

1982, chapter 62

AN ACT RESPECTING THE NATIONAL ASSEMBLY

Bill No. 90

Introduced by Mr Jean-François Bertrand, Government House Leader

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Second reading: 15 December 1982

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Assented to: 18 December 1982

Coming into force: 18 December 1983 except section 31, which will come into force on 1 January 1983, and sections 33 to 140, the second paragraph of section 141, sections 147, 155, 159 and 164, the first paragraph of section 167 and Schedule II, which will come into force on the date or dates fixed by proclamation of the Government

— 9 February 1983: ss. 33 to 36, 38, 40, 41, 42 to 56, 66, 74, 77 to 79, 116, 128 to 132, 133, 134, 136 to 139, 140, 155 (to the extent that it repeals ss. 14, 16, 27 to 33 and 37 of the Interpretation Act), 159 and Schedule II
Order 208-83

Acts amended:

Legislature Act (R.S.Q., chapter L-1)

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

Election Act (R.S.Q., chapter E-3.1)

Civil Service Act (R.S.Q., chapter F-3.1)

Interpretation Act (R.S.Q., chapter I-16)

Jurors Act (R.S.Q., chapter J-2)

Civil Code of Lower Canada

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

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

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



CHAPTER 62

An Act respecting the National Assembly

[Assented to 18 December 1982]

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

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

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

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

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

CHAPTER I

ORGANIZATION AND OPERATION

DIVISION I

COMPOSITION, TERM AND POWERS

Composi-
tion of the
National
Assembly.

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

- 2.** The National Assembly and the Lieutenant-Governor form the Parliament of Québec. The Parliament of Québec assumes all the powers conferred on the Legislature of Québec.
- 3.** The Parliament has the exercise of the legislative power.
- 4.** The Assembly has the power of supervision over all the acts of the Government and of its departments and agencies.
- 5.** The Assembly is convoked, prorogued and dissolved by the Lieutenant-Governor.
- 6.** A Legislature has a term of not more than five years, beginning with the publication after the general election of the notice contemplated in section 134 of the Election Act.
- Only the Lieutenant-Governor may dissolve the Assembly before the expiry of five years.
- 7.** The Assembly sits in the city of Québec; it may also sit at any other place in Québec.
- 8.** The quorum of the Assembly or of a committee of the whole House is one-sixth of the Members, including the President.
- However, when a committee of the Assembly is sitting, the quorum of the Assembly or of the committee of the whole House is one-tenth of the Members, including the President.
- 9.** The rules of procedure of the Assembly are established by the Assembly, and it alone has authority to see that they are observed.

DIVISION II

THE COMMITTEES

- 10.** The National Assembly may appoint committees, composed of Members of the Assembly, to examine any matter within the jurisdiction assigned to them by the Assembly, and to carry out any mandate given to them by the Assembly.
- 11.** The Assembly must appoint a committee on the Assembly to examine any matter referred to it by the Assembly.
- The committee shall also carry out any other function vested in it by this Act.

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

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

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

DIVISION III

THE MEMBERS

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

Resignation. **16.** A Member may resign his seat verbally at a sitting of the Assembly.

Resignation. He may also resign in a writing countersigned by two other Members and sent to the President or the Secretary General of the Assembly.

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

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

(1) dies;

(2) resigns;

(3) becomes a candidate at a federal election or a provincial election in another province;

(4) is appointed to the Senate;

(5) is found guilty of treason;

(6) is found guilty of or charged with corrupt electoral practices;

(7) is found guilty of several of the offences or of having repeated any of the offences mentioned in section 136 of the Act respecting electoral lists (R.S.Q., chapter L-4.1);

(8) is sentenced to imprisonment for an indictable offence punishable by imprisonment for over two years;

(9) is in a situation that makes him disqualified within the meaning of the Election Act, except the situation contemplated in paragraph 5 of section 10 of that Act.

Vacancy. A Member's seat also becomes vacant in the cases provided for in sections 84, 134 and 136.

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

DIVISION IV

THE PRESIDENT OF THE ASSEMBLY

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

Replacement. **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.

