

Mémoire / Brief: Independence on the Installment Plan

Subject: Concernant le Projet de loi n° 1, Loi constitutionnelle de 2025 sur le Québec (Bill No. 1, Quebec Constitution, Act)

Submitted to: Commission [Name of the Parliamentary Committee Studying the Bill]

Submitted by: Colin Standish

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Contact Information:

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LEGISLATIVE BRIEF ON BILL 1: Qu(e)ébec Constitution Act, 2025

By: Colin Standish

Title: Independence on the Installment Plan

Summary:

The "Québec Constitution Act, 2025" is not a conventional provincial constitution but a comprehensive, unilateral restructuring of Quebec's relationship with Canada. It is an aggressive attempt to establish a legal and political foundation for future independence by repudiating core tenets of the Canadian Constitution, subordinating individual rights to a newly defined collective identity, and attempts to seize federal powers. This document represents a direct constitutional challenge, aiming to create a *de facto* sovereign state through provincial legislation.

The legislation's overarching goal is to systematically dismantle Quebec's constitutional ties to the Rest of Canada (RoC). It operates on a "grand constitutional experiment" that began with Bill 96, culminating in this quasi-constitutional declaration of nationhood and sovereignty.

Introduction:

The Government of Quebec has introduced legislation to endow the province, or self-proclaimed nation, of Quebec with a provincial Constitution.

At first glance, this could be a legitimate project. Provinces have constitutions in Canada, generally a melange of unwritten rules from the United Kingdom on political conventions, laws from date of reception of British common law, and their own laws and regulations. Several provinces have an explicit framework for their incorporation into the Canadian federation: the

Manitoba Act, the Alberta and Saskatchewan Acts. Only British Columbia has on their own volition attempted to legislate a constitution, resulting in a strangely skeletal [law](#). Though, at least, BC does rightfully conclude that their provincial Constitution is subject to the Constitution of Canada: “Despite anything in this Act to the contrary, this Act must be construed as subject to the *Constitution Act, 1867* and amending Acts applicable to British Columbia...”

Bill 96, with amendments to 25 laws, the Constitution Act of 1867, and a regulation, is a holistic restructuring of the relationship between the state and citizen. French-predominance has become ‘French-only’ in Quebec, to the detriment of Quebecers of all linguistic groups, and the perceived ‘collective rights’ of the ‘Quebec nation’ are to be placed above all other societal considerations and to be interpreted by the legislature.

Bill 21 imposes restrictions on religious symbols for state employees in Quebec, a perverse interpretation of ‘state secularism or laicity’, where the NWC has been invoked to nullify basic rights and freedoms thought inviolable in a modern, democratic state.

The “Québec Constitution Act, 2025” has nearly led to the culmination of this grand ‘constitutional experiment’, proclaiming: “*Québec is a free national State, capable of assuming its destiny...*,” “*Québec... has no attachment to the monarchical system,*” “*the State of Québec ... and as it wishes to continue to affirm its national and constitutional identity.*”

Bill 1 is the statement of the identity of Quebec defined on a monolithic and homogeneous or near monolithic or near homogeneous basis. Bill 1 is ethnocentric and nationalistic. It defines a social contract with limited if any pluralism, where everyone has an obligation to support the historic identity and values of francophone Quebec. Bill 1 foresees almost no rights for Quebec's English-speaking community. Bill 1 can be understood as a "building block" for a Quebec that is nominally part of the Canadian Federation or at some future point a Sovereign and Independent country.

The goal of repudiating and dissolving Quebec's ties with the RoC (Rest of Canada) before proclaiming independence is becoming more and more apparent.

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Analysis:

Carving Quebec out of the Rest of Canada constitutionally.

- Unconstitutional Constitutional amendments

The Act attempts to alter the fundamental structure of Canadian federalism through unilateral provincial action, directly contravening the amending formulas in the Constitution Act, 1982.

