

PROPOSALS OF THE GOVERNMENT HOUSE LEADER
AND MINISTER RESPONSIBLE FOR PARLIAMENTARY REFORM

PARLIAMENTARY REFORM
WORKING DOCUMENT

November 2007

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**MESSAGE FROM THE GOVERNMENT HOUSE LEADER AND MINISTER RESPONSIBLE
FOR PARLIAMENTARY REFORM**



Jean-Marc Fournier
Government House Leader
and Minister Responsible
for Parliamentary Reform

Dear Colleagues:

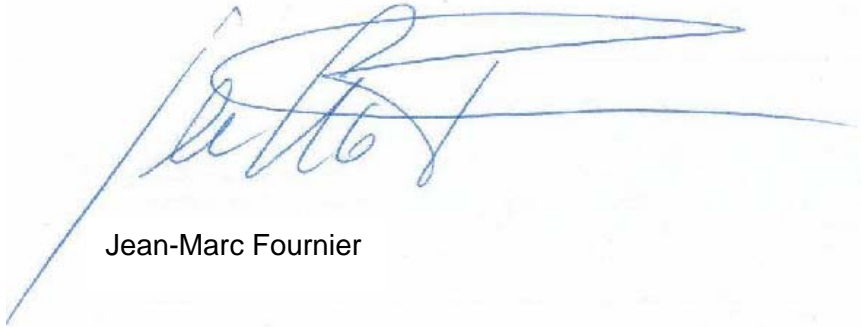
The Québec National Assembly is one of the oldest legislatures established under a parliamentary democracy. Historical debates have been held here, upholding democratic values.

Over the years, our practices and standing orders were amended to reinforce the democratic character and efficiency of the Assembly. According to tradition and usage, these changes should be unanimous. Within the context of the 38th legislature in which no political party obtained a majority of the seats, this usage has become an imperative condition for further improving how the Assembly is run.

In the spirit of cooperation resulting from the cohabitation desired by Quebecers, I have drawn up a certain number of proposals in this document. I am well aware that this document is not exhaustive in terms of changes that could be made. However, I have looked at the essential aspects of parliamentary procedure in order to attain three objectives: to bring Parliament closer to citizens, to expand and enhance the role of the Members of the National Assembly (MNA) and to make Parliament more effective.

I am therefore inviting my colleagues from the official opposition and the other opposing party to also make their own proposals to add to those I am submitting, and will thus contribute to improving Assembly operations.

I hope that all political parties represented at the National Assembly will actively participate, under the authority of its President, in the modernization process so that not only will the proposals better meet the present and future needs of elected representatives, but that they more clearly reflect the expectations that Quebecers have of their representatives.

A handwritten signature in blue ink, appearing to read 'J. Fournier', is written over a faint, light blue horizontal line. The signature is stylized and cursive.

Jean-Marc Fournier

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LIST OF ABBREVIATIONS

- ARNA: An Act Respecting the National Assembly
- CNA: Committee of the National Assembly
- CPA: Committee on Public Administration
- MNA: Member of the National Assembly
- ONA: Office of the National Assembly
- PAA: Public Administration Act
- SONA: Standing Orders of the National Assembly
- SSPR: Standing Subcommittee on Parliamentary Reform

INTRODUCTION

Major work on parliamentary reform began under the 37th Legislature. Indeed, true to its commitment, in June 2004, the government presented a booklet of proposals for large-scale parliamentary reform. At the same time, the President of the National Assembly, Michel Bissonnet, proposed a set of changes to improve the workings of Parliament.

Proposals from the government and the President were submitted to the Standing Subcommittee on Parliamentary Reform (SSPR) for study. A significant number of them were the subject of analyses and discussions by the technical committee. Furthermore, a task force made up of elected representatives from all political parties represented at the National Assembly, public servants and experts developed a code of ethics for members of Québec's National Assembly. Certain proposals received a consensus. However, the work could not be completed before the dissolution of the Assembly and the holding of the last general elections in March 2007.

The reasons for supporting parliamentary reform projects are still valid. More than ever, it is important to bring the Assembly and its elected representatives closer to the citizens. Changes must be made to the current procedures in order to enhance the role of elected representatives and make the Assembly more efficient. These reasons underlie the objectives to reach in order to define concrete proposals for change.

What's more, the election of the first minority government since 1879 shed light on certain shortcomings in the Standing Orders of the National Assembly (SONA), which had been originally created and applied according to the main parliamentary groups, namely a majority government party and its official opposition. In a spirit of cohabitation, significant ad-hoc changes had already been made regularly to the SONA in order to ensure the opening of parliamentary activities of the 38th Legislature. Sooner or later, these changes will have to be integrated into the SONA. Therefore the standing orders governing the Assembly should ensure, as much as possible, that it works based on the representation chosen by voters.

From this perspective, the work begun must continue and the reform project must be completed. It is important to take into account what has been accomplished and learn from this to form a future, new parliamentary reality. Thus, the Minister Responsible for Parliamentary Reform has drawn up a list of proposals to reinstate discussions between parliamentarians within the SSPR. Some of these proposals were made in the past or agreed upon at the beginning of the 38th legislature, whereas others are brand new.

The proposals are described concisely in this document. Following parliamentary discussions and based on the consensus obtained, the proposals will be translated into proposals to amend the SONA or *An Act Respecting the National Assembly* (ARNA), if necessary.

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.1. Exercising the Right of Petition

Proposal:

When an MNA receives a petition, he can send it to the Committee on the National Assembly (CNA), which will determine its admissibility.

The CNA could group petitions together that are identical or that serve the same purpose.

The petition would be available on the Assembly's Web site for 30 days, during which people could support it.

At the end of this 30-day period, the CNA would sit to determine the next steps to take, namely:

- that the petition should be submitted by the MNA who sent it**
- that the petition be sent to an appropriate committee so that it can hear the signatories or their representatives and report to the Assembly**

The government should return with an oral or written response as part of Routine proceedings within 30 days after the submission of the petition or report.

