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An Act respecting the process for determining the political and constitutional future of Québec (As assented to on June 20, 1991).



CHAPTER 34

An Act respecting the process for determining the political and constitutional future of Québec

[Assented to 20 June 1991]

PREAMBLE

Preamble

WHEREAS the Commission on the Political and Constitutional Future of Québec has submitted its report, together with its conclusions and recommendations;

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 Constitutional Accord, 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 identity and culture and to assure the progress of their communities;

Whereas Québec 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 Commission on the Political and Constitutional Future of Québec recognizes that a valid solution, other than the political sovereignty of Québec, would be a fundamental renewal of federalism through the establishment of a new constitutional partnership;

Whereas Québec wishes to ensure that everyone should have a fair understanding of the changes that are necessary to make the Canadian federal system acceptable to Québec and of the true definition of sovereignty and of its political, economic, social and cultural implications;

Whereas the Gouvernement du Québec retains at all times its full prerogative to initiate and assess measures to promote the best interests of Québec;

Whereas the National Assembly continues to hold the sovereign power to decide on any referendum question and to pass appropriate legislation where necessary;

Whereas in consequence it is expedient to provide for the holding of a referendum on the sovereignty of Québec, to create a special parliamentary committee to examine and analyse matters relating to the accession of Québec to full sovereignty, and to create a special parliamentary committee to assess any offer of a new constitutional partnership from the Government of Canada;

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

REFERENDUM ON SOVEREIGNTY

Referendum **1.** The Gouvernement du Québec shall hold a referendum on the sovereignty of Québec between 8 June and 22 June 1992 or between 12 October and 26 October 1992.

Proposal If the results of the referendum are in favour of sovereignty, they constitute a proposal that Québec acquire the status of a sovereign State one year to the day from the holding of the referendum.

CHAPTER II

COMMITTEE TO EXAMINE MATTERS RELATING TO THE ACCESSION OF QUÉBEC TO SOVEREIGNTY

Establish-
ment **2.** A special parliamentary committee called the Committee to Examine Matters Relating to the Accession of Québec to Sovereignty is hereby established, under the authority of the National Assembly.

Order of
reference **3.** The order of reference of the committee is to examine and analyse matters relating to the accession of Québec to full sovereignty, that is, to a position of exclusive jurisdiction, through its democratic institutions, to make laws and levy taxes in its territory and to act on the international scene for the making of agreements and treaties of any kind with other independent States and participating in various international organizations, and to make recommendations to the National Assembly in that regard.

Order of
reference A further order of reference of the committee is to examine and analyse any formal offer of economic partnership that may be made by the Government of Canada, and to make recommendations to the National Assembly with regard to the offer.

CHAPTER III

COMMITTEE TO EXAMINE ANY OFFER OF A NEW CONSTITUTIONAL PARTNERSHIP

Establish-
ment **4.** A special parliamentary committee called the Committee to Examine any Offer of a New Constitutional Partnership is hereby established, under the authority of the National Assembly.

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Order of reference **5.** The order of reference of the committee is to assess any offer of a new constitutional partnership made to the Gouvernement du Québec by the Government of Canada and to make recommendations to the National Assembly with regard to the offer.

Binding offer **6.** No offer of a new constitutional partnership made to the Gouvernement du Québec may be submitted to the assessment of the committee unless it is formally binding on the Government of Canada and the other provinces.

CHAPTER IV

GENERAL PROVISIONS RESPECTING THE COMMITTEES

DIVISION I

COMPOSITION

Composition **7.** Each committee shall be composed of eighteen members, including the chairman.

Members The committees shall be composed of the following members: the Prime Minister, the Leader of the Official Opposition, the Minister for Canadian Intergovernmental Affairs and fifteen Members of the National Assembly nominated as follows:

(1) nine Members from the Government party, named by the Prime Minister;

(2) five Members from the Official Opposition party, named by the Leader of the Official Opposition;

(3) the Leader of the other party represented in the Opposition, or a Member from that party named by him.

Chairman The chairman of each committee and, where necessary, his permanent substitute, shall be appointed by the Prime Minister.

Written notice **8.** The Prime Minister, the Leader of the Official Opposition and the Leader of the other party represented in the Opposition shall transmit written notice of the names of the Committee members they are responsible for naming or appointing to the President of the National Assembly.

Substitutes **9.** Any member of a committee may be substituted for, for a single sitting or part thereof, by a Member of the National Assembly, including a Minister.

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Announce-
ment

At the beginning of each sitting or, as the case may be, of any part of a sitting, the clerk to the committee shall announce the names of substitutes that have been signified to him by the Whip of each party or his representative, or by the committee member contemplated in subparagraph 3 of the second paragraph of section 7.

Vacancy

10. Any vacancy among the fifteen seats on a committee shall be filled, and any permanent substitution for any of the fifteen members named to a committee shall be made, according to the rules provided for the nomination of the member being replaced.