Interim President. **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.

Vacancy in the office of President. **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.

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

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

Applicable provisions. In such a case, they continue to receive the indemnity provided for in paragraphs 1 and 2 of section 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66).

Transition allowance. Furthermore, if during that time, the President or the Vice-Presidents are entitled to the transition allowance provided for in the said Act, the allowance becomes payable only from the time they cease to hold office.

DIVISION V

PARLIAMENTARY ASSISTANTS

Appointment.

25. The Government may appoint one or several Members as parliamentary assistants to assist a minister in the discharge of his duties. A parliamentary assistant may reply to questions addressed to the minister or take note of them on his behalf.

Number.

In no case, however, may the number of parliamentary assistants exceed twenty.

DIVISION VI

THE SECRETARY GENERAL

Appointment.

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

Replacement.

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

Duties.

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

CHAPTER II

LEGISLATIVE ACTS

Adoption and assent.

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

Bill by Members.

30. Any Member may present a bill.

Bill by Ministers.

However, only a minister 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.

Introductory formula.

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

“The Parliament of Québec enacts as follows:”.

Date of assent.

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

Custody of original Acts. **33.** The Secretary General has custody of the originals of the Acts.

Loss or destruction. 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.

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

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

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

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

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

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

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

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

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

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

CHAPTER III

INDEPENDENCE OF THE NATIONAL ASSEMBLY

DIVISION I

RIGHTS, PRIVILEGES AND IMMUNITIES

- 42.** The Assembly has the power to protect its proceedings against all interference.
- 43.** Every Member is vested with full independence for the carrying out of his duties.
- 44.** No Member may be prosecuted, arrested or imprisoned by reason of anything said or done or any document tabled by him in the carrying out of his parliamentary duties in the Assembly or in any committee or subcommittee.
- 45.** No Member may be bound to appear to answer a charge of contempt of court nor arrested or held for contempt of court while the Assembly or a committee or subcommittee in whose work he is taking part is sitting, or during the two preceding or two following days.
- 46.** A Member is exempt from appearing as a witness in court or before any body or person empowered to summon witnesses while the Assembly or a committee or subcommittee in whose work he is taking part is sitting, and during the two preceding and two following days.
- 47.** The President of the Assembly may exempt a member of the personnel of the Assembly from appearing as a witness in court, or before any body or person empowered to summon witnesses where he considers his presence required for the proper functioning of the Assembly and its services.
- 48.** No person may be prosecuted for publishing or distributing an unedited report or official summary of the debates of the Assembly or of a committee or subcommittee, or for distributing, unedited, such debates or any document that has been submitted to them.
- 49.** No person may be found guilty for publishing or distributing an abstract of the debates of the Assembly or of a committee or subcommittee, of a report or of an official summary of the debates, or of a document that has been submitted to them, or for giving an account of them, unless it is proved that he acted with malicious intent.

- 50.** A copy of a written or audio-visual document contemplated in section 48 or 49 certified true by the Secretary General of the Assembly is admissible as evidence.
- 51.** The Assembly or a committee may summon and compel the appearance before it of any person, either to answer questions put to him or to produce such papers and things as it may deem necessary for its acts, inquiries or proceedings.
- 52.** The President or any Member of the Assembly or the chairman or any member of a committee or subcommittee may require a person appearing before it to make the oath or solemn affirmation provided in Schedule II.
- 53.** In no case may a person's testimony before the Assembly or a committee or subcommittee be held against him in a court of law, unless he is being prosecuted for perjury.
- 54.** No action may be instituted by reason of an official act performed in good faith by a person in the exercise of duties assigned to him under this Act or in carrying out an order of the Assembly or a committee or subcommittee.
- 55.** No person may breach the privileges of the Assembly. The following acts, in particular, constitute breaches of the privileges of the Assembly:
- (1) refusing to comply with an order of the Assembly, a committee or a subcommittee;
 - (2) giving false or incomplete testimony before the Assembly, a committee or a subcommittee;
 - (3) presenting a false document to the Assembly, a committee or a subcommittee with intent to deceive;
 - (4) forging, falsifying or altering, with intent to deceive, any document of the Assembly, a committee or a subcommittee or any document tabled or presented before it;
 - (5) creating a disturbance liable to disrupt the course of parliamentary proceedings;
 - (6) using or threatening to use force or using undue pressure to have a sitting cancelled or suspended;
 - (7) assaulting, interfering with, bullying or threatening Members of the Assembly in the carrying out of their parliamentary duties or members of the personnel of the Assembly in the carrying out of their parliamentary duties;

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

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

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

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

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

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

Assistance
of peace
officer.

