

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

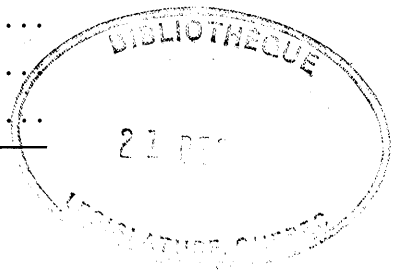
Bill 90

An Act respecting the National Assembly

First reading

Second reading

Third reading



M. JEAN-FRANÇOIS BERTRAND

Government House Leader

QUÉBEC OFFICIAL PUBLISHER

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EXPLANATORY NOTES

The object of this bill is to bring order and precision to and to update the legislative enactments dealing with the structure and exercise of the legislative power. The bill confirms the supremacy of the Parliament of Québec, comprising the National Assembly and the Lieutenant-Governor, and solemnly affirms the special status and the prerogatives of the National Assembly.

Chapter I of the bill deals with the composition, the term and the powers of the National Assembly, as well as with the committees of the Assembly and certain measures concerning the Members and, last of all, with the duties of the President, the parliamentary assistants and the Secretary General.

Chapter II brings together and organizes the provisions concerning legislative Acts presently found in various statutes.

Chapter III proposes a clearer and more precise statement of the fundamental principles underlying the independence of the National Assembly. After dealing with the rights, privileges and immunities of the Assembly and its Members, this chapter deals with conflicts of interest and with offices that are incompatible with office as a Member.

This bill creates the office of jurisconsult, whose incumbent will be called on to advise Members, at their request, on whether or not a particular situation is consistent with the provisions of the bill dealing with conflicts of interest and incompatible offices.

Chapter IV provides rules relating to the administration of the National Assembly and proposes the creation of the Office of the National Assembly, composed of the President and of Members representing the major parties sitting in the House. The office will exercise supervisory, regulatory and managerial functions and any other functions conferred on it by the Assembly. The Office will replace, with broader powers, the existing Committee on internal management.

The bill entrenches the Assembly's right, through the Office, to derogate from any administrative Act or regulation where a more efficient pursuit of the objectives and exercise of the powers of the Assembly can be achieved with special rules.

Chapter V of the bill enacts penalties for the various offences created and recognizes the jurisdiction of the National Assembly and the courts to judge and punish offenders.

Lastly, Chapter VI of the bill contains transitional and final provisions. Under this chapter, amendments are brought to the Act respecting the Ministère des Communications, to provide that the deputy minister of Communications will henceforth be the Québec Official Publisher, ex officio. Other provisions concern the functions of the Québec Official Publisher.

ACTS AMENDED BY THIS BILL

- the Legislature Act (R.S.Q., chapter L-1)
- the Act respecting the Ministère des Communications (R.S.Q., chapter M-24)
- the Election Act (R.S.Q., chapter E-3.1)
- the Civil Service Act (R.S.Q., chapter F-3.1)
- the Interpretation Act (R.S.Q., chapter I-16)
- the Jurors Act (R.S.Q., chapter J-2)
- the Civil Code of Lower Canada

— the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4)

— the Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20)

— the Courts of Justice Act (R.S.Q., chapter T-16)

Bill 90

An Act respecting the National Assembly

WHEREAS the people of Québec have a deep attachment to democratic principles of government;

Whereas the National Assembly is, through the elected representatives who compose it, the supreme and legitimate organ by which those principles are expressed and applied;

Whereas it behooves this Assembly, as the guardian of the historical and inalienable rights and powers of the people of Québec, to defend it against any attempt to despoil it of its rights and powers or to derogate from them;

Whereas it is befitting, therefore, that the perdurance, the sovereignty and the independence of the National Assembly be affirmed, and that its proceedings be protected against all interference;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

ORGANIZATION AND OPERATION

DIVISION I

COMPOSITION, TERM AND POWERS

1. The National Assembly is composed of the Members elected for each of the electoral divisions established in accordance with the Act respecting electoral representation (R.S.Q., chapter R-24.1) and whose names have been published in accordance with section 134 of the Election Act (R.S.Q., chapter E-3.1).

2. The National Assembly and the Lieutenant-Governor form the Parliament of Québec. The Parliament of Québec assumes all the powers conferred on the Legislature of Québec.

No provision of this Act restricts the scope or exercise of those powers.

3. The Parliament has the exercise of the legislative power.

4. The Assembly has the power of supervision over all the acts of the Government and of its departments and agencies.

5. The Assembly is convoked, prorogued and dissolved by the Lieutenant-Governor.

6. A Legislature has a term of not more than five years, beginning with the publication after the general election of the notice contemplated in section 134 of the Election Act.

Only the Lieutenant-Governor may dissolve the Assembly before the expiry of five years.

7. The Assembly sits in the city of Québec; it may also sit at any other place in Québec.

8. The quorum of the Assembly or of a committee of the whole House is one-tenth of the Members, including the President.

9. The rules of procedure of the Assembly are established by the Assembly, and it alone has authority to see that they are observed.

