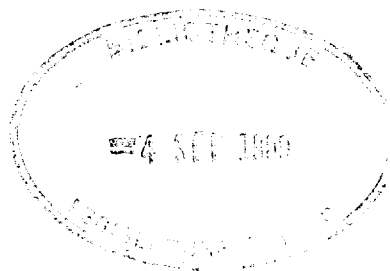


FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Draft Bill

An Act respecting the National Assembly



M. CLÉMENT RICHARD
Président de l'Assemblée nationale

L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

Draft Bill

An Act respecting the National Assembly

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

CHAPTER I

ORGANIZATION AND OPERATION

DIVISION I

COMPOSITION, DURATION 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.

2. The Assembly, together with the Lieutenant-Governor, has the exercise of the legislative power.

3. The Assembly has the power to oversee all the acts of the executive authority.

4. The Executive Council and the members of the Council are responsible to the Assembly.

5. A new Legislature begins with every general election and continues for five years from the publication after the general election of the notice contemplated in section 134 of the Election Act (1979, c. 56).

6. The Lieutenant-Governor, if he sees fit, may dissolve the Assembly before the expiry of the five years contemplated in section 5, in accordance with constitutional practice.

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

8. The Assembly shall meet on the date indicated in the proclamation convoking it for the dispatch of its business.

9. The Assembly shall sit in the Capital; in case of necessity, it may sit anywhere in Québec.

10. When the Assembly stands adjourned, it shall resume its work at the date and time fixed at adjournment.

However, at the request of the Prime Minister, the President or the Secretary General shall convoke the Assembly by such means as he considers most effective, for the date and time indicated by the Prime Minister, which may be different from those fixed at adjournment; in case of urgency or as a result of special circumstances, the date may be a holiday.

11. The quorum of the Assembly or of a committee of the whole House is one-fourth of the members, including the President.

When a committee of the Assembly is sitting, the quorum of the Assembly or of a committee of the whole House is one-sixth of the members, including the President.

12. 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

13. The National Assembly may appoint one or more committees composed of members of the Assembly, to examine bills, estimates or any other matter within their jurisdiction referred to them by the Assembly.

The Assembly must appoint a committee on the National Assembly to examine any matter referred to it by the Assembly or not specifically referred to any other committee, and to carry out any other function vested in it by this Act.

14. A committee may appoint one or more subcommittees composed of certain of its members.

15. A committee or subcommittee may sit between sessions with the same powers as when the Assembly is sitting.

A committee or a subcommittee may sit anywhere in Québec.

DIVISION III

THE MEMBERS

16. A member may sit in the National Assembly on the publication of the notice of his election in the *Gazette officielle du Québec* by the director general of elections, and on taking the required oath.

17. 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 inform the Assembly of it at its next sitting.

18. The seat of a member of the Assembly becomes vacant by his death or resignation, his becoming a candidate at a federal election or his appointment to the Senate, or his losing the qualifications for eligibility required by the Election Act, as well as in those cases where he becomes disqualified to sit under this Act.

DIVISION IV

THE PRESIDENT OF THE NATIONAL ASSEMBLY

19. At its first sitting after a general election, the National Assembly, before entering on any business, shall elect a President and two Vice-Presidents from among the members.

20. The President of the National Assembly has the following parliamentary duties:

(1) to open and close the sittings of the Assembly;

(2) to preside at the sittings of the Assembly, preserve order and see to the application and interpretation of the rules of procedure;

(3) to submit motions, put questions to the vote and declare the results of votes;

(4) to represent the Assembly and sign the documents of the Assembly;

(5) to exercise the powers inherent in his duties or required to maintain the privileges of the Assembly.

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

22. If the President and the Vice-Presidents are absent or unable to act, the Secretary General of the National Assembly shall notify the Assembly, and it shall designate a member as interim President.

23. 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.

DIVISION V

PARLIAMENTARY ASSISTANTS

24. The Government may appoint any member as parliamentary assistant to a minister to assist him with his duties.

However, there must not be more than twelve parliamentary assistants at one time.

25. A parliamentary assistant to a minister may represent him in the National Assembly when he is absent and, in particular, may replace him on introduction and study of a bill and reply to questions addressed to the Minister or take note of them on his behalf.

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; it may confer on the latter, in their deed of appointment, the rank and privileges of associate deputy-minister.

27. The Secretary General of the Assembly has the following duties:

- (1) to preside until a President is elected;
- (2) to prepare the Agenda Paper and the Votes and Proceedings;
- (3) to certify the documents of the Assembly;

(4) to have custody of the documents and records of the Assembly and of its services;

(5) to execute the orders of the Assembly;

(6) to see to the publication of the Journal of Debates;

(7) to perform all the other duties necessary for the proper functioning of the Assembly.

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

CHAPTER II

LEGISLATIVE ACTS

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

30. Only a member of the Executive Council, on the recommendation of the Lieutenant-Governor, may present a bill having as its object the commitment of public revenue, the creation of a charge on the taxpayers, the remittance of an amount owing to the Province or the concession of property owned by the Province.

31. Subject to section 30, any member may present a bill.

32. Every bill must begin with the following introductory formula:

“The National Assembly of Québec enacts as follows:”.

33. The Secretary General of the National Assembly shall enter the date of assent at the beginning of every Act.

34. As soon as an Act is assented to, the Secretary General must provide a certified copy of it to the Québec Official Publisher, and he must print it.

