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An Act to establish the Commission on the Political and Constitutional Future of Québec (Assented to September 4, 1990).



CHAPTER 34

An Act to establish the Commission on the Political and Constitutional Future of Québec

[Assented to 4 September 1990]

Preamble WHEREAS Quebecers are free to assume their own destiny, to determine their political status and to assure their economic, social and cultural development;

Whereas Quebecers wish to play an active part in defining the political and constitutional future of Québec;

Whereas the Constitution Act, 1982, was proclaimed despite the opposition of the National Assembly;

Whereas the 1987 Agreement on the Constitution, the aim of which was to allow Québec to become a party to the Constitution Act, 1982, has failed;

Whereas it is necessary to redefine the political and constitutional status of Québec;

Whereas Québec has already demonstrated its respect for democratic values and individual rights and freedoms;

Whereas Québec has recognized that Quebecers wish to see the quality and influence of the French language assured and to make it the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business;

Whereas Québec intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the rights and institutions of the English-speaking community of Québec;

Whereas Québec recognizes the right of the Amerinds and the Inuit of Québec to preserve and develop their specific character and

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to assure the progress of their communities and that it considers the contribution of the cultural communities to be of prime importance for the development of Québec;

Whereas Québec supports French-speaking communities outside Québec and contributes to the international French-speaking world;

Whereas the economy of Québec is mature and vigorous and Quebecers clearly wish to see its development and growth assured, while respecting the demands of both market globalization and social justice;

Whereas in consequence it is expedient to create a special Commission to examine and analyse the political and constitutional status of Québec;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND MANDATE

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|---------------------------|---|
| Establishment | <p>1. The Commission on the Political and Constitutional Future of Québec is hereby established, under the authority of the National Assembly.</p> |
| Mandate | <p>2. The mandate of the Commission is to examine and analyse the political and constitutional status of Québec and to make recommendations in respect thereof.</p> |
| Research and consultation | <p>3. In order to fulfil its mandate, the Commission may carry out any research and consultation it considers necessary.</p> |
| Means | <p>It shall use the following means, among others:</p> <ul style="list-style-type: none">– the holding of public hearings in various regions of Québec;– the hearing of experts;– the holding of forums on specific aspects of the mandate, in particular the social, cultural, demographic and regional development aspects. |
| Report | <p>4. The Commission shall report to the National Assembly not later than 28 March 1991.</p> |

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Report It shall submit its report to the President of the National Assembly and render it public by whatever means it considers appropriate.

Tabling The President shall table the report before the National Assembly without delay or, if the Assembly is not sitting, within 15 days of resumption.

DIVISION II

MEMBERS

Members **5.** The following persons, appointed by the National Assembly or, if it is not sitting, by the President of the National Assembly, shall become members of the Commission immediately upon appointment:

(1) two chairmen appointed on a joint proposal of the Prime Minister and the Leader of the Official Opposition;

(2) sixteen Members of the National Assembly, in the following proportion:

(a) nine from the government party, appointed on a proposal of the Prime Minister;

(b) six from the official opposition party, appointed on a proposal of the Leader of the Official Opposition;

(c) one Member from the other party represented in the opposition, appointed on a proposal of the Members belonging to that party;

(3) twelve persons appointed on a proposal of the Prime Minister after consultation with the Leader of the Official Opposition and chosen in the following proportion:

(a) two elected municipal officers;

(b) four persons from the business sector;

(c) four persons from the trade union sector;

(d) one person from the cooperative sector;

(e) one person from the educational sector or the cultural sector;

(4) three Members of the House of Commons of Canada appointed on a proposal of the Prime Minister after consultation with

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the Leader of the Official Opposition, who were elected at the last general election to represent an electoral district in Québec, and who continue to do so.

Members **6.** The Prime Minister and the Leader of the Official Opposition shall also be members of the Commission.

Cessation of membership **7.** A person shall cease to be a member of the Commission upon losing the quality required for appointment.

Substitutes **8.** Each member described in any subparagraph of paragraph 3 of section 5 may inform the President of the National Assembly, in writing, of the name of a person who agrees to be his substitute. The person shall be domiciled in Québec and shall have the quality required for appointment as a member under the relevant subparagraph. The President shall then appoint that person as a substitute member of the Commission.

Substitutes A member may designate only one substitute for the duration of his term of office.

Restrictions **9.** A substitute member may sit on the Commission only when the member for whom he has been appointed substitute is unable to act or is temporarily absent. However, he is not entitled to vote, nor may he propose motions.

Members of the Assembly **10.** Members of the Commission who are also Members of the National Assembly may be replaced at a sitting of the Commission by any other Member of the Assembly. However, they may not be replaced when the Commission decides on the recommendations it is required by its mandate to make.

Allowances **11.** Members of the Commission shall receive the allowances determined by regulation of the Office of the National Assembly.

Rights and obligations **12.** When sitting as a member of the Commission, a Member of the National Assembly enjoys the same rights, privileges and immunities and has the same obligations as if he were sitting as a member of a parliamentary committee.

Immunity No other member of the Commission may be prosecuted for any act performed in good faith in the discharge of his functions.

