
The Québec National Assembly

Magali Paquin

The legislature of Québec is one of the oldest in Canada. Although it exhibits the main characteristics of a British-style legislature, its history is marked by the cleavage between anglophones and francophones and the affirmation of the Québécois identity. This unique background sets the Québec National Assembly apart from the other provincial legislatures and is reflected in its institutional framework, party dynamics and members. This paper is an overview of the principal features of the Québec National Assembly including its history, procedures and membership.

The history of the Québec legislature¹ begins with the *Constitutional Act* of 1791, which divided the British colony into two provinces and gave each an elected legislature. The legislatures of Upper and Lower Canada were structured like Westminster and saw their share of conflict and experimentation. The system in Lower Canada was composed of the elected Legislative Assembly, the Legislative Council and a governor responsible for the executive function. The latter was assisted by the Executive Council, whose members were chosen by London. The system was only superficially democratic. In fact, the Legislative Assembly's powers were extremely limited. The cleavage between anglophones and francophones was at the forefront of political conflicts. Francophones were determined to see their interests, institutions and language respected as illustrated by a fierce debate on the status of the French language at the start of the first legislative session. The anglophones controlled the legislature and had a firm grip on the budget, which fed the francophones' anger. In 1838, the Patriotes revolt forced a suspension of the Constitution. Political institutions were temporarily replaced by a special unelected council, during which time Lord Durham produced his famous report.

The 1841 *Act of Union* restored the parliamentary institutions, but this time in a United Province of Canada with the explicit goal of marginalizing francophones in

its legislature. The new legislature was still bicameral, with the elected Legislative Assembly in which each former province was equally represented (despite the fact that Lower Canada's population was greater than Upper Canada's) and the Legislative Council, an upper house whose members were selected by the governor. The governor headed the Executive Council and appointed its members as well. Tensions along linguistic lines remained high. At first banned from official documents, French became acceptable again in the face of political pressure in 1847. Little by little, francophone members of the new legislature made gains, including responsible government in 1848 and the election of members of the Legislative Council in 1856. At that point, the parliamentary institutions met the standard desired by the Patriotes. However, political instability, the American Civil War and pressure from major business interests forced the political class to consider a new constitutional formula.

Traditional Parliamentarism (1867–1960)

In 1867, the *British North America Act* gave the province of Québec its own legislature, sovereign in its areas of jurisdiction. It had two houses: the Legislative Assembly, with 65 elected members, and the Legislative Council, with 24 members appointed for life by the Lieutenant Governor. Based in part on the British tradition, the Legislative Council also took on the role of protecting the anglophone minority, which feared being marginalized in the new province. The anglophones were also granted 12 protected ridings whose boundaries could not be changed without the consent of a majority of their elected representatives.

The *Standing Orders* adopted in 1868 were nearly identical to those of the United Province of Canada's Legislative Assembly, with the addition of references

Magali Paquin is a doctoral student in sociology at Laval University. This is a revised version of a study done for the Canadian Study of Parliament Group in July 2011. It is the sixth provincial study published in the Review.

to the practices of the House of Commons in London. This formal framework underwent only minor changes in the decades that followed. The *Standing Orders* were overhauled in 1885, 1914 and 1941, but very little changed substantively, and their ponderous nature gave them a traditional bent. By 1960, Québec's procedural rules were closer to the original British model than those of the U.K. parliament at the time to the point that some remarked on the "legendary inertia" of the Québec legislature.²

Despite the static appearance of the period, important changes were made to the structure and operation of the legislature, consistent with the trend that affected most parliamentary institutions in liberal states. The power of the Lieutenant Governor and the Legislative Council declined while the executive further strengthened its grip on legislative proceedings.

In the late 19th and early 20th centuries, the Lieutenant Governor had considerable influence. Endowed with a number of powers, the Lieutenant Governor interfered with the legislative process in the two houses and thwarted the government. According to Louis Massicotte the Lieutenant Governor's powers had three things in common: "all were a check on the elected Legislative Assembly and the ministers appointed from its ranks; all were exercised at some point before World War I; all fell into disuse thereafter, to the point of being considered anachronisms after 1945" although none had been officially revoked. From the lead role, the Lieutenant Governor "gradually slid into irrelevance" and became a secondary player in Québec political history.³

The upper house suffered a similar fate. Most Canadian provinces had dissolved their upper houses by the end of the 19th century, and after the Nova Scotia Legislative Council was abolished in 1928, Québec was the last province with a second chamber. Its Legislative Council had significant powers, including a veto on all laws approved by the Assembly, even financial legislation. That was how it brought down the Joly de Lotbinière government in 1879 and rejected its own abolition twice, in 1878 and 1900. In the 1960s, Québec's upper house still had "exorbitant powers", while the British House of Lords had lost considerable power over the course of the century. The Legislative Council nonetheless entered a slow decline and exercised its powers less vigorously. Hit by scandals and conflicts of interest, its prestige and political authority gradually crumbled.⁴

As these political counterweights declined, the Premier's dominance and the executive's control over legislative proceedings grew. As Massicotte showed,

the members of the Québec legislature in the early 20th century were active legislators who did not hesitate to cross party lines when necessary. Gradually, this "golden age" of the legislature gave way to members being harnessed, much like the situation today. The Executive Council's stranglehold on the legislative process and the strengthening of party discipline progressively reduced members' autonomy.