DIVISION II

THE COMMITTEES

10. The National Assembly may appoint committees, composed of Members of the Assembly, to examine any matter within the jurisdiction assigned to them by the Assembly, and to carry out any mandate given to them by the Assembly.

11. The Assembly must appoint a committee on the Assembly to examine any matter referred to it by the Assembly.

The committee shall also carry out any other function vested in it by this Act.

12. A committee may form subcommittees composed of Members of the Assembly.

13. A committee or a subcommittee may sit even when the Assembly is not in session.

14. A committee or a subcommittee may sit anywhere in Québec, in accordance with the Standing Orders of the Assembly.

DIVISION III

THE MEMBERS

15. No Member may sit in the Assembly before making the oath or solemn affirmation provided in Schedule I.

16. A Member may resign his seat verbally at a sitting of the Assembly, or by writing to the President or the Secretary General of the Assembly.

If a Member resigns in writing, the President must so inform the Assembly at its next sitting.

17. The seat of a Member of the Assembly becomes vacant if he

- (1) dies;
- (2) resigns;
- (3) becomes a candidate at a federal election or a provincial election in another province;
- (4) is appointed to the Senate;
- (5) is found guilty of treason;
- (6) is found guilty or charged with corrupt electoral practices;
- (7) is found guilty of several of the offences or of having repeated any of the offences mentioned in section 136 of the Act respecting electoral lists (R.S.Q., chapter L-4.1);
- (8) is sentenced to imprisonment for an indictable offence punishable by imprisonment for at least two years;
- (9) is in a situation that makes him disqualified within the meaning of the Election Act, except the situation contemplated in paragraph 5 of section 10 of that Act.

A member's seat also becomes vacant in the cases provided for in sections 84, 135 and 137.

18. If the seat of a Member of the Assembly becomes vacant at a time when the election held in the electoral division of the Member is contested or could still be contested within the legal limit of time, any subsequent election held in the electoral division during the same Legislature becomes null if, as a result of the contestation, the court declares elected a person other than the person proclaimed elected at the contested election or at a subsequent election.

DIVISION IV

THE PRESIDENT OF THE ASSEMBLY

19. At the beginning of its first sitting after a general election, the National Assembly shall elect a President and two Vice-Presidents from among its Members.

20. If the President is absent or unable to act, or at his request, one of the Vice-Presidents shall replace him and exercise his parliamentary duties.

21. If the President and the Vice-Presidents are absent or unable to act, the Secretary General shall notify the Assembly, and it shall designate a Member as interim President for his parliamentary duties.

22. If the office of President becomes vacant, the Secretary General shall inform the Assembly, and no business may be transacted until a new President is elected.

23. In addition to his duties under this Act, the President shall carry out the duties conferred on him by the Assembly.

24. On the dissolution of the Assembly, the President and the Vice-Presidents remain in office until they are replaced or reappointed by the new Assembly.

DIVISION V

PARLIAMENTARY ASSISTANTS

25. The Government may appoint one or several Members as parliamentary assistants to assist a Minister in the discharge of his duties. A parliamentary assistant may, in particular, act on behalf of the Minister on introduction or consideration of a bill and reply to questions addressed to the Minister or take note of them on his behalf.

In no case, however, may the number of parliamentary assistants exceed the number of ministers contemplated in section 4 of the Executive Power Act (R.S.Q., chapter E-18).

DIVISION VI

THE SECRETARY GENERAL

26. The National Assembly, on a motion of the Prime Minister, shall appoint a Secretary General and one or more associate secretaries-general.

27. If the Secretary General is absent or unable to act, or at his request, an associate secretary-general designated by the President replaces him and performs his parliamentary duties.

28. In addition to his duties under this Act, the Secretary General shall carry out the duties conferred on him by the Assembly.

CHAPTER II

LEGISLATIVE ACTS

29. The National Assembly passes the legislative Acts and the Lieutenant-Governor gives assent to them.

30. Any Member may present a bill.

However, only a Minister or his parliamentary assistant may present a bill having as its object the commitment of public funds, the creation of a charge on the taxpayers, the remission of a debt owing to the Province or the alienation of property owned by the Province.

31. Every legislative bill must have the following introductory formula:

“The Parliament of Québec enacts as follows:”.

32. Upon the giving of assent to an Act, the Secretary General shall enter the date of assent therein. The entry forms part of the Act.

33. The Secretary General has custody of the originals of the Acts.

In case of the loss or destruction of an original, the Secretary General may substitute for it a certified true copy; thereafter, that copy serves as the original.

34. The Secretary General shall affix his seal to every copy of an Act that he certifies true.

35. After an Act has been assented to, the Secretary General shall promptly send a certified true copy to the Québec Official Publisher for printing.

36. Every year, the Québec Official Publisher shall publish a compilation of the statutes assented to during the preceding year.