35. Unless it contains a provision to the contrary, an Act comes into force on the tenth day after its publication in the *Gazette officielle du Québec*.

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

37. In case of the loss or destruction of an original, the Secretary General may substitute for it a copy which he certifies as being true and that copy has the same value as the original.

38. A copy of an Act certified by the Secretary General, or the text of that Act published by the Québec Official Publisher, is authentic and proof of its content.

CHAPTER III

INDEPENDENCE OF THE NATIONAL ASSEMBLY

DIVISION I

RIGHTS, PRIVILEGES AND IMMUNITIES

39. The National Assembly has the power to protect its work against all interference.

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

41. No member may be prosecuted, arrested, imprisoned or held liable for damages by reason of anything said or done or documents tabled by him in the carrying out of his duties in the Assembly or any of its committees.

42. In no case may a person quoting or otherwise reporting an unedited extract of the proceedings of the Assembly or its committees be liable to any action by reason of that fact.

43. In no case may a person reporting on the proceedings of the Assembly or its committees be liable to any action by reason of that fact, provided that the facts are reported accurately and in good faith.

44. If an action be instituted by reason of the publication of the proceedings of the Assembly or its committees, a true copy of a written or audio-visual document, certified by the Secretary General of the Assembly, is admissible as evidence.

45. The Assembly or any committee of the Assembly may summon and compel the appearance before it of such persons or the production of such papers and things as it may deem necessary for its inquiries or proceedings.

The President of the Assembly or the chairman of a committee may require any person to take an oath or make a solemn affirmation to tell the truth.

46. No action may be instituted against any person acting under the authority of the National Assembly or any committee of the Assembly.

47. A person's testimony before a committee is privileged and in no case may it be held against him in a court of justice, except in case of perjury.

48. The members of the personnel of the Assembly are exempt from serving as jurors.

49. The President of the National Assembly may exempt any member of the personnel of the Assembly from appearing as a witness before a court if his services are indispensable to the proper functioning of the Assembly.

50. In no case may a member of the Assembly be arrested for contempt of court during a session of the Assembly.

51. Any member and any other person who abuses the privileges conferred on him by this Act is guilty of an offence.

52. Any person who breaches the privileges of the National Assembly is guilty of an offence.

The following acts, in particular, constitute breaches of the privileges the Assembly:

(1) refusing to comply with an order of the Assembly or of one of its committees;

(2) giving false testimony before the Assembly or one of its committees;

(3) presenting a false document to the Assembly or one of its committees with the intent to deceive;

(4) forging, falsifying or altering any document of the Assembly or of one of its committees, or any document presented or filed before it, with the intent to deceive;

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

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

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

(8) speaking or publishing remarks defamatory to a member of the Assembly, during a session;

(9) bribing or attempting to bribe a member;

(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 or one of its committees;

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

53. The person responsible for the carrying out of a warrant of the Assembly or of one of its committees may command the assistance of any peace officer or any other person; refusal or failure to give assistance when required constitutes a breach of the privileges of the Assembly.

DIVISION II

INCOMPATIBLE DUTIES

54. A member who becomes a candidate in a federal election or is appointed to the Senate ceases to be a member and shall not sit in the National Assembly.

55. The holding of an elective office in a municipality or school board is incompatible with the office of member.

56. Unless with the consent of the Assembly, the holding of any office conferred by the Government or any of its members, except that of parliamentary assistant, is incompatible with the office of member.

57. The following situations are incompatible with holding office as a member:

(1) holding an office, charge or employment or carrying out a permanent or limited mandate to which is attached a remuneration or profit from the Gouvernement du Québec, a department or agency of the Government, or a public corporation the majority of whose members are appointed by the Government or the National Assembly, whose personnel is, by law, appointed and

remunerated in accordance with the Civil Service Act (1978, c. 15), or more than one-half of whose capital stock is taken out of the consolidated revenue fund;

(2) holding an office or carrying out a mandate to which a remuneration or profit from the Government of Canada is attached, except the Armed Forces in wartime, or from the government of another province of Canada;

(3) exercising remunerated functions for a foreign country or an international organization.

However, holding office as a member is not incompatible with being a member of the Executive Council.

58. Indemnities, allowances or other amounts paid under this Act to the members of the National Assembly and amounts paid pursuant to the Executive Power Act (R.S.Q., c. E-18) to ministers and members of the Executive Council do not disqualify their recipients, nor does the reimbursement of transportation or travelling expenses or the provision of living quarters to the Prime Minister and to the President of the National Assembly.

59. A member who, on being elected, finds himself in a situation of incompatibility must, before being sworn, resign from the occupation that is incompatible with his office.

60. If an occupation incompatible with parliamentary duties devolves upon a member during his term, he must resign from one or the other within fifteen days.

In the meantime, he shall not sit or vote as a member.

61. If a member is in a situation of incompatibility contemplated in this division or does not remedy the situation within the allotted time, the Committee on the National Assembly shall determine the incompatibility and report to the Assembly.

As soon as the report is adopted by the Assembly, the member is deemed to have resigned.