English has constitutional protection as an official language of Canada and Quebec, and its rights in Quebec's laws, regulations, legislature and courts are guaranteed under Section 133 of the Constitution Act, 1867.

Quebec's power and jurisdiction are derived entirely from the Constitution of Canada. The Crown is the sovereign embodiment of both the Quebec and Canadian states; repudiating it is repudiating the legal basis of its own existence.

1. PART IV - AMENDMENTS TO THE CONSTITUTION ACT, 1867

- a. 4. Section 63 of the Constitution Act, 1867 is amended by striking out "and of Quebec" and ", with in Quebec the Speaker of the Legislative Council and
- b. the Solicitor General".
 - i. Section 71 of the Act is replaced by the following section:
 - 1. 71Q.1. "The Parliament of Québec shall be composed of the National Assembly and the Officer of Québec."
 - a. *Unconstitutional Constitutional amendments*
- c. 6. Sections 72 to 80 of the Act are repealed.
- d. 7-9 other redactions
- e. 10 -

7. Primacy of the Constitution

- a. 1. The Constitution of Québec is the law of laws.
 - i. The Canadian Constitution has precedence over all provincial and federal laws
 1. From the Constitution Act, 1982
 - a. *Primacy of Constitution of Canada*
 - i. *52 (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.*
- b. 2. The Constitution of Québec has precedence over any inconsistent rule of law.
 - i. This can be true, if the provincial government decides to abide by it, but this can be overruled by a majority vote of the Quebec legislature
 - ii. This has no force or effect on federal laws

8. FOUNDING PRINCIPLES

- a. "17. The State derives its legitimacy from the will of the people inhabiting its territory.
 - i. The existence of Quebec is due to the Canadian Constitution and Acts of the UK Parliament before that
- b. "18. The State is founded on the principles of democracy, parliamentary sovereignty, the rule of law and the separation of powers.
 - i. Yes, as defined by the Canadian Constitution
- c. "19. The State protects the fundamental characteristics of Québec.
 - i. Contested characteristics
- d. "20. The State ensures the protection of the common heritage of the Québec nation. Water is a collective resource forming part of that common heritage.
 - i. Common heritage - how is that defined?
 - ii. Inclusion of water - bizarre, even if true
- e. "21. The only official language of Québec is French.
 - i. It is one of two official languages - English and French, at the provincial level
- f. "22. The State is a lay State.
 - i. Secular, but how is that actually defined?
- g. "23. The territory of Québec is indivisible. Its boundaries cannot be altered except with the consent of the National Assembly.
 - i. Quebec is divisible.
 - ii. Quebec does not recognize the border with Labrador as legal, despite the Judicial Committee of the Privy Council, U.K. ruling in 1927
- h. "24. The State exercises throughout the territory of Québec the prerogatives relating to its constitutional jurisdiction and to the Québec public domain.
 - i. Yes.
- i. "25. The State protects and ensures the cultural sovereignty of Québec. It has the right and the capacity to act so as to preserve and promote the French language and Québec culture, including in the digital environment.