37. The Office of the Assembly shall by by-law establish the conditions and modalities of printing, publication and distribution of the legislative Acts, the copies of the annual compilation of the statutes, the bills, and the other parliamentary documents.

The Secretary General shall provide printed copies of the Acts, free of charge, to the Lieutenant-Governor, the government departments and the public bodies contemplated in section 66, according to the rules established by the Office.

38. The Secretary General shall deliver a copy of the annual compilation of the statutes to the Lieutenant-Governor, and to the Registrar of Québec.

39. The Secretary General shall supply certified true copies of any Act to any person who applies therefor, upon payment of the cost fixed by the by-law of the Office of the Assembly.

Sums received under this section are paid into the consolidated revenue fund.

40. A copy of an Act certified true by the Secretary General or the text of an Act published by the Québec Official Publisher is authentic and is proof of its existence and contents.

41. Every person who obtains the passing of a private Act shall pay to the Assembly the sum representing the cost of printing the Act in the annual compilation of the statutes for the year in which it is assented to.

CHAPTER III

INDEPENDENCE OF THE NATIONAL ASSEMBLY

DIVISION I

RIGHTS, PRIVILEGES AND IMMUNITIES

42. The Assembly has the power to protect its proceedings against all interference.

43. Every member is vested with full independence for the carrying out of his duties.

44. No Member may be prosecuted, arrested or imprisoned by reason of anything said or done or any document tabled by him in the carrying out of his parliamentary duties in the Assembly or in any committee or subcommittee.

45. No Member may be bound to appear to answer a charge of contempt of court, nor arrested or held for contempt of court while the Assembly or a committee or subcommittee of which he is a member is sitting.

46. A Member is exempt from appearing as a witness in court or before any body or person empowered to summon witnesses while the Assembly or a committee or subcommittee of which he is a member is sitting.

47. The President of the Assembly may exempt a member of the personnel of the Assembly from appearing as a witness in court, or before any body or person empowered to summon witnesses where he considers his presence required for the proper functioning of the Assembly and its services.

48. No person may be prosecuted for publishing or distributing an unedited report or official summary of the debates of the Assembly or of a committee or subcommittee, or for distributing, unedited, such debates or any document that has been submitted to them.

49. No person may be found guilty for publishing or distributing an abstract of the debates of the Assembly or of a committee or subcommittee, of a report or of an official summary of the debates, or of a document that has been submitted to them, or for giving an account of them, unless it is proved that he acted with malicious intent.

50. A copy of a written or audio-visual document contemplated in section 48 or 49 certified true by the Secretary General of the Assembly is admissible as evidence.

51. The Assembly or a committee may summon and compel the appearance before it of any person, either to answer questions put to him or to produce such papers and things as it may deem necessary for its acts, inquiries or proceedings.

52. The President or any Member of the Assembly or the chairman or any member of a committee or subcommittee may require a person appearing before it to make the oath or solemn affirmation provided in Schedule II.

53. In no case may a person's testimony before the Assembly or a committee or subcommittee be held against him in a court of law, unless he is being prosecuted for perjury.

54. No action may be instituted by reason of an official act performed in good faith by a person in the exercise of duties assigned to him under this Act or in carrying out a mandate conferred on him by the Assembly or a committee or subcommittee.

55. No person may breach the privileges of the Assembly. The following acts, in particular, constitute breaches of the privileges of the Assembly:

(1) refusing to comply with an order of the Assembly, a committee or a subcommittee;

(2) giving false or incomplete testimony before the Assembly, a committee or a subcommittee;

(3) presenting a false document to the Assembly, a committee or a subcommittee with intent to deceive;

(4) forging, falsifying or altering, with intent to deceive, any document of the Assembly, a committee or a subcommittee or any document tabled or presented before it;

(5) creating a disturbance liable to disrupt the course of parliamentary proceedings;

(6) using or threatening to use force or using undue pressure to have a sitting cancelled or suspended;

(7) assaulting, interfering with, bullying or threatening Members of the Assembly in the carrying out of their parliamentary duties or members of the personnel of the Assembly in the carrying out of their parliamentary duties;

(8) defaming a Member of the Assembly or using abusive language about him;

(9) bribing or attempting to bribe a Member of the Assembly or a member of the personnel of the Assembly;

(10) attempting to influence the vote, opinion, judgment or action of a Member by means of deceit, threats or undue pressure;

(11) suborning or attempting to suborn or threatening a person in regard to any evidence to be given by him before the Assembly, a committee or subcommittee;

(12) instituting an action with malicious intent against a Member;

(13) performing an act contrary to the parliamentary immunity conferred on a Member.

56. The person responsible for carrying out a warrant of the Assembly, a committee or a subcommittee may demand the assistance of a peace officer or any other person.

Refusal to give assistance when demanded constitutes a breach of the privileges of the Assembly.

DIVISION II

INCOMPATIBLE OFFICES

57. The office of member of a municipal council, school board or corporation of school trustees is incompatible with the office of Member.

