

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

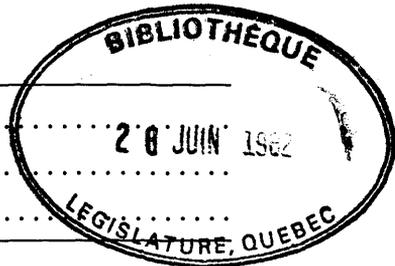
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**Bill 90**

An Act respecting the National Assembly of Québec

First reading .....  
Second reading .....  
Third reading .....



M. JEAN-FRANÇOIS BERTRAND

Government House Leader

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## EXPLANATORY NOTES

*The object of this bill is to bring order and precision to, and to bring up to date, the legislative enactments dealing with the structure and exercise of the legislative power. The bill confirms the supremacy of the Parliament of Québec formed by the National Assembly and the Lieutenant Governor, and solemnly affirms the special status of the National Assembly and its prerogatives.*

*Chapter I of the bill deals with the composition, term and powers of the National Assembly, with the Assembly's committees, with certain measures concerning the Members and, finally, with the duties of the President, the parliamentary assistants and the Secretary General.*

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

*Chapter III proposes a clearer and more precise version 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, Chapter III deals with conflicts of interest and with offices that are incompatible with the office of Member.*

*This bill creates the office of jurisconsult, whose incumbent will be called on to advise Members who require advice from him, 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 Bureau of the National Assembly, composed of the President and Members representing the major parties sitting in the House. The Bureau would exercise supervisory, regulatory and managerial functions and any other functions conferred on it by the Assembly. The Bureau would replace, with extended powers, the existing Committee on internal management.*

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

*Chapter V enacts penalties for various offences created and recognizes the full competence of the National Assembly in these matters.*

*Finally, Chapter VI provides transitional and final provisions and amends 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 THE BILL

- the Legislature Act (R.S.Q., c. L-1)
- the Act respecting the Ministère des Communications (R.S.Q., c. M-24)
- the Election Act (R.S.Q., c. E-3.1)
- the Civil Service Act (R.S.Q., c. F-3.1)
- the Interpretation Act (R.S.Q., c. I-16)
- the Act respecting the Service des achats du gouvernement (R.S.Q., c. S-4)
- the Act respecting the Société québécoise d'information juridique (R.S.Q., c. S-20)



# **Bill 90**

## **An Act respecting the National Assembly of Québec**

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

Whereas the National Assembly of Québec 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 of Québec 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 of Québec 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 of Québec 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 the government 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.

The Lieutenant-Governor may, however, 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 standing or special 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 or not specifically referred to any other committee.

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.

### DIVISION III

#### THE MEMBERS

**15.** A Member may sit in the Assembly on becoming a Member in accordance with the Election Act, and on 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.** No Member may resign his seat while his election is lawfully contested, nor until after the time during which it may be contested.

**18.** 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 or corrupt electoral practice;
- (6) is sentenced to imprisonment for an indictable offence punishable by imprisonment for at least two years;
- (7) 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 85, 135 and 137.

## DIVISION IV

## THE PRESIDENT OF THE ASSEMBLY

**19.** At the beginning of its first sitting after a general election, the National Assembly of Québec 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 Standing Orders of the Assembly.

## DIVISION V

## PARLIAMENTARY ASSISTANTS

**24.** 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.

## DIVISION VI

## THE SECRETARY GENERAL

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

**26.** 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.

**27.** In addition to his duties under this Act, the Secretary General shall carry out the duties conferred on him by the Standing Orders of the Assembly.

## CHAPTER II

### LEGISLATIVE ACTS

**28.** The National Assembly of Québec passes the legislative Acts and the Lieutenant-Governor gives assent to them.

**29.** 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.

**30.** Every legislative bill must have the following introductory formula:

“The Parliament of Québec enacts as follows:”.

**31.** As soon as an Act is assented to, the Secretary General shall enter the date of assent therein. The entry forms part of the Act.