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DIVISION III

ORGANIZATION

§ 1.—*Chairmanship*

Joint
chair-
manship

13. The Commission shall be presided over jointly by the chairmen.

Chairman

However, it may be presided over by one of them acting alone where both so agree.

Functions

14. The chairmen shall call and conduct the sittings of the Commission. They shall take part in its proceedings and are entitled to vote. They shall direct the work of the Commission and ensure that its decisions are correctly implemented.

Attributions

15. For the purposes of this Act, the chairmen shall have the attributions conferred by law on the chief executive officer of an agency. Notwithstanding any provision of law, they may delegate these attributions to any person they may designate.

§ 2.—*Steering Committee*

Composition

16. A steering committee of the Commission is hereby established, to be made up of the following members:

(1) the chairmen;

(2) six Members of the National Assembly, designated as follows:

(a) four by the Prime Minister;

(b) two by the Leader of the Official Opposition;

(3) one member of the Commission who is not a Member of the National Assembly, designated by the President of the National Assembly on a proposal of the Prime Minister after consultation with the Leader of the Official Opposition.

Operating
rules

17. The steering committee shall be responsible for proposing operating rules to the Commission, particularly in connection with the calling and conduct of sittings and the procedure applicable to its proceedings.

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Other functions It shall establish the staffing plan and budget estimates, authorize applications to the Office of the National Assembly, and discharge any other functions assigned to it by the Commission.

Applicability **18.** Sections 13 and 14, adapted as required, apply to the steering committee.

Means of communication The steering committee may meet by any means that allows the members to communicate orally with each other.

§ 3.—*Secretariat*

Secretariat **19.** The Commission shall be assisted in carrying out its mandate by a secretariat under the direction of the secretary of the Commission.

Secretary The secretary of the Commission shall be appointed by the chairmen. His remuneration and other conditions of employment shall be determined by the Office of the National Assembly.

Functions **20.** The secretary, under the exclusive authority of the chairmen, shall manage the staff of the Commission and administer its day to day business.

Attendance **21.** The secretary shall attend the sittings of the Commission and of the steering committee.

Minutes He shall see that minutes are taken, and may attest to their authenticity. He shall have custody of the records of the Commission.

Other functions He shall also discharge any other functions assigned to him by the chairmen.

Personnel **22.** The Commission may engage the services of any person to form part of the secretariat.

Assistance **23.** The President and the Secretary General of the National Assembly shall provide the secretariat with any assistance it may need to carry out the mandate of the Commission, including supplying staff.

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DIVISION IV

OPERATION

- 24.** The quorum of the Commission is eighteen members, and the quorum of the steering committee is five members, excluding substitutes.
- 25.** The Commission may sit at any place in Québec.
- Its sittings, with the exception of working sittings, shall be public.
- 26.** The public sittings of the Commission shall be televised and recorded under the authority of the President of the National Assembly. The proceedings of the public sittings shall be recorded in the Journal of Debates.
- The terms and conditions of production, broadcasting and recording shall be determined by the Office of the National Assembly.
- 27.** Unless otherwise provided in this Act or in a rule made by the Commission, the provisions of the Standing Orders of the National Assembly and the Operating Rules of the National Assembly for sittings of parliamentary committees, adapted as required, apply to sittings of the Commission.
- 28.** If the member of the Commission appointed on the proposal of the Members belonging to the other party represented in the opposition is not the Member who leads that party, the latter Member may take part in the proceedings of the Commission. However, he is not entitled to vote, nor may he propose motions.
- Section 11 and the first paragraph of section 12 apply where he so takes part.
- 29.** The Commission may incur any expenses necessary for carrying out its mandate. The expenses of the Commission shall form part of the expenses of the National Assembly.
- 30.** The Office of the National Assembly may, in respect of management of the business of the Commission, exercise the powers conferred on it by sections 104.1, 110, 110.1 and 111 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1), adapted as required.

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Applicable regulations and rules Except as otherwise provided by this Act, the regulations and rules adopted by the Office concerning the management and expenses of the Assembly apply, where so determined by the Office, to the management and expenses of the Commission. The Office may, by regulation, make amendments thereto for the purposes of this Act.

Effect of regulations A regulation of the Office, if so provided therein and if it was made under this Act, may have effect from the date of coming into force of this Act.

Budget estimates **31.** The budget estimates of the Commission shall be approved by the Office of the National Assembly.

DIVISION V

MISCELLANEOUS PROVISIONS

Records **32.** When the Commission has completed its mandate, the secretary shall place its records with the records of the National Assembly.

Dissolution The Commission shall then be dissolved.

Proceedings **33.** The proceedings of the Commission shall be protected against all interference to the same extent as the proceedings of the National Assembly.

Presumption **34.** For the purposes of sections 8 and 48 to 50 of the Act respecting the National Assembly, the Commission shall be deemed to be a parliamentary committee.

Presumption The payment of allowances or other sums of money to a Member for the purposes of this Act shall not constitute a benefit or remuneration incompatible with the office of Member, and is deemed to be covered by section 73 of the Act respecting the National Assembly.

Required sums **35.** The sums required for the purposes of this Act shall be taken out of the consolidated revenue fund.

Coming into force **36.** This Act comes into force on 4 September 1990.