- i. Digital environment (internet, streaming) falls under federal power of regulation as it is communications and interprovincial and international beyond the regulatory scope of the provincial government, though regulation of internet content remains somewhat ambiguous
 - j. "26. Québec is a State of civil law tradition.
 - i. In part, see above.
 - k. "29. The State protects women's freedom to have recourse to a voluntary termination of pregnancy.
 - i. A legal right to abortion in a Constitution is a contested policy choice, though there is a large societal consensus for it.
 - ii. There is not a Constitutional right to abortion in Canada, only in limitation around it.
 - l. "30. The integration model of the State is that for integration into the Québec nation, designated as "national integration". That integration model differs from Canadian multiculturalism.
 - i. Quebec is part of Canada and only has partial control over immigration and integration programs
 - ii. This would be more accurately named: assimilation
- 9. ACT RESPECTING THE CONSTITUTIONAL AUTONOMY OF QUÉBEC
 - a. 2. The Act respecting the constitutional autonomy of Québec, the text of which appears in this Part, is enacted.
 - b. ACT RESPECTING THE CONSTITUTIONAL AUTONOMY OF QUÉBEC
 - c. AS Québec's political and institutional existence significantly predates that of the Canadian federal union;
 - i. Yes, 1763: much smaller territory and a creation of the UK
 - d. AS the distinct character of Québec had already been recognized at the time of the founding of the Canadian federal union, in particular since the passage of the Quebec Act, 1774;
 - i. 1763 Royal Proclamation created Quebec
 - ii. Distinct - depends on definition - civil law, religious rights and some language rights were institutionalized or allowed
 - e. AS the Canadian federal union constitutes an association of autonomous States founded on the sharing of the state function and state jurisdiction between two orders of government that are equal and not subordinate to one another;
 - i. This is untrue
 - ii. Canada is not "an association of autonomous States"
 - iii. There exists federal paramountcy
 - f. AS that union allows, in keeping with the principle of asymmetry, for federative relations to be shaped taking into account the fundamental characteristics of Québec and the collective rights of the Québec nation;
 - i. Asymmetrical federalism for Quebec to have rights no other province has
 - g. AS the exclusion of Québec from the scope of section 94 of the Constitution Act, 1867 is a demonstration of that asymmetry, reflects the specific character of

- Québec, and shows the importance of its legislative jurisdiction with respect to private law for ensuring its advancement and continued existence as a nation;
- i. That S. 94, an unused article of CA 1867, recognized that private law was based on common law in NB, NS and ON does not recognize nationhood
 - ii. There is a recognition that private law in Quebec was based on civil law
- h. AS the Constitution Act, 1982 was passed despite the formal opposition of Québec, which has always refused to adhere to it;
- i. Opposition though adheres to CA 1982 which still applies to it
- i. AS the Constitution Act, 1982 violates the autonomy of the Québec nation and the sovereignty of the Parliament of Québec;
- i. No, it does not
- j. AS Québec is fully sovereign in the exercise of its constitutional jurisdiction, and as the encroachments of the federal State on that jurisdiction violate the principle of equality and non-subordination of the orders of government;
- i. Quebec is not fully sovereign within Canada

Quebec nationhood is now determinant for all rights, freedoms and government action

All rights, freedoms, and government actions are to be interpreted through the lens of the "collective rights of the Quebec nation," a concept arbitrarily defined by the Quebec legislature. This creates an inverted pyramid of rights where the collective supersedes the individual.

This creates an unassailable internal legal order, positioning the Quebec Constitution as the final arbiter of rights and state responsibilities within its jurisdiction, superseding all prior and future legislation that may conflict with its provisions.

This law enshrines linguistic unilingualism as a core "national" attribute. It designates French not merely as an official language, but as the only common language, framing it as a foundational element of Quebec's identity and culture. It elevates the protection of French from a legislative choice to a quasi-constitutional imperative, making it the central pillar of the "Quebec nation's" distinct character that the constitution is designed to protect.

1. Quebec "Nation"
 - a. 3. The Québec people is composed of all Quebecers. The Québec people forms a nation.
 - i. Tautological - yes, all Quebecers are Quebecers.
 - ii. A nation is a highly contested term, at the best of times, and their definition is repudiated by their definitions of what Quebec is