DIVISION III

CONFLICTS OF INTEREST

SUBDIVISION I

SITUATION OF CONFLICT

62. In this subdivision, "public body" means a public body or corporation a majority of whose members are appointed by the National Assembly, the Government or a minister, whose personnel is appointed and remunerated in accordance with the Civil Service Act (1978, c. 15) or more than one-half of whose capital stock is taken out of the consolidated revenue fund.

63. A member must avoid putting himself in situations where his personal interest may influence or appear to influence the carrying out of his duties.

64. A member must abstain from taking part in deliberations and voting on any matter submitted for the consideration of the National Assembly or one of its committees, if he has a personal or financial interest distinct from that of the members or the population in general.

65. No member may solicit or receive remuneration or a benefit in circumstances such that it may be reasonably concluded that the remuneration or benefit is meant to influence the accomplishment of his official duties or is a reward for something he has done or omitted to do or that he should do or omit to do in his official capacity.

66. No person who practises his profession with a member may give any notice respecting a bill, plead before any of the committees of the Assembly or uphold or oppose in any manner whatever before any of the committees a bill, a motion, a petition or any other matter whatever submitted for the consideration of a committee of the Assembly.

67. No member may use, for his personal or financial benefit, or for that of any other person, information obtained in his official capacity or in the course of his official duties, that is not accessible to the public.

68. No member may, directly or indirectly, participate in a transaction with the Government, a department of the Government or a public body.

69. Notwithstanding section 68, a member is not prevented from

(1) benefitting from a loan, reimbursement, grant or any other benefit offered to any person or class of persons in accordance with an Act, regulation or programme, by the Government, a department of the Government or a public body;

(2) acquiring securities or bonds generally issued by the Government or a public body on identical conditions for all;

(3) receiving directly or indirectly from the Government or a public body compensation that may be granted pursuant to an Act, including that by reason of an offence or quasi offence;

(4) practising his occupation in an institution subsidized out of public funds.

70. The President of the National Assembly shall not be a director of a corporation of a commercial, industrial or financial nature, if the corporation does business with the Gouvernement du Québec or is subject to the Taxation Act (R.S.Q., c. I-3).

Every person who contravenes this section is disqualified from sitting or voting as a member of the National Assembly for two years.

71. A member may claim and receive remuneration or a profit resulting from a transaction referred to in section 68 if the transaction was made and carried out before his election.

72. Where, for the carrying out of public works, the Government, a department of the Government or a public body must acquire an immoveable belonging in whole or in part to a member, or a real right affecting the immoveable, the indemnity must be fixed by the Expropriation Tribunal.

73. A member may, in the regular practice of his professional or business activity, receive from a client remuneration to which he is entitled even if the Government, a public body or an institution subsidized out of public funds pays, in whole or in part, the sums due, provided that the client is neither the Government, nor a public body, nor a subsidized institution.

74. A member who, at his election, is placed in a situation of conflict of interest must, before being sworn, put an end to the situation.

75. Where a member is placed in a situation of conflict of interest by the effect of an Act, as the result of a marriage, or by

the acceptance of a gift or a legacy or the office of testamentary executor, he must put an end to the situation within six months.

76. Where a member is placed in a situation of conflict of interest without his knowledge or against his will, a defence based on good faith is admissible.

SUBDIVISION II

ADVISORY OPINION

77. On the motion of the Prime Minister, the National Assembly with the approval of two-thirds of its members shall appoint a jurisconsult, who must not be a member of the National Assembly, responsible for providing to every member who requests it, a written and substantiated advisory opinion on whether a particular act or omission is in accordance with the provisions concerning conflicts of interest.

78. The necessary personnel for the jurisconsult is appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

79. The jurisconsult must give his opinion within thirty days following a request contemplated in section 77.

80. The jurisconsult remains in office at the dissolution of the National Assembly until he is re-appointed or replaced.

81. The Board of the National Assembly determines, if applicable, the remuneration of the jurisconsult.

82. The jurisconsult must, not later than 31 March every year, present to the President of the National Assembly a report of his activities for the preceding year, including a summary of the opinions given.

The President shall table the report before the National Assembly if it is in session or, if it is not in session, within thirty days of the opening of the next session.

83. A member does not commit an offence by an act or an omission if he has previously requested and received an opinion stating that the act or the omission does not contravene the provisions respecting conflicts of interest, provided that the facts alleged in support of his request were presented exactly and completely.

SUBDIVISION III

COMPLAINTS

84. Any member may bring a complaint before the Assembly accusing a member of being in a situation of conflict of interest. The Committee on the National Assembly shall examine the complaint.

85. If the complaint is brought against a member of the Committee on the National Assembly, he may not participate in the decision of the committee on the complaint.

86. The Committee on the National Assembly shall give to the member a copy of the complaint brought against him and may request an explanation from him.

87. The Committee on the National Assembly shall render a written and substantiated decision and send a copy of it to the complainant and to the member who is the object of the complaint.

A report of the committee is submitted to the National Assembly.

CHAPTER IV

THE ADMINISTRATION OF THE NATIONAL ASSEMBLY

DIVISION I

THE BOARD OF THE NATIONAL ASSEMBLY

88. A Board of the National Assembly is hereby established.

89. The Board is composed of the President of the National Assembly, who is the chairman, and of seven other members.

90. The members of the Board other than the chairman are designated within fifteen days from the beginning of each session by and from among the members of each party in the following manner:

(1) four from the Government party;

(2) three from the opposition parties, including at least two from the Official Opposition and one from another opposition party having obtained the greatest number of seats or, in case of

equality among parties, from that having obtained the greatest number of valid votes.