Comments:

Currently, the presentation of a petition is limited to the brief reading of an excerpt by an MNA and does not give rise to any reaction on the part of parliamentarians or the government. Therefore, the scope of the right to petition, as recognized by the *Charter of Human Rights and Freedoms* (Sect. 21), is limited for citizens.

The proposed procedure would enable elected representatives to fully grasp the scope of an issue that has been submitted by groups or individuals. The possibility of registering by Internet would make it possible to determine the support for the proposal received. For major issues, elected representatives could hear the interested parties and share their conclusions with all parliamentarians. In all cases, the government would provide a response.

Lastly, citizens would have the opportunity to talk directly with their elected representatives. The elected representatives would have the chance to carry out the government's business control mission more transparently.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.2. Redressing Grievances

Proposal:

A person could request the redressing of a grievance that may have been caused by a motion of the Assembly by addressing a petition to the CNA.

The CNA would determine the admissibility of the petition and could hear the applicant. The MNAs concerned could be involved.

The Assembly would make a decision about the request and, if necessary, the measures to take.

Comments:

By virtue of their office, parliamentarians enjoy the inalienable right to freedom of speech. This is a condition inherent to parliamentarism in a democratic society. Elected representatives may indeed freely express themselves without fear of reprisal. This immunity, however, requires the prudent use of freedom of speech. In general, parliamentarians very rarely denounce the behaviour of one of their fellow citizens, but, when this is done, the public impact of this action is considerable.

Without delving deeply into the issue, the Michaud Affair showed the lack of recourse for a citizen who believes, rightly or wrongly, that he has been treated unfairly by his elected representatives. It is therefore out of the question that judicial power be authorized to rule regarding the exercise of parliamentary privilege.

While giving elected representatives full freedom of speech, which they must enjoy, including the ability to denounce actions taken or statements said by third parties, the proposed solution would enable the person concerned to be heard and to remedy a wrong that may have occurred during a debate. It would involve a specific application of the right to petition.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.3. Participation of Citizens in Parliamentary Committee Work

Proposal:

Citizens who wish may intervene during general consultation without presenting a brief.

A period of 30 minutes at the end of the sitting could be set aside for citizen interventions.

A citizen could intervene only once during the course of the mandate.

Comments:

This would entail specifying, as it were, within the SONA, a method that was tested during the Select Committee on the Election Act, and is used in several forums of public discussion. The proposed approach would enable citizens to have their points heard without having to prepare a formal brief.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.4. Participation of Citizens Using New Technology

Proposal:

Videoconferencing could be used in parliamentary committees.

The Assembly's Web site could be made available to citizens for commenting on any bill or any issue that falls under the mandate of a given committee.

A person or group could therefore give opinions or present an online brief during a general consultation.

Comments:

While implementing certain practices carried out over the years into the standing orders, the measure being proposed would make it easier for citizens to be involved in different debates and would simplify the way of commenting on parliamentary work.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.5. Budget of Parliamentary Committees

Proposal:

Parliamentary committees should be ensured that they have the budget required to regularly meet in the regions in order to facilitate the direct participation of citizens in consultation work.

Comments:

This proposal would allow elected representatives to quickly see how citizens react to different issues. In turn, citizens can learn more about the control mission and the legislative role played by an MNA during parliamentary committee work.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.6. Committees Sitting Locally

Proposal:

During the month prior to the start of parliamentary proceedings in the spring and fall, a sectorial committee could sit in a region of Québec.

Three (3) months in advance, the CNA would determine which committee would be sitting, as well as the specific date and location.

The CNA would choose the mandate to fulfill from among the topics and initiatives proposed by the sectorial committees.

The decisions made by the CNA would be based on a vote by the majority of the members from each parliamentary group.

Comments:

This proposal involves the specific application of the previous proposal. A committee should be able to carry out its work in a given region. Thus, a committee could propose to carry out a detailed study of an MNA's public bill or certain private bills in a given region or even discuss a topic closely related to the region, such as forestry, agricultural production, fisheries, or manufacturing. Since committee sittings are public, any group or person interested, especially from the media and academic communities, could attend a committee meeting in their region for parliamentary committee proceedings. They would then have the opportunity to become acquainted with a side of the MNAs' work that is less often covered by the media outside of question period.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.7. Supporting Documents for Bills

Proposal:

An explanatory document could accompany a bill.

Comments:

The goal is to make the legislative process more transparent by regularly informing, on a formal basis, both parliamentarians and the general population about the whys and wherefores of a bill in order to give them more complete information than what is currently being released, i.e. explanatory notes and press releases. The general population cannot follow all the proceedings related to a study and to the adoption of a bill as parliamentarians do.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.8. Time Between Assent and Implementation of an Act

Proposal:

Currently, an act comes into effect on the 30th day following the date on which it received assent. This rule should be applied, except in cases justified by the author of the bill.

Comments:

In practice, the exception has in a way confirmed the rule. Indeed, the large majority of bills come into effect at the time they have received assent, except for a few provisions that apply to a later date.

While the everyday consequences of this practice are not necessarily problematic for the Administration, it leads us to believe that the legislator does little to truly inform the public. A bill may indeed undergo several amendments once it has been studied in greater detail, not to mention that the adoption and assent process may be quick. However, an act may take effect even if the final version of the act's text has not yet been made public. If ignorance of the law is no excuse, how can we manage to comply if we do not know the exact content?

The measure proposed would allow any person involved in drafting a bill and its adoption, including those that were studied by a legislative committee or parliamentary committee to completely respect this rule. Therefore, special attention must be paid to planning the work in order to have the time necessary to only set aside for real exceptions that require the immediate adoption of an act.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.9. Budget Estimates for the National Assembly

Proposal:

Budget estimates for the National Assembly, produced by the Office of the National Assembly (ONA), would be tabled by the government's chief whip jointly with the whips of the other parliamentary groups.