The Winds of Change (1960–1985)

Beginning in the 1960s, major legislative upheavals took place as several social and political factors converged during the period known as the Quiet Revolution. The remarkable expansion of the welfare state, the affirmation of the Québécois identity and language, and the decline in the influence of the Catholic Church reverberated in the legislature. Reforms were set in motion that had the principal effects of relieving the Legislative Assembly of certain tasks, speeding up legislative and financial proceedings, and symbolically adapting the legislature to Québec's new reality.

The institutional framework established in 1867 lasted until 1960 not only because of the prestige it held in the eyes of the political class, but also and especially because it could handle relatively quickly and easily the comparatively modest volume of business. The functioning of the legislature did not change substantially during the early years of the Quiet Revolution. However, with a rapidly growing budget, increasingly complex public bills and a growing number of private members' bills, cracks in the system soon appeared. The legislature became overloaded, and the length of sessions tripled in five years. The political staff then acknowledged the obvious, that the institutional framework inherited from the past had to be changed.

In the space of 20 years, the Québec legislature received a complete makeover.⁵ The Legislative Council was abolished in 1968, in exchange for continuing to pay the councillors' lifetime salary. Parliamentary terminology was francized⁶ and the Legislative Assembly was renamed the "National Assembly." The visibility of the monarchy, and thus of the Lieutenant Governor, was considerably reduced. Many argued for "getting rid of all the pageantry, robes, rituals, the mace, bowing, etc. that makes parliamentarism look like a system from another age"⁷ Québécois sovereignists and nationalists were not the only ones to reject monarchist symbols; even federalists viewed the anachronistic ceremonials as absurd. In an era when a clear separation of church and state was advocated, religious relics were cast aside, and the prayer was replaced by a moment of contemplation. Only the

crucifix hanging over the Speaker's chair remains; a majority of MNAs wanted to keep it to remember a momentous era, fuelling further debate.

Although these reforms were substantial, they quickly proved inadequate in the eyes of the new generations of MNAs, who showed a keen interest in rejuvenating the institution. New proposals were advanced such as televising the debates, which began in 1978. A second reform process began with the key aim of restoring the balance of legislative and executive power. A number of changes were made to the legislature's organization and operation.⁸ The *Legislature Act* was replaced by *An Act respecting the National Assembly*, which established the Assembly's administrative autonomy. The National Assembly's human, financial and materiel resources, previously controlled by the government through the Québec Treasury Board, were placed under the auspices of the Office of the Assembly, a kind of multiparty "board of directors." The *Standing Orders* were overhauled in both form and content, a fixed calendar was introduced and the process for studying the budget was revamped. The oath of loyalty and allegiance to the Queen, which vexed pro-independence MNAs, saw the addition of an oath to the people of Québec.⁹ At the core of these reforms was the major reorganization of the parliamentary committee system. However, although the new *Standing Orders* theoretically gave MNAs greater autonomy, the executive retained its firm grip on legislative work. MNAs had the tools to assert their autonomy, but hardly used them. Ten years later, a report commissioned by the Assembly forthrightly concluded that "this reform was a failure, as it did not meet its objectives."¹⁰

In the mid-1990s, the Speaker of the National Assembly outlined a new reform proposal targeting organizational, political and ethical issues.¹¹ At about the same time, a multiparty working committee proposed ideas for revitalizing the work of MNAs on parliamentary committees. These initiatives were the basis of a new reform process, during which the Estates General were organized. Hundreds of Québeckers took the opportunity to reflect and give their views on every aspect of their democratic institutions, from the electoral system to the way the legislature works.¹² However, their proposals were put on ice after a new government was elected.

Elected in 2003, the Liberals resumed the reform process, but distanced themselves from their predecessors' initiatives. After several years of talks among MNAs, a consensus was reached on certain issues in 2009. This latest reform introduced changes

such as the election of the Speaker by secret ballot, specification of the circumstances for a vote of non-confidence, modifications to the legislative calendar and a rebalancing of committee work. The changes also made it easier to use new technology for tabling petitions, videoconferences and online consultations.

Since 2012 members are subject to an ethical code and conflict of interest guidelines which require them to disclose their income and personal assets as well as those of their immediate family.

The Parliamentary Rules and Procedures

Parliamentary law in Québec is based on the Westminster model and follows the same legal hierarchy as other areas of law.¹³ At the top is the Constitution, comprising the *Constitution Act, 1867*, and the *Constitution Act, 1982*. Next is *An Act respecting the National Assembly*, governing the operation and organization of the Assembly, and the *Standing Orders of the National Assembly* and its Rules for the Conduct of Proceedings, which together are the most important written rules governing legislative proceedings. The last significant changes to the *Standing Orders* were made in 2009, but they are subject to periodic changes that, by convention, the Assembly must agree to unanimously. In addition, the Québec legislature has had to publish its laws simultaneously in both French and English since 1867. While today's laws are first drafted in French and then translated into English, at one time the reverse was standard practice.

