



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 792

**An Act to enhance the presence of
the flag of Québec**

Introduction

**Introduced by
Mr. Pascal Bérubé
Member for Matane-Matapédia**

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EXPLANATORY NOTES

This bill amends the Act respecting the flag and emblems of Québec to clarify the position of the flag of Québec when two or more flags are flown in the same place.

The bill assigns to the Minister the responsibility of organizing a public ceremony celebrating Québec Flag Day in each regional county municipality.

The bill also amends the Act to give the Minister the power to authorize any person to act as an inspector for the purpose of verifying compliance with the Act and the regulations.

In addition, the bill amends the Regulation respecting the flag of Québec so that the flag will be flown on every building in Québec occupied by a federal government institution, in every historic site and national park in Québec and in every municipal park.

The bill also amends the Regulation so that the flag of Québec will be flown on the building where a Member of the National Assembly has electoral division premises or a Member of the House of Commons representing a Québec electoral division has electoral district premises.

Lastly, the bill specifies the circumstances under which a flag must be destroyed and the manner in which it is to be destroyed.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the flag and emblems of Québec (chapter D-12.1).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the flag of Québec (chapter D-12.1, r. 2).

Bill 792

AN ACT TO ENHANCE THE PRESENCE OF THE FLAG OF QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE FLAG AND EMBLEMS OF QUÉBEC

1. The Act respecting the flag and emblems of Québec (chapter D-12.1) is amended by inserting the following preamble before section 1:

“AS it is expedient to adopt as a national emblem of the people and the State of Québec a flag reflecting the specific characteristics of the Québec nation;

AS the Fleurdelisé represents the history and values of Québec and is a source of inspiration for the Québec nation;

AS all Quebecers are encouraged to respect the flag of Québec and proudly fly it;”

2. The Act is amended by inserting the following section after section 2:

“**2.1.** If two or more flags are flown in the same place by a person specified by regulation, the flag of Québec must be to the far left of the observer facing the flags.

Despite the first paragraph, if there are three flags, the flag of Québec must be in the centre.”

3. Section 3 of the Act is amended by adding the following paragraphs at the end:

“A public ceremony celebrating that day is organized by the Minister, or by the person delegated by order by the Minister, in each regional county municipality and in each local municipality whose territory is not included in that of a regional county municipality.

The delegation referred to in the second paragraph comes into force on the date of publication of the order in the *Gazette officielle du Québec* or on any later date indicated therein.”

4. Section 6 of the Act is amended

(1) by inserting “and display” after “the use” in paragraph 1;

(2) by replacing “and reproduction” in paragraph 2 by “, reproduction, distribution and destruction”;

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

“(4) determine the regulatory provisions made under this Act the violation of which constitutes an offence and prescribe, for each offence, the minimum and maximum fines to which an offender is liable, which may not exceed the amounts specified in section 8.”

5. The Act is amended by inserting the following sections after section 8:

“8.1. The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations.

“8.2. An inspector may, in the exercise of the functions of office,

(1) enter, at any reasonable time, any premises where a flag of Québec is flown;

(2) examine any flag of Québec to which this Act applies; and

(3) take photographs of the premises or of a flag.

An inspector may be accompanied by a person and use any means to inspect a flag.

The owner or person in charge of the premises being inspected and any other person present are required to assist the inspector.

“8.3. A person authorized to act as an inspector must, on request, produce a certificate of authority.

“8.4. An inspector may not be prosecuted for an act performed in good faith while carrying out the functions of office.”

REGULATION RESPECTING THE FLAG OF QUÉBEC

6. The Regulation respecting the flag of Québec (chapter D-12.1, r. 2) is amended by inserting the following sections after section 2:

“2.1. The flag of Québec must be flown on every building in Québec occupied by a federal government institution as defined in the Access to Information Act (Revised Statutes of Canada, 1985, chapter A-1).

“2.2. The flag of Québec must be flown in

(1) national historic sites of Canada, national parks of Canada and national park reserves of Canada as defined in the Act respecting the national parks of Canada (Statutes of Canada, 2000, chapter 32) in Québec;

(2) historic sites designated by the Minister of Culture and Communications under the Cultural Heritage Act (chapter P-9.002); and

(3) parks as defined by the Parks Act (chapter P-9).

“2.3. The flag of Québec must be flown on a building where the electoral division premises of a Member of the National Assembly or the electoral district premises of a Member of the House of Commons representing a Québec electoral district are located.”

7. Section 4 of the Regulation is amended by inserting “, in a municipal park” after “municipal library” in the second paragraph.

8. Section 5 of the Regulation is amended by replacing “or administration buildings” by “, on the administration buildings and in every classroom” in the introductory clause of the first paragraph.

9. The Regulation is amended by inserting the following section after section 6:

“6.1. The flag of Québec must be flown on the building even if the body or Member occupies only part of the building.”

10. Section 8 of the Regulation is repealed.

11. Section 10 of the Regulation is replaced by the following section:

“10. Any flag of Québec flown under this Regulation must be flown at half-mast where the Government so decides.”

12. Section 11 of the Regulation is amended

(1) by replacing “displayed flag” in the first paragraph by “flag displayed under this Regulation”;

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

“The flag must bear no tears or cuts and must not be discoloured.

A flag so worn that it no longer complies with the criteria of the second paragraph must, if it is made of natural fibres, be burnt with dignity, informally and without drawing attention to the act. If the flag is not made entirely of

natural fibres, it must be cut in strips in such a way as to make it impossible to identify the remains of a flag, and the strips must be disposed of in an environmentally responsible manner, making sure that they cannot be reused.”

13. Section 12 of the Regulation is replaced by the following section:

“**12.** A flag of Québec flown or displayed in accordance with this Regulation may not be flown or displayed on a mast or flagpole together with another flag or banner.”

14. The Regulation is amended by inserting the following sections after section 12:

“**12.1.** A Member of the National Assembly must provide, free of charge, to any person who so requests, a flag of Québec until all flags made available to the Member by the National Assembly have been distributed.

“**12.2.** Any resident of Québec may request a flag of Québec that has been flown on the Central Tower of the Parliament Building.

“**12.3.** The provisions of this Regulation have precedence over any contrary provision of a by-law of a municipality.”

FINAL PROVISIONS

15. Despite section 16 of the Act respecting the flag and emblems of Québec (1999, chapter 51), sections 11 and 12 of that Act come into force on (*insert the date of assent to this Act*).

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