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

Refusal.

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

DIVISION II

INCOMPATIBLE OFFICES

Incompati-
bility.

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

Incompati-
bility.

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.

Incompati-
bility.

Any office to which remuneration from a non-profit international organization is attached is also incompatible with the office of Member.

Exception.

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

59. The office of director of a commercial, industrial or financial corporation is incompatible with the office of President of the Assembly.

Incompatibility.

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

Resignation.

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.

Resignation.

Meanwhile, he shall not sit in the Assembly.

Sitting prohibited.

DIVISION III

CONFLICTS OF INTEREST

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

Conflict of interest.

62. A Member having a direct personal financial 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.

Disclosure.

However, he is not bound to make the declaration if he abstains from speaking and voting on the question.

Abstention.

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

Use of influence.

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

Use of information.

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

Prohibited transactions.

However, a Member may

Exceptions.

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

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

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

Public
body.

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

Trans-
actions
prior to
election.

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

Acquisition
of im-
moveable
from
Member.

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

Profes-
sional
activities.

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

Conflict of
interest.

70. A Member whose election places him in a situation of conflict of interest must put an end to the situation not later than within six months.

Conflict of
interest.

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

Excep-
tion.

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

Time limit.

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

Lawful
remunera-
tion.

73. The payment of indemnities, allowances or other amounts under any Act or the regulations thereunder to a Member of the Assembly or under the Executive Power Act (R.S.Q., chapter E-18) or the regulations thereunder as a member of the Conseil exécutif,

and the provision of living quarters to the Prime Minister or to the President of the Assembly do not put the Member in a situation of conflict of interest.

DIVISION IV

ADVISORY OPINION

- 74.** On the motion of the Prime Minister and with the approval of two-thirds of the Members, the National Assembly shall appoint a jurisconsult to give, to Members who so request in writing, written and substantiated opinions on whether the situations they may be in are in conformity with the provisions on incompatible offices and conflicts of interest. The jurisconsult must not be a Member of the Assembly.
- 75.** The opinion of the jurisconsult is confidential unless the Member allows its disclosure.
- 76.** The jurisconsult shall give his opinion within thirty days after a request contemplated in section 74.
- 77.** The term of office of the jurisconsult is five years or less. At the expiry of his term, he remains in office until he is reappointed or replaced.
- 78.** The jurisconsult may resign at any time by giving notice in writing to the President of the Assembly.
- He may be removed only by a resolution of the Assembly approved by two-thirds of the Members.
- 79.** The Office of the Assembly shall, if need be, determine the remuneration, social benefits and other conditions of employment of the jurisconsult and the personnel he requires.
- 80.** The jurisconsult may file, with the President of the Assembly, a report containing recommendations on the application of the provisions on incompatible offices and conflicts of interest.
- The report must not, however, contain the name of any Member nor any information that allows a Member to be identified.
- 81.** A Member does not commit an offence by an act or omission if he has previously requested an opinion and the opinion concludes that the act or omission does not contravene the provisions on incompatible offices or conflicts of interest, provided that the facts alleged in support of his request were presented exactly and completely.

DIVISION V

COMPLAINTS

- Complaint. **82.** A Member may bring a complaint before the Assembly accusing another Member of holding or having held an incompatible office or being or having been in a situation of conflict of interest.
- Examination. **83.** The committee on the Assembly shall examine the complaint and, where such is the case, and if the Member allows it, the opinion of the juriconsult which concerns him, and make a report to the Assembly.
- Incompatibility. **84.** Upon adoption by the Assembly of a report of the committee ascertaining that a Member holds an incompatible office, the seat of the Member becomes vacant.
- Breach of privileges. **85.** The bringing of a complaint before the Assembly by a Member against another Member without a serious reason constitutes a breach of the privileges of the Assembly.