Although MNAs have a hand in the legislative process, it is controlled by the executive branch. Under the *Standing Orders*, the government sets the Assembly's agenda. Thus, while an MNA can introduce a bill, there is no guarantee that it will be passed or even considered. Moreover, only ministers can introduce bills that have financial implications. Bills introduced in the Assembly take two forms: public bills, which affect the entire public or a large part of it, and private bills, which concern private interests or local matters. Procedure varies depending on the type of bill, but the legislative process retains the same steps: introduction, passage in principle, detailed study by committee, consideration of the committee report and passage.

One period—Wednesday afternoon during ordinary hours of meeting—is reserved for the business of opposition MNAs. After indicating the subject of its motion in the *Order Paper and Notices*, the opposition argues for it during a time-limited debate of two hours. Since 2009, amendments to the wording of the motion can be introduced only with the author's consent so as to avoid distorting the original meaning and thus

forcing the author to vote against his or her own motion. In addition, every Friday morning, a parliamentary committee holds a two-hour meeting for a debate between a minister and an opposition MNA, called an “interpellation”. Interpellations must be announced in the *Order Paper and Notices* specifying the issue and the minister to be questioned. The Speaker then informs the Assembly of the appropriate committee to host this weekly debate. Interpellations follow the same general rules as question period.

As in any British-style parliamentary system, spending initiatives come from the executive. The annual budget process has two stages: the government tables the estimates (the budget) and delivers the budget speech. Examination of the estimates, which occurs in the spring, is one of the Assembly’s most important oversight activities, as it scrutinizes the government’s estimates programs and questions the ministers responsible about implementing them. However, this process is not necessarily effective, and the debate tends to be strictly partisan rather than a real exercise in administrative management. During this period, the legislative calendar is amended to allow MNAs to devote themselves almost exclusively to this activity. A maximum of 200 hours is granted for each committee to study the estimates in its areas of responsibility. At the end of the process, the committee reports are tabled in the Assembly and debated for a maximum of two hours. In addition to the annual estimates, the government can bring in supplementary estimates at any time during the fiscal year.

To deal with special situations where parliamentary procedure is inadequate, MNAs can override the *Standing Orders* by unanimous consent. The Speaker must ensure that all MNAs present agree. This practice is well-rooted in Québec custom, and MNAs use it regularly. The *Standing Orders* also allow parliamentary committees to use unanimous consent to change their schedule or override the limits on speaking time, but in practice, it is also used in other circumstances. In addition, MNAs can establish a new temporary procedure with a special order of the Assembly.

Current rules do not always allow the government to pass a law within its preferred time frame, sometimes because the opposition can employ a filibuster. Previously, the government could use a motion to suspend the rules to accelerate the legislative process by dramatically limiting the opposition’s speaking time. This procedure, better known as the “guillotine,” was regularly used by the government to pass its legislative agenda before the Assembly adjourned. Many saw it as an affront to fundamental democratic

principles because its effects were limitless. In extreme cases, it could enable an important measure to be passed with minimal parliamentary oversight. This was how, in 1992, 28 bills were passed in half a day. To avoid such excesses, the motion to suspend the rules was replaced in 2009 by the motion to introduce an exceptional procedure. This applies to only one matter at a time and stipulates the length of debate for each stage in the study of a bill. As a result, a bill considered under an exceptional procedure will be debated for a minimum of about 12 hours. This procedure is still a type of guillotine, but is more restrictive than the motion to suspend the rules. It allows the government to pass its bills while preserving MNAs’ freedom of expression.

Without a doubt, oral question period receives more media attention than any other parliamentary activity. For 45 minutes each sitting day, the government must answer the opposition’s questions. The Speaker assigns opportunities to ask questions according to the number of parties or independent MNAs in opposition. Main questions are limited to 90 seconds for party leaders and 60 seconds for MNAs. They can be followed by 30-second supplementary questions, up to three for party leaders and two for other MNAs. Answers to main questions can be a maximum of 105 seconds in length for the premier and 75 seconds for ministers, while answers to supplementary questions can last only 45 seconds. Although more time is allotted for these exchanges than in the House of Commons, high-quality discussion is not guaranteed. The National Assembly is renowned for its tight discipline, but things can still degenerate.

When Yvon Vallières resigned as Speaker of the Assembly in April 2011, he denounced the worsening atmosphere in the chamber: “the behaviour and the language, both in front of the microphone and away from it, and especially during oral question period, have become unacceptable: intimidation, invective, innuendo, rude remarks, disrespect for others’ right to speak, heckling of the Speaker and questioning of his authority”.¹⁴ As is the case for many legislatures, question period is said to contribute to public cynicism about politics.

Parliamentary Committees

The origin of committees dates as far back as 1793 when special committees were created to improve the legislature’s internal organization. The legislature then created standing committees responsible for some legislative work, and that system remained virtually intact for more than a century. The traditional system in place in the late 1960s resulted in mostly *single-*

purpose, i.e., having only one function (legislation, executive oversight, etc.), and *multisectoral* committees, i.e., having responsibilities across all departments.

In 1972, the first reform changed committees' structure and functions and gave them the new French name "commissions" as part of the effort to francize parliamentary terminology. The resulting committees became *sectoral*, i.e., having specific areas of responsibility, and *multipurpose*, i.e., having responsibility for both administrative oversight and the study of bills and estimates. Committees more or less corresponded to government departments, pushing their number to 27. They were controlled by the parliamentary majority and, dominated by the presence of a minister, were deprived of initiative and autonomy.

