



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 395

Religious Fundamentalism Observer Act

Introduction

**Introduced by
Madam Agnès Maltais
Member for Taschereau**

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EXPLANATORY NOTES

This bill provides that a Religious Fundamentalism Observer, appointed by the National Assembly, be mandated to identify and document manifestations of religious fundamentalism in Québec, and study phenomena and issues such as religious accommodation, State secularism and religious neutrality, and intolerance toward religious minorities.

Under the bill, the Religious Fundamentalism Observer conducts mission-related quantitative and qualitative research, and is vested with investigative powers.

The bill stipulates that each year, the Religious Fundamentalism Observer must file an activity report and financial statements for the preceding fiscal year with the President of the National Assembly. Once the activity report has been tabled, the competent committee of the National Assembly has 60 days to examine it.

Finally, the bill contains administrative and miscellaneous provisions.

Bill 395

RELIGIOUS FUNDAMENTALISM OBSERVER ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

RELIGIOUS FUNDAMENTALISM OBSERVER

1. On the joint motion of the Premier and the Leader of the Official Opposition, after consulting with the Leaders of the other authorized parties represented in the National Assembly, and with the approval of two thirds of the Members, the National Assembly appoints a Religious Fundamentalism Observer.

2. In the same manner, the National Assembly determines the remuneration, employee benefits and other conditions of employment of the Religious Fundamentalism Observer.

3. The Religious Fundamentalism Observer performs the duties of office exclusively and on a full-time basis.

The National Assembly may give the Observer any specific mandate it considers necessary.

4. The Religious Fundamentalism Observer is appointed for a fixed term of five years or less. On expiry of the term, the Observer remains in office until reappointed or replaced.

The Observer may resign at any time by giving notice in writing to the President of the National Assembly, and may be removed only by a resolution of the Assembly approved by two thirds of the Members.

5. If the Religious Fundamentalism Observer leaves office or is unable to act, the Government may, after consulting with the Leaders of the authorized parties represented in the National Assembly, designate a person to act as Observer for a period not exceeding six months. The Government determines the designated person's remuneration and conditions of employment.

6. The Religious Fundamentalism Observer determines the maximum number of staff members needed for the exercise of the duties of office, their assignment and the level of their positions. The Observer may also call on external resources in fulfilling the Observer's mission.

Observer staff members are appointed in accordance with the Public Service Act (chapter F-3.1.1).

The Observer has the powers vested in a chief executive officer by that Act with regard to the staff members.

CHAPTER II

MISSION AND POWERS

7. The Religious Fundamentalism Observer’s mission is to identify and document manifestations of religious fundamentalism in Québec in order to provide accurate, objective information on the phenomenon, and study phenomena and issues such as religious accommodation, State secularism and religious neutrality, and intolerance toward religious minorities.

The Observer conducts mission-related quantitative and qualitative research, in particular action research.

8. For the purposes of this Act, “religious fundamentalism” means any movement that tends to impose practices or values stemming from the radical interpretation of a religion on individuals, society or the State, using means that include speeches undermining gender equality and encouraging discrimination and violence, and hate propaganda seeking to legitimize crimes in order to undermine democracy and human rights.

9. The Religious Fundamentalism Observer may, at any time, inquire into a matter under the Observer’s authority that the Observer considers important enough to warrant an inquiry.

10. For the purposes of an inquiry, the Religious Fundamentalism Observer and the persons mandated by the Observer to conduct an inquiry under this chapter have the powers and immunity provided for in the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

11. At the Religious Fundamentalism Observer’s request, a public body listed in Schedule I must provide any non-nominative information that the Observer considers necessary to fulfill the Observer’s mission.

12. Following an inquiry related to a mandate given by the National Assembly or to an initiative of the Religious Fundamentalism Observer, the latter submits a report without delay to the President of the National Assembly.

The President tables the report in the National Assembly within the next three days or, if the Assembly is not sitting, within three days of resumption. The competent committee of the National Assembly then examines the report.

13. The Religious Fundamentalism Observer may, by regulation, determine the conditions applicable to the contracts the Observer is authorized to conclude,

in particular to retain the services of experts in order to fulfill the Observer's obligations and mission.

Regulations under this section come into force on the date they are approved by the Office of the National Assembly, and are published in the *Gazette officielle du Québec*.

CHAPTER III

ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

14. No later than 30 September each year, the Religious Fundamentalism Observer must file an activity report and financial statements for the preceding fiscal year with the President of the National Assembly.

The activity report must include the following information:

(1) the number of religious accommodation requests received or granted in the public bodies listed in Schedule I;

(2) a description of the research, inquiries and other work requested or carried out by the Observer and completed; and

(3) a description of the research, inquiries and other work requested or being carried out by the Observer and in progress.

The activity report must also contain any information required by the Minister, particularly concerning the Observer's staff and expenses.

The President of the National Assembly tables the activity report and financial statements in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

15. The competent committee of the National Assembly examines the activity report within 60 days of its being tabled in the Assembly or, if the Assembly is not sitting, within 10 days of resumption.

16. No later than (*insert the date that is five years after the date of coming into force of this section*) and every five years after that, the Religious Fundamentalism Observer must report on the implementation of this Act and the advisability of amending it.

The report is submitted to the President of the National Assembly, who tables it in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly then examines the report.

17. The Minister of Justice is responsible for the administration of this Act.

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

SCHEDULE I
(Sections 11 and 14)

PUBLIC BODIES

- (1) government departments;
- (2) budget-funded bodies, bodies other than budget-funded bodies, and government enterprises listed in Schedules 1 to 3 to the Financial Administration Act (chapter A-6.001), and the Caisse de dépôt et placement du Québec;
- (3) bodies whose staff is appointed in accordance with the Public Service Act (chapter F-3.1.1);
- (4) government agencies listed in Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- (5) municipalities, metropolitan communities, intermunicipal boards, public transit authorities, local development centres, regional conferences of elected officers and municipal housing bureaus, except municipalities governed by the Cree Villages and the Naskapi Village Act (chapter V-5.1) or the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);
- (6) school boards established under the Education Act (chapter I-13.3), general and vocational colleges established under the General and Vocational Colleges Act (chapter C-29), and university-level educational institutions listed in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1);
- (7) health and social services agencies and public institutions governed by the Act respecting health services and social services (chapter S-4.2), except the regional board and public institutions referred to in Part IV.1 of that Act and the public institution referred to in Part IV.3 of the Act, joint procurement groups referred to in section 383 of that Act, and health communication centres within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2);
- (8) persons appointed or designated by the National Assembly to an office under its authority;
- (9) bodies to which the National Assembly or any of its committees appoints the majority of the members; and
- (10) bodies mentioned in the first paragraph of section 2 of the Educational Childcare Act (chapter S-4.1.1).