CHAPTER IV

ADMINISTRATION OF THE ASSEMBLY

DIVISION I

THE OFFICE OF THE NATIONAL ASSEMBLY

- Establishment. **86.** An Office of the National Assembly is hereby established.
- Composition. **87.** The President of the Assembly is the chairman of the Office. The Office is also composed of seven other Members.
- Designation. **88.** The members of the Office other than the chairman are designated by the Members of each party in the following manner:
 - (1) four from the Government party;
 - (2) three from the party of the Official Opposition or, where there are several opposition parties, two from the Official Opposition party and one from the party among the remaining opposition parties having obtained the greatest number of seats or, in case of equality of seats, from that having obtained the greatest number of valid votes.
- Substitutes. **89.** Each of the designating parties shall also designate the same number of Members as substitute members of the Office; each of them may act in the place of a member who is absent or unable to act.

Communi-
cation to
the Presi-
dent.

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.

Adoption
of the list.

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.

Designa-
tion by the
chairman.

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

Continu-
ance in
office.

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

Dissolu-
tion.

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

Vice-
Presidents.

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

Replace-
ment.

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

Quorum.

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

Secretary.

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

Rules of
procedure.

99. The Office shall establish its rules of procedure.

Functions.

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

Functions.

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

Opinion.

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

Regula-
tions.

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

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

Regulations.

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

Regulations.

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

(1) transportation allowances and travel expenses;

(2) the cost of renting premises in the electoral division of each Member to receive his electors;

(3) allowances for the remuneration of their personnel;

(4) expenses for lodgings, in the city of Québec or in the immediate vicinity, of any Member other than the Prime Minister or the President of the Assembly having his principal residence outside the city of Québec or an electoral division adjacent to that city;

(5) communication expenses.

Payment of indemnities and expenses.

105. The Office shall fix the intervals for the payment of indemnities and expense allowances provided in the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66).

Group insurance.

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

Regulations.

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

Regulations.

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

Tabling of rules and regulations.

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

DIVISION II

MANAGEMENT OF THE ASSEMBLY

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

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

Regula-
tions. **111.** The Office may, by regulation, prescribe the rules governing the expenditures of the Assembly.

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

Organiza-
tion plan. **113.** The Office shall adopt the administrative organization plan of the Assembly.

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

DIVISION III

SERVICES OF THE ASSEMBLY

Adminis-
tration of
services. **115.** The President of the Assembly shall direct and administer the services of the Assembly.

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

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

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

Secretary
General.

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

Orders.

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

Personnel.

120. Every member of the personnel of the Assembly, except a casual employee, is a member of the personnel of the civil service, whether appointed under the Civil Service Act or by derogation by virtue of the second paragraph of section 110, unless, in the latter case, the Office excludes him therefrom.

Powers of
the Secretary
General.

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

Associate
secretaries-
general.

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

Associate
secretaries-
general.

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

Duties of
personnel.

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

Signature.

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

Automatic
device.

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

Facsimile.

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

Authen-
ticity.

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

Agree-
ments.

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

DIVISION IV

BUDGETARY AND FINANCIAL PROVISIONS

Budget
estimates.

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

Supple-
mentary
estimates.

Where, during a year, the President foresees that he will be required to exceed the budget estimates for the purposes of section 126 or 127, he must prepare supplementary budget estimates and, for that purpose, consult the Office.

Approval.

Furthermore, the budget estimates and, as the case may be, the supplementary budget estimates relating to the sums provided for the carrying out of sections 126 and 127 must be approved by the Office.

Required
sums.

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

Required
sums.