The 1984 reform brought major changes to the structure, composition, organization, functions and powers of committees. The reform reduced the number of committees and changed their areas of responsibility to correspond to the government's main functions, making the arrangement permanent. The committees' sectoral and multipurpose character remained intact. Ministers' participation was limited to give committees more autonomy. Committees were also granted a new power to initiate consultations, studies or research on an issue in their areas of responsibility, in the same vein as the powers granted to House of Commons committees in 1982. This committee system, still in use today, was modeled after the British Parliament's select committees and the U.S. Congress's committees.

Despite these substantial improvements, the main objectives of the 1984 reform were not achieved.¹⁵ Still today, committees make little use of their powers and are not as autonomous as expected. More than the lack of time or resources, blame rests with the control exerted by political parties and the executive. The recent 2009 reform made few changes in that area, instead focusing on rebalancing the workload among committees and facilitating public participation.

The National Assembly currently has 11 standing committees. Each is led by a chair and vice-chair who must be from different political parties. According to the *Standing Orders*, they must be elected by the members of the committee for a two-year term, providing some stability. In practice, the premier and the leader of the opposition typically decide who holds these positions. Each committee has a clerk, who acts as administrator, activities coordinator and procedural adviser, and has access to the professional, technical and administrative support of the Committee Secretariat Directorate.

There are nine sectoral committees with responsibility for nine different sectors. These sectors are as follows:

institutions; public finance; health and social services; labour and economy; agriculture, fisheries, energy and natural resources; planning and the public domain; culture and education; citizen relations; and transportation and the environment. Six are chaired by government MNAs and three by Official Opposition MNAs. Each committee comprises 10 MNAs—six from the governing party and four from the Official Opposition. These MNAs are appointed to a two-year term by the Committee on the National Assembly, on the recommendation of the party whips.

The sectoral committees receive about 15 different types of orders, or terms of reference, from essentially four sources: the Assembly (study of bills and the estimates, interpellations), the committee itself (study of regulations, petitions, departmental and governmental accountability, oversight of public bodies), the law (study of reports and the implementation of acts or regulations, public hearings) and the *Standing Orders* (appearances of the Chief Electoral Officer, Auditor General and Public Protector, continuation of the budget debate, study of budget policy). These committees are required to review the objectives, activities and management of at least one public body in their area of responsibility per year. In addition, they must hear from ministers regarding administrative management at least once every four years. On their own initiative, they may also study any other matter of public interest and delve deeper into issues of concern to them. However, committees are obviously required to concentrate on Assembly orders, including bills, which take up most of their time.

Two committees have more specific roles. The Committee on the National Assembly is responsible for drafting the *Standing Orders* and the procedural rules for the National Assembly and committees. It coordinates the work of the other committees and handles any matters that are not specifically their responsibility. Its membership comprises those who hold certain parliamentary positions: the Speaker of the Assembly (who chairs the committee), the deputy speakers, party leaders and whips, and the chairs of the other 10 committees. The Committee on Public Administration was created in 1997 and is responsible for oversight of the public administration. This role includes hearing from deputy ministers and heads of public bodies about their administrative management and checking the government's financial commitments. To that end, it is required to examine departments' annual reports under the *Public Administration Act*. Unlike the sectoral committees, it does not receive legislative orders. The Committee is generally seen to function smoothly and is notable for its spirit of cooperation;

its members usually avoid partisan confrontations. In addition to its 10 permanent members, the Committee has eight temporary members who may join in the work on specific issues. The chair is always a member of the Official Opposition, while the vice-chair is a government MNA.

Joint committees, select committees and subcommittees may be formed. Joint committees consider issues that extend beyond a single committee's area of responsibility. They are rare: only one joint committee has ever been created since the 1984 reform, and it was created to resolve an overlap in committee responsibilities. Select committees are more common. They can be created by virtue of an act or a motion in the Assembly. They study certain issues that are not necessarily compatible with the usual orders to standing committees. The most recent select committees studied the *Election Act* (2005-6) and the issue of dying with dignity (2009-12). Finally, any committee can set up a subcommittee, whose members must sit on the main committee. Most subcommittees were created in the years following the 1984 reform. The only recent subcommittee was created by the Committee on Transportation and the Environment to study the impact of climate change on Northern Québec (2006). The Committee on the National Assembly has a standing subcommittee to study parliamentary reform on an ongoing basis.

The *Standing Orders* allow committees to sit beyond the confines of the Assembly, which enables the creation of "travelling" committees. By travelling to various regions of Québec, they reach a broader section of the population during consultations and give MNAs the opportunity to get a better sense of the realities of the issue they are studying. Examples of this practice include the committees on religious heritage, the *Election Act*, homelessness and dying with dignity. Public consultations on bills or topics of interest come in three forms: general, special or online. General consultations allow groups and individuals to submit briefs and present their views at hearings. Since 2009, individuals can participate in general consultations without submitting a brief in advance; their request must be accompanied by a short text summarizing what they will say. Special consultations allow only individuals and groups invited by the committee to offer their views. Finally, online consultations have been officially sanctioned since 2009. Committees can employ online consultations for orders they initiate, and the Assembly can authorize them when issuing an order to a committee to conduct general consultations. In addition, online comments are now accepted on any bill or order.