58. Any mandate, office or employment to which remuneration or a benefit in lieu of remuneration is attached is incompatible with the office of Member if it is held from or with

(1) the Government or one of its departments;

(2) the Government of Canada, the government of another province or a department of such a government, except the regular Armed Forces or the reserve;

(3) a foreign country.

Any office to which remuneration from an international organization is attached is also incompatible with the office of Member.

However, membership on the Conseil exécutif is not incompatible with the office of Member of the National Assembly.

59. The office of senior executive officer or other executive officer of any firm is incompatible with the office of President of the Assembly.

60. A Member who, when elected, is in an incompatible office contemplated in sections 57 and 58 shall, before making the oath or solemn affirmation, resign from the incompatible office.

If an office incompatible with parliamentary duties devolves upon a Member during his term, he must resign from one or the other within thirty days.

Meanwhile, he shall not sit in the Assembly.

DIVISION III

CONFLICTS OF INTEREST

61. A Member must avoid putting himself in situations where his personal interest may influence the carrying out of his duties.

62. A Member having a direct personal interest distinct from that of the other Members or the general public in a matter before the Assembly or a committee or subcommittee must publicly declare the interest before speaking or voting on the question.

63. No Member may solicit, accept or receive any remuneration, benefit or profit whatever in exchange for taking a position on a bill, a resolution or any question put or to be put to the Assembly or a committee or subcommittee.

64. No Member may use, for his personal benefit or for that of any other person, information obtained in the course of his official duties that is not available to the public.

65. No Member may, directly or indirectly, be a party to a transaction with the Government, a department or a public body.

However, a Member may

(1) have an interest in a firm that is a party to such a transaction provided that the extent of that interest or the circumstances in which the transaction is made make collusion or undue influence unlikely;

(2) receive a loan, a reimbursement, a grant or any indemnity or other benefit from the Government, a department or a public body in accordance with any Act, regulation or program;

(3) hold securities that are issued by the Government or a public body on identical conditions for all.

66. For the purposes of this Act, a public body is a body to which the National Assembly, the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed or remunerated in accordance with the Civil Service Act (R.S.Q. chapter F-3.1), or whose capital forms part of the public domain.

67. A Member may claim and receive remuneration or a profit resulting from a transaction mentioned in the first paragraph of section 65 if it was made and carried out before his election.

68. Where the Government, a department or a public body acquires an immovable belonging in whole or in part to a Member, or a real right affecting the immovable, the purchase price or the indemnity must be fixed by the Expropriation Tribunal.

69. A Member may, in the practice of his professional, commercial or financial activities, receive remuneration to which he is entitled even if the Government, a department or a public body pays the whole or part of the sums due, provided that the client is not the Government, a department or a public body.

70. A Member whose election places him in a situation of conflict of interest must, before making the oath or solemn affirmation, put an end to the situation.

71. A Member placed during his term in a situation of conflict of interest by the effect of an Act or as the result of a marriage or the acceptance of a gift or legacy or the office of testamentary executor must put an end to the situation within six months.

72. A Member placed in a situation of conflict of interest without his knowledge or against his will does not contravene this Act.

However, he must put an end to the situation not later than six months after the date he was informed of it.

73. The payment of indemnities, allowances or other amounts under any Act or the regulations thereunder to a Member of the Assembly or under the Executive Power Act (R.S.Q., chapter E-18) or the regulations thereunder as a member of the Conseil exécutif, and the provision of living quarters to the Prime Minister and to the President of the Assembly do not put the Member in a situation of conflict of interest.

DIVISION IV

ADVISORY OPINION

74. On the motion of the Prime Minister and with the approval of two-thirds of the Members, the National Assembly shall appoint a jurisconsult to give, to Members who so request in writing, written and substantiated opinions on whether the situations they may be in are in conformity with the provisions on incompatible offices and conflicts of interest. The jurisconsult must not be a Member of the Assembly.

75. The opinion of the jurisconsult is confidential unless the Member allows its disclosure.

76. The jurisconsult shall give his opinion within thirty days after a request contemplated in section 74.

77. The term of office of the jurisconsult is five years. At the expiry of his term, he remains in office until he is reappointed or replaced.

78. The jurisconsult may resign at any time by giving notice in writing to the President of the Assembly.

He may be removed only by a resolution of the Assembly approved by two-thirds of the Members.

79. The Office of the Assembly shall, if need be, determine the remuneration, social benefits and other conditions of employment of the jurisconsult and the personnel he requires.

80. Not later than 31 March every year, the jurisconsult shall file a summary report with the President of the National Assembly, including a summary of the opinions he has given during the year and, if he considers it appropriate, recommendations to Members on the application of the provisions on incompatible offices and conflicts of interest.

In his report, the jurisconsult shall ensure that the name of any Member and any information that allows him to be identified remains confidential.

81. A Member does not commit an offence by an act or omission if he has previously requested an opinion and the opinion concludes that the act or omission does not contravene the provisions on incompatible offices or conflicts of interest, provided that the facts alleged in support of his request were presented exactly and completely.

