

Key measures of Quebec's Bill 78 Anti-Protest Law (Updated)

by kevin harding - Friday, May 18, 2012

<https://politicsrespun.org/2012/05/key-measures-of-quebecs-bill-78-anti-protest-law/>

Quebec's anti-protest law Bill 78 passed into law yesterday, and I understand that it has received Royal Assent. Notably, the law did not stop protests last night.

The law was designed to put an end to the ongoing #manifencours protests in Montreal and environs, but it also goes considerably farther - it applies to any protest in the province from now until July 1, 2013. The breadth of some of the restrictions are astoundingly troubling.

[Here is a link to the text of the projet de loi in French](#); there are versions in English floating about but I can't immediately find one in time for this update. It's important to note that this document is the draft version of Bill 78; there were a number of amendments that changed aspects of the law - notably, the threshold upon which a grouping of people in public needs notice and consent from the police is set at 50, instead of 10. Ce document est une version préliminaire; la version adoptée a des changements des provisions; notamment le montant des personnes où on doit notifier les polices est 50, pas 10.

Update / Mise à jour: The amendments to the Bill 78 have been made available; bizarrely, they are handwritten. Honest to goodness, I can't believe they passed the law with amendments like this.

Les amendements à la loi 78 sont faites à la main. Incroyable.

[Here's the link to the Assemblée Nationale's PDF of amendments.](#)

The part of the law that requires huge restrictions on protest unless criteria of notification and consent from police is vastly troubling, but so too is Section 29, which says that anyone who encourages, counsels, gives consent, or through other act helps someone else engage in protest is themselves guilty. This is where Twitter comes in; the Quebec government has said that counselling via Twitter would be monitored through this law. When asked if wearing a red square would count as encouragement, the Minister of Education refused to answer, saying that she trusted police. That is not an encouraging response.

Update / Mise à jour: Via @GadflyQuebec, [the Montreal police have released a guide as to how they understand the requirements of Bill 78 and the anti-mask bylaw in Montreal.](#)

Merci à @GadflyQuebec qui a partagé [le guide d'SPVM au sujet de la Loi 78 et règlements contre masques à Montréal. Suivez le lien ici.](#)

Hit 'read more' for more, including detailed analysis of various provisions. Suivez 'read more' pour plus.

Important to note:

- The provisions against 'inciting protest' would apply to tweets and posts online.

For background, via [StudentActivism.net](#):

[Key provisions of the bill](#) as presented to the legislature:

- All classes at campuses currently participating in the student strike will be immediately suspended, with the remainder of the spring semester delayed until August.
- It would become a crime for an individual or organization to “directly or indirectly contribute” to the blocking of a campus, with those terms left undefined in the bill. Organizations would be held responsible for the actions of their members in this regard, whether those members were acting with organizational sanction or not.
- Student associations and federations would be required to “employ appropriate means to induce” their members to comply with the law.
- Student associations and regional federations that violated the law would have their funding and use of campus facilities cut for one semester for each day of campus closure.
- Campuses whose student associations were shuttered under this provision would not be permitted to establish interim associations while the suspensions were in place.
- “Any form of gathering that could result” in an interference with the functioning of a college would be banned at all campuses, and for a 50-meter radius surrounding them.
- Organizers of any demonstration larger than ten people would be required to submit the time, location, duration, and other information to the police eight hours in advance. The police would have the authority to amend any of the proposed parameters.
- Organizers of such demonstrations would be held criminally liable if the demonstrators deviated from police-approved parameters, as would associations participating in such demonstrations, even if they were not the organizers.
- Students who violated the act could be fined as much as \$5,000. Representatives of student groups that did so could face personal fines of as much as \$35,000. Organizations violating the act could face fines of up to \$125,000. All such fines would be doubled for subsequent offenses.