- b. 4. The territory of Québec is the historical homeland of the nation and constitutes its common heritage.
 - i. The territory of Quebec has changed significantly over time, from a narrow strip along the St. Lawrence to the present-day boundaries of which the Government of Quebec does not recognize Labrador as belonging to Newfoundland and Labrador
- c. 5. French is the only common language of the nation. It constitutes one of the foundations of the distinct identity and culture of the nation.
 - i. Only common language - what does this mean exactly? It is the majority language spoken and understood in Quebec, yes. Is it the only one? No.
 - ii. While French is a key characteristic of Quebec's identity and culture, it is not the only one. The second sentence seems to recognize this.
- d. 6. The nation has its own institutions, including in the political, cultural, economic, educational and social spheres.
 - i. Quebec does, but it is not bound by "nation" status
- 2. 14. Intergovernmental Agreements (IGAs) are subject to:
 - a. (1) the following fundamental characteristics of Québec: the French language, the civil law tradition, State laicity and the model for integration into the Québec nation;
 - b. (2) the collective rights of the Québec nation;
 - c. (3) the common heritage of the Québec nation, including Québec culture;
 - d. (4) the integrity of the territory of Québec and the full application of Québec laws;
 - e. (5) the autonomy and constitutional jurisdiction of Québec;
 - f. (6) the historical claims of Québec; and
 - g. (7) French within the Canadian federal union.
 - i. Incorporating Quebec nationalism into all agreements in Canada
- 3. 15. Asymmetrical federalism
- 4. 17. The Government may issue a directive to all or any of its departments and bodies regarding the preservation of the constitutional autonomy of Québec following a federal initiative that causes the federal State to intrude into an area under the constitutional jurisdiction of Québec, affects an element listed in section 14 or causes prejudice to Québec, in any way.
 - a. In the directive, the Government may order the following:
 - b. (1) to refuse any sum transferred by a federal institution in connection with the initiative in question;
 - c. (2) to suspend or resiliate any agreement with a federal institution in connection with the initiative in question or not to enter into such an agreement;
 - d. (3) not to attend, participate in or contribute to any communication or policy development activity of the federal government or of a federal institution, in connection with the initiative in question;
 - e. (4) not to participate in federal parliamentary proceedings;
 - f. (5) not to participate in the drawing up of federal regulations; or
 - g. (6) any other conduct it considers appropriate
 - i. Reject federal initiatives based on nationalism

Restructuring human rights and freedoms.

- Collective rights over individual rights
- Canadian and Quebec Charters will diverge explicitly with presumably the new definition of a collective Quebec nation being the interpretive framework in Quebec

The “collective rights” legal construct does not exist in Canadian law. It is a fabricated concept designed to grant the legislature unlimited power to override individual rights in the name of an arbitrarily defined "Quebec nation."

The Quebec *Charter of Human Rights and Freedoms* is explicitly severed from its Canadian counterpart and re-interpreted to prioritize collective rights, effectively nullifying protections for minorities and individuals when they conflict with the state's definition of the "Quebec nation."

The primary function is to create a constitutional hierarchy of rights, where the collective rights of the nation (to preserve its language and culture) are positioned as superior to individual human rights and freedoms. This provides a legal basis for the state to prioritize group interests over individual claims in matters deemed essential in legislation to the “Quebec nation's” survival.

1. “COLLECTIVE RIGHTS

- a. 7. The Québec nation is the holder of intrinsic and inalienable collective rights. Those rights are to be interpreted broadly. They contribute to the protection of human rights and freedoms.
 - i. Intrinsic and inalienable collective rights for a nation - does not exist in Canada
 - ii. Contradiction - protection human rights and freedoms but suppress individual rights
- b. 8. The nation has the right to protect and promote its existence as well as its distinct culture, language and social values.
 - i. Broad assumptions
- c. 9. The nation has the right to live and develop in French.
 - i. Where does a right become a coerced obligation?
 - ii. What about minorities, English-speakers, newcomers and the Indigenous
- d. 10. The nation has the right to freely develop and organize its institutions.
 - i. Yes, but bounded by the Rule of Law and the Canadian Constitution
- e. 11. The nation has the right to parliamentary, government and judicial institutions and to public services that are lay institutions and services, to the extent provided for by law.