**32.** 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.

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

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

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

**36.** The Bureau of the Assembly shall 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 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, according to the rules established by the Bureau of the Assembly.

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

**38.** The Secretary General shall supply certified true copies of any Act to any person applying therefor, upon payment of the cost fixed by the Board of the Assembly.

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

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

**40.** Every person who obtains the passing of a private Act shall pay to the Assembly the cost of printing the Act in the 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

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

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

**43.** 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.

**44.** 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, nor during the three days preceding or the three days following the sitting.

**45.** A Member is exempt from appearing in court as a witness in a civil matter while the Assembly or a committee or subcommittee of which he is a member is sitting, and during the three days preceding and the three days following the sitting.

**46.** 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.

**47.** 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.

**48.** A true copy of a written or audio-visual document certified true by the Secretary General of the Assembly is admissible as evidence.

**49.** 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 inquiries or proceedings.

**50.** 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 declaration provided in Schedule II.

**51.** 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 prosecuted for perjury.

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

**53.** The President of the Assembly may exempt a member of the personnel of the Assembly from appearing as a witness in court, where he considers his presence required for the proper functioning of the Assembly and its services.

**54.** 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 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) speaking or publishing remarks defamatory to a Member of the Assembly, during a session;

(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 intimidation;

(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 a subcommittee;

(12) instituting an action with malicious intent against a Member or performing an act contrary to the parliamentary immunity conferred on him.

**55.** The bringing of a frivolous complaint before the Assembly by a Member against another Member constitutes a breach of the privileges of the Assembly.

**56.** The person responsible for carrying out a warrant of the Assembly or of a committee 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.** In no case may a Member of the Assembly be a member of a municipal council, school board or corporation of school trustees.

**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 or an international organization.

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

**59.** Any mandate, office or employment as a member, senior executive officer or other executive of a public body, particularly as a director, president or vice-president, chairman or vice-chairman, commissioner, secretary, or manager, is incompatible with the office of Member.

**60.** For the purposes of this Act, a public body is a body to which the National Assembly of Québec, the Government or a department appoints the majority of the members, to which, by law, the officers or employees are 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.

**61.** A Member who, when elected, holds an incompatible office contemplated in sections 57 to 59 shall, before making the oath or solemn declaration, 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.

**62.** The President of the Assembly shall not be a director of a commercial, industrial or financial corporation.

## DIVISION III

## CONFLICTS OF INTEREST

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

**64.** 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.

**65.** 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.

**66.** 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.

**67.** 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) hold shares in a company that is a party to such a transaction provided that the number of his shares, their value in relation to the share capital 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 or bonds that are issued by the Government or a public body on identical conditions for all.

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

**69.** 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.

**70.** 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.

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

**72.** 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.

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

**74.** 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

**75.** On the motion of the Prime Minister and with the approval of two-thirds of the Members, the National Assembly of Québec shall appoint a juriconsult 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 juriconsult must not be a Member of the Assembly.

**76.** The opinion of the juriconsult is confidential unless the Member allows its disclosure.

**77.** The juriconsult shall give his opinion within thirty days following a request contemplated in section 75.

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

**79.** The juriconsult 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.

**80.** The Bureau of the Assembly shall, if need be, determine the remuneration of the jurisconsult and the personnel he requires.

**81.** 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.

**82.** 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

**83.** 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.

**84.** 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.

**85.** Upon adoption by the Assembly of a report of the committee ascertaining that a Member holds an incompatible office, the seat of the Member is deemed vacant.

## CHAPTER IV

## ADMINISTRATION OF THE NATIONAL ASSEMBLY OF QUÉBEC

## DIVISION I

## THE BUREAU OF THE NATIONAL ASSEMBLY

**86.** A Bureau of the National Assembly of Québec is hereby established.

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

**88.** The members of the Bureau 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 Bureau; 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 Bureau.

**93.** On the dissolution of the Assembly, the President and the Vice-Presidents of the Assembly shall perform the duties of the Bureau.