The National Assembly Administration

The highest official of the Assembly is the Speaker (called the "President" in the English version of the *Standing Orders*), who is responsible for chairing Assembly sittings, administering its services and representing the institution. The Speaker is elected by secret ballot, a method first tried in 1999 and adopted permanently in 2009 to encourage MNAs to vote independently and release them from party discipline. The Speaker must be impartial; that is why he or she does not attend party caucus meetings, participate in debates in the Assembly or vote, except in the case of a tie. This neutrality must be reflected in the Speaker's behaviour, including the manner in which the rules are enforced. Nonetheless, in the past, some speakers have intervened in special situations (e.g., tragedies, deaths, resignations) or in other matters where they felt they had responsibilities (e.g., enhancing the role of MNAs). The Speaker is supported by three deputy speakers—two from the governing party and one from the Official Opposition—with the same authority. They are also elected by the Assembly but not by secret ballot. The rules for deputy speakers are more flexible, allowing these MNAs to introduce motions, participate in debates and vote, among other things. However, it is in their interest to show restraint in their participation and behaviour in order to preserve their credibility.

Created in 1982, the Office of the National Assembly is in some respect the Assembly's board of directors, responsible for managing its administration. Its duties include approving budget forecasts and regulating MNA allowances and working conditions. By regulation, the Office may authorize the Assembly to override all of Québec's laws except *An Act respecting the National Assembly*. The convention is that this power, described as "exceptional and unprecedented in a society",¹⁶ is used judiciously to ensure sound management of the Assembly. For example, it was used to exempt the Assembly from the staffing cuts to the public service in the 1990s. The Office comprises the Speaker, who is naturally its head, five government MNAs and four opposition MNAs. Ministers are excluded to maintain the administrative autonomy of the Assembly. However, nothing prevents the governing party from forcing through measures using their majority of votes, although consensus and collegiality are generally preferred in decision-making.

The Assembly's administration consists of about 600 employees in about 20 administrative units, including the Library of the National Assembly. The highest official is the Secretary General (equivalent to a clerk), whose responsibilities include being the

primary adviser on parliamentary and administrative procedure, directing and administering Assembly services and acting as the custodian of acts and archives. The Secretary General is appointed by the Assembly on the premier's recommendation, unlike the clerks of the House of Commons, Senate and Ontario Legislative Assembly, who are appointed by the Crown. However, in practice, the appointee receives the unanimous support of MNAs because of the powers and responsibilities of the position. The Secretary General's working conditions are set by the Office of the National Assembly, unlike those of the Assembly's other employees, who are typically subject to the *Civil Service Act*.

The Speaker of the Assembly is responsible for the security of the Assembly buildings and other premises. To that end, a memorandum of understanding was reached with the Department of Public Security and the Sûreté du Québec, which assign special constables to the Assembly for security purposes. The director of security acts as the Sergeant-at-Arms; he or she both guards the mace, carrying it at the beginning and end of each sitting, and protects MNAs in the chamber.

The action of Sergeant-at-Arms René Jalbert in 1984 diffused an hostage situation in the Parliament Buildings which left three dead and several injured.

Political Parties

A strong two-party system has been characteristic of the National Assembly. Two major parties have alternated in power since the 1970s, the Québec Liberal Party (PLQ) and the Parti Québécois (PQ). Independent candidates rarely win in this context and the last victory of one of them dates back to 1966. Third parties emerge sporadically. The Action Démocratique du Québec (ADQ), which was present in Parliament since 1994, merged in 2012 into a new party, the Coalition Avenir Québec (CAQ), while Québec solidaire (QS) has had an elected member since 2008.

The 2007 general election upset the traditional two-party system when the ADQ won enough seats to get the title of official opposition, relegating the PQ to the status of second opposition party. The Québec Liberal Party, although victorious, had to settle for the status of minority government, the first in Québec since 1978. This exceptional situation was short lived since the 2008 election again brought the QLP to power with a majority government and repositioned the PQ as the official opposition. The brief experience did force the institution to reassess some of the rules and procedures which were inadequate for minority government and two opposition parties.

Although third parties manage to get members elected, they face a difficult situation in the Assembly. To obtain the status of "parliamentary group" and enjoy the resulting benefits, parties must elect at least twelve members or get 20% of the vote in general elections. This is much more restrictive than in other provincial parliaments. If these requirements are not met, MNAs, even if they are elected under a partisan banner, are considered independents.

In terms of ideology the now defunct ADQ was on the right of the political spectrum but its replacement, the CAQ, joined the QLP and the PQ in the centre, while Québec solidaire is clearly on the left. However, the more meaningful divisions are generally based on the constitutional status of Québec. Two parties advocate sovereignty, the PQ and QS, while the Liberal Party is pro-federalist. Like the ADQ, the CAQ does not position itself clearly on this issue.

Members of the National Assembly

The National Assembly is composed of 125 members elected in an equal number of constituencies using the first past the post electoral system. Although they have some unique characteristics, Québec's MNAs are quite similar to their counterparts in other legislatures in terms of their sociodemographic profile, working conditions and duties.