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

Each party shall communicate to the President of the Assembly the names of the members and substitute members designated and the President shall inform the Assembly thereof.

If a party fails to proceed to these appointments or if the composition of the Assembly does not allow the application of the preceding paragraphs, the chairman shall himself designate the members who will complete the formation of the Board.

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

92. A Vice-President may take part, without the right to vote, in the proceedings of the Board.

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

94. The Board shall establish its rules of procedure.

95. The Secretary General of the National Assembly acts as secretary of the Board. If the Secretary General is absent, the Board shall designate one of the associate secretaries-general to replace him.

96. The duties of the Board are to exercise control over the general administration of the services of the National Assembly and, in particular, to

- (1) approve the budget estimates of the National Assembly;
- (2) approve the administrative organization plan of the services of the Assembly;
- (3) approve the rules applicable to the members of the personnel;
- (4) approve the plans for the organization and use of human resources and equipment;
- (5) establish the rules governing the expenditures of the Assembly;
- (6) establish the terms and conditions of printing and distribution of bills and statutes;

(7) fix the time of payment of the indemnities, allowances and pensions of members;

(8) perform any duty conferred on it by the Assembly or this Act.

97. The Board shall exercise its powers within the scope of the Acts, regulations and rules applicable to the management of departments.

The Board may, however, with the authorization of the Government, derogate from this section by regulation, indicating specifically the provisions derogated from and the provisions to apply in their place and stead. This regulation must be approved by the Committee on the National Assembly.

98. The Board shall establish, by regulation, the scales, terms and conditions of payment to the members

(1) of transportation allowances and travel expenses;

(2) of expenses for the lease of 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, having his principal residence outside the city of Québec or an electoral division adjacent to that city;

(5) of communication expenses;

(6) of an attendance allowance to the members of and participants in a committee or subcommittee of the National Assembly when that committee or subcommittee holds a sitting in a week in which the Assembly does not sit.

The attendance allowance is not paid, however, to a member who receives an additional indemnity under this Act.

99. The Board may, by regulation,

(1) establish a mode of attestation of the attendance of a member at the Assembly and its committees;

(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 or one of its committees on which he sits.

100. The Board shall determine, by regulation, the moneys that may be received, for research purposes, by the parties

represented in the National Assembly and the terms and conditions of payment thereof.

101. The Board shall advise upon any matter referred to it by the President pertaining to the administration of the National Assembly.

DIVISION II

SERVICES OF THE NATIONAL ASSEMBLY

102. The President of the National Assembly, hereinafter called the "Director of Administration", directs and administers the services of the National Assembly.

103. If the Director of Administration is absent or unable to act, he is replaced by one of the Vice-Presidents of the Assembly.

104. The Director of Administration may confer part of his administrative responsibilities on one of the Vice-Presidents; the latter has, in that regard, the same powers and duties as the Director of Administration.

105. Under the direction of the Director of Administration, the Secretary General of the National Assembly has the supervision of the members of the personnel of the Assembly; he administers its day-to-day business and exercises the other functions assigned to him by the Board of the Assembly.

The orders of the Secretary General must be carried out in the same manner as those of the Director of Administration; his authority is that of the Director of Administration and his official signature gives force and effect to every document within the jurisdiction of the services of the National Assembly.

106. The personnel of the National Assembly are appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

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

107. The respective duties of the members of the personnel of the National Assembly not expressly defined by the Act or by the Board are determined by the Director of Administration.

108. No deed, document or writing binds the Assembly or may be attributed to the Director of Administration unless it is

signed by him, by the Secretary General or by another officer, and only, as regards the latter, to the extent determined by regulation of the Board.

The Board 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 Board 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 Director of Administration.

Any copy of a document forming part of the records of the services of the National 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.

109. On the dissolution of the Assembly, the President and the Vice-Presidents, if they are re-elected, remain in office until the day fixed by proclamation for the dispatch of the business of the Assembly.

110. The President of the Assembly may enter into any agreement with a department to facilitate the carrying out of this Act.

111. Within six months following the end of each fiscal period, the President shall table before the National Assembly a report of the activities of the services of the Assembly for that period.

DIVISION III

FINANCIAL PROVISIONS

112. The President of the Assembly shall, every year, prepare budget estimates for the services of the National Assembly.

113. The Board of the Assembly shall approve the estimates, with or without amendment.

The estimates shall then be transmitted to the Minister of Finance.

114. The Minister of Finance shall enter the budget estimates in the general budget, with or without amendment.

115. The Board, with the authorization of the Government, may exercise over the services of the Assembly all or some of the powers granted to the Conseil du trésor by sections 25, 33, 40, 45 and 51 of the Financial Administration Act (R.S.Q., c. A-6).

116. The Board may amend any division of the appropriations shown in the budget estimates and change the division into a subdivision.

117. The Board, with the approval of the Committee on the National Assembly, may authorize any transfer in the budget.

118. The Board shall establish the rules respecting the expenditures of the Assembly.

CHAPTER V

INDEMNITIES, ALLOWANCES AND PENSIONS OF MEMBERS

DIVISION I

INDEMNITIES

119. An annual indemnity of \$21 000 shall be granted to every member.

From the year 1975, the indemnity contemplated in the first paragraph is, for each year, equal to the amount of the indemnity for the last preceding year multiplied by the Base Wage for the last preceding year and divided by the Base Wage for the year preceding such last preceding year.