**94.** The Vice-Presidents of the Assembly may take part, without the right to vote, in the proceedings of the Bureau.

**95.** If the chairman is absent or unable to act, one of the Vice-Presidents of the Assembly replaces him.

**96.** Four members, including the chairman, constitute a quorum of the Bureau. In the event of a tie-vote, the chairman has a casting vote.

**97.** The Secretary General of the Assembly is the secretary of the Bureau. If the Secretary General is absent, the Bureau shall designate an associate secretary general to replace him.

**98.** The Committee on the Assembly may determine the terms and conditions, scales and modalities of payment of an attendance allowance to the members and substitute members of the Bureau.

**99.** The Bureau shall establish its rules of procedure.

**100.** The Bureau shall have managerial and regulatory duties, in accordance with this Act.

It shall perform such other duties as the Assembly may assign to it.

**101.** The Bureau shall advise upon any matter referred to it by the President.

**102.** The Bureau 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 Bureau 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 Bureau may, by regulation,

(1) establish a mode of certifying the attendance of Members at the Assembly;

(2) determine the conditions in which amounts may be deducted from the parliamentary indemnity by reason of the absence of a Member from the Assembly.

**105.** The Bureau 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.

**106.** The Bureau shall fix the payment intervals of indemnities and allowances to Members.

**107.** The Minister of Finance shall pay, for each Member, such portion of the premium of a group life insurance plan for the Members as the Bureau may determine.

**108.** The Bureau shall determine the personnel and the financial resources to be allocated to any special parliamentary committee.

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

**110.** The President shall table in the Assembly the regulations made by the Bureau under this Act.

## DIVISION II

### MANAGEMENT OF THE ASSEMBLY

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

The Bureau 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.

**112.** The Bureau may, by regulation, prescribe the rules governing the expenditures of the Assembly.

**113.** 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).

**114.** The Bureau shall adopt the administrative organization plan of the Assembly.

**115.** The organization and use of the premises of the Assembly and its services, and the use of their equipment, must be approved by the Bureau.

### DIVISION III

#### SERVICES OF THE ASSEMBLY

**116.** The President of the Assembly shall direct and administer the services of the Assembly.

**117.** The President is responsible for the internal and external security of the Assembly; he shall, in particular, provide protection for persons and property in the premises of the Assembly occupied by the Members and the personnel of the Assembly.

**118.** If the President is absent or unable to act, he is replaced by one of the Vice-Presidents of the Assembly.

**119.** 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.

**120.** 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 Bureau.

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

**121.** Every member of the personnel of the Assembly, except a casual employee or an employee of the Public Protector, is a member of the personnel of the civil service, whether appointed under the Civil Service Act or by derogation as provided for in the second paragraph of section 111, unless, in the latter case, the Bureau 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.

**122.** 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.

**123.** The respective duties of the members of the personnel of the Assembly not expressly defined by the Act or by the Bureau are determined by the President.

**124.** 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 Bureau.

The Bureau 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 Bureau may also allow a facsimile of the required 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, certified true by a person authorized to sign the document under the first paragraph, is authentic and has the same force as the original.

**125.** 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.

**126.** The President may, with the approval of the Bureau, enter into any agreement with a department to facilitate the carrying out of this Act.

#### DIVISION IV

##### BUDGET ESTIMATES

**127.** The President shall prepare budget estimates for the Assembly every year. He may, if he considers it appropriate, consult the Bureau.

## DIVISION V

## LIBRARY OF THE NATIONAL ASSEMBLY OF QUÉBEC

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

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

**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 Bureau.

**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.** Every person who breaches the privileges of the Assembly in the manner described in section 54 or 56 is guilty of an offence and liable, in addition to costs, to such fine as may be determined by the Assembly.

**135.** A Member who is guilty of the offence provided for in section 55 is liable, in addition to costs, to one or several of the penalties provided in section 137.

**136.** A Member whose seat is deemed vacant pursuant to section 85 is liable, in addition to costs, to a maximum fine of one thousand dollars for each day he sits while so disqualified.