Québec was the last Canadian province to give women the right to vote and run for office, in 1940. However, it was not until 1961 that a woman won a seat in the National Assembly, and only after 1976 did more than one woman sit as an MNA. The number of women MNAs slowly increased between 1970 and 1990 and reached a peak of 40 (32%) after the by-elections of 2004 and 2006. However, although women are a minority in the Assembly, they have an advantage when it comes to Cabinet appointments, following the trend seen in the House of Commons.¹⁷ Premier Jean Charest has expressly advocated for gender equality in Cabinet since 2007.

Between 2003 and 2008, the best-represented age group in the National Assembly was 45–54; few young people or seniors are MNAs. The average age of MNAs elected in 2008 was 50.

The representation of linguistic groups obviously receives special attention. In the early legislatures, the proportion of anglophone MNAs and members of the Legislative Council was much larger than their share of the population. This overrepresentation was even greater in Cabinet, where the anglophone minority enjoyed certain privileges. As they lost influence in Québec society, the number of anglophones in the

Assembly declined over the last century. Today, only a handful remain, mostly elected under the QLP banner.

Concerns about the representativeness of the Assembly today centre on cultural and ethnic groups. The first foreign-born MNAs came primarily from the United Kingdom, the United States and France and were overrepresented in the early legislatures. The National Assembly welcomed its first Jewish MNA in 1916, its first Black MNA in 1976 and its first Muslim MNA in 1994. In 2008, eight MNAs were foreign-born, and five were members of ethnocultural groups born in Québec. However, Aboriginal MNAs are extremely rare. Only two Aboriginal people have ever sat in the National Assembly: the first was elected in 1924, and the second, decades later, in 2007.

Québec's MNAs are members of the elite primarily because of their education levels. Prior to 1966, about half of MNAs had university degrees. This percentage increased substantially thereafter, to the point that a university education is now considered a "prerequisite for entry to the National Assembly".¹⁸ Up to 80% of MNAs in recent legislatures have had university degrees.

For a long time, MNAs came mainly from the learned professions and the business sector. In the 1960s and 1970s, the composition of the Assembly changed dramatically, the turnover rate sometimes exceeding 50%. Most of the new MNAs in that period were from occupations that were until then virtually unseen in the Assembly, namely other professionals and service-sector workers. Significant differences between the parties, already apparent in 1970, persist today: the PQ has more MNAs with social and cultural backgrounds, while the QLP has more with business and management experience.¹⁹

Working Conditions

The situation of Québec's MNAs has changed dramatically since 1867, notably because of improvements in their working conditions. As in most Western democracies, Québec saw the emergence of the career politician. In 1960, MNAs were paid a reasonable salary and sat in the Assembly most of the year, ceasing to be people "with leisure time who, for want of distraction, spend the winter in Québec City".²⁰

Until 1965, the *Legislature Act* gave MNAs a daily indemnity if the session lasted less than 30 days and a larger fixed amount if the session went longer. Therefore, it is not surprising that every session lasted at least 30 days even if the legislative agenda was short. In 1965, the daily indemnity was replaced by a sessional indemnity, then \$12,000 and indexed

regularly. Since April 1, 2012, each MNA receives a basic annual indemnity of \$86,242. This amount is adjusted using the scale for senior executives in the public service. MNAs who hold Assembly offices and members of Cabinet receive an additional indemnity equal to a percentage of the basic annual indemnity. When an MNA holds several positions, only the higher indemnity is paid. For example, in 2012, the Premier's supplementary indemnity was 105%, which put his annual salary at \$176,796, while chairs of standing committees received a 25% premium for a total of \$107,803.

MNAs also receive an expense allowance of about \$15,000 for costs incurred while performing their duties (meals, accommodation, hospitality, etc.). A travel allowance is provided for travel to and from their ridings; it varies with the distances involved. With some exceptions, MNAs are reimbursed for a maximum of 60 return trips from their riding to the Assembly, including five with their spouse and dependent children. MNAs who live outside Québec City are reimbursed for accommodation expenses of up to \$14,300 annually. Lastly, MNAs are provided with budgets to operate their riding office, pay their riding staff and cover their staff's travel expenses, again depending on the location and size of their ridings. MNAs must manage a discretionary budget of \$80,000 that can be distributed in their riding as they see fit, without making the recipients public. However, even MNAs admit that using this discretionary amount raises ethical issues.²¹

Roles

MNAs are usually said to have three roles: they legislate, perform oversight and act as representatives. From a theoretical perspective, the legislative role is inextricably linked to the position of MNA. However, as with the other British-style legislatures, the time when an MNA could boast of having a real impact on the legislative process has long since past. Party discipline and the executive's control over legislative work have undermined this role. Government backbenchers are particularly affected, being stuck in ministers' shadows and allowed only to ratify their decisions. Opposition MNAs can be more active but have little power relative to the government, which usually has a majority. Thus, MNAs' leeway on legislative matters is primarily limited to criticizing or approving legislation brought forward by Cabinet or, at best, improving it with minor amendments. Despite efforts to enhance the legislative role of MNAs, the executive still has a monopoly in this area.

