



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 95
(2005, chapter 20)

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

**Introduced 4 May 2005
Passage in principle 2 June 2005
Passage 15 June 2005
Assented to 17 June 2005**

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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.

As well, the bill makes consequential amendments to the Act respecting private education.

Lastly, the bill amends the Charter of human rights and freedoms as regards the right of parents to give their children a religious and moral education.

LEGISLATION AMENDED BY THIS BILL:

- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- 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 CONFESSONAL 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- 1.** Sections 5, 20 and 21 of the Education Act (R.S.Q., chapter I-13.3) are repealed.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- 3.** Sections 225 and 241 of the Act are repealed.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 477.18.2 of the Act is amended by replacing “two from the field of theology, one from the field of philosophy and one” in subparagraph 3 of the first paragraph by “one from the field of philosophy and three”.
- 6.** 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 the fourth paragraph by the following paragraph:

“When called upon to give its opinion, the committee shall consult interested persons or bodies.”
- 7.** Chapters IX and X of the Act, comprising sections 493 to 540, are repealed.
- 8.** Section 726 of the Act is repealed.

9. 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

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 Section 720 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is repealed.

11. 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

12. 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.

CHARTER OF HUMAN RIGHTS AND FREEDOMS

13. Section 41 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is replaced by the following section:

“41. Parents or the persons acting in their stead have a right to give their children a religious and moral education in keeping with their convictions and with proper regard for their children’s rights and interests.”

TRANSITIONAL AND FINAL PROVISIONS

14. 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.

15. 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 to test out a program of studies in ethics and religious culture established by the Minister. 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.

16. Section 14, 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).

17. Section 14, 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).

18. Despite section 5, the members of the Religious Affairs Committee in office on 30 June 2008 remain in office until the end of their term.

19. Sections 9, 11 and 15 to 17 cease to have effect on 1 July 2008.

20. This Act comes into force on 1 July 2005, except sections 1, 3 to 6, 8, 10 and 12, which come into force on 1 July 2008.