He must also return every indemnity, allowance and other sum he has received as a Member while so disqualified.

**137.** Every Member who contravenes any provision of Division III of Chapter III is guilty of an offence and liable, in addition to costs and regardless of any judicial proceedings that might be brought against him, 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 is fully competent to judge any offence against this Act and apply the prescribed penalties.

**139.** Where the Assembly condemns a person to pay an amount for an offence against this Act, it may, in default of payment, have its decision homologated by a competent court, and the decision thereby becomes executory as a judgment of that court.

**140.** Fines collected under this Act are paid into of the consolidated revenue fund.

## CHAPTER VI

### TRANSITIONAL AND FINAL PROVISIONS

**141.** The Members in office at the time of the coming into force of this Act continue to be Members of the National Assembly of Québec.

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

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.** 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 (R.S.Q., chapter L-1) 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.

**143.** 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.

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

**145.** Section 118 of the Civil Service Act (R.S.Q., chapter F-3.1) 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 Bureau of the National Assembly of Québec in the case of the executive staff of any other person contemplated in section 117.”

**146.** 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.”

**147.** Sections 2 and 3 of the said Act are repealed.

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

“COMING INTO FORCE OF AN ACT”.

**149.** Section 4 of the said Act is repealed.

**150.** 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.”

**151.** 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.”

**152.** 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.”

**153.** Sections 14 to 16, 20, 21, 23 to 27, 28 to 36 and 37 of the said Act are repealed.

**154.** 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.”

**155.** 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;”.

**156.** 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.”

**157.** 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;”.

**158.** Section 77 of the Legislature Act (R.S.Q., chapter L-1) is amended by replacing paragraph *g* by the following paragraph:

“(g) to the Member appointed to act as chairman of a committee, an annual indemnity equal to the product of the indemnity contemplated in section 70 and .10.

The indemnity of a Member appointed to act as chairman of a special committee is proportionate to the ratio between the duration of the proceedings of the committee he chairs and one year.”

**159.** Section 85 of the said Act is amended by replacing the words “the Legislature” in the second line of subparagraph *b* of the first paragraph by the word “Parliament”.

**160.** 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 of Québec”.

**161.** 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”.

**162.** Section 93 of the said Act is replaced by the following section:

“**93.** Any Member whose seat becomes vacant pursuant to an offence under the Act respecting the National Assembly of Québec (1982, chapter *insert here the chapter number of Bill 90*) is entitled to only repayment of his contributions.”

**163.** 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 Bureau 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 shall fix the price thereof.

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 an Act, the Government or the Bureau of the National Assembly of Québec, are published in the *Gazette officielle du Québec*, unless some other mode of publication is prescribed by law, the Government or the Bureau of the Assembly, as the case may be.

**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 of Québec;

(3) exempt all or part of the publications or other work for which the Official Publisher is responsible from the application of any provision of the Financial Administration Act (R.S.Q., chapter A-6) or a regulation thereunder;

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

(5) 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;

(6) fix the subscription price of the *Gazette officielle du Québec*.

(7) 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.

**“20.** Within the first days of the opening of each session, the Prime Minister shall table before the National Assembly copies of all orders passed under this chapter since the opening of the preceding session.”

**164.** Section 6 of the Act respecting the Service des achats du gouvernement (R.S.Q., chapter S-4) is amended by adding at the end the following words: “or to publications or other work for which the Québec Official Publisher is responsible.”

**165.** 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.”

**166.** This Act replaces the Legislature Act (R.S.Q., chapter L-1), except the title of that Act and sections 35 and 39, 70, 71, 73, 76 to 78, 80, 85 to 95 and 97 to 103.

**167.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (*insert here the reference to the chapter number of the Canada Act in the compilation of the Acts of the Parliament of the United Kingdom for 1982*).

**168.** This Act comes into force on the date fixed by proclamation.

## SCHEDULE I

### 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

### 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.