Before the sectorial committees would begin studying the budget estimates, a debate, limited to two hours, could take place. The whips could present the estimates to the Assembly during this debate.

At the end of the debate, the ONA would approve the estimates.

Comments:

Budget estimates for the National Assembly have gradually become permanent estimates and are no longer the subject of debate during parliamentary committee business. It is important that the public be informed of the money allotted to parliamentarians to ensure the running of the Assembly. This is the objective of this proposal, while respecting the specific mandate of the ONA. Given the controlling role they have in running the Assembly, the whips for the different parliamentary groups are the right people to carry out this accountability process.

NOTES:

1. TO BRING PARLIAMENT CLOSER TO CITIZENS

1.10. Parliamentary Groups

Proposal:

A parliamentary group would be made up of at least five (5) MNAs elected under the same political banner during a legislature .

The recognized duties, as well as budgets and statutory allocations would be graded based on parliamentary group size. Thus, the election:

- of five to nine MNAs would involve recognition of one chief and one parliamentary leader**
- of 10 to 19 MNAs would involve recognition of one chief, one parliamentary leader and one whip**
- of more than 20 MNAs would involve recognition of one chief, one parliamentary leader, one whip, assistants, and one caucus president**

Comments:

The recognition of a parliamentary group involves the assigning of additional resources so that elected representatives of the same party can better carry out their tasks. However, the current limit set at 12 elected representatives or 20% of the voices expressed during general elections is not only highly demanding, but also interpreted by many parties as an underhanded way of minimizing the contribution of third-party elected members, and, by the same token, of discrediting the voters that they support.

Moreover, the current standing orders give rise to major discrepancies between the official opposition and other recognized opposition parliamentary groups regarding financial means and benefits related to various duties. The facts do not justify these differences. Adopting a table outlining the duties and budgets inherent to the status of a recognized parliamentary group, graded based on the number of elected representatives, would ensure fair treatment, foreseeable as of the beginning of the legislature or as soon as the situation of a party changes following a by-election.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.1. Vote on the Government's Policy Statement

Proposal:

At the end of the opening speech, the Premier would present a motion to have the Assembly approve the government's policy statement.

Comments:

Currently, the opening speech of a parliamentary sitting, during which the Premier sets forth the policy of his government, is the subject of a 25-hour debate. Parliamentary procedure allows the opposition the opportunity to present motions of non-confidence for all or some of the proposals outlined in the government's policy statement. Besides motions of non-confidence, MNAs are at no time asked to formally vote on the orientations that a government is proposing at the beginning of a legislature or a parliamentary session.

In the context of cohabitation, while maintaining the procedure regarding motions of non-confidence, a vote on the government's policy seems important, because it makes it possible to map out the true scope of the Assembly's and the government's capacity to act. This proposal would increase the Assembly's confidence regarding the government's policy statement.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.2. Matters Raised by Parliamentary Committees

Proposal:

Parliamentary committees could present motions based on their recommendations for debate in the National Assembly.

The debate, which lasts a maximum of two hours, would be held on Wednesday afternoons, alternating with matters raised by MNAs of the opposition.

Amendments could not be presented during the debate, since they would have been presented and debated, if applicable, at the level of the parliamentary committee.

The topics to discuss would be determined by the President, after meeting with the House leaders. The President would inform the Assembly of this at the sitting before the debate.

If no matter has been raised by the parliamentary committees, the Assembly would proceed with the Orders of the day.

Comments:

The objective is to highlight the business carried out by parliamentary committees. According to the current standing orders, the report of a committee may be subject to debate, but not voted on. When members of a sectorial committee make observations, conclusions or recommendations following a mandate on its own initiative or a mandate from the Assembly, the proposal put forward would give more importance to the work carried out.

A debate on such a motion would require cooperation from the elected representatives and would offer the possibility of focusing on more constructive aspects of the MNAs' work.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.3. Matters Raised by Opposition MNAs (Wednesday Motions)

Proposal:

The number of motions would be divided among the parliamentary groups of the opposition in proportion to the number of seats obtained.

No amendment could be presented without the consent of the mover of the motion.

Comments:

Due to the extended schedule being proposed (see 3.11) and alternating with matters raised by Parliamentary Committees, the number of motions raised by opposition MNAs would remain the same, i.e. 12 a year.

Moreover, a majority of MNAs could no longer, when making amendments to a motion, sidetrack debates in such a way as to lead elected representatives to talk about a distorted motion unless the mover of the motion is willing to amend it. Therefore, the consensuses to amend or adopt a motion would be more in line with the will of the originator and the MNAs.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.4. Statements of MNAs

Proposal:

Before the oral question period, MNAs could make short statements to the Assembly.

Statements would be limited to ten per sitting, with each not exceeding two (2) minutes.

The President would be informed of this at least two hours before the beginning of Routine proceedings.

The President would then distribute the list of MNAs who plan to make a statement on a given topic to all parliamentary group House leaders.

An MNA can only make one statement per sitting.

The issue of quorum cannot be raised during this step in the proceedings.

At the beginning of each legislature, and, if necessary, during it, the President would split up the statements following a meeting with the House leaders, taking into account the proportion of the number of seats obtained for each parliamentary group and the presence of independent MNAs.

Comments:

Currently it is during the time when motions without notice are heard, therefore after the oral question period, that MNAs plan to talk about different events of varying importance. These motions, which are subject to the rule of unanimous consent, sometimes give rise to unruly rejections, which undermines the Assembly. At other times, the number of motions and interventions is so great that parliamentary committee proceedings or the day's business are greatly delayed.

