



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 65

(1999, chapter 67)

An Act to amend the Act respecting the Ministère du Conseil exécutif as regards Native affairs

Introduced 10 June 1999
Passage in principle 26 October 1999
Passage 23 November 1999
Assented to 13 December 1999

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EXPLANATORY NOTES

This bill adds a Division devoted to Native affairs to the Act respecting the Ministère du Conseil exécutif.

The bill provides that the mission of the Minister responsible for the administration of the new Division will be to promote the establishment and maintenance of harmonious relations with the Native nations and communities of Québec, and that the Minister will be responsible for defining a Native affairs policy, for proposing it to the Government and for implementing it.

Finally, the bill defines the duties of the Minister and provides that the conclusion of agreements pertaining to Native affairs will be included in the Minister's responsibilities.

Bill 65

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF AS REGARDS NATIVE AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended by inserting the following division after Division III.1 :

“DIVISION III.2

“ NATIVE AFFAIRS

“§ 1. — *General provisions*

“3.42. The Prime Minister or the minister designated by the Government under section 9 of the Executive Power Act (chapter E-18), hereinafter referred to as “the Minister”, is responsible for the administration of this division.

“3.43. The mission of the Minister is to promote the establishment and maintenance of harmonious relations with the Native nations and communities of Québec and to thereby foster their development in Québec. For that purpose, the Minister is responsible, among other duties, for the conclusion of all agreements relating to Native affairs.

In taking action, the Minister shall have regard to the aspirations, priorities and demands of the Native nations and communities.

“3.44. The Minister shall elaborate, propose to the Government and implement a Native affairs policy.

The policy shall include measures to foster harmonious relations between the Government and the Native persons of Québec and to improve the economic, social and cultural conditions of the Native persons of Québec.

“3.45. The Minister may establish and implement financial assistance programs designed to contribute to the economic, social and cultural development of the Native persons of Québec. Such programs require government approval.

The Minister shall administer the sums entrusted to the Minister for the carrying out of the programs and may grant financial assistance under the programs to any Native person or organization.

“3.46. The Minister is the advisor of the Government and shall coordinate all government action as regards Native affairs.

The Minister may refer to the Government any matter related to Native affairs which, in the Minister’s opinion, calls for the intervention of the Government.

“3.47. The Minister is also responsible for

(1) providing general information to Native persons and informing the general public of government policies as regards Native affairs, and

(2) fulfilling any other function assigned to the Minister by the Government.

“§ 2. — *Agreements relating to Native affairs*

“3.48. With due regard for the responsibilities conferred by this Act on the Minister referred to in section 3.1 and for those conferred on the Minister of International Relations by the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), the Minister shall oversee the negotiation of every agreement between the Government or any of its departments or agencies and a Native nation represented by the band councils of all the communities forming the Native nation, a Native community represented by its band council or by its council in the case of a Northern village, a group of communities so represented or any other Native group, and shall ensure that the agreement is implemented.

For the purposes of this subdivision, a legal person or agency to which the Government or a minister appoints the majority of the members, to which, by law, the officers or employees are appointed or remunerated in accordance with the Public Service Act (chapter F-3.1.1) or more than half of whose resources are derived from the consolidated revenue fund is an agency of the Government.

“3.49. Notwithstanding any other legislative provision, an agreement referred to in section 3.48 must, to be valid, be approved by the Government and signed by the Minister.

The Minister may authorize, in writing, any person to sign an agreement relating to Native affairs in the Minister’s name and the signature shall have the same effect as the Minister’s signature. The authorization may concern a specific agreement or a class of agreements.

“3.50. When a person other than the Minister may, by law, enter into agreements relating to Native affairs, the signature of such a person continues to be required to give effect to the agreements, unless otherwise ordered by the Government.

“3.51. The Government may authorize the Minister to be sole signatory to an agreement referred to in section 3.48 which another person is empowered by law to conclude. In such a case, the signature of the Minister shall have the same effect as that of the person empowered.

“3.52. The Government, to such extent and subject to such conditions as it determines, may exempt the whole or a part of an agreement or class of agreements which it designates from the application of this division.

“3.53. Except in the case of a Canadian intergovernmental or international agreement relating to Native affairs a true copy of which is held by the Minister, the Minister is the depositary of the original copy of every agreement referred to in this division. In that capacity, the Minister shall prescribe the mode of registration of agreements.”

2. Section 4 of the said Act is amended by replacing “in Division II” by “in Divisions II and III.2”.

3. Section 4.1 of the said Act is replaced by the following section:

“4.1. The ministers responsible for the administration of Divisions II and III.2 shall table in the National Assembly a report on the activities of the department in the area of Canadian intergovernmental affairs or Native affairs, as the case may be, for each fiscal year, within six months of the end of that fiscal year if the Assembly is in session or, if it is not sitting, within 30 days of resumption.”

4. The provisions of this Act come into force on 12 January 2000.