The Base Wage for a year is the arithmetic mean of weekly salaries and wages of the Industrial Composite in Canada, as published by Statistics Canada under the Statistics Act, for each of the 12 months of the period ending with the month of June in that year. Such salaries and wages, for each of the two years preceding that for which the indemnity is computed, are those appearing in the first publication of Statistics Canada containing those for the month of June immediately preceding the year for which the indemnity is computed.

Where the product of the computation according to the first paragraph is not a multiple of \$100, the amount of the annual indemnity is increased to the nearest multiple of \$100.

The annual indemnity shall not be less than that for the preceding year. It shall not, however, exceed it by more than 6%.

120. For indemnity and allowance purposes, a person is deemed to have become a member of the National Assembly on the day last fixed for the election of a member of the Assembly for the electoral division which he represents.

For indemnity and allowance purposes, a person who was a member of the Assembly immediately before dissolution thereof is deemed to continue to be a member until the date of the next general election.

121. The payment of a pension by the Gouvernement du Québec or any of its bodies shall cease while the beneficiary is entitled to a sessional indemnity.

Nevertheless, if the sessional indemnity, including any additional indemnity, is less than the amount of the pension, the beneficiary shall continue to receive the difference.

This section does not apply to the cases contemplated in section 137 of this Act or in section 105 of the Courts of Justice Act (chapter T-16).

122. In addition to the allowance provided for in section 127, there shall also be allowed to each member, to indemnify him for expenses incurred respecting official duties which he has consented to perform at the request of the Board of the Assembly, an allowance which shall be paid to him upon the terms and conditions and according to the scales determined by the Board.

No allowance may be granted under this provision to members who are members of the Executive Council.

123. In addition to the indemnity and allowance contemplated in sections 119 and 127,

(1) the President of the National Assembly shall receive annually, as such, an allowance equal to the product of the indemnity contemplated in section 119 and .90;

(2) each of the Vice-Presidents shall receive annually, as such, an allowance equal to the product of the indemnity contemplated in section 119 and .40.

124. In addition to the indemnity and allowance contemplated in sections 119 and 127, every parliamentary assistant shall receive an annual indemnity equal to the product of the indemnity contemplated in section 119 and .20.

125. In addition to the indemnity and allowance contemplated in sections 119 and 127, an annual indemnity equal to the product of the indemnity contemplated in section 119 and .90

shall be granted to the member occupying the recognized position of Leader of the Official Opposition in the National Assembly.

126. In addition to the indemnity and allowance contemplated in sections 119 and 127, there shall be granted

(1) to the member occupying the recognized position of House Leader of the Official Opposition, an annual indemnity equal to the product of the indemnity contemplated in section 119 and .35;

(2) to any member other than the member contemplated in section 125, who leads in the National Assembly an opposition party

(a) which had at least twelve members elected at the last general election or

(b) of which the recognized membership in the Assembly is less than twelve members but which, according to the official addition of the votes cast throughout Québec at the last general election, obtained twenty per cent of the valid votes cast or

(c) which was represented under subparagraph *a* or *b* during the preceding Legislature,

an indemnity equal to the product of the indemnity contemplated in section 119 and .35;

(3) to any member other than the member contemplated in paragraph 1 who occupies the position of House Leader of a party contemplated in paragraph 2, an annual indemnity equal to the product of the indemnity contemplated in section 119 and .30;

(4) to the member occupying the recognized position of Chief Government Whip in the National Assembly, an annual indemnity equal to the product of the indemnity contemplated in section 119 and .35;

(5) to the member occupying the recognized position of Chief Whip of the Official Opposition, an annual indemnity equal to the product of the indemnity contemplated in section 119 and .20;

(6) to the member occupying the position of Whip of a party contemplated in paragraph 2, assistant Government Whip or assistant Whip of the Official Opposition, an annual indemnity equal to the product of the indemnity contemplated in section 119 and .15. For the purposes of this paragraph, the Government and the Official Opposition are entitled to a number of assistant Whips equal to the multiple of twenty members in excess of twenty, and a party contemplated in paragraph 2 is entitled to one Whip, any fraction of twenty not to be counted for the purposes of this section;

(7) to the member appointed to act as chairman of a select committee, an annual indemnity equal to the product of the indemnity contemplated in section 119 and .10.

127. There shall be granted to each member an annual allowance of \$7 500 for entertainment expenses.

128. The Minister of Finance may pay to any member a portion of the cost of the premiums payable for the purposes of a group life insurance plan for members as determined by the Board of the Assembly.

129. The President of the Assembly shall communicate any provision adopted under section 128 to the Assembly not later than the fifteenth day on which the Assembly sits after it is adopted.

DIVISION II

SEVERANCE ALLOWANCE

130. Any person ceasing to be a member continues to receive, as severance allowance, his indemnity for a period of three months; that period is extended by one month for every year over two years during which that person was a member, but must not exceed six months.

However, the indemnity ceases to be paid

- (1) when the beneficiary dies;
- (2) if a member's pension becomes payable to the beneficiary;
- (3) if the beneficiary holds an office entailing a remuneration paid by the Government or one of its agencies; or
- (4) if the beneficiary is again a member.

