



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 52
(2002, chapter 8)

**An Act to amend the Act respecting the
Ministère des Relations internationales
and other legislative provisions**

**Introduced 14 November 2001
Passage in principle 20 March 2002
Passage 9 May 2002
Assented to 8 June 2002**

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EXPLANATORY NOTES

This bill establishes a mechanism enabling the National Assembly to approve any important international commitment the Government intends to make either in respect of a Québec international agreement or an international accord pertaining to a matter within the constitutional jurisdiction of Québec.

The bill specifies the nature of the functions of the Minister in respect of an international accord and indicates the manner in which the Government may be bound or give its assent to Canada's expressing its consent to be bound by the accord.

The bill also specifies the extent of the power conferred on the Minister of Health and Social Services to enter into international agreements in the field of health and social services.

Lastly, the bill changes the scope of the Act respecting the implementation of international trade agreements so that it may be extended to any international trade agreement determined by the Government.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);
- Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);
- Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5).

Bill 52

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 11 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1) is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph :

“(2) the depositary of the original copy of every international agreement, of a copy of every other international commitment and of a true copy of every other agreement and, in that capacity, the Minister shall establish a registry.”

2. Section 17 of the said Act is repealed.

3. The heading of Chapter III of the said Act is replaced by the following :
“INTERNATIONAL COMMITMENTS”.

4. Section 19 of the said Act is amended by inserting “, whatever its particular designation,” after “accord” in the first line of the third paragraph.

5. Section 20 of the said Act is amended

(1) by replacing “approved by the Government and signed by the Minister” in the second line of the first paragraph by “signed by the Minister and endorsed by the Government” ;

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

“Subject to section 22.5, international agreements referred to in section 22.2 must, to be valid, be signed by the Minister, approved by the National Assembly and ratified by the Government.”

6. The said Act is amended by inserting the following sections after section 22 :

“22.1. The Minister shall see to the interests of Québec during the negotiation of any international accord, whatever its particular designation, between the Government of Canada and a foreign government or an

international organization, which pertains to any matter within the constitutional jurisdiction of Québec. The Minister shall ensure and coordinate the implementation of any such accord in Québec.

The Minister may agree to the signing of such an accord by Canada.

The Government must, in order to be bound by an international accord pertaining to any matter within the constitutional jurisdiction of Québec and to give its assent to Canada's expressing its consent to be bound by such an accord, make an order to that effect. The same applies in respect of the termination of such an accord.

The Minister and the Government may subject their respective agreement and assent to the formulation by Canada, when it expresses its consent to be bound, of the reservations expressed by Québec.

“22.2. Every important international commitment, including the reservations relating thereto, if any, shall be tabled in the National Assembly by the Minister at the time deemed proper by the Minister. The tabled text of an international commitment shall be accompanied with an explanatory note on the content and effects of the commitment.

The expression “important international commitment” means an international agreement referred to in section 19 or an international accord referred to in section 22.1 and any instrument relating to either of them, which, in the opinion of the Minister,

(1) requires, for its implementation by Québec, the passing of an Act or the making of a regulation, the imposition of a tax or the acceptance of an important financial obligation ;

(2) concerns human rights and freedoms ;

(3) concerns international trade ; or

(4) should be tabled in the National Assembly.

“22.3. The Minister may present a motion proposing that an important international commitment tabled in the National Assembly be approved or rejected by the Assembly. No prior notice is required if the motion is presented immediately after the tabling of the commitment. Unless the Assembly, with the unanimous consent of its members, decides otherwise, the motion shall be the subject of a two-hour debate that may not begin before the lapse of ten days after the tabling of the commitment. The only amendment that may be received is an amendment proposing to defer the approval or rejection of the commitment by the Assembly.

“22.4. The ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 shall not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly.

“22.5. The Government may, in case of urgency, ratify an important international agreement or make an order referred to in the third paragraph of section 22.1 relating to an important international accord before it is tabled in or approved by the National Assembly. The Minister shall table the agreement or accord in the National Assembly together with a statement setting out the reasons for the urgency within 30 days after the ratification or the making of the order or, if the National Assembly is not sitting on that date, within 30 days of resumption.

“22.6. The procedure referred to in sections 22.2 to 22.5 applies to the denunciation of an important international agreement and to the making of an order referred to in the third paragraph of section 22.1 in respect of the termination of an important international accord.

“22.7. The Minister shall see to the fulfilment of international commitments and shall ensure their publication in a compilation.”