This proposal allows for a fixed period at the very beginning of the Routine proceedings so that MNAs can briefly talk about events that are important to them and the population. As well, it would enable a larger number of MNAs to make statements that do not fall under the rule of unanimous consent. Proceedings would be likely to run more smoothly.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.5. Motions without Notice

Proposal:

In addition to motions without notice stipulated in the SONA in particular, motions on replacements on parliamentary committees and motions to suspend certain rules of procedure, the number of motions without notice would be limited to three per sitting.

These motions, which require consent, could be presented and adopted without debate.

If there is consent to make the presentation but not for adoption without debate, the debate could be set at 15 minutes per motion. The time would be set at 30 minutes for motions made jointly by the parliamentary group leaders.

The President would be informed of these motions at least two (2) hours before the start of Routine proceedings and would forward to the parliamentary group House leaders the names of MNAs and the texts of the motions submitted as well as any agreement on speaking time allocation, if necessary.

Comments:

Given the precedents established and usage in the National Assembly, certain motions, such as those of the Premier when he proposes the nomination of a person to a position that requires two-thirds approval of Assembly members, are not subject to prior notice in the Order paper. This is also true of certain large-scale events that should be brought up in a timely manner by MNAs of the different parliamentary groups. Therefore, it appears important to keep a period during which these motions could be presented.

Moreover, by limiting the number and time of the motions without notice during a given sitting, the parliamentary proceedings planned following the oral question and answer period are less likely to be unduly delayed.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.6. Period for Parliamentary Committees to Make Observations, Conclusions or Recommendations

Proposal:

When a committee has successfully carried out a mandate of the Assembly, it has three (3) clear days to make observations, conclusions or recommendations.

When a bill is subject to consultation or in-depth study, the period currently stipulated in the SONA would remain unchanged, i.e. one clear day.

Comments:

Except in the case of studying a bill, MNAs would be given extra days to draft and adopt a report containing observations, recommendations and conclusions.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.7. Elections of Presidents and Vice-Presidents

Proposal:

The secret ballot voting process used during the presidential elections at the Assembly held on March 2, 1999, March 12, 2002, and May 8, 2007, would continue to be used.

Upon proposal of the Premier, two vice-presidents would come from the parliamentary group that forms the government. A third vice-president would be proposed by the leader of the official opposition.

If a second opposition group obtained 20 or more seats, it would have the right to an additional vice-president position.

Should the number of seats between the second and third opposition parties be equal, the position of vice-president would be given to the one that had obtained the greater percentage of votes at the last general elections.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.8. Selection of People Nominated by the National Assembly

Proposal:

The Premier would propose, after consulting with the heads of other parliamentary groups, the person to be nominated.

The CNA would hear the person to be nominated and report to the Assembly.

The Assembly would then vote on the Premier's proposal.

Comments:

The objective is to not only allow MNAs to better know the people who are being proposed and thus be able to vote in an informed manner, but also to enable the general public to obtain more information about the people who are likely to hold these important positions.

NOTES:

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.9. Code of Ethics for Members of the National Assembly and Jurisconsult

Proposal:

MNAs of the National Assembly could create a code of ethics and, in this respect, expand the jurisconsult's powers. This code would especially provide for a statement of interest for the MNA as well as provisions for accepting gifts and using property belonging to the State.

The statement of interest of the MNA could be produced within the 60 days following the publication of the election results in the *Gazette officielle du Québec*. A summary of the statement could be made public. Subsequently, the statement could be made annually and kept by the jurisconsult.

Any gift or benefit, regardless of its value, that may influence the judgement of an MNA in carrying out his functions or compromise his integrity or that of the Assembly should be refused by the MNA

As for other gifts, they should be subject to a statement to the jurisconsult when their value exceeds an amount to be determined. The MNA should indicate in this statement whether he is keeping the gift or benefit, or is giving it to the State.

It would be prohibited for an MNA to use State property for purposes other than those related to his responsibilities.

Comments:

MNAs at the National Assembly are the only ones out of all legislatures in Canada to not be subject to a code of ethics or not be obliged to fill in a statement of interest, unlike ministers who must do so and who are subject to the rules on these matters as set out by the Premier. Moreover, based on current law, the jurisconsult only plays a consultative role with MNAs. He cannot make any recommendations that apply to all elected representatives, nor can he undertake any inquiry.

The purpose of this proposal is to enact a code of ethics and implement an effective mechanism that is credible in the eyes of the public so that elected representatives can resolve problems of this nature that arise in the line of their duties. It also focuses on the essential elements of a potential code of ethics: a statement of interest allowing the jurisconsult and the general public to ensure that there is no conflict of interest and that the standing orders specify under which conditions MNAs must refuse or declare to the jurisconsult any gifts and other benefits that they may receive in carrying out their duties.

The powers given to the jurisconsult could enable him to effectively apply the code of ethics on National Assembly members.

2. TO EXPAND AND ENHANCE THE ROLE OF THE MNA

2.9. Code of Ethics for Members of the National Assembly and Jurisconsult (Cont'd.)

Proposal:

The jurisconsult could see to the application of the code of ethics. In this way, he could give his opinion to MNAs and publish guidelines on how to apply and interpret this code. He could also open an inquiry at the request of an elected representative, the National Assembly or on his own initiative. His inquiry report could be sent to the President, who would submit it to the Assembly within 15 days following its reception, if the Assembly is sitting; if not, by the third day following return to work. Sanctions, such as reprimand, reimbursement, fine, suspension with or without pay, even the loss of one's seat as an MNA, could be covered in this report. The specific MNA could respond to the jurisconsult's report within the 15 days following its submission. Lastly, the Assembly could be asked to adopt or reject the report, but it could not amend it.

The jurisconsult could also exercise his jurisdiction regarding ethics over people appointed by the Assembly.

