



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 50

An Act respecting agreements between Native nations and Québec

Introduction

**Introduced by
Mr Raymond Savoie
Minister for Mines and Native Peoples' Affairs**

**Québec Official Publisher
1987**

EXPLANATORY NOTES

The object of this bill is to establish a special procedure for the making of agreements with the Native nations of Québec.

Accordingly, it defines the role of the Minister for Native Peoples' Affairs, of the Government and of the National Assembly with respect to such agreements.

Moreover, it provides that certain agreements will require ratification by an Act of the National Assembly and that agreements so ratified may make exceptions to an Act to the extent specified in the ratifying Act.

The bill also provides that no Act subsequent to an agreement ratified by the National Assembly may affect the provisions of the agreement unless it does so expressly. Finally, the bill provides that in the future, no Act amending an agreement will be passed unless the parties are given an opportunity to make representations before a parliamentary committee.

Bill 50

An Act respecting agreements between Native nations and Québec

WHEREAS the Native nations of Québec have contributed significantly to the enrichment of the common heritage of the people of Québec;

Whereas the Abenakis, the Algonquins, the Attikameks, the Crees, the Hurons, the Micmacs, the Mohawks, the Montagnais, the Naskapis and the Inuit are distinct nations;

Whereas the National Assembly of Québec favours the autonomy of these Native nations within Québec;

Whereas the Government wishes to share in the political, social, cultural and economic development of these Native nations and to make agreements to that end with the nations that so desire;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

NEGOTIATION AND MAKING OF AGREEMENTS

1. This Act applies to every agreement between the Government, a government department or a government body and a Native nation or one of the bands or communities within a Native nation.

2. The Minister shall oversee the negotiation and ensure the implementation of every agreement.

With the approval of the Minister, every agreement shall be elaborated by the government departments and bodies concerned within their respective spheres of competence.

3. Every agreement must be approved by the Government and signed by the Minister.

4. The Government may exclude all or part of the agreements or classes of agreements it determines from the application of sections 2 and 3.

DIVISION II

RATIFICATION OF AGREEMENTS BY THE NATIONAL ASSEMBLY

5. The Minister shall introduce a legislative bill in the National Assembly to ratify any agreement which

(1) makes exceptions to any provision of any Act;

(2) is intended to prevail over any provision of any subsequent Act; however, in no case may any provision of any agreement prevail over any provision of a subsequent Act amending the Charter of human rights and freedoms (R.S.Q., chapter C-12).

The text of the agreement shall be contained in a schedule to the bill.

6. No agreement ratified by the National Assembly may make exceptions to an Act except to the extent provided in the Act which ratifies it.

7. No provision of any Act subsequent to the coming into force of an agreement ratified by the National Assembly may affect such agreement, unless it states expressly that it applies to the agreement notwithstanding the provisions of this Act.

No subsequent Act contemplated in the first paragraph may be passed in the National Assembly before those parties to the agreement who disagree in that respect have been given an opportunity to make representations before a parliamentary committee.

This section does not apply to an Act amending the Charter of human rights and freedoms subsequent to an agreement ratified by the National Assembly.

8. For the purposes of section 7, the James Bay and Northern Québec Agreement and the Northeastern Québec Agreement are deemed, from the date of coming into force of this Act, to be agreements ratified by the National Assembly.

9. Any agreement ratified by the National Assembly takes effect on the date of coming into force fixed in the Act which ratifies it.

DIVISION III

FINAL PROVISIONS

10. The Minister for Native Peoples' Affairs is responsible for the carrying out of this Act.

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