127. The sums required for

- (1) the application of sections 106, 108 and 116,
 - (2) the operation of the committees and subcommittees and the Library of the National Assembly,
 - (3) the Service de la législation,
 - (4) interparliamentary relations,
 - (5) the broadcasting and televising of the work of the Assembly or of a committee,
 - (6) the printing and publishing of the Journal of Debates,
 - (7) the administration of the executive staff of any person, other than a minister, contemplated in section 117 of the Civil Service Act,
 - (8) the remuneration of the personnel assigned to a Member and
 - (9) the administration of the office of the Secretary General
- shall also be taken out of the consolidated revenue fund.

DIVISION V

LIBRARY OF THE NATIONAL ASSEMBLY

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

Personnel. **129.** The head of the Library, his assistants and the other employees of the Library are members of the personnel of the Assembly.

Custody of records. **130.** The head of the Library has custody of the records of the Assembly entrusted to his care by the Secretary General.

Updating and transfer. **131.** The head of the Library may update unusable or obsolete documents, transpose them to other data systems or treat them in any other manner approved by the Office.

Legal deposit. **132.** 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

Offence and penalty. **133.** Any person other than a Member who performs any act or makes any omission contemplated in sections 55 and 56 is guilty of an offence and liable, on summary proceedings, in addition to costs, to a maximum fine of \$10 000.

Offence and penalty. **134.** A Member who performs any act or makes any omission contemplated in sections 55, 56 and 85 is guilty of an offence and liable to one or several of the penalties provided for in section 136.

Offence and penalty. **135.** Every Member who contravenes any provision of Division II of Chapter III is guilty of an offence and liable, in addition to the penalty provided for in section 84, to a maximum fine of \$1 000 for each day he sits while so disqualified.

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

Offences and penalties. **136.** Every Member who contravenes any provision of Division III of Chapter III is guilty of an offence and liable to one or more of the following penalties, as determined by the National Assembly:

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

Compe-
tence of
the
Assembly

137. The Assembly is fully competent to judge any offence provided for in sections 134 to 136 and to apply the penalties prescribed therein.

Homologa-
tion.

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

Executory
decision.

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

Sums
collected.

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

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

Members.

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

Status of
personnel.

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.

Inappli-
cable
provision.

141. Section 15 does not apply to a Member in office on 18 December 1982, for the duration of the term of office he is holding on that date.

Inappli-
cable
provision.

Section 57 does not apply to a Member holding an office contemplated in that section on 18 December 1982, so long as the terms of office he holds simultaneously, including his office as a Member, are renewed without interruption.

Standing
Orders.

142. The Standing Orders of the National Assembly of Québec, any sessional order, and any resolution, decision or order of the com-

missioners appointed under sections 41 and 82 of the Legislature Act and the regulations, orders or orders in council adopted under sections 116, 118 and 119 of the said Act remain in force to the extent that they are consistent with this Act or the Act respecting the Ministère des Communications (R.S.Q., chapter M-24), as the case may be, until they are repealed or replaced.

Reference
to the Act.

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.

Expression
replaced.

In addition, the expression “National Assembly of Québec” is replaced, wherever it appears in any Act, order in council, order, contract or other text, by the expression “National Assembly”.

C.C.L.C.,
a.2, am.

144. Article 2 of the Civil Code of Lower Canada, replaced by article 5770 of the Revised Statutes of the Province of Québec, 1888, is amended by replacing the word “sixtieth” in the second paragraph by the word “thirtieth”.

R.S.Q., c.
E-3.1, s.
10, am.

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

R.S.Q., c.
F-3.1, s.
92, am.

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

R.S.Q., c.
F-3.1, s.
118, re-
placed.

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

Conditions
of employ-
ment.

“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 employment, are fixed by the Conseil du trésor in the case of the executive staff of a minister, and by the Office of the National Assembly in the case of the executive staff of any other person contemplated in section 117.”

R.S.Q., c.
I-16, s. 1,
replaced.

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

Applica-
tion.

“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.”

R.S.Q., c. I-16, Div. I, ss. 2, 3, repealed.

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

R.S.Q., c. I-16, Div. II, heading, replaced.

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

“COMING INTO FORCE OF AN ACT”.