Comments:

Moreover, having the authority over people appointed by the Assembly, the jurisconsult would thus ensure that the Auditor General, Ombudsman, Chief Electoral Officer, Lobbying Commissioner, members of the Commission des droits de la personne et des droits de la jeunesse, Commission de la fonction publique and the Commission d'accès à l'information could count on an independent person to ensure the application of ethical standards to which each of these administrative bodies should be bound.

Lastly, drafting the code is based on work already carried out by the committee on parliamentary ethics on behalf of the SSPR.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.1. Composition of Parliamentary Committees

Proposal:

The composition of parliamentary committees, distribution of presidents and vice-presidents and the date of their first meeting would be determined by the CNA by the third meeting following the election of the president.

The CNA would determine the composition of the committees by taking into account the number of people in the parliamentary groups represented at the Assembly as well as the presence of independent MNAs.

Should consent not be received from each parliamentary group, the President would decide on these issues and inform the Assembly by specifying the reasons for his decision.

Comments:

At the start of each legislature, the CNA must determine the composition of committees, the distribution of presidents and vice-presidents and the date of the first meeting of the sectorial standing committees. This step is crucial for starting Assembly activities.

Based on the rules of composition agreed upon at the beginning of the 38th Legislature, the committees are made up of twelve (12) MNAs appointed for two years, including five (5) MNAs from the government party, four (4) MNAs from the official opposition and three (3) from the second party in opposition, including one not eligible to vote. This distribution takes into account the current situation of the minority government and the presence of two opposition parties in numbers that are proportional to the number of elected MNAs. Before, seat distribution reflected the general situation of the two parties and was set at seven government MNAs and five MNAs from the official opposition.

These distributions are based on situations that have been observed. However, nothing guarantees that, at another legislature, representation of the parties would maintain this rule in effect. It would then be necessary to conduct intense negotiations to be able to once again amend the rule in a highly partisan context following elections. This is why it is better to have a more general rule to govern the composition of committees, which takes into account the number of seats obtained by each of the parties represented as well

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.1. Composition of Parliamentary Committees (Cont'd.)

Comments:

as the presence of independent MNAs. In the case of a minority government, cohabitation would then be easier right from the beginning.

Another current provision considerably impairs the effectiveness of the new legislature right from the outset. Indeed, Section 127 of the SONA provides that the decisions on the assignment of presidents and vice-presidents, of the committee composition and of the dates of the first meetings must be unanimous. This requirement, given a context of the division of the Assembly into several parliamentary groups, can create roadblocks that could disturb the beginning of Assembly proceedings and undermine the credibility of the institution and the elected representatives in the eyes of the general public. That being the case, it would be preferable to have a short period during which leaders of the political parties represented could agree on these decisions, after which, failing any agreement, the President of the Assembly would be asked to decide. In this way, no party could employ a strategy to delay the beginning of parliamentary proceedings and obtain, in return for his cooperation, any advantage whatsoever.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.2. Confidence of Assembly in the Government and Motions of Non-Confidence

Proposal:

The government immediately loses the confidence of the Assembly, if it is at fault due to:

- **its general policy (opening speech)**
- **its budgetary policy (budget speech)**
- **the rejection of a budget estimate bill following the study of budget estimates by the sectorial committees.**

The government would also immediately lose the confidence of the Assembly if it were at fault due to a motion of non-confidence expressly involving confidence in the government.

Should there be a tie, the President of the Assembly could not exercise his right to vote. However, he could exercise it in the event of a tie to allow the continuation of a debate.

Comments:

The objective is to specify under which circumstances a government may lose the confidence of the Assembly. If there scarcely remain any doubts about the budget, it is an entirely different matter in the case of censure or non-confidence motions formulated in a non-specific manner or regarding very picky topics. However, when these motions are adopted, they more or less create uncertainty as to the policy that a government may follow. These situations are nevertheless rare in the case of a majority government. They can occur more often in a minority government. Both parliamentarians as well as the general public must know what could happen, if necessary.

The government would not lose the confidence of the Assembly if a bill being proposed is not adopted.

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.2. Confidence of the Assembly in the Government and Motions of Non-Confidence (Cont'd.)

Comments:

It is important that the President of the National Assembly remain neutral. Forcing him to take a position during voting that requires the confidence of the government could undermine the credibility of his position, and make way for partisan considerations. Thus, in the case of a tie, a budget would not be adopted, and the government, by this very fact, would lose the confidence of the Assembly. Having the President intervene in these circumstances would reverse the voting results and have unimaginable consequences.

The President could, in the case of a tie, vote at the stage of adopting the principle of a bill, in order to allow debate to continue toward more in-depth study. However, he could not vote in the case of a tie at the stage of final adoption of a bill.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.3. Motions to Suspend Certain Rules of Procedure

Proposal:

A motion to suspend certain rules of procedure could be used for one (1) bill only.

It would not require prior notice.

As soon as the motion is adopted, SONA provisions that are not compatible with the planned procedure would be implicitly suspended.

The time granted for debating the principle of a bill would be a maximum of five (5) hours.

The time allocated for the in-depth study of the bill by the committee of the whole would be a maximum of five (5) hours.

The time allocated for the final adoption of the bill would be a maximum of one (1) hour.

If the motion to suspend rules of procedure aimed to adopt a motion, the debate period must be stated.

Comments:

The motion to suspend certain rules of procedure, as provided for in sections 182 to 184 of the SONA, has been frequently used over many years to accelerate the adoption of bills when the parliamentary sitting is about to adjourn. This motion occurs each time a major partisan controversy arises at the Assembly, especially when the government wishes to have several bills adopted at the same time.

One of the principles of parliamentary democracy is to allow the opposition to be heard, even insistently. This principle, however, should not hinder the power of the government in administering the State as part of the mandate it received from the people. The extensive media coverage of the suspension of certain procedure standing orders provides the opposition with a platform to be heard, but it reinforces the decision-making power of the government.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.4. Reporting Want of Quorum in the Assembly or the Committee of the Whole

Proposal:

In order for an MNA to report that no quorum is present, at least five MNAs in his parliamentary group would have to be present.