The oversight role is mainly assumed by the opposition, which questions the government about

its policies and scrutinizes the work of the public administration. Question period is one of the most visible occasions where it plays this role. In parliamentary committees, MNAs are mandated to monitor the management of government bodies, and regardless of party allegiance, they generally perform their oversight role without indulging in exclusively partisan debates. However, government MNAs usually tend to promote their party's positions, especially if ministers have control over committee work.

In Pelletier's view, although "MNAs are weak legislators and are still unsure in their oversight role, they have often taken refuge in the role of representative or in what might more prosaically be called 'constituency work'".²² This role, bolstered by the increased resources available to MNAs (travel allowances, staff and riding office budgets, etc.) is not taken on simply out of frustration. Because it implies providing direct and virtually immediate assistance to voters, it is gratifying for MNAs, who enjoy being in contact with their constituents. Two surveys in 1980 and 2011 reveal that Québec members consider themselves first and foremost representatives of constituents rather than legislators.²³

Conclusion

Historian Gaston Deschênes compares reforming the Québec National Assembly to the myth of Sisyphus, who was condemned by the gods to roll a boulder up a mountain, watch it roll back down and then try again, for all eternity. Although fitting, this allegory tends to obscure the many changes to the Assembly's organization and operations. These reforms did not achieve all their goals, but neither were they failures. A legislature does not change by decree; convention often carries more weight than specific changes to formal structures, and change can take a long time to catch on. The National Assembly changes slowly, but it does change.

Of course, challenges remain. The most significant one is the need to increase the autonomy of MNAs relative to the executive. In addition, partisan disputes in general, and those during question period in particular, create a dynamic that is not beneficial to the institution. Several observers have noted that MNAs possess all the tools to change the National Assembly and simply have to be willing to use them. Obviously, all reform efforts are futile if MNAs do not change their own behaviour in the Assembly. Moreover, it is unrealistic to think that technical or legal solutions can overcome problems with the institutional culture. A new culture developed in the Assembly during the 20th century even while its formal structure remained virtually the same. Can the Assembly transform itself

again, and if so, can this transformation be fostered?

To prevent reforms from being only cosmetic, any examination must go beyond formal structures. The major challenge is to gain an understanding, free from prejudice or cynicism, of how the National Assembly really works on a daily basis in order to better change it.

Notes

- 1 On the history of the Québec legislature see Christian Blais, Gilles Gallichan, Frédéric Lemieux and Jocelyn St-Pierre, *Québec. Quatre siècles d'une capitale*, Québec City, Les Publications du Québec and the Québec National Assembly, 2008; Henri Brun, *La formation des institutions parlementaires québécoises, 1791-1838*, Québec City, Presses de l'Université Laval, 1970; Gaston Deschênes, *Le Parlement de Québec: histoire, anecdotes et légendes*, Québec City, Éditions MultiMondes, 2005. Gaston Deschênes and Francesco Bellomo, *L'Hôtel du Parlement. Mémoire du Québec*, Saint-Lambert, Éditions Stromboli and the Québec National Assembly, 2007; Gaston Deschênes and Maurice Pellerin, *Le Parlement de Québec. Deux siècles d'histoire*, Québec City, Les publications du Québec and the Bicentenaire des Institutions parlementaires du Québec. Vie parlementaire collection, 1991. John Hare, *Aux origines du parlementarisme québécois 1791-1793 : étude et documents*, Sillery, Septentrion, 1993; Guy Lachapelle, Gérald Bernier, Daniel Salée and Luc Bernier, *The Québec Democracy: Structures, Processes and Policies*, Toronto, McGraw-Hill Ryerson, 1993;
- 2 Geneviève Benezra, "Les nouvelles règles de la procédure parlementaire canadienne et québécoise," *Revue générale de droit*, vol. 1, no. 2, 1970, pp. 397-440.
- 3 See Louis Massicotte, *Le Parlement du Québec de 1867 à aujourd'hui*, Québec City, Presses de l'Université Laval, 2009; Un parlement provincial en transition. Le cas du Québec 1867-1990, Doctoral thesis in political science, Carleton University, Ottawa, p. 156 and "Le Parlement du Québec en transition", *Canadian Public Administration*, vol. 28, n° 4, 1985, pp. 550-74.
- 4 Edmond Orban, *Le Conseil législatif de Québec, 1867-1967*, Montreal, Bellarmin, 1967, "La fin du bicaméralisme au Québec," *Canadian Journal of Political Science/Revue canadienne de science politique*, vol. 2, no. 3, 1969, pp. 312-326.
- 5 See Jean-Charles Bonenfant, *La réforme du travail parlementaire au Québec*, Québec City, Québec Legislative Assembly, 1964; Maurice Champagne, "Loi sur la Législature: modifications importantes (1888-1980)," *Bulletin de la Bibliothèque de la législature*, vol. 11, no. 3-4, 1981, pp. 53-75. Maurice Champagne and Gaston Deschênes, "Chronologie de la réforme parlementaire (1964-1981)," *Bulletin de la Bibliothèque de la législature*, vol. 11, no. 3-4, 1981, pp. 1-27; Gaston Deschênes, "Les réformes parlementaires ou le mythe de Sisyphus," *Le Contrôle de l'administration et la réforme parlementaire Conference Proceedings*, Montreal, March 29-30, 1984, pp. 289-333.
- 6 The changes in terminology included changing "statuts" to "lois," "bills" to "projets de loi," "comités"

