy of sections 1 to 48 of the Charter of human rights and freedoms and sections 2 to 6 of the Charter of the French language, and addresses the matter of Québec's legislative authority.

In addition, the bill presents the state institutions of Québec, that is, the National Assembly, the Government and the courts of justice.

Lastly, the bill provides for the revision and supremacy of the Québec Constitution.

Bill 196

QUÉBEC CONSTITUTION

WE, THE PEOPLE OF QUÉBEC,

AS Quebecers form a nation and Québec is a French-speaking nation;

AS the First Nations and the Inuit nation are present in Québec;

AS Québec has an English-speaking community;

AS Quebecers of all origins contribute to Québec's development;

AS Québec possesses distinctive characteristics and a deep-rooted historical continuity in a territory over which it exercises its rights through the medium of a state endowed with its own democratic institutions, namely, a National Assembly, a Government, and impartial and independent courts of justice;

AS Québec has an inalienable right to freely choose its political system and determine its legal status;

AS the constitutional foundation of Québec has been enriched over the years by the passage of fundamental laws and as it is the prerogative of the Québec nation to express its identity through the adoption of a Québec Constitution;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

FUNDAMENTAL VALUES

I. Québec is a free and democratic society.

Québec is governed by the rule of law.

Québec is a land where individuals are free and equal in dignity and rights.

Québec promotes and protects its culture and the French language.

Québec contributes to the maintenance of peace and international security.

Québec supports social progress, economic development and cultural diversity throughout the world.

Québec acts in accordance with the principles of human development and sustainable development.

CHAPTER II

QUÉBEC CITIZENSHIP

2. Québec citizenship is hereby established. Citizenship is granted or lost as determined by law.

CHAPTER III

NATIONAL TERRITORY

3. Québec exercises its powers throughout its territory.

The territory and boundaries of Québec may not be altered except with the consent of the National Assembly of Québec.

The Gouvernement du Québec must ensure that the territorial integrity of Québec is maintained and respected.

CHAPTER IV

NATURAL AND CULTURAL HERITAGE

4. Québec preserves and enhances its natural and cultural heritage, including its archaeological, architectural, archival, artistic, ethnological, historical and religious heritage.

CHAPTER V

NATIONAL CAPITAL

5. The national capital of Québec is Ville de Québec.

CHAPTER VI

OFFICIAL LANGUAGE

6. French is the official language of Québec.

Rules to ensure the predominance of the official language are determined by law.

CHAPTER VII

NATIONAL SYMBOLS AND NATIONAL HOLIDAY

7. The flag of Québec is a white cross on a blue field, with a white fleur-de-lis in each canton or, in heraldic terms, azure, a cross between four fleurs-de-lis argent.

The emblematic tree of Québec is the yellow birch. The emblematic flower of Québec is the blue flag. The emblematic bird of Québec is the snowy owl.

The motto of Québec is “Je me souviens”.

The coat of arms of Québec uses tierced per fess, first azure, three fleurs-de-lis Or; second gules, a lion passant guardant of the second, armed and langued of the first; third, of the second, a sprig of three sugar maple leaves vert, nerved of the field.

The 24th of June is Québec’s national holiday.

CHAPTER VIII

RIGHTS AND FREEDOMS IN QUÉBEC

8. Sections 1 to 48 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) and sections 2 to 6 of the Charter of the French language (R.S.Q., chapter C-11) are an integral part of this Constitution.

Those sections 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 IX

POWERS OF QUÉBEC

9. Québec is sovereign in the areas that are under its jurisdiction by law and according to constitutional conventions.

Québec exercises jurisdiction over international relations in all matters under its jurisdiction as provided for in this section.

CHAPTER X

NATIONAL ASSEMBLY OF QUÉBEC

10. The National Assembly passes legislative Acts and supervises the actions of the Government.

The National Assembly approves Québec's important international commitments.

The National Assembly is composed of 125 Members. This number may be modified to reflect demographic changes in Québec.

Members of the National Assembly are elected as provided for by law.

The organization and operation of the National Assembly are provided for by law.

CHAPTER XI

GOUVERNEMENT DU QUÉBEC

11. The Government sets and oversees general policy in Québec. It carries out legislation and has the power, as provided for by law, to make regulations.

The Government negotiates Québec's international commitments and represents Québec in relations with other States and international institutions.

The Prime Minister heads the Government and chairs the Conseil exécutif.

The organization and operation of the Government are provided for by law.

CHAPTER XII

COURTS OF JUSTICE OF QUÉBEC

12. The courts of Québec are independent and impartial. Judges are appointed to serve during good behaviour and may not be transferred, suspended or dismissed against their will except pursuant to a judicial decision and on the sole grounds and in the sole manner prescribed by law.

The organization and operation of the courts of Québec are provided for by law.

CHAPTER XIII

AMENDMENTS TO THE QUÉBEC CONSTITUTION

13. A bill to amend this Constitution may be introduced by the Prime Minister or jointly by at least 25% of the Members of the National Assembly.

Such an amending bill must be supported by a two-thirds majority of Members of the National Assembly.

CHAPTER XIV

SUPREMACY OF THE QUÉBEC CONSTITUTION

14. The laws and constitutional conventions applicable in Québec when this Constitution comes into force continue to apply provided they are consistent with the Constitution and so long as they are not amended in accordance with the applicable legislative provisions.

This Constitution prevails over any rule of Québec law that is inconsistent with its provisions.

CHAPTER XV

FINAL PROVISION

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