131. A member whose seat becomes vacant pursuant to an infringement of this Act is not entitled to a severance allowance.

DIVISION III

PENSIONS

132. For the purposes of this division, unless the context indicates a different meaning,

- (1) "member" means a person who was a member of the National Assembly on 1 January 1958 or who became a member thereof after that date or who, having been a member of the Legislative Council after such date, became a member;

(2) "indemnity" means the indemnity payable to members for sessions of the Assembly, but does not include amounts granted as entertainment expenses.

In the case of the members of the Executive Council, the President, the Vice-Presidents of the Assembly, the Leader of the Official Opposition, each member to whom paragraph 2 of section 126 applies, the parliamentary assistants, the House Leader of the Official Opposition or of a party contemplated in paragraph 2 of section 126, the Chief Government Whip and the Chief Official Opposition Whip, the Whip of any party contemplated in paragraph 2 of section 126, an assistant Whip or a member appointed to act as chairman of one of the select committees of the Assembly, the word "indemnity" also includes, if the holder of the office indicates that he so desires by notice to the Minister of Finance, the supplementary indemnity which he receives by virtue of such indemnity, or a part of such indemnity, for a specified or indeterminate period, from and after the session mentioned in the said notice. He may at any subsequent time, by a similar notice, renounce for the future the addition of such supplementary indemnity to that which he receives as a member, for the purpose of computing his contributions.

133. A system of retirement pensions is established, on a contributory basis, for the members.

Such system of pensions does not apply to a member who notifies the Minister of Finance that he does not propose to take part in the pension plan. This notice may be given by a member at any time after his being sworn.

134. For the purposes of the system of pensions established by section 133, each member shall provide, in the form of a deduction from his indemnity, a contribution equal to eight per cent of such indemnity.

Such contribution shall be deducted proportionately from each indemnity payment.

A member who has been a member of the Parliament of Canada and to whom a retiring allowance is not paid under the Members of Parliament Retiring Allowances Act (Revised Statutes of Canada, 1970, chapter M-10) may, for as long as he is a member, increase the contribution provided for in the first paragraph by paying an amount not exceeding his contributions to the retiring allowances plan provided in the Members of Parliament Retiring Allowances Act.

135. Such contributions shall be unseizable and shall be paid into the consolidated revenue fund but shall be entered, in a separate account, to the credit of the person who provided them.

136. Subject to section 138, every person who ceases to be a member after having held a mandate as such for at least sixty months and has been a member of at least two Legislatures shall receive during his lifetime, in equal monthly instalments, an annual pension equal to a percentage of the total amount of his contributions, varying according to the number of months during which he was a member, in the following manner:

60 months	46.875 %
61 months	47.65625%
62 months	48.4375 %
63 months	49.21875%
64 months	50.00 %
65 months	50.78125%
66 months	51.5625 %
67 months	52.34375%
68 months	53.125 %
69 months	53.90625%
70 months	54.6875 %
71 months	55.46875%
72 months	56.25 %
73 months	57.03125%
74 months	57.8125 %
75 months	58.59375%
76 months	59.375 %
77 months	60.15625%
78 months	60.9375 %
79 months	61.71875%
80 months	62.5 %
81 months	63.28125%
82 months	64.0625 %
83 months	64.84375%
84 months	65.625 %
85 months	66.40625%
86 months	67.1875 %
87 months	67.96875%
88 months	68.75 %
89 months	69.53125%
90 months	70.3125 %
91 months	71.09375%
92 months	71.875 %
93 months	72.65625%
94 months	73.4375 %
95 months	74.21875%
96 months	75.00 %

For the purposes of this section, a parliamentary session held before 1 September 1965 shall be counted as twelve months and

the number of months during which a member of the Assembly contributed to the retiring allowances plan of the members of the Parliament of Canada shall be added to the number of months during which he was a member of the Assembly.

137. The pension is untransferable; it is also unseizable, except in respect of a person entitled to support.

138. No pension shall exceed annually the amount of the indemnity, without deduction by reason of absence, payable to members for the last session of more than thirty days or the last year preceding the retirement of the beneficiary including any supplementary indemnity contemplated in the second paragraph of section 132, and when the total amount of his contributions is sufficient to entitle him to the maximum pension provided for by this section, the member shall cease to contribute.

In the case of a member who has ceased to hold one of the offices listed in the second paragraph of section 132, the supplementary indemnity contemplated in this section shall be the annual amount of the highest indemnity received by him, as the holder of his office, at any time or during the course of any former session.

139. For the purposes of this division, a person shall not cease to be a member by reason only of the dissolution of the National Assembly, but he shall cease to be a member from the day fixed for the general election following such dissolution, if he is not re-elected.

140. Every member who ceases to be a member before being entitled to receive a pension under section 136 is entitled to withdraw his contributions.

For the purposes of this section, a parliamentary session held before 1 September 1965 shall be counted as one year.

141. Any member whose seat becomes vacant pursuant to an infringement of this Act is entitled to repayment of his contributions only.

A member convicted of treason or of an indictable offence committed during his tenure of office and contemplated in Part III or Part VII of the Criminal Code or of conspiracy to commit any such offence, shall forfeit all right to the pension provided for in this Act and shall only be entitled to the repayment provided for in the first paragraph, less any pension payments that he may have received before his conviction.