[&amp;amp;lt;a href="http://storify.com/kevinharding/social-media-analysis-of-and-reactions-to-loi78" target="_blank"&amp;amp;gt;View the story "Social media analysis of and reactions to #loi78" on Storify&amp;amp;lt;/a&amp;amp;gt;]&amp;amp;lt;br /&amp;amp;gt;
&amp;amp;lt;h1&amp;amp;gt;Social media analysis of and reactions to #loi78&amp;amp;lt;/h1&amp;amp;gt; &amp;amp;lt;h2&amp;amp;gt;A number of Twitter users provided excellent analysis and understanding of various provisions of #loi78. Here is some of what they had to say.&amp;amp;lt;/h2&amp;amp;gt;
&amp;amp;lt;p&amp;amp;gt;Storified by kevin harding &amp;amp;amp;middot; Sat, May 19 2012 11:53:53&amp;amp;lt;/p&amp;amp;gt;
&amp;amp;lt;div&amp;amp;gt;Sorry, but what the *what*? @mylesdolphin: Twitter falls under #loi78 - tweets can be considered as incentive to protest.kady o'malley&amp;amp;lt;/div&amp;amp;gt; &amp;amp;lt;div&amp;amp;gt;QUEBEC UPDATE BILL 78 -Key amendments at behest of CAQ:: advance notice provision now applies for 50+ rather than 10+; &amp;amp;quot;rat clause&amp;amp;quot; gone.Judyth

Mermelstein&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt;QUEBEC UPDATE BILL 78 N.B. The postponement of school term applies only to the small number of schools which were blockaded; resumes Aug. Judyth
Mermelstein&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt;QUEBEC UPDATE BILL 78 N.B. The prohibition of wearing the red square is NOT in the final version passed. [Unconstitutional for sure!] Judyth
Mermelstein&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt;QUEBEC BILL 78 An adopted amendment says police have the power to change times, itineraries, etc. &amp;quot;when they perceive a risk to security&amp;quot; Judyth Mermelstein&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt;QUEBEC BILL 78 ...rather than whenever they feel like it. Also, one is no longer subject to the fines for encouraging protest &amp;quot;by omission.&amp;quot; Judyth Mermelstein&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt;QUEBEC BILL 78 Still looking for the final text. Am *hoping* the clause whereby the Ed.Min. gets to legislate w/o #assnat has been corrected Judyth
Mermelstein&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt;QUEBEC BILL 78 According to Le Devoir (earlier), Mme Courchesne did change that to allow legislature to legislate <http://www.ledevoir.com/politique/quebec/350448/projet-de-loi-78-amendements-precisions-et-questionnements-a-l-assemblee-nationale> Judyth
Mermelstein&amp;lt;/div&amp;gt; &amp;lt;/div&amp;gt; Quebec Bill 78 will be contested in court on Tues by the student federations; QC Bar Association &amp; Human Right League also object to #loi78 Judyth
Mermelstein&amp;lt;/div&amp;gt; &amp;lt;/div&amp;gt; Je ne recommande a personne d'appeler le SPVM pour leur dire que la marche débutera ce soir jusqu'au retour de démocratie. #ggi #Marie&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt; The tweets on Quebec's special law by @acoyme are giving me #G20 flashbacks. Someone remind me how that all turned out. Les
Perreux&amp;lt;/div&amp;gt; &amp;lt;/div&amp;gt; One clause of the law cancels all injunctions or court orders that people not supportive of the student strike had been able to win thus far; however, prosecutions for contempt of court are specifically continued - and only one charge for contempt of court has been laid, against Gabriel Nadeau-Dubois. A lot has been made of this. La clause Nadeau-Dubois est tres
controversielle:&amp;nbsp;&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt; L'article 31 de la #loi78 aka «clause Nadeau-Dubois» dénoncée <http://fr.canoe.ca/infos/quebeccanada/archives/2012/05/20120518-140419.html> !&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt; Il faut dénoncer la
&amp;quot;clause Gabriel nadeau-Dubois&amp;quot; absolument! C'est inadmissible! #Loi78 #PL78 #ggi #polqc #assnat Yan St-Onge&amp;lt;/div&amp;gt;
&amp;lt;/div&amp;gt; &amp;lt;/div&amp;gt; More to come.&amp;lt;/div&amp;gt;