- to “commissions,” “Orateur” to “Président,” “Orateur suppléant” to “Vice-président,” “greffier” to “secrétaire général,” “lois des subsides” to “lois de crédits” and “partis reconnus” to “groupes parlementaires.” For a detailed description of the terms for parliamentary functions. See Anick Giguère, *Contribution à l'étude des titres de fonctions liées au parlementarisme québécois et à l'administration publique*, Master's Thesis in Languages, Linguistics and Translation, Québec City, Université Laval, 2000.
- 7 Jean-Charles Bonenfant, 1968, “Le parlementarisme québécois,” in André Bernard (Ed.), *Réflexions sur la politique au Québec*, Montreal, Presses de l'Université du Québec, 1968, p. 16.
 - 8 See Denis Vaugeois, *L'Assemblée nationale en devenir: pour un meilleur équilibre de nos institutions*, Québec City, Québec National Assembly, 1982; Lawrence Cannon, “Rules of Procedure in the National Assembly: The 1984 Reform Experience,” *Canadian Parliamentary Review*, vol. 13, no. 2, 1990, pp. 26–28; Jean-François Duchaine, *La réforme parlementaire deux ans après*, Québec City, Committee secretariat, Québec National Assembly, 1986.
 - 9 This additional oath is as follows: “I, (name of the Member), declare under oath that I will be loyal to the people of Québec and that I will perform the duties of Member honestly and justly in conformity with the constitution of Québec.”
 - 10 Québec National Assembly, *La réforme parlementaire 10 ans après. Les impacts de la réforme de 1984 sur les commissions parlementaires*, Québec City, Committee secretariat, Québec National Assembly, 1995, p. 17
 - 11 Jean-Pierre Charbonneau, “Parliamentary Reform in Québec: Motives and Obstacles,” *Canadian Parliamentary Review*, vol. 20, no. 3, 1997, pp. 14–15. Québec National Assembly, *De la nécessité du contrôle parlementaire. Document de réflexion pour des commissions parlementaires stimulantes et performantes*, Québec City, Study group on the work of committees, Québec National Assembly, 2000.
 - 12 Steering Committee on the Reform of Democratic Institutions, *La participation citoyenne au cœur des institutions politiques québécoises. Rapport du comité directeur sur la réforme des institutions démocratiques*, Québec City, Steering Committee on the Reform of Democratic Institutions, 2003.
 - 13 See Michel Bonsaint (ed) *La procédure parlementaire du Québec*, Québec, Assemblée nationale du Québec, 2012.
 - 14 Yvon Vallières, *Lettre adressée à tous les parlementaires*, April 1, 2011, Québec City, <http://www.assnat.qc.ca/fr/actualites-salle-presse/communiqués/CommuniquePresse-1455.html>, consulted June 21, 2011.
 - 15 Jacques-André Grenier, “L'autonomie des commissions permanentes de l'Assemblée nationale et la discipline de parti de 1984 à 1991,” *Revue québécoise de science politique*, vol. 26, no. 1, 1994, pp. 35–73; Suzanne Langevin, “La réforme parlementaire, 10 ans après. Les objectifs n'ont pas été atteints,” *Bulletin de la Bibliothèque de l'Assemblée nationale*, vol. 24, no. 4, 1995, pp. 8–10.
 - 16 Mathieu Proulx, “The Evolution of the National Assembly,” *Canadian Parliamentary Review*, vol. 6, no. 2, 1983, pp. 12–13.
 - 17 Magali Paquin, “Le profil sociodémographique des ministres québécois : une analyse comparée entre les sexes,” *Recherches féministes*, vol. 23, no. 1, 2010, pp. 123–141.
 - 18 Réjean Pelletier, “Les parlementaires québécois depuis cinquante ans : continuité et renouvellement,” *Revue d'histoire de l'Amérique française*, vol. 44, no. 3, 1991, pp. 339–361.
 - 19 Magali Paquin, “Un portrait des députés québécois élus en 2003, 2007 et 2008,” *Politique et Sociétés*, vol. 29, no. 3, 2010, pp. 21–37.
 - 20 Jean-Charles Bonenfant, “L'évolution du statut de l'homme politique canadien-français,” *Recherches sociographiques*, vol. 7, no. 1-2, 1966, p. 118.
 - 21 Yves Boivert, *La face cachée des élus : engagement, responsabilité et comportement éthique*, Sainte-Foy, Presses de l'Université du Québec, 2009, pp. 107–110.
 - 22 Réjean Pelletier, “Les fonctions du député : bilan des réformes parlementaires à Québec,” *Politique*, no. 6, 1984, pp. 145–164.
 - 23 Assemblée nationale du Québec, *La réforme parlementaire 10 ans après. Les impacts de la réforme de 1984 sur les commissions parlementaires*, Québec, Secrétariat des commissions, Assemblée nationale du Québec, 1995, p. 138 ; Rébecca Morency, Capsule de recherche. *L'évolution du rôle de représentant chez les parlementaires québécois*, Québec, Université Laval, Chaire de recherche sur la démocratie et les institutions parlementaires, 2011.