- i. Secularism - yes, but the legislature and the judiciary determine their own requirements
 - f. 12. The nation has the right to protection of its civil law tradition legal system.
 - i. Civil law is the private law, which is bilingual in Quebec, and Quebec is best described as a mixed legal system with common law regulating administrative, criminal and constitutional law and much of civil law being codified common law in private law
 - g. 13. The Québec people has, in fact and in law, the right to self-determination. It is the holder of the rights universally recognized under the principle of equal rights and self-determination of peoples.
 - i. Quebec does have the right to self-determination, but only within the confines of the division of powers, i.e. Quebec's self-determination applies only to provincial responsibilities re: essence of the Bill 99 Court of Appeal decision.
 - h. 14. The Québec people has the inalienable right to freely decide the political system and legal status of Québec.
 - i. Separatist statement
 - ii. No, it is bounded by the Canadian Constitution and international law
- 2. "HUMAN RIGHTS AND FREEDOMS "
 - a. 16. The system for the protection of human rights and freedoms provided for...and the fundamental language rights referred to in sections 2 to 6.2 of the Charter of the French language (chapter C-11) form part of the Constitution of Québec
 - i. Incorporates Bill 101 and Bill 96 under "human rights and freedoms"
- 3. "41.5. When a court is seized of a contestation based on both a right or freedom guaranteed by the Charter of human rights and freedoms (chapter C-12) and a right or freedom guaranteed by the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom), it must conduct a separate analysis based on each of those Charters."
 - a. **Courts - is this legal?**
 - i. Separate analytical frameworks for same or similar rights
- 4. CHARTER OF HUMAN RIGHTS AND FREEDOMS
 - a. 20. Section 9.1 of the Charter of human rights and freedoms (chapter C-12) is amended by inserting "the equality of women and men," and ", the collective rights of the Québec nation" after "democratic values," and "order", respectively, in the first paragraph.
 - i. Collective rights / Quebec nation
 - b. 21. The Charter is amended by inserting the following section after section 9.1:
 - i. "9.2. In case of conflict between the exercise of the right to equality of women and men and the exercise of freedom of religion, the former prevails."
 - c. 22. The Charter is amended by inserting the following section after section 39.1:

fundamentally restructure the office to which the oath is sworn is a separate, unconstitutional act.

1. PARLIAMENT OF QUÉBEC

- a. “33. The Parliament of Québec is composed of the National Assembly and the Officer of Québec.
 - i. Unconstitutional - under article 41
 1. *Amendment by unanimous consent*
 2. 41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:
 - a. (a) the *office* of the Queen, the Governor General and the *Lieutenant Governor of a province*;
 - b. (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Part comes into force;
 - c. (c) subject to section 43, the use of the English or the French language;
 - d. (d) the composition of the Supreme Court of Canada; and
 - e. (e) an amendment to this Part.
- b. “35. The Parliament is sovereign in the areas under its legislative jurisdiction.
 - i. The Canadian Constitution and Canadian Charter of Rights and Freedoms applies
- c. “36. The Parliament may make laws in relation to the activities under its legislative jurisdiction, regardless of the technological means by which those activities are carried on.
 - i. Communications and interprovincial or international technologies are presumably federal jurisdiction
- d. “37. The National Assembly is composed of Members representing the Québec nation.
 - i. What of the Indigenous, Inuit and Metis?
 - ii. Non-French-speakers?
- e. “39. The National Assembly is the supreme and legitimate organ by which democratic principles are expressed and implemented in Québec.
 - i. Court of Appeal, Supreme Court, the Lieutenant General and the Governor General are all part of the governance structure of Quebec
- f. “40. No other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or impose constraint on the democratic will of the Québec people to determine its own future.
 - i. Untrue, the Parliament of Canada and the other provinces have say in the Constitution