DIVISION V

COMPLAINTS

82. A Member may bring a complaint before the Assembly accusing another Member of holding or having held an incompatible office or being or having been in a situation of conflict of interest.

83. The committee on the Assembly shall examine the complaint and, where such is the case, the opinion of the jurisconsult, and make a report to the Assembly.

84. Upon adoption by the Assembly of a report of the committee ascertaining that a Member holds an incompatible office, the seat of the Member becomes vacant.

85. The bringing of a complaint before the Assembly by a Member against another Member without a serious reason constitutes a breach of the privileges of the Assembly.

CHAPTER IV

ADMINISTRATION OF THE ASSEMBLY

DIVISION I

THE OFFICE OF THE NATIONAL ASSEMBLY

86. An Office of the National Assembly is hereby established.

87. The President of the Assembly is the chairman of the Office. The Office is also composed of seven other Members.

88. The members of the Office other than the chairman are designated by the Members of each party in the following manner:

(1) four from the Government party;

(2) three from the party of the Official Opposition or, where there are several opposition parties, two from the Official Opposition party and one from the party among the remaining opposition parties having obtained the greatest number of seats or, in case of equality of seats, from that having obtained the greatest number of valid votes.

89. Each of the designating parties shall also designate the same number of Members as substitute members of the Office; each of them may act in the place of a member who is absent or unable to act.

90. Within fifteen days from the beginning of a session, each party shall communicate to the President of the Assembly the names of the members and substitute members it has designated.

91. The President shall submit the list of the designated Members to the Assembly. The Assembly shall adopt or reject the list as a whole.

92. If a party fails to designate its representatives or if the composition of the Assembly does not allow the application of sections 88 and 89, the chairman shall himself designate the Members to complete the composition of the Office.

93. When the Assembly is prorogued, the members of the Office remain in office until they are replaced or designated again.

94. On the dissolution of the Assembly, the President and the Vice-Presidents of the Assembly shall perform the duties of the Office.

95. The Vice-Presidents of the Assembly may take part, without the right to vote, in the proceedings of the Office.

96. If the chairman is absent or unable to act or at his request, one of the Vice-Presidents of the Assembly shall replace him.

97. Four members, including the chairman, constitute a quorum of the Office. In the event of a tie-vote, the chairman has a casting vote.

98. The Secretary General of the Assembly is the secretary of the Office. If the Secretary General is absent or unable to act, the Office shall designate an associate secretary-general to replace him.

99. The Office shall establish its rules of procedure.

100. The Office shall have managerial and regulatory functions, in accordance with this Act.

It shall have such other functions as the Assembly may assign to it.

101. The Office shall give its opinion on any matter referred to it by the President.

102. The Office shall establish, by regulation, the terms and conditions, scales and modalities of reimbursement to the Members,

except members of the Conseil exécutif, of expenses incurred in carrying out official assignments requested by the President of the Assembly.

103. The Office shall, by regulation, establish the terms and conditions, scales and modalities of payment of an attendance allowance to the members of and participants in a committee or subcommittee of the Assembly.

104. The Office shall, by regulation, establish the terms and conditions, scales and modalities of payment to Members

- (1) of transportation allowances and travel expenses;
- (2) of the cost of renting premises in the electoral division of each Member to receive his electors;
- (3) of the salary of a secretary in the electoral division;
- (4) of expenses for lodgings, in the city of Québec or in the immediate vicinity, of any Member, other than the Prime Minister and the President of the Assembly, having his principal residence outside the city of Québec or an electoral division adjacent to that city;
- (5) of communication expenses.

105. The Office shall fix the intervals for the payment of indemnities and expense allowances provided in the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter *insert here the chapter number of Bill 110*).

106. The Minister of Finance shall pay, for each Member participating in the plan, such portion of the premium of a group life insurance and disability insurance plan or of any other insurance plan, as the Office may determine.

107. The Office shall, by regulation, determine the rules according to which the personnel and the financial resources are to be allocated to any committee or subcommittee of the Assembly.

108. The Office shall, by regulation, determine the moneys that may be received from the Assembly, for research purposes, by the political parties represented in the Assembly, and the terms and conditions of payment thereof.

109. The President shall table in the Assembly the rules and regulations adopted by the Office within fifteen days of their adoption if the Assembly is in session or, if it is not sitting, within fifteen days of the opening of the next session or resumption.

DIVISION II

MANAGEMENT OF THE ASSEMBLY

110. Subject to this Act, the Assembly shall continue to be managed within the scope of the Acts, regulations and rules applicable.

The Office may, however, by regulation, derogate from the applicable Acts, regulations and rules by specifically indicating the provisions derogated from and the provisions that are to apply in their place and stead.

111. The Office may, by regulation, prescribe the rules governing the expenditures of the Assembly.

112. The comptroller of Finance may make any agreement with the President of the Assembly regarding the carrying out, by delegation or otherwise, of certain provisions of the Financial Administration Act (R.S.Q., chapter A-6).