142. Every person who has ceased to be a member of the Assembly and who is subsequently elected a member shall be entitled to redeem and have counted for pension purposes, in whole or in part, the years during which he was a member of the Assembly on giving notice to that effect to the Minister of Finance and paying into the consolidated revenue fund an amount equal to the contributions that he would have had to provide during such years.

If he has withdrawn the contributions that he had provided for the years that he wishes to redeem, he must also pay to the Minister of Finance interest at the legal rate from the time of such withdrawal.

Such notice shall be given in accordance with a form supplied or approved by the Minister of Finance not later than twelve months after such person was elected a member.

Any member elected before 11 July 1963 is entitled to have counted, for pension purposes, wholly or in part, the years prior to 21 February 1958 during which he was a member, on giving for such purpose to the Minister of Finance the notice contemplated in this section and paying into the consolidated revenue fund an amount equal to the contributions that he would have had to provide if the provisions of this Act had then been applicable to him.

Such notice must be given not later than twelve months after the date when the beneficiary ceases to be a member.

When the number of previous years that a member wishes so to have counted exceeds four, the amount of the contributions shall be divided into not more than five equal and consecutive yearly payments, if the member so requests in his above-mentioned notice.

143. Every member is entitled to have added to the total amount of his contributions, for each year prior to 1 January 1970 during which he was a member, an amount not exceeding two per cent of the indemnity paid to him for each of such years.

The member who wishes to avail himself of the first paragraph must give a notice to that effect to the Minister of Finance and pay into the consolidated revenue fund within the ensuing year such amounts as he wishes to have added to his contributions; such notice must be given, by a person who is a member of the National Assembly on 1 January 1970, before 1 April 1970, and by a person who subsequently becomes a member thereof, within three months after his election.

The payment of any amount under this section may nevertheless be divided into not more than five equal and consecutive yearly payments, if the member so requests in his above-mentioned notice, with interest, at the legal rate, from the date of the notice.

For the purposes of this section, the word "member" means a person who is a member of the National Assembly on 1 January 1970 or who subsequently becomes a member thereof.

144. The payment of a pension shall cease while and whenever the beneficiary again holds a mandate as a member.

145. The payment of a pension shall cease for the period during which the beneficiary holds an office entailing a remuneration paid by the Government or a government agency.

146. When a pension becomes payable to a member, his spouse or children, before such member has paid the contributions that he owes, such pension shall be based upon the amount of the contributions that he has paid, unless the remainder thereof is paid within the next sixty days, or, as the case may be, in instalments in conformity with the notice mentioned in section 142 and, as the case may be, in section 143.

147. (1) Subject to section 146, the surviving spouse, if not divorced, of a former member who was receiving a member's pension or was entitled to it but died before beginning to receive it is entitled, from the death of such member and for life, to a pension equal to fifty per cent of that which his spouse was receiving or was entitled to receive; such surviving spouse is also entitled to receive 10% of his spouse's pension for each of the children of such former member who is dependent on such surviving spouse and less than eighteen years of age or, if such child regularly attends an educational institution, is less than twenty-one years of age, but he shall not so receive more than 40% of such pension for all such children dependent on him.

If the surviving spouse dies or if such former member dies and his spouse has predeceased him or their marriage has been dissolved by divorce, each child of such former member who is less than eighteen years of age or, if he regularly attends an educational institution, is less than twenty-one years of age, shall be entitled to receive 20% of the pension which such former member was receiving or would have been entitled to receive, until he reaches the age of eighteen years or, if he regularly attends an educational institution, until he reaches the age of twenty-one years. However, not more than 80% of such pension shall be paid to all such children.

(2) Subject to section 146, the surviving spouse, if not divorced, of a member who dies while a member of the National Assembly shall receive for life, in equal monthly instalments, an annual pension equal to thirty-seven and one-half per cent of the total amount of his spouse's contributions; he shall also be entitled to receive 7.5% of the total amount of his spouse's contributions for each child of such member who is a dependent of such surviving spouse and less than eighteen years of age or, if he regularly attends an educational institution, is less than twenty-one years of age, but he shall not so receive more than 30% of the total amount of such contributions for all of such dependent children.

If the spouse dies or if such former member dies and his spouse has predeceased him or their marriage has been dissolved by divorce, each child of such former member who is less than eighteen years of age or, if he regularly attends an educational institution, is less than twenty-one years of age, is entitled to receive 15% of the total amount of such member's contributions until he reaches the age of eighteen years or, if he regularly attends an educational institution, until he reaches the age of twenty-one years. However, not more than 60% of the total amount of such contributions shall be paid to all such children.

For the purposes of subsections 1 and 2 of this section, the expressions "dependent child" and "educational institution" shall have the meaning given to them by regulation of the Board of the National Assembly.

148. The amount of any pension shall, from 1 January 1969, be adjusted annually, in the manner and at the time prescribed in accordance with section 119 of the Act respecting the Québec Pension Plan (chapter R-9) for the adjustment of the benefits payable under the said Act, so that the amount payable for a month in any year following the first is equal to the product obtained by multiplying the amount that would otherwise have been payable for that month by the ratio that the Pension Index for that following year bears to the Pension Index for the year preceding that following year.