- g. “41. The National Assembly exercises constituent, legislative, deliberative and government oversight functions.
 - i. Largely, though the executive and Lieutenant Governor are separate
 - h. “44. A Member has the right to sit in the National Assembly after taking the oath to be loyal to the Québec nation and to respect and defend the Constitution of Québec, set out in Schedule I.
 - i. Unconstitutional
 - 1. *Oath of Allegiance, etc.*
 - 2. *128. Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor General or some Person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his Seat therein take and subscribe before the Lieutenant Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule.*
 - a. *Marginal note: Quebec*
 - b. *128Q.1 Section 128 does not apply to Quebec.End note(115)*
 - c. *MEMBERS’ OATH*
 - d. *I, (name of the Member), declare under oath that I will be loyal to the Québec nation and that I will perform the duties of Member honestly and justly with respect for and in defence of the Constitution of Québec.”*
 - i. *(115) Added by An Act to recognize the oath provided in the Act respecting the National Assembly as the sole oath required in order to sit in the Assembly, S.Q. 2022, c. 30. This provision aims to amend the constitution of the province under the unilateral amending procedure set out in section 45 of the Constitution Act, 1982.*
2. GOUVERNEMENT DU QUÉBEC
3. 45. The Gouvernement du Québec (the Government) is composed of the Conseil des ministres and the Officer of Québec.
- a. No, CA 1867 at articles 63 and 71
 - i. *Appointment of Executive Officers for Ontario and Quebec*
 - 1. *63. The Executive Council of Ontario and of Quebec shall be composed of such Persons as the Lieutenant Governor from Time to Time thinks fit, and in the first instance of the following Officers,*

namely, — the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with in Quebec the Speaker of the Legislative Council and the Solicitor General. End note(31)

ii. *Legislature for Quebec*

1. 71. *There shall be a Legislature for Quebec consisting of the Lieutenant Governor and of Two Houses*

4. 47. The Prime Minister is the head of the Government. The Prime Minister presides over the Conseil des ministres.
 - a. Premier in English
 - b. Premiers are not codified in the Constitution. Recognizing their *de facto* Head of Government position might be well advised in legislation and the Constitution.
5. 49. The Government sees to the interests of Québec and to the protection of its unique character, and sees to it that the territorial integrity and autonomy of Québec are maintained and respected.
 - a. Territorial integrity: contested 1927 border with Labrador and autonomy is a loaded term as Quebec is a part of Canada
6. 50. The Government actively supports the growth of francophone and Acadian communities.
 - a. What of the Indigenous, Inuit and Metis and others?

Seizing, or an attempt to, federal powers.

- Lieutenant-Governor and Supreme Court of Canada Justices to be selected by the Premier and made public

The legislation claims provincial authority over federal appointments (Supreme Court Justices, Senators) and international relations, directly infringing on exclusive federal jurisdiction.

These changes touch on the office of the Lieutenant-Governor (requiring unanimity under s. 41), which are far beyond the unilateral provincial amending power of s. 45.

Of note, this provincial amending formula is never mentioned in the law.

The appointment of Supreme Court Justices is governed by federal law and convention. While the federal government consults provinces, it has no legal obligation to accept a provincial nominee. This provision creates a false expectation and attempts to seize federal prerogative.

1. CHAPTER V - REPRESENTATION OF QUÉBEC

- a. 22. The State of Québec sees that it is adequately represented within the common institutions of the Canadian federal union so that its specific character

and distinct social values are taken into account. The House of Commons, the Senate and the Supreme Court of Canada are common institutions of the Canadian federal union.