When a committee is sitting, this number would be reduced to three.

Comments:

The proposed rule aims to share responsibilities between parliamentary groups in applying the SONA. The requirement of having five (5) MNAs is linked to other provisions in the Standing Orders, such as recorded division and the recognition of a parliamentary group. Therefore, it would involve making the temporary rule adopted at the beginning of the 38th Legislature a permanent rule. Previously, a single MNA could request for quorum at the Assembly (21 MNAs or 13 MNAs when a committee is sitting). This request is often formulated by an MNA of the opposition to force the MNAs of the governing party to reach quorum, which slows down the work of certain committees.

The rule proposed would help prevent quorum requests for tactical party politic purposes.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.5. Number of Committees Authorized to Meet Simultaneously

Proposal:

When the Assembly meets, four committees would be able to meet.

When there is no meeting of the Assembly, five committees would be able to meet.

Comments:

Currently three committees can meet simultaneously when the Assembly is sitting, and four may meet when there is no meeting of the Assembly. By increasing the number of committees that can meet simultaneously, they would be able to more quickly carry out the mandates given to them by the Assembly, such as the detailed study of a bill or the holding of a general consultation. The committees would also be able to more easily carry out new mandates as stipulated under the acts or SONA, such as monitoring a government agency.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.6. Competence as to Subject Matter of Parliamentary Committees

Proposal:

The assignment of competence as to subject matter of parliamentary committees must be reviewed as per the following table:

Comments:

Based on a government's legislative priorities, certain sectorial committees are busier than others. Therefore it is necessary, in order to be fair to both committees and parliamentarians, to regularly review the responsibilities covered by each committee and make any necessary changes. The last distribution goes back to October 21, 1998. The table specifies the changes proposed based on the current distribution in the appendix. In certain cases, changes made to the assignment of competence as to subject matter also involves changes in the names of certain committees.

The allocation of time during which each committee has sat between June 2003 and April 2006 varies considerably from committee to committee. Thus, the Committee on Social Affairs sat the equivalent of 26% of the time spent for all committee sittings, versus 4% for the Committee on Agriculture, Fisheries and Food.

NOTES:

<p>PROPOSED DISTRIBUTION FOR SITTING TIME FOR PARLIAMENTARY COMMITTEES</p>	<p>DISTRIBUTION OF SITTING TIME FOR PARLIAMENTARY COMMITTEES UNDER THE 37TH LEGISLATURE (June 4, 2003, to April 1, 2006)</p>																																				
<table border="1"> <tr><td>Committee on Institutions</td><td>11.0 %</td></tr> <tr><td>Committee on Public Finance</td><td>11.0 %</td></tr> <tr><td>Committee on Health and Social Services</td><td>15.0 %</td></tr> <tr><td>Committee on Labour and the Economy</td><td>8.5 %</td></tr> <tr><td>Committee on Culture and Education</td><td>10.5 %</td></tr> <tr><td>Committee on Transportation and the Environment</td><td>9.0 %</td></tr> <tr><td>Committee on Planning and the Public Domain</td><td>9.0 %</td></tr> <tr><td>Committee on Citizen Relations</td><td>15.0 %</td></tr> <tr><td>Committee on Agriculture, Energy and Natural Resources</td><td>11.0 %</td></tr> </table>	Committee on Institutions	11.0 %	Committee on Public Finance	11.0 %	Committee on Health and Social Services	15.0 %	Committee on Labour and the Economy	8.5 %	Committee on Culture and Education	10.5 %	Committee on Transportation and the Environment	9.0 %	Committee on Planning and the Public Domain	9.0 %	Committee on Citizen Relations	15.0 %	Committee on Agriculture, Energy and Natural Resources	11.0 %	<table border="1"> <tr><td>Committee on Institutions</td><td>11.0 %</td></tr> <tr><td>Committee on Public Finance</td><td>12.0 %</td></tr> <tr><td>Committee on Social Affairs</td><td>26.0 %</td></tr> <tr><td>Committee on Labour and the Economy</td><td>13.0 %</td></tr> <tr><td>Committee on Culture</td><td>9.0 %</td></tr> <tr><td>Committee on Transportation and the Environment</td><td>9.0 %</td></tr> <tr><td>Committee on Planning and the Public Domain</td><td>9.0 %</td></tr> <tr><td>Committee on Education</td><td>7.0 %</td></tr> <tr><td>Committee on Agriculture, Fisheries and Food</td><td>4.0 %</td></tr> </table>	Committee on Institutions	11.0 %	Committee on Public Finance	12.0 %	Committee on Social Affairs	26.0 %	Committee on Labour and the Economy	13.0 %	Committee on Culture	9.0 %	Committee on Transportation and the Environment	9.0 %	Committee on Planning and the Public Domain	9.0 %	Committee on Education	7.0 %	Committee on Agriculture, Fisheries and Food	4.0 %
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<p>(See Appendix)</p>	<p>Assignment of competence as to subject matter would have resulted in more balanced time allocation as indicated in the table. Incidentally, a fairer work distribution between parliamentarians would have been the result. This distribution cannot purport to reflect the actual time for committee work with complete accuracy. However, we can believe that foreseeable legislative priorities would make it possible to find a balance point in the short term. This is why changes seem necessary for making committee work more effective.</p>																																				

Notes:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.7. Vote in Committee of the Whole

Proposal:

Recorded division in the committee of the whole would take place in accordance with the recorded division procedure in Chamber.

Comments:

The objective is to better manage recorded division in the committee of the whole. As well, at least five MNAs from the same parliamentary group should ask that recorded division be held. The bell would ring to invite MNAs to vote and enable other people present to leave the area. Assembly minutes would mention the name of MNAs who have taken part in the vote. Thus, the confusion that sometimes arises during the standing vote would be dispelled.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.8. Study of Budget Estimates

Proposal:

The study of provisional estimates would be considered priority.