R.S.Q., c. I-16, s. 4, repealed.

151. Section 4 of the said Act is repealed.

R.S.Q., c. I-16, s. 5, replaced.

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

Coming into force.

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

R.S.Q., c. I-16, s. 9, replaced.

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

Repeal of repealing enactment.

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.”

R.S.Q., c. I-16, s. 11, replaced.

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

Power to repeal or to modify.

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.”

R.S.Q., c. I-16, ss. 14-16, 20, 21, 23-27, repealed.

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

R.S.Q., c. I-16, s. 60, replaced.

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

Vacancy not entailing dissolution.

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 or resignation or otherwise.”

R.S.Q., c. I-16, s. 61, am.

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

“Federal Parliament”, “Legislature”, “Parliament”;

“(8) The words “Federal Parliament” mean the Parliament of Canada; the word “Legislature” or “Parliament” means the Parliament of Québec;

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

“*Federal Act*”, “*Federal statutes*”, “*Act*”, “*statute*”, “*law*”; “(10) 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;”.

R.S.Q., c. I-16, s. 62, replaced. **158.** Section 62 of the said Act is replaced by the following section:

Refer- ences. “**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.

Refer- ences. 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.”

R.S.Q., c. J-2, s. 5, am. **159.** 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;”.

R.S.Q., c. L-1, s. 85 am. **160.** Section 85 of the Legislature Act (R.S.Q., chapter L-1) is amended by replacing the words “the Legislature” in the second line of subparagraph *b* of the first paragraph by the word “Parliament”.

R.S.Q., c. L-1, s. 86, am. **161.** 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”.

R.S.Q., c. L-1, s. 89, am. **162.** 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”.

R.S.Q., c. M-24, Chap. I, heading, Chap. II, ss. 15-19, added. **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

Québec
Official
Publisher.

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

Personnel.

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

Publica-
tions.

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

(1) the statutes of Québec;

(2) an official journal, known as the *Gazette officielle du Québec*;

(3) such documents, notices and announcements as the Government, the Office of the National Assembly or an Act may require him to print or publish.

Sale.

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

Photo-
graphic or
audio-
visual
docu-
ments.
Official
gazette.

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

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

Regula-
tions.

“**18.** The Government may, by regulation,

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

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

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

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

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

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

Coming
into force.

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.

Authen-
ticity.

“**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.”

R.S.Q., c.
S-4, s. 6,
replaced.

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

Applica-
bility.

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

R.S.Q., c.
S-20, s. 23,
replaced.

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:

Applica-
bility.

“**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.”

R.S.Q., c.
T-16, s.
133, am.

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

Functions
of juris-
consult or
of director
general of
elections.

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

R.S.Q., c.
L-1, re-
placed in
part.

167. This Act replaces the Legislature Act, except for the title of the said Act, subdivision 5, including sections 85 to 100, 102 and 103 and subdivisions 5.1 and 5.2, including sections 103.1 to 103.19.

R.S.Q., c.
L-1, ss.
70, 71, 76-
78, re-
placed.

However, sections 70, 71 and 76 to 78 of the Legislature Act are replaced on the date of the coming into force of sections 1 to 10 and 60 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (1982, chapter 66).

Effect.

This section, to the extent that it replaces section 73 of the Legislature Act, has effect from 13 April 1981.

Excep-
tion.

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

Designa-
tion of
members
and
substitutes.

169. Notwithstanding section 90, the names of the first members and first substitute members of the Office of the National Assembly shall be designated by each party, which shall communicate them to the President of the Assembly, within forty-five days of assent to this Act.

Coming
into force.

170. This Act comes into force on the day of its sanction, except section 31, which will come into force on 1 January 1983, and sections 33 to 140, the second paragraph of section 141, sections 147, 155, 159 and 164, the first paragraph of section 167 and Schedule II, which will come into force on the date or dates fixed by proclamation of the Government.

SCHEDULE I (Section 15)

OATH OR SOLEMN AFFIRMATION OF A MEMBER

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

SCHEDULE II
(Section 52)

OATH OR SOLEMN AFFIRMATION

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