113. The Office shall adopt the administrative organization plan of the Assembly.

114. The organization and use of the premises as well as the use of the equipment of the Assembly and its services must be approved by the Office.

DIVISION III

SERVICES OF THE ASSEMBLY

115. The President of the Assembly shall direct and administer the services of the Assembly.

116. The President is responsible for security inside the buildings or premises occupied by the Members and the members of the personnel of the Assembly; he shall, in particular, provide protection for persons and property in the premises.

117. If the President is absent or unable to act, or at his request, he is replaced by one of the Vice-Presidents of the Assembly.

118. The President may delegate part of his administrative responsibilities to one of the Vice-Presidents who, within the limits of the delegation, has the same powers and duties as the President.

119. Under the responsibility of the President, the Secretary General of the Assembly has the supervision of the members of the personnel of the Assembly; he shall administer its day-to-day business and exercise the other functions assigned to him by the Office.

The orders of the Secretary General must be carried out in the same manner as those of the President.

120. Every member of the personnel of the Assembly, except a casual employee, is a member of the personnel of the civil service, whether appointed under the Civil Service Act or by derogation by virtue of the second paragraph of section 111, unless, in the latter case, the Office excludes him therefrom.

The Secretary General has, in respect of the personnel of the Assembly, the powers vested in a deputy minister by the Civil Service Act.

121. The Assembly may vest in the associate secretaries-general, in their deeds of appointment, the rank and privileges of an assistant deputy minister.

The associate secretaries-general are members of the personnel of the civil service.

122. The respective duties of the members of the personnel of the Assembly not expressly defined by law or by the Office are determined by the President.

123. No deed, document or writing binds the Assembly or may be attributed to the President unless it is signed by him, by the Secretary General or by another officer, and only, in this last case, to the extent determined by regulation of the Office.

The Office may, however, upon the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines.

The Office may also allow a facsimile of the signature to be engraved, lithographed or printed on such documents as it determines. In such a case, the facsimile has the same force as the signature itself if the document is countersigned by a person authorized by the President.

Any copy of a document forming part of the records of the services of the Assembly and certified true by a person authorized to sign the document under the first paragraph is authentic and has the same force as the original.

124. The President may, with the approval of the Office, enter into any agreement with a department, an agency or a person to facilitate the carrying out of this Act.

DIVISION IV

BUDGETARY AND FINANCIAL PROVISIONS

125. The President shall prepare budget estimates for the Assembly every year. He shall, for that purpose, consult the Office.

126. Every amount payable under this Act to a Member shall be taken out of the consolidated revenue fund.

127. The sums required for

- (1) the application of sections 106, 108 and 116,
- (2) the operation of the committees and subcommittees and the Library of the National Assembly,
- (3) the Service de la législation and
- (4) interparliamentary relations

shall also be taken out of the consolidated revenue fund.

DIVISION V

LIBRARY OF THE NATIONAL ASSEMBLY

128. The Assembly shall put a library, called the “Library of the National Assembly”, at the disposal of its Members and the members of its personnel.

129. The Office may, by regulation, determine the conditions and modalities of public access to the Library of the Assembly and to the information it offers.

This section applies notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (1982, chapter 30).

130. The head of the Library, his assistants and the other employees of the Library are members of the personnel of the Assembly.

131. The head of the Library has custody of the records of the Assembly entrusted to his care by the Secretary General.

132. The head of the Library may update unusable or obsolete documents, transpose them to other data systems or treat them in any other manner approved by the Office.

133. The Québec Official Publisher, the departments and public bodies, and the inquiry commissions and study committees set up by the Government shall transmit two copies of the documents they publish to the head of the Library.

CHAPTER V

PENAL PROVISIONS

134. Any person other than a Member who performs any act or makes any omission contemplated in sections 55 and 56 is guilty of an offence and liable, on summary proceedings, in addition to costs, to a maximum fine of \$10 000.

135. A Member who performs any act or makes any omission contemplated in sections 55, 56 and 85 is guilty of an offence and liable to one or several of the penalties provided for in section 137.

136. Every Member who contravenes any provision of Division II of Chapter III is guilty of an offence and liable, in addition to the penalty provided for in section 84, to a maximum fine of \$1 000 for each day he sits while so disqualified.

He shall also reimburse the indemnities, allowances or other amounts he received as Member while the situation lasted.

137. Every Member who contravenes any provision of Division III of Chapter III is guilty of an offence and liable to one or more of the following penalties, as determined by the National Assembly:

- (1) a reprimand;
- (2) a fine;
- (3) the refund of any illicit profit;
- (4) the refund of the indemnities, allowances or other sums he received as a Member while the offence continued;
- (5) a temporary suspension, without parliamentary indemnity;
- (6) the loss of his seat as a Member.

138. The Assembly alone is competent to judge any offence provided for in sections 135 to 137 and to apply the penalties prescribed therein.

