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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 95

**An Act to amend various legislative  
provisions of a confessional nature  
in the education field**

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**Introduction**

**Introduced by  
Mr. Jean-Marc Fournier  
Minister of Education, Recreation and Sports**

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## **EXPLANATORY NOTES**

*This bill amends the Education Act in order to strike out all provisions of a confessional nature as of 1 July 2008 and to adapt the mission of the Religious Affairs Committee accordingly .*

*The bill also amends the Education Act and the Education Act for Cree, Inuit and Naskapi Native Persons in order to re-enact, until 1 July 2008, the clauses that override the Canadian Charter of Rights and Freedoms and to strike out the override clauses as of that date from the Charter of human rights and freedoms.*

*Lastly, the bill makes consequential amendments to the Act respecting private education.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14).

## Bill 95

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS OF A CONFSSIONAL NATURE IN THE EDUCATION FIELD

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### EDUCATION ACT

**1.** Sections 5, 20 and 21 of the Education Act (R.S.Q., chapter I-13.3) are repealed.

**2.** Section 222.1 of the Act is amended by striking out the fourth and fifth paragraphs.

**3.** Sections 225 and 241 of the Act are repealed.

**4.** Section 461 of the Act is amended by replacing the third paragraph by the following paragraph:

“The Minister shall seek the opinion of the Religious Affairs Committee on the religious aspects of a program of studies in ethics and religious culture established by the Minister.”

**5.** Section 477.18.3 of the Act is amended

(1) by replacing the third paragraph by the following paragraph:

“The committee shall also give its opinion on the religious aspects of the programs of studies in ethics and religious culture established by the Minister.”;

(2) by replacing “Before approving the confessional aspects of a program, the committee shall take into account the opinions of the churches concerned; when it is” at the beginning of the fourth paragraph by “When”.

**6.** Chapters IX and X of the Act, comprising sections 493 to 540, are repealed.

**7.** Section 726 of the Act is repealed.

**8.** Section 727 of the Act is again enacted and therefore reads as follows:

“**727.** The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of

paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).”

## EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

**9.** Section 720 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is repealed.

**10.** Section 721 of the Act is again enacted and therefore reads as follows:

**“721.** The provisions of this Act which grant rights and privileges to a religious confession shall operate notwithstanding the provisions of paragraph *a* of section 2 and section 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).”

## ACT RESPECTING PRIVATE EDUCATION

**11.** Section 32 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended

(1) by striking out “, except moral and religious instruction of a religious affiliation other than Catholic or Protestant,” in the first paragraph;

(2) by striking out the fourth paragraph.

## TRANSITIONAL AND FINAL PROVISIONS

**12.** Despite section 2, a school authorized by the Minister before 1 July 2005 to replace the Catholic or Protestant moral and religious programs established by the Minister for students in the first cycle of the secondary level by a local program of studies in ecumenism or ethics and religious culture may continue to offer the program to its students until 30 June 2008.

**13.** With the authorization of the Minister and on the conditions the Minister determines, a school board may allow a school to replace the Catholic or Protestant moral and religious programs established by the Minister by a program of studies in ethics and religious culture. In such a case, a student attending that school may not exercise the right of choice provided for in section 5 of the Education Act (R.S.Q., chapter I-13.3) and must follow the program of studies in ethics and religious culture.

**14.** Section 12, which grants rights and privileges to a religious confession, applies notwithstanding sections 3 and 10 of the Charter of human rights and freedoms (R.S.Q., chapter C-12).

**15.** Section 12, which grants rights and privileges to a religious confession, shall operate notwithstanding paragraph *a* of section 2 and section 15 of the

Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of Parliament of the United Kingdom).

**16.** Sections 8, 10 and 13 to 15 cease to have effect on 1 July 2008.

**17.** This Act comes into force on 1 July 2005, except sections 1, 3 to 5, 7, 9 and 11, which come into force on 1 July 2008.





