
National Assembly of Québec: New Rules for a More Effective Parliament

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On April 21, 2009, the National Assembly of Québec completed an important exercise in parliamentary reform by adopting a series of amendments to its Standing Orders. While not a thoroughgoing overhaul of the Standing Orders and Rules for the Conduct of Proceedings, the reform does include major changes which are outlined in the following article.

Three sets of proposals for parliamentary reform have been tabled in recent years. In 2004, the President of the Assembly and the Government House Leader each put forward a set of proposals. In 2007, the new Government House Leader also proposed changes. All of these proposals contributed to the parliamentary reform process that led to the presentation of the new rules of procedure, regarding which there is now a consensus.

The Confidence Convention

A major change brought about by the parliamentary reform concerns the confidence of the Assembly in the Government. The reform has further defined the legislature's control over the executive by clearly stating in a comprehensive manner the circumstances in which the confidence of the Assembly in the Government may be called into question.

The principle of confidence arises from a constitutional convention whereby the Government must ensure that it enjoys the support of the Assembly at all times to continue to govern. Should this support cease to be maintained, the Government must resign or dissolve the Assembly. But if the Government is defeated on a particular motion, this does not necessarily mean that it has lost the confidence of the House, since not

all votes call into question the confidence of the Assembly. Furthermore, the government has the privilege of interpreting the result of a division. However, there does exist situations in which confidence in the Government must be considered as being called into question. All these situations are now clearly listed in the Standing Orders.

At the conclusion of the opening speech of the session the Premier will in future move that the Assembly approves in general the policies of his Government, the first opportunity to ensure that he enjoys the confidence of the House. In order to promote greater freedom of expression for the Members, the other circumstances in which the Assembly's confidence in the Government can be called into question are now expressly set forth in the Standing Orders.

Besides the vote on the Premier's motion to approve the policies of the Government, questions of confidence may arise only on the following:

- want of confidence motions;
- a motion by the Minister of Finance to approve the budgetary policy of the Government;
- a motion for the passage of an appropriation bill;
- on any motion that the Government may have expressly designated as a matter of confidence.

These constitute the only cases in which the confidence of the Assembly in the Government may arise. In all other situations, Members are therefore free to vote without the risk of bringing down the Government.

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As well, every want of confidence motion must clearly state that the Assembly withdraws its confidence in the Government. Furthermore, the number of want of confidence motions that may be moved will be limited to seven in each session, including those moved during the debates on the opening speech and on the budget. Previously, the number of want of confidence motions was limited to six per session, but this number excluded motions moved during the debates on the opening speech and on the budget. Members will in future be able during these debates to move a motion stating a grievance. Such motions will permit Members to express their displeasure with the Government and its policies without calling into question the Assembly's confidence in the Government.

In addition to these changes regarding the confidence convention, the parliamentary reform turns on four main themes: furthering the Members' autonomy and initiative; increasing the efficacy of the Members' work; reaffirming the democratic equilibrium within the parliamentary deliberations; and bringing the Assembly closer to the citizenry.

Furthering the Members' Autonomy and Initiative

Certain amendments made to the Standing Orders concern the rules governing the election of the President of the National Assembly, who in future will be elected by secret ballot. This procedure has been used on several occasions since 1999, but on each occasion provisional rules needed to be adopted. The Members appreciate this procedure and it has consequently been integrated within the Standing Orders.

Further with a view to enhancing the individual role of Members, a new item has been added to the Routine Proceedings. Statements by Members may be made on any subject. Up to ten statements lasting no more than one minute each may be made at any sitting. All future sittings will begin with this item. Statements by Members are intended to replace the many motions without notice that were moved to mark some particular event and whose number will now be limited. Each parliamentary group may move one such motion at every sitting. Independent Members may also move one motion per sitting, but each independent Member may move no more than one motion in every three sittings.