149. Any member in office on 1 February 1960 may cease to participate in such system of retirement pensions by giving, at any time after the said date, to the Minister of Finance, notice of his intention to cease participating therein.

From the date of receipt of such notice by the Minister, this division ceases to be applicable to such member and he shall be entitled to repayment of his contributions.

If the member has not, before such notice, made any contribution to the system of pensions, this division shall be considered as never having applied to him.

150. If the aggregate of the amounts paid as a pension to a former member and to the surviving spouse and children of a member or former member is less than the aggregate amount of the contributions paid by such person, the difference shall be paid without interest to his estate, in one single payment, as soon as the payments of such pension to the last person who was entitled to it have ceased.

CHAPTER VI

PENAL PROVISIONS

151. Every person who infringes any provision of Division I of Chapter III is guilty of an offence and liable to imprisonment or a fine or both penalties, as determined by the National Assembly.

152. Every member who infringes any provision of Division II of Chapter III is guilty of an offence and liable to a fine of one thousand dollars for each day during which he sits or votes while being unqualified, and must return every indemnity, allowance and other sum he has received as a member of the National Assembly while so unqualified.

153. Every member who infringes any provision of Division III of Chapter III is guilty of an offence and liable, 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 rebuke;
 - (2) a fine;
 - (3) the refund of any illicit profit made contrary to this Act;
 - (4) the refund of the parliamentary indemnity and the additional indemnities for the period while the infringement lasts;
 - (5) the refund to the Government of any profit from taking part in an illicit deal or remuneration received while holding an office contrary to this Act;
 - (6) a temporary suspension, without parliamentary indemnity;
- or
- (7) the loss of his seat as a member.

154. The National Assembly or, as the case may be, the Committee on the National Assembly, is fully competent to judge any offence against this Act and apply the penalties prescribed.

155. Whenever condemning a person to pay an amount for an offence against this Act, the Assembly may, where the amount is not paid, have its decision homologated by a court and such decision becomes executory as a judgment of that court.

CHAPTER VII

BUREAU DE L'ÉDITEUR OFFICIEL DU QUÉBEC

156. The Government shall appoint the Québec Official Publisher.

The Québec Official Publisher and the members of his personnel are appointed and remunerated in accordance with the Civil Service Act (1978, c. 15).

157. The Québec Official Publisher and the members of his personnel are members of the personnel of the National Assembly.

They form an office called the "Bureau de l'éditeur officiel du Québec". Section 9 of the Executive Power Act (chapter E-18) applies to that office as if it were a service under the supervision of a member of the Executive Council.

158. The Québec Official Publisher shall print and publish, or cause to be printed and published, for the Government,

- (1) the statutes of Québec;
- (2) an official journal, known as the *Gazette officielle du Québec*;
- (3) such documents and announcements as the Government may require to be printed or published.

The Québec Official Publisher is entrusted with the sale of government publications and shall fix the price thereof.

Subject to the Act respecting the cinema, the Official Publisher may sell photographic or audiovisual documents produced by the government departments and by government agencies.

159. All advertisements, notices and documents the publication of which is required by law shall be published in the *Gazette officielle du Québec*, unless some other mode of publication is prescribed by law.

160. The Government shall prescribe the conditions under which the *Gazette officielle du Québec* shall be published, and designate the public bodies, officers and persons to whom it must be sent.

The Government shall make a tariff of the sums to be paid respecting the notices, advertisements and documents published in the *Gazette officielle du Québec*. He shall also fix the subscription price of that journal.

161. The revenues of the Québec Official Publisher, the mode in which he shall receive the same, the accounts thereof which he shall keep and generally the conditions under which the printing and other work required are to be performed shall be regulated by the Government.

162. All publications in the *Gazette officielle du Québec* and all copies of official documents, proclamations and announcements printed by the Québec Official Publisher for the Government are authentic.

163. Within the first fifteen days of the opening of each session, the Prime Minister shall table before the National Assembly copies of all orders in council passed under this chapter since the opening of the preceding session.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

164. This Act replaces the Legislature Act (R.S.Q., c. L-1).

165. The members in office at the time of the coming into force of this Act continue to be members of the National Assembly.

Similarly, 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.

166. The Standing Orders of the National Assembly, any sessional order, and any resolution, decision or order of the commissioners appointed under sections 41 and 82 of the Legislature Act remain in force to the extent that they conform to this Act, until they are repealed, replaced or amended in accordance with this Act.

167. The President must table before the Assembly the regulations made under this Act.

168. Sections 2, 4, 5, 14, 16, 28 to 30, 32 and 37 of the Interpretation Act (R.S.Q., c. I-16) are repealed.

169. Article 2 of the Civil Code is amended by striking out the second paragraph.

170. The employees of the Bibliothèque de la Législature become without any other formality members of the personnel of the Assembly.

171. The moneys required for the application of this Act are taken out of the consolidated revenue fund.

172. Section 118 of the Civil Service Act (1978, c. 15) is replaced by the following section:

“118. The executive assistant and the other members of the executive staff are recruited, appointed and remunerated in accordance with the standards and scales fixed by the Conseil du trésor, which establishes in particular the other conditions of service and employment.”

173. This Act comes into force on the tenth day following its publication in the *Gazette officielle du Québec*, except section 55, which will come into force on the day fixed for the first general election held after the coming into force of this Act.