139. Where the Assembly condemns a Member to pay or reimburse an amount for an offence against this Act, it may, in default of payment, have its decision homologated by the Superior Court or Provincial Court, according to the amount involved.

The decision thereby becomes executory as a judgment of that court in its civil law jurisdiction.

140. Every sum received under this chapter is paid into the consolidated revenue fund.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

141. Members in office at the time of the coming into force of this section continue to be Members of the National Assembly.

The Secretary General, the associate secretaries-general, the incumbents of parliamentary or administrative positions, and the members of the personnel of the Assembly retain the same status, as if it had been conferred on them under this Act.

142. Section 57 does not apply to a Member holding an office contemplated in that section on (*insert here the date of the sanction of Bill 90*), so long as the terms of office he holds simultaneously, including that of Member, are renewed without interruption.

143. The Standing Orders of the National Assembly of Québec, any sessional order, and any resolution, decision or order of the commissioners appointed under sections 41 and 82 of the Legislature Act and the regulations, orders or orders in council adopted under sections 116, 118 and 119 of the said Act remain in force to the extent that they are consistent with this Act or the Act respecting the Ministère des Communications (R.S.Q., chapter M-24), as the case may be, until they are repealed or replaced.

144. In any Act, order in council, order, contract or any other document, a reference to a provision of the Legislature Act, except the provisions of that Act that are not replaced by this Act, is a reference to the equivalent provision of this Act or to the equivalent provision of the Act respecting the Ministère des Communications enacted under this Act.

145. Article 2 of the Civil Code of Lower Canada, replaced by section 5770 of the Revised Statutes of the Province of Québec, 1888, is amended by replacing the word "sixtieth" in the second paragraph by the word "thirtieth".

146. Section 10 of the Election Act (R.S.Q., chapter E-3.1) is amended by striking out paragraph 6.

147. Section 92 of the Civil Service Act (R.S.Q., chapter F-3.1) is amended by replacing the words “the Legislature” in the third line of the first paragraph by the words “the Parliament”.

148. Section 118 of the said Act is replaced by the following section:

“**118.** The standards and scales according to which the executive assistant and the other members of the executive staff are recruited, appointed and remunerated, as well as the other conditions of service and employment, are fixed by the Conseil du trésor in the case of the executive staff of a Minister, and by the office of the National Assembly in the case of the executive staff of any other person contemplated in section 117.”

149. Section 1 of the Interpretation Act (R.S.Q., chapter I-16) is replaced by the following section:

“**1.** This Act shall apply to every statute of the Parliament of Québec, unless and in so far as such application be inconsistent with the object, the context, or any of the provisions of such statute.”

150. Division I of the said Act, including sections 2 and 3, is repealed.

151. The said Act is amended by replacing the heading of Division II by the following heading:

“COMING INTO FORCE OF AN ACT”.

152. Section 4 of the said Act is repealed.

153. Section 5 of the said Act is replaced by the following section:

“**5.** Unless otherwise provided by law, an Act comes into force on the thirtieth day after its sanction.”

154. Section 9 of the said Act is replaced by the following section:

“**9.** When a legislative enactment which repeals another is itself repealed, the legislative enactment first repealed does not come again into force, unless Parliament expresses such intention.”

155. Section 11 of the said Act is replaced by the following section:

“11. Every statute is considered as reserving to Parliament, whenever required by public interest, the power of repealing it, and also of revoking, restricting or modifying any power, privilege or advantage thereby vested in any person.”

156. Sections 14 to 16, 20, 21, 23 to 27, Division VI, including sections 28 to 36, and Division VII, including section 37 of the said Act are repealed.

157. Section 60 of the said Act is replaced by the following section:

“60. A body constituted under an Act of Parliament, whether having corporate existence or not, and consisting of a determined number of members, shall not be dissolved on account of one or more vacancies occurring among its members through death, resignation or otherwise.”

158. Section 61 of the said Act is amended by replacing paragraphs 8, 9 and 10 by the following paragraphs:

“(8) The words “Imperial Parliament” mean the Parliament of the United Kingdom of Great Britain and Ireland; the words “Federal Parliament” mean the Parliament of Canada; the word “Legislature” or “Parliament” means the Parliament of Québec;

“(9) The word “session” means a session of the Parliament, and includes both the day of its opening and the day of its prorogation;

“(10) The words “Imperial Acts” or “Imperial statutes” mean the laws passed by the Imperial Parliament; the words “Federal Acts” or “Federal statutes” mean the laws passed by the Parliament of Canada; the words “Act”, “statute” and “law”, whenever used without qualification, mean the Acts, statutes or laws of Parliament;”.

159. Section 62 of the said Act is replaced by the following section:

“62. Any reference to an Act of Parliament assented to from and after 1 January 1969 shall be sufficient if it indicates the calendar year during which such Act was assented to and the number of the bill which introduced it or the chapter number assigned to it in the annual compilation of the statutes.