Increasing the Efficacy of the Members' Work

The organization of parliamentary business has also been revised in respect of the calendar and the hours of meeting. Both the fall and spring sessional periods will begin one month earlier. In the fall ordinary meetings begin on the third Tuesday in September

and continue for ten weeks. They are followed by two weeks in which the Assembly may meet during extended hours. In the spring ordinary meetings begin on the second Tuesday in February and continue for sixteen weeks. They too are followed by two weeks in which the Assembly may meet during extended hours. The Standing Orders also provide for a certain number of weeks devoted to work in the electoral districts. They were created in order to allow Members to maintain closer contact with their fellow citizens during sessional periods. Neither the Assembly nor any committee may meet during these weeks. Two weeks in the electoral districts are provided during the fall sessional period, one during the period for ordinary meetings and the other after the conclusion of the period in which the Assembly may meet during extended hours. In the spring three weeks are provided for work in the electoral districts, all during the period for ordinary meetings. The hours of meeting have also been significantly modified. The Assembly now meets, during periods in which it holds ordinary meetings, from Tuesday afternoon until Thursday afternoon. On Tuesdays the Assembly may meet in the evening until 9.30 p.m. During the period when the Assembly may meet during extended hours these hours are reduced. Whereas it was previously possible to meet from Tuesday to Friday until midnight, the Assembly now meets during the evenings only on Tuesdays until 9.30 p.m. and on Thursdays until 10.30 p.m. In addition, the order of business at sittings has been modified so that, in future, every sitting will begin with the Routine Proceedings.

The hours during which parliamentary committees may meet have likewise been modified to take account those of the Assembly. In order to grant committees greater leeway in planning their business, the number of committees that may meet simultaneously is now four when the Assembly itself is meeting and five when it is not. The terms of reference of the various committees have been revised in order to achieve a more balanced distribution of the work among them.

Reaffirming Democratic Equilibrium

During Business Standing in the Name of Members in Opposition motions may now be amended only by leave of their movers. This provision gives effect to the wishes of parliamentarians to avoid situations in which the mover of the main motion feels obliged, by reason of an amendment running counter to his initial intentions, to vote against his own motion at the close of debate. The same requirement to obtain the leave of the mover of a main motion applies during Motions Without Notice.

Furthermore, the motion to suspend certain rules of procedure, better known as the “gag,” has been replaced by a new exceptional procedure. This procedure allows the Government to obtain the rapid passage of some measure while ensuring a certain minimum of debate thereon, thus allowing Members to express their views fully. It gives effect to a concern for striking a balance among the Government’s choices, the protection of the speaking time of Members in opposition, and the public debate that is necessary on the proposed measures. Thus, only one bill at a time may be subject to the exceptional legislative procedure; each stage of the legislative process that has not previously been completed will be debated for a period of time fixed in the Standing Orders.

In the same vein the Assembly has unanimously adopted provisional rules to allow a second parliamentary group in opposition to be recognized for the duration of the 39th Legislature. Under these provisional rules any party that has returned at least five Members to the Assembly and received at least 11% of the votes cast in the most recent general election constitutes a parliamentary group. These rules retain their provisional character, because discussions are continuing on the criteria that ought to apply to obtain the status of parliamentary group.

Bringing the Assembly Closer to the Citizenry

Participation by citizens in public debate is an important part of this reform. A large number of measures destined to promote greater involvement by citizens have been put into place. For example, recourse to technologies is now much more extensive. Citizens will soon be able to sign electronic petitions directly in the Assembly internet site. They may already manifest their interest in taking part in public hearings held by a committee or even transmit briefs electronically. As well, it is possible to hold public consultations by electronic means. It will also be eventually possible for citizens to comment on line on any business under debate in the Assembly or in committee.

Finally, the exercise of the right to petition, in addition to being facilitated through the upcoming arrival of electronic petitions, now entails the obligation for the Government to reply to every petition tabled. Another innovation: parliamentary committees now have the possibility of taking the initiative to examine a petition and to hear certain petitioners. All of these additions to current practice allow citizens to take part more directly in the democratic life of Québec on a daily basis.