- i. Seizing federal power?
 - b. Where a seat reserved for Québec's representation in the Senate becomes vacant, the Prime Minister, on the recommendation of the Minister, proposes a candidate for that seat to the federal Prime Minister.
 - c. If the candidate proposed by the Prime Minister was not selected, the Prime Minister must inform the National Assembly not later than one month after the appointment, without revealing the proposed person's identity.
 - i. Premier has no right to do so
 - ii. Could be Ultra vires re: Senate reference(s) - creates an expectation that Quebec will have an influence in Senatorial selection(s) and it will be known whether it did or not
 - d. Where a position of judge representing Québec on the Supreme Court of Canada becomes vacant, the Prime Minister, on the recommendation of the Minister of Justice, proposes a candidate for that position to the federal Prime Minister.
 - e. If the candidate proposed by the Prime Minister was not selected, the Prime Minister must inform the National Assembly not later than one month after the appointment, without revealing the proposed person's identity.
 - i. Premier has no right to do so
 - ii. Could be Ultra vires re: Nadon - creates an expectation that Quebec will have an influence in Senatorial selection(s) and it will be known whether it did or not
2. 49. Unless the context or this Act indicates otherwise, in any Act or regulation,
 - a. (1) "Lieutenant-Governor", when it refers to the Lieutenant-Governor of Québec, is replaced by "Officer of Québec", with the necessary modifications;
 - b. (2) except in the expression "Ministère du Conseil exécutif", all occurrences of "Conseil exécutif", when it refers to the Conseil exécutif du Québec, and of "Conseil exécutif du Québec" are replaced by "Conseil des ministres", and all occurrences of "the Executive Council" and of "the executive council" are replaced by "the Conseil des ministres", with the necessary modifications.
 - i. Fundamental restructuring of how we govern ourselves
 - ii. Unconstitutional in whole or in part

Separatist intentions.

- Proclaims a referendum with 50 percent plus one is legitimate. This has never been in legislation before.
- Asserts control over international relations

For the first time, a referendum threshold of "50% plus one" is codified in law, and the "inalienable right to self-determination" is proclaimed, ostensibly creating a clearer legal pathway for potential secession.

This is a resurrection of the discredited "Gérin-Lajoie doctrine." The power to conduct international affairs and bind Canada on the international stage is an exclusive federal power.

1. 15. When the Québec people is consulted by way of a referendum held under the law, the winning option is the option that obtains a majority of the valid votes cast, namely 50% of the valid votes cast plus one.
 - a. Separatist statement
 - b. In 1980 and 1995, there was no legislation declaring the required threshold for acceptance of a result, and no result of a referendum can usurp the powers of the legislature to enact legislation, and no provincial legislature has the right to usurp the powers of the federal government
2. EXTERNAL AFFAIRS
 - a. 57. The State of Québec is competent to represent itself, make commitments, bind itself and act abroad.
 - i. No, Gerin-Lajoie doctrine is not credible
 - ii. ADD
 - b. 58. Only the State of Québec may bind Québec to another State.
 - i. Somewhat.
3. CHAPTER VI - INTERNATIONAL ACTION
 - a. The Government may declare that Québec is not bound by an international commitment or international agreement entered into by the federal government and pertaining to a matter under Québec's jurisdiction where the Government considers that its participation in the negotiation of the commitment or agreement was insufficient.
 - i. Gerin-Lajoie doctrine 2.0

Undermines the Courts.

- Courts are explicitly limited in their rulings with bizarre privative clauses

The Act introduces bizarre and powerful privative clauses that severely limit judicial review, prevent court challenges, and instruct courts to rule with extreme deference to the legislature, effectively dismantling the judiciary's role as a check on government power.

This removes judicial discretion in conflicts and ensures specific social values are legally protected above all others.

1. COURTS OF JUSTICE
 - a. 55. The Constitution of Québec, first, and the laws of the Parliament of Québec constitute the primary source of Québec law. When interpreting a text of law, the courts must give it a meaning that is consistent with the intention of the legislator.

- i. The Canadian Constitution is the basis of law in Quebec alongside relevant federal laws
- 2. PART V - OTHER AMENDMENTS
 - a. 19. The Charter of the French language (chapter C-11) is amended by inserting the following section after section 214:
 - i. “215. This Act protects the Québec nation as well as the constitutional autonomy and fundamental characteristics of Québec.”
 - b. 31. The Code is amended by inserting the following article after article 79:
 - i. “79.1. In dealing with an application for a stay of application of an Act of the Parliament of Québec, of a regulation made under such an Act, of a government or ministerial order or of any other rule of law whose *operability, constitutionality or validity* is contested, the court renders its decision with *caution and deference toward the authority* that passed or made it, taking into account the presumption of constitutionality of laws. *The court is not to rule on the advisability or effectiveness of the contested rule of law.*
 - 1. ... The actual, serious and irreparable prejudice must be shown by precise and detailed evidence. Prejudice based on hypotheses or speculation is not actual, serious and irreparable prejudice.
 - 2. In assessing the balance of convenience, it is presumed that the contested rule of law was passed in the public interest and that the public interest is served by maintaining the application of that rule during the proceeding. *The State is not required to demonstrate that the rule benefits the public.*
 - a. **Bizarre privative clause for the judiciary - Legal?**

Undermines Court Challenges.