Opposition parties would have three (3) days, as of the tabling of estimates, to submit any general or specific questions.

The government should deliver its responses at the latest three (3) days before beginning to study the estimates of a government department or a government agency.

Comments:

The SONA provides that the Assembly can adopt a quarter of the estimates before April 1. These are provisional estimates. A study taking a maximum of five (5) hours is carried out in the committee of the whole for this purpose. After adopting the provisional estimates, all estimates are sent to the sectorial committees for study, except those of the National Assembly.

In practice, budget estimates are tabled in March. By making the study of the provisional estimates a priority, this issue would be handled immediately.

Moreover, the study of estimates is based on a well-established practice to the effect that the government responds in writing to requests for information by the opposition before the sectorial committees hear the ministers. Currently, there are an increasing number of questions, many being general questions, some more specific, and others specific to a government department or agency. These questions may be submitted belatedly and in certain cases require a considerable amount of deliberation by the Administration. Moreover, responses are often delivered barely 24 hours before the beginning of the estimate study. This phenomenon could be duplicated with the presence of a second opposition party with a large number of members.

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.8. Study of Budget Estimates (Cont'd.)

Comments:

It is obvious that this method would not really allow the MNAs to take full cognizance of the documents produced, or conduct a transparent, effective study of budget estimates. Attempts have been made in the past to better manage requests for information, but with no lasting success. It would be both wise for the opposition parties to update their requests based on number and relevance, especially general questions, and appropriate to include a provision in the SONA regarding deadlines for formulating requests and passing on government answers. This proposal would allow the study of estimates to immediately begin after their tabling at the Assembly.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.9. Accountability to the Committee on Public Administration (CPA) and before the Sectorial Committees

Proposal:

Each manager of a government agency would be heard by the appropriate sectorial committee every four (4) years.

Every four years, the CPA would hear the ministers, or, depending on the case, the deputy ministers and managers of a government agency regarding their management and any other administrative matter identified by the Auditor General.

Comments:

Based on the SONA, each sectorial committee must hear at least one government agency per year. In fact, not all committees are able to meet this obligation. Moreover, given the number of agencies that report to certain committees and the observed workload, it is reasonable to believe that some of them may never be heard.

Although the *Public Administration Act* (PAA) provides that the CPA must each year hear the ministers, deputy ministers and managers of a government agency, if applicable, regarding their management, this obligation has never been fulfilled. The CPA currently hears between 5 and 15 deputy ministers or managers per parliamentary sitting based on the time available and the nature of the files under study.

The objective is to impose obligations in terms of the Administration's accountability and transparency with regard to elected representatives, who realistically take into account the work time available of MNAs. The submitted proposal would allow many committees to sit simultaneously in order to establish an effective, credible four-year cycle. During this period, each government agency will have been heard by the elected representatives regarding its overall mission, and the MNAs will have focused on the administrative management of each government department and agency.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.10. Interpellation

Proposal:

There would be ten interpellations: five (5) in the spring and five (5) in the fall.

An interpellation would last two (2) hours, i.e. 10:00 a.m. to 12:00 p.m. on Fridays.

At the beginning of every legislature, and then afterwards as required, the President, following a meeting with the House leaders, would allot interpellations taking into account the proportion of the number of seats obtained by each opposition parliamentary group.

Once a sitting has been resumed, the first inquiry would take place on the Friday of the week following the opening of Parliament.

Comments:

Interpellations are a valuable tool for MNAs, especially opposition MNAs, for controlling government action on a given issue. This proposal aims to keep the number of interpellations at the same level as now in order to not reduce the ability of opposition MNAs to intervene, while taking advantage of the increase in the number of weeks during which the Assembly sits to have the time needed to carry out other work, especially in a parliamentary committee.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.11. Parliamentary Calendar

Proposal:

The Assembly could sit:

- from the second Tuesday of February until June 15
- from the third Tuesday of September until December 15.

The intensive sitting would be abolished.

Lastly, five “constituency weeks,” including three in the spring and two in the fall, would be determined by the President at the beginning of the year, following a meeting with the House leaders.

Comments:

The current calendar provides that the Assembly sits on the second Tuesday of March until June 23, and on the third Tuesday of October until December 21. It is customary for the Assembly to suspend its proceedings for one week during the Easter break. The so-called “intensive” sitting, i.e. which includes overtime, starts the last week of May and ends with the adjournment of proceedings in June, and then starts again the last week of November until adjournment in December.

The current calendar has a certain number of problems. The concentration of hours in sitting, especially during the intensive period at the end of the sitting, does not reconcile well with the many obligations of the elected representatives, especially with their constituents in their riding. Lastly, it does not facilitate work-family balance given the changes in family obligations of elected representatives.

For all these reasons, it is proposed to better divide the time in parliamentary sittings so that it can start earlier in February and in September, and to end the practice of holding an intensive sitting. As well, the June and December sittings could end slightly earlier so that MNAs can better reconcile the parliamentary work with the obligations in their ridings and family requirements during the summer and the Holiday

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.11. Parliamentary Calendar (Cont'd.)

Comments:

season (Christmas and New Years). Lastly, the parliamentary sitting would be interspersed with five “constituency weeks” so that MNAs could better plan their local and regional activities based on parliamentary proceedings and take advantage of this period to ask for the opinion of their constituents in this regard.

The new Assembly calendar would include two weeks more than the current calendar, i.e. 26 weeks instead of 24 weeks. Time distribution for MNAs between the Assembly and their ridings would be more balanced.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.12. Schedule of the National Assembly

Proposal:

The National Assembly could sit based on the following schedule:

PROPOSAL

February to May and September to November

Tuesday 1:30 p.m. to 6:00 p.m. and 7:30 p.m. to 9:30 p.m.

