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## The Quebec National Assembly

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## **INTRODUCTION**

The legislature of Quebec 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 Quebec National Assembly apart from the other provincial legislatures and is reflected in its institutional framework, party dynamics and members.

After a long period of relative stability, the National Assembly underwent several transformations, driven in particular by the Quiet Revolution in the 1960s. Initially designed to improve the institution's effectiveness and assert its identity, the reforms later focused on enhancing the role and work of its members. These initiatives created the current organizational framework, including the rules and procedures, parliamentary committees and administrative structure. Partisan divisions in the Assembly are closely linked to Quebec's political history and are mostly rooted in constitutional issues (separatist and federalist positions). Party dynamics are shaped by the electoral system, which reinforces the two-party nature of the Assembly. Since the political realignment of the 1970s, two parties have taken turns in power, while third parties have occasionally won a few seats. However, a third-party breakthrough in 2007 temporarily upset the order of things, as it resulted in a minority government. Members of the National Assembly (MNAs) are a relatively homogeneous group sociodemographically, and they enjoy good working conditions. Generally speaking, MNAs have three roles—they legislate, provide oversight and act as representatives—but the executive's control over legislative work tends to limit what they can do.

This paper is an overview of the principal features of the Quebec National Assembly. Interested readers are invited to learn more by consulting the works cited herein.

## HISTORY OF THE QUEBEC NATIONAL ASSEMBLY

The history of the Quebec legislature<sup>1</sup> 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 practice, it was characterized by confusion and overlapping powers, centralized power concentrated in the executive branch, impunity of public officials and political domination by land owners (Lachapelle, Bernier *et al.*, 1993: 12). The Legislative Assembly's powers were extremely limited, while the cleavage between anglophones and francophones was at the forefront of political conflicts. Francophones were "determined to see their interests, institutions and language respected" [translation] (Hare, 1993: 120), 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. The governor's free reign and stranglehold over the Executive Council was diminished by the introduction of the principle of

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<sup>1</sup> On the history of the Quebec legislature, see Blais, Gallichan *et al.* (2008), Brun (1970), Deschênes (2005), Deschênes and Bellomo (2007), Deschênes and Pellerin (1991), Hare (1993), Lachapelle, Bernier *et al.* (1993), Noppen and Deschênes (1996).

responsible government in 1848. The Legislative Council became an elected body in 1856 for the first and only time in its history. At that point, the parliamentary institutions met the standard desired by the Patriotes (Deschênes and Pellerin, 1991: 27). 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 Quebec 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 (Choquette, 2000; Orban, 1969: 317–318). In the same vein, the anglophones were 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 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.<sup>2</sup> By 1960, Quebec's procedural rules were closer to the original British model than those of the U.K. parliament at the time (Massicotte, 1985: 551–553), to the point that some remarked on the "legendary inertia" [translation] of the Quebec legislature (Benezra, 1970: 428).

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 (Massicotte, 2009: 113–181).

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<sup>2</sup> The *Standing Orders* adopted in 1941 contained more than 200 pages and 812 sections, making them the longest parliamentary standing orders in the British Empire. They even covered newspaper subscriptions.

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 (Lemieux, Hamelin *et al.*, 2005: 40–51). According to Massicotte (2009: 115), 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" [translation] although none had been officially revoked. From the lead role, the Lieutenant Governor "gradually slid into irrelevance" [translation] (Massicotte, 1990: 156) and became a secondary player in Quebec political history.

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, Quebec 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, Quebec's upper house still had "exorbitant powers" [translation] (Orban, 1967: 20), 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 (Orban, 1967; Orban, 1969).

As these political counterweights declined, the Premier's dominance and the executive's control over legislative proceedings grew. As Massicotte (2009: 135–181) showed, the members of the Quebec 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 advent of parliamentary 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 Quebec's new reality (Massicotte, 1985; Massicotte, 2009).

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 (Massicotte, 2009: 186). 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 (Massicotte, 2009; Noppen and Deschênes, 1996: 179). The legislature became overloaded, and the length of sessions tripled in five years (Massicotte, 2009: 187). The political staff then acknowledged the obvious, that the institutional framework inherited from the past had to be changed. A report on reforming the legislature was tabled (Bonenfant, 1964), marking the beginning of a series of significant changes spread over two decades (Champagne, 1981; Champagne and Deschênes, 1981; Deschênes, 1984).

In the space of 20 years, the Quebec legislature received a complete makeover. The Legislative Council was abolished in 1968, in exchange for continuing to pay the councillors' lifetime salary (Choquette, 2000). Parliamentary terminology was francized<sup>3</sup> and the Legislative Assembly was renamed the "National Assembly."<sup>4</sup> 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" [translation] (Bonenfant, 1968: 16). Québécois sovereignists and nationalists were not the only ones to reject monarchist symbols; even federalists viewed the anachronistic ceremonials as absurd (Massicotte, 2009: 191–197). In an era when a clear separation of church and state was

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<sup>3</sup> 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 Giguère (2000).