Any reference to an Act of Parliament assented to before 1 January 1969 shall be sufficient if it indicates, in addition to the chapter number assigned to it in the volume of statutes published for each session by the Québec Official Publisher, the calendar year or years during which the session of the Parliament during which the Act was assented to was held, and if several sessions were held during one calendar year, by adding the ordinal designation of the session concerned for such calendar year, in accordance with the last column of the table reproduced as Schedule A."

160. Section 5 of the Jurors Act (R.S.Q., chapter J-2) is amended by inserting, after paragraph *a*, the following paragraph:

"(a.1) members of the personnel of the National Assembly;".

161. Section 85 of the Legislature Act (R.S.Q., chapter L-1) is amended by replacing the words "the Legislature" in the second line of subparagraph *b* of the first paragraph by the word "Parliament".

162. Section 86 of the said Act is amended by replacing the word "Legislature" in the second line of the first paragraph, by the words "National Assembly".

163. Section 89 of the said Act is amended by replacing the word "Législatures" in the third line of the first paragraph of the French text, by the word "législatures".

164. The Act respecting the Ministère des Communications (R.S.Q., chapter M-24) is amended

(1) by inserting, before section 1, the following heading:

"CHAPTER I

"ORGANIZATION OF THE DEPARTMENT";

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

"CHAPTER II

"QUÉBEC OFFICIAL PUBLISHER

"**15.** The Deputy Minister of Communications is the Québec Official Publisher *ex officio*."

The officers and employees of the Official Publisher are officers and employees of the Ministère des Communications.

“16. The Québec Official Publisher shall print and publish, or cause to be printed and published,

- (1) the statutes of Québec;
- (2) an official journal, known as the *Gazette officielle du Québec*;
- (3) such documents, notices and announcements as the Government, the Office of the National Assembly or an Act may require him to print or publish.

The Official Publisher is entrusted with the sale of those publications, and such publications as are determined by the Government; he shall also determine their price.

Subject to the Act respecting the cinema (R.S.Q., chapter C-18), the Official Publisher may sell photographic or audiovisual documents produced by the government departments and government agencies.

“17. All documents, notices and announcements the publication of which is required by law are published in the *Gazette officielle du Québec*, unless some other mode of publication is prescribed by law.

“18. The Government may, by regulation,

(1) establish rules relating to the revenues of the Official Publisher, the manner of collecting them and the accounting he must keep of them;

(2) determine the conditions and modalities according to which the operations relating to the publications or other work for which the Official Publisher is responsible are to be effected, except publications of the National Assembly;

(3) prescribe the conditions under which the *Gazette officielle du Québec* shall be published;

(4) designate the public bodies, officers and other persons to whom or which the Official Publisher must send the *Gazette officielle du Québec* free of charge;

(5) fix the subscription price of the *Gazette officielle du Québec*;

(6) establish a tariff of the sums exigible for the notices, announcements and documents published in the *Gazette officielle du Québec*.

Every regulation made under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

“19. All publications in the *Gazette officielle du Québec* and all copies of official documents, proclamations, notices and announcements printed by the Official Publisher are authentic.”

165. Section 6 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is replaced by the following section:

“6. This Act shall apply, in addition, to the National Assembly and to any organization appertaining to the Government which the Government may designate.”

166. Section 23 of the Act respecting the Société québécoise d'information juridique (R.S.Q., chapter S-20) is replaced by the following section:

“23. This Act applies subject to the provisions of the Act respecting the Ministère des Communications (R.S.Q., chapter M-24) regarding the Québec Official Publisher.”

167. Section 133 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the third paragraph by the following paragraph:

“A judge of the Provincial Court may also exercise, in addition to the functions contemplated in section 82, those of the juriconsult of the National Assembly, the director general of elections or the acting director general of elections. He shall then be deemed to be on leave of absence without salary, but the remuneration payable to him while he exercises such functions shall be at least equal to the salary which he would be receiving under this Act, for the same period, if he were not so on leave.”

168. This Act replaces the Legislature Act, except for the title of the said Act, subdivision 5, including sections 85 to 100, 102 and 103 and subdivisions 5.1 and 5.2, including sections 103.1 to 103.18.

However, sections 70, 71 and 76 to 78 of the Legislature Act are replaced on the date of the coming into force of sections 1 to 9 and 61 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter *insert here the chapter number of Bill 110*).

169. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

170. This Act comes into force on the date fixed by proclamation of the Government, except the provisions excluded by the proclamation, which will come into force on any later dates as may be fixed by proclamation of the Government.

SCHEDULE I

(Section 15)

OATH OR SOLEMN DECLARATION OF THE MEMBER

I, (*full name of the Member*), swear (*or solemnly declare*) that I will be loyal to the people of Québec and that I will perform the duties of Member honestly and justly in conformity with the constitution of Québec.

SCHEDULE II

(Section 52)

OATH OR SOLEMN DECLARATION

I, (*full name of the witness*), swear (*or solemnly declare*) that the testimony that I will give will be the truth, the whole truth and nothing but the truth.