Wednesday and Thursday 9:30 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m.

In June and in December

Tuesday 1:30 p.m. to 6:00 p.m. and 7:30 p.m. to 9:30 p.m.

Wednesday 9:30 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m.

Thursday 9:30 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m. and 7:30 p.m. to 10:30 p.m.

Friday 9:30 a.m. to 1:00 p.m.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.13. Schedule of Parliamentary Committees

During sitting adjournment, the parliamentary committees could sit based on the schedule currently provided in the SONA.

PROPOSAL

December 16 to the second Tuesday in February

Monday	2:00 p.m. to 6:00 p.m.
Tuesday, Wednesday and Thursday	9:30 a.m. to 12:30 p.m., and 2:00 p.m. to 6:00 p.m.
Friday	9:30 a.m. to 12:30 p.m.

June 16 to the third Tuesday in September

Monday	2:00 p.m. to 6:00 p.m.
Tuesday, Wednesday and Thursday	9:30 a.m. to 12:30 p.m., and 2:00 p.m. to 6:00 p.m.
Friday	9:30 a.m. to 12:30 p.m.

NOTES:

3. TO MAKE PARLIAMENT MORE EFFECTIVE

3.13. Schedule of the Parliamentary Committees (Cont'd.)

During a sitting, parliamentary committees could sit based on the following schedule:

PROPOSAL

February to May and September to November

Monday	2:00 p.m. to 6:00 p.m.
Tuesday	10:00 a.m. to 12:00 p.m., 3:00 p.m. to 6:00 p.m. and 7:30 p.m. to 9:30 p.m.
Wednesday and Thursday	11:00 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m.
Friday	9:30 a.m. to 12:30 p.m.

In June and in December

Monday	2:00 p.m. to 6:00 p.m.
Tuesday	10:00 a.m. to 12:00 p.m., 3:00 p.m. to 6:00 p.m. and 7:30 p.m. to 9:30 p.m.
Wednesday and Thursday	11:00 a.m. to 1:00 p.m., 3:00 p.m. to 6:00 p.m. and 7:30 p.m. to 10:30 p.m.
Friday	11:00 a.m. to 1:00 p.m.

NOTES:

4. PLANNED PROCEDURE

The proposals submitted in this document are a basis for discussion developed by the House leader and Minister Responsible for Parliamentary Reform. They are sent to the President of the National Assembly and all parliamentarians for study and consideration. The Minister asks the President of the Assembly to submit them to the SSPR. He also asks leaders of the other political parties to submit their own proposals.

As long as work can move forward quickly and there is consensus in the SSPR, amendments to the SONA and ARNA will be submitted for adoption first with the CNA, and then with all parliamentarians. Ideally, amendments should be adopted as a whole. However, if certain topics must be discussed at greater length than others that were subject to change, the amendments could be made as the work is carried out.

Beyond the amendment proposals themselves, the ability of MNAs from all political parties represented at the National Assembly to agree on the appropriate changes to not only make the Assembly more transparent and more in touch with citizens, but to improve its running, making it more effective and respectful of the role of elected representatives, will cast a better light on our democratic institutions.

NOTES:

APPENDIX: COMPETENCE AS TO SUBJECT MATTER OF PARLIAMENTARY COMMITTEES (DETAILED BREAKDOWN)

Committee on Institutions		Committee on Culture and Education	
<ul style="list-style-type: none"> ♦ The chairmanship of the Executive Council ♦ Justice ♦ Public security 	<ul style="list-style-type: none"> ♦ Constitution ♦ International and intergovernmental relations ♦ Aboriginal affairs 	<ul style="list-style-type: none"> ♦ Culture (CC) ♦ Education (CE) 	<ul style="list-style-type: none"> ♦ Vocational training (CE) ♦ Higher education (CE) ♦ Communication (CC)
Committee on Public Finances		Committee on Transportation and the Environment	
<ul style="list-style-type: none"> ♦ Finance ♦ Budget ♦ Income 	<ul style="list-style-type: none"> ♦ Services and supplies ♦ Government administration ♦ Public service ♦ Annuities 	<ul style="list-style-type: none"> ♦ Transportation ♦ Environment 	<ul style="list-style-type: none"> ♦ Wildlife and parks
Committee on Health and Social Services		Committee on Planning and the Public Domain	
<ul style="list-style-type: none"> ♦ Health (CSA) 	<ul style="list-style-type: none"> ♦ Social and community services (CSA) 	<ul style="list-style-type: none"> ♦ Municipal affairs ♦ Planning ♦ Housing 	<ul style="list-style-type: none"> ♦ Development of local and regional communities ♦ Sports and recreation
Committee on Labour and the Economy		Committee on Citizen Relations	
<ul style="list-style-type: none"> ♦ Commerce ♦ Tourism ♦ Industry 	<ul style="list-style-type: none"> ♦ Labour and manpower ♦ Science and technology ♦ Income security (CSA) 	<ul style="list-style-type: none"> ♦ Cultural communities (CC) ♦ Immigration (CC) ♦ Status of women (CSA) ♦ Family (CSA) 	<ul style="list-style-type: none"> ♦ Seniors ♦ Youth ♦ Citizen Relations (CC) ♦ Consumer protection (CE)
Committee on Agriculture, Energy and Natural Resources			
<ul style="list-style-type: none"> ♦ Energy (CLE) ♦ Natural Resources (CLE) ♦ Agriculture (CAFF) 		<ul style="list-style-type: none"> ♦ Fisheries (CAFF) ♦ Food (CAFF) 	

Note – Abbreviations and acronyms refer to the existing sectorial committee.

NOTES:

For more information, please contact the
Government House Leader and the Minister
Responsible for Parliamentary Reform

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*Secrétariat à la réforme
des institutions
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Québec 