- To the NWC / S. 33 and other proclaimed “Quebec nation” initiatives

This transforms a constitutional override from a last resort into a standard legislative option, further insulating government action from judicial review.

The bill prohibits publicly funded bodies from using government money to challenge laws. The function is to starve opposition groups of financial resources, making it prohibitively expensive to mount court challenges against key government policies. It targets entities like school boards, effectively curtailing a primary avenue of legal accountability and ensuring the government faces less institutional resistance.

4. CHAPTER II - PARLIAMENTARY ACTION

- a. 5. The Parliament of Québec may declare in an Act that the Act or a provision of the Act protects the Québec nation as well as the constitutional autonomy and fundamental characteristics of Québec. No body may, by means of sums from the Consolidated Revenue Fund or other sums derived from levies, taxes, duties

or penalties collected under an Act of Québec, contest the operability, constitutionality or validity of a provision regarding which a declaration is made under the first paragraph or otherwise contribute to such a contestation, except where the contestation is made in the context of the legal representation of or legal assistance to a natural person, where the court orders the State to pay a lawyer's fees or where the **contestation is invoked as a defence in a civil, administrative or penal case.**

- i. New privative clause - If the Assembly declares "Act protects the Québec nation as well as the constitutional autonomy and fundamental characteristics of Québec" - no public entity can contest the validity of Acts
 - ii. An additional means of limited judicial recourse / review
 - iii. Similar to the NWC / S. 33
- b. 6., 7., 8. - Constitutional amendments
- i. Parliamentary only
- c. 9. The Parliament of Québec may, if it considers it advisable, include a parliamentary sovereignty provision, on its own initiative or in response to a judicial decision, in any Act it enacts, without any requirement to contextualize or justify the provision. No application for judicial review, based on a right or freedom referred to in such a parliamentary sovereignty provision, may be brought in order to have the Act or provision referred to in the parliamentary sovereignty provision declared inoperative.
- i. Private clause - double deprivation of judicial review (JR)
 - ii. This appears to make the NWC / S. 33 additionally immune from challenge, where the rights and freedoms in the clause are shielded from JR
 - iii. Perhaps, means they are concerned about challenges to the NWC
5. CHAPTER VII - MISCELLANEOUS AND FINAL PROVISIONS
- a. 27-32 - 28. Does not apply to Bill 101/96, Integration Act, Bill 21 litigation that is in progress

Conclusion

This document is not a traditional provincial Constitution; it is a declaration of a new legal, Constitutional and federal structure.

If enacted, it would lead to a constitutional impasse of unprecedented scale.

It is a blueprint for a controlled demolition of the existing federal system, designed to be executed one legal and political brick at a time.

The ultimate goal is perhaps secession of Quebec from the Rest of Canada, and it begins with the creation of a new constitutional order where Quebec operates as a *de*

facto sovereign or separate state within a formally federal Canada, a state of affairs that would be, by its very nature, unsustainable.

The "Québec Constitution Act, 2025" is a radical and unconstitutional blueprint for provincial autonomy.

It is a direct assault on the legal and constitutional foundations of Canada. Its passage would trigger an immediate and profound constitutional crisis, forcing a confrontation between Quebec National Assembly's unilateral declarations and the Canadian Constitution.

The analysis confirms that this is not a legitimate constitutional project but a political strategy designed to facilitate Quebec's departure from the Rest of Canada.

The response from the federal government and the Courts will be a critical test of the resilience of the Canadian federation.