7. The said Act is amended by inserting the following headings before section 23:

“CHAPTER III.1

“AUTHORIZATIONS OF THE MINISTER AND COOPERATION PROGRAMS”.

8. The said Act is amended by inserting the following headings before section 26:

“CHAPTER III.2

“EXEMPTIONS”.

9. Section 26 of the said Act is amended by replacing “any agreement or class of agreements which” in the second and third lines of the first paragraph by “an international commitment referred to in section 19 or 22.1, an agreement referred to in section 23 or 24 or a class thereof”.

10. Section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply.”;

(2) by striking out the second sentence of the second paragraph ;

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

“To give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act.”

11. The preamble to the Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2) is amended

(1) by inserting the following paragraph after the first paragraph :

“Whereas Québec is at liberty to subscribe to the principles and rules established in other international trade agreements containing provisions falling within its constitutional jurisdiction ; and”;

(2) by striking out “the aforesaid agreements contain certain provisions falling within the constitutional jurisdiction of Québec and whereas” in the first two lines of the second paragraph.

12. Section 1 of the said Act is amended

(1) by replacing “Environmental Cooperation Agreement” in the definition of “Environmental Cooperation Agreement” by “North American Agreement on Environmental Cooperation”;

(2) by replacing “Labor Cooperation Agreement” in the definition of “Labor Cooperation Agreement” by “North American Agreement on Labor Cooperation”;

(3) by striking out the definitions of “Secretariat of the Environment” and “Secretariat of Labor”.

13. Section 2 of the said Act is amended

(1) by replacing “The following agreements are hereby approved” in the first line by “The object of this Act is to implement the following agreements”;

(2) by replacing “Environmental Cooperation Agreement” in the third line by “North American Agreement on Environmental Cooperation”;

(3) by replacing “Labor Cooperation Agreement” in the fourth line by “North American Agreement on Labor Cooperation”;

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

“The Government may, by order and subject to the terms and conditions it determines, make this Act applicable to any other international trade agreement.”

14. The said Act is amended by inserting the following section after section 4:

“4.1. The commitments, reservations, measures and programs of Québec which are to appear in the Schedules of Canada annexed to the international trade agreements designated by government order under section 2 shall be the commitments, reservations, measures and programs set out by the Gouvernement du Québec.

The list is transmitted to the authorities concerned by the Minister.”

15. Section 6 of the said Act is amended by inserting “or specifically available to a person under any of the agreements referred to in section 2” after “North American Free Trade Agreement” in the second line.

16. Section 7 of the said Act is amended

(1) by replacing “the North American Free Trade Agreement and the Agreement Establishing the World Trade Organization” in the fourth and fifth lines of the first paragraph by “any of the agreements referred to in section 2”;

(2) by replacing “the Environmental Cooperation Agreement and the Labor Cooperation Agreement” in the first and second lines of the second paragraph by “an agreement referred to in section 2 pertaining to environmental or labor cooperation”.

17. Section 8 of the said Act is amended

(1) by replacing “Environmental Cooperation Agreement” in the fourth and fifth lines of the first paragraph by “North American Agreement on Environmental Cooperation”;

(2) by replacing “Labor Cooperation Agreement” in the fifth line of the first paragraph by “North American Agreement on Labor Cooperation”;

(3) by replacing “a panel” in the first line of the second paragraph by “an arbitral panel”;

(4) by adding the following paragraphs at the end:

“A certified copy of any determination on environmental or labor cooperation by an arbitral panel established under an agreement referred to in section 2 may also be filed at the office of the Superior Court.

Where that is the case, the procedural requirements for the carrying out of the third paragraph and the effects of the filing shall be determined in the order made under section 2, which shall have precedence over the provisions of the Code of Civil Procedure (chapter C-25).”

18. Section 9 of the said Act is amended by replacing “the Executive Director of the Secretariat of the Environment or the Secretariat of Labor” in the second and third lines of the first paragraph by “an official representative of any of the administrative bodies established under an agreement referred to in section 2”.

19. Section 6 of the Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5) is amended by replacing “Secretary General” in the first line by “Secretaries General”.

20. Agreements entered into before 8 June 2002 pursuant to section 10 of the Act respecting the Ministère de la Santé et des Services sociaux, as it read before that date, are deemed to have been entered into in accordance with that section 10, as amended by this Act.

21. This Act comes into force on 8 June 2002.