Rights of
members

11. The members of a committee, including their substitutes where such is the case, have the right to vote and to make motions, except, among the five Members named by the Leader of the Official Opposition, two Members designated by him in the notice he has transmitted to the President of the National Assembly pursuant to section 8.

DIVISION II

ORGANIZATION, OPERATION, MANAGEMENT AND EXPENSES

§ 1.—*Organization*

Chairman

12. The chairman of a committee shall prepare the staffing plan, budget estimates and work-plan of the committee. He shall authorize applications to the Office of the National Assembly.

Duties

He shall call and direct the sittings of the committee. He shall take part in the deliberations of the committee, direct its proceedings, ensure that its decisions are correctly implemented and exercise his right, under section 11, to vote.

Attributions

13. For the purposes of this chapter, the chairman has the attributions of the chief executive officer of an agency. Notwithstanding any other provision of law, he may delegate these attributions to any person he may designate.

Substitute

14. Where the chairman of a committee is unable to act, or at his request, a member of the committee designated by him shall substitute for him and carry on his duties.

Secretariat

15. The committees shall be assisted by a secretariat in carrying out their orders of reference.

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- Clerk The clerk and the deputy-clerk to the committees shall be appointed by the chairmen.
- Engage- **16.** With the authorization of the chairmen, the clerk may
ments engage the services of any person to form part of the secretariat of
the committees.
- Employ- **17.** The remuneration and other conditions of employment of
ment the personnel of the secretariat shall be determined by the Office of
conditions the National Assembly.
- Duties **18.** The clerk to the committees, under the exclusive authority
of the chairmen, shall direct the personnel of the committees,
administer the day to day business of the committees and discharge
any other functions assigned to him by the chairmen.
- Attendance **19.** The clerk shall attend the sittings of the committees.
- Simul- When the committees are sitting simultaneously, the clerk or the
taneous deputy-clerk shall attend whichever sitting the chairmen determine.
sittings
- Records The clerk or the deputy-clerk, as the case may be, shall see that
the minutes are taken and may attest to their authenticity. The clerk
shall have custody of the records of the committees.
- Substitute **20.** Where the clerk or the deputy-clerk is unable to act, any
other person designated by the chairmen may substitute for him and
carry on his duties.
- Assistance **21.** The President and the Secretary General of the National
Assembly shall provide the secretariat of the committees with any
assistance it may need to carry out the orders of reference of the
committees, including supplying personnel.

§ 2.—*Operation*

- Powers **22.** In order to carry out their orders of reference, the
committees may order any research and hold any consultation they
consider necessary and hear any interested person or organization.
- Sittings **23.** The sittings of the committees shall be public, with the
exception of working sittings and sittings with closed doors.
- Location The committees may sit anywhere in the territory of the
Communauté urbaine de Québec.

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Quorum **24.** The quorum of a committee is formed by one-third of its members having the right to vote. The quorum of any subcommittee is formed by the majority of its members having the right to vote.

Simultaneous sittings **25.** The committees may meet without regard to how many parliamentary committees may be meeting simultaneously.

§ 3.—*Management and expenses*

Expenses **26.** The committees may incur any expenses necessary for the carrying out of their orders of reference. Their expenses shall form part of the expenses of the National Assembly.

Budget estimates **27.** The budget estimates of each of the committees shall be approved by the Office of the National Assembly.

DIVISION III

MISCELLANEOUS PROVISIONS

Applicable provisions **28.** Except as otherwise provided by this Act, all provisions applicable to standing committees and their members and personnel contained in the Act respecting the National Assembly (R.S.Q., chapter A-23.1), the Standing Orders of the National Assembly, the Operating Rules for Committees and the regulations, rules and decisions adopted by the Office of the National Assembly apply, adapted as required, to the special committees.

Standing orders However, paragraph 4 of Standing Order 115 and Standing Orders 121, 123, 132, 134, 135 and 137 of the Standing Orders of the National Assembly do not apply to these committees, and no interpellation under Standing Order 295 is admissible therein.

Regulation In addition, for the application of this chapter, the Office of the National Assembly may, by regulation, make amendments to the rules and regulations it has adopted in respect of the management and expenses of the Assembly and exercise its power under the second paragraph of section 110 of the Act respecting the National Assembly. Such a regulation may, if it so provides, have effect from any date not prior to 20 June 1991.

Cessation of existence **29.** A committee ceases to exist by decision of the National Assembly upon the motion of the Prime Minister or his representative. In addition, the committees cease to exist upon the dissolution of the National Assembly.

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Records When a committee ceases to exist, its records become records of
the National Assembly.

Required **30.** The sums required for the carrying out of this chapter shall
sums be taken out of the consolidated revenue fund.

CHAPTER V

FINAL PROVISIONS

Written **31.** The committees established under this Act may hold sittings
notices from 5 July 1991 even if all the written notices provided for in section
8 have not been transmitted to the President of the National
Assembly.

Coming into **32.** This Act comes into force on 20 June 1991.
force