<sup>4</sup> The change in the name of the Quebec legislature spurred great debate at the time when the sovereignist movement was emerging. The final choice "Assemblée nationale du Québec," inspired by the French institution, was motivated by the desire to francize parliamentary terminology, but is also due to the fact that "Quebec is the primary home for French Canadians in America" [translation] (Blais, Gallichan *et al.*, 2008: 525).

advocated, religious relics were cast aside, and the prayer was replaced by a moment of contemplation (Pellerin, 1982; Roy, 2007: 73–78). 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 (Rochefort, 2008).

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. In late 1976, the position of Minister of State for Parliamentary and Electoral Reform was established, and 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 (Vaugeois, 1982). A number of changes were made to the legislature’s organization and operation (Cannon, 1990; Deschênes, 1984; Duchaine, 1986; Proulx, 1983). 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 Quebec 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 Parti Québécois MNAs, saw the addition of an oath to the people of Quebec.<sup>5</sup> At the core of these reforms was the major reorganization of the parliamentary committee system.<sup>6</sup> 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” [translation] (QNA, 1995: 17).

### **A work in progress (1985–2010)**

In the mid-1990s, the Speaker of the National Assembly outlined a new reform proposal targeting organizational, political and ethical issues (Charbonneau, 1997). At about the same

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<sup>5</sup> 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.”

<sup>6</sup> See the section on parliamentary committees.

time, a multiparty working committee proposed ideas for revitalizing the work of MNAs on parliamentary committees (QNA, 2000). These initiatives were the basis of a new reform process, during which the Estates General were organized. Hundreds of Quebeckers 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 (Steering Committee on the Reform of Democratic Institutions, 2003). 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 (QNA, 2009a). 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.

As for a number of other legislatures, ethics is an important issue for the National Assembly. In 2009, during a particularly turbulent period, the Liberal government engaged MNAs in preparing the *Code of ethics and conduct of the Members of the National Assembly*. This law was finally passed in December 2010 after several months of debate. The Code prescribes the rules of conduct for MNAs and Cabinet members, and provides for the appointment of an ethics commissioner to apply it.

As this brief review shows, the Quebec legislature has its own unique features, along with some commonalities with other parliamentary institutions. After a long period in which the legislature remained relatively unchanged, it underwent a number of necessary changes. Although the reforms of the past 50 years did not always achieve their goals, the Quebec National Assembly nonetheless adapted to the contemporary political climate, as evidenced by the way it is organized today.

## THE NATIONAL ASSEMBLY TODAY

Like all legislatures, the Quebec National Assembly is complex in terms of its organization and the rules governing it. Although similar to other parliamentary institutions in a number of ways, it also has its own unique features, particularly its rules and procedures, parliamentary committees and administrative structure.

### Parliamentary rules and procedures

Parliamentary law in Quebec<sup>7</sup> is based on the Westminster model and follows the same legal hierarchy as other areas of law. At the top is the Constitution, comprising the *Constitution Act, 1867*, and the *Constitution Act, 1982*. Its preamble refers to the constitutional principles of the United Kingdom; that is why the National Assembly, like the other Canadian legislative assemblies, enjoys parliamentary privileges similar to those of Westminster (Côté and Bonsaint, 2003: 41–94). 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 (Côté and Bonsaint, 2003: 33–34). Parliamentary law also follows case law, current practice, tradition and convention, which guide decisions when the *Standing Orders* are silent or vague on a given issue. In addition, the Quebec 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 (Bonenfant, 1979; McKenzie, 2008).

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

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<sup>7</sup> To prevent neophytes from getting lost in the complex maze of parliamentary rules and procedures, the National Assembly published an indispensable work on this topic, *La procédure parlementaire du Québec* (Côté and Bonsaint, 2003). This volume elaborates on all the issues discussed here, with supporting examples. A third edition is being prepared. An essential supplement is *La réforme parlementaire 2009* (QNA, 2009a).

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.<sup>8</sup>

One period—Wednesday afternoon during ordinary hours of meeting—is reserved for the business of opposition MNAs (QNA, 2009a: 14; Côté and Bonsaint, 2003: 210–217). 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. The new legislative calendar increases the number of “Wednesday motions” to about 18 per year. 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” (Côté and Bonsaint, 2003: 447–449). 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 (Côté and Bonsaint, 2003: 323–339). 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 (Bernard, 2010; Gilbert, 2009). 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.

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<sup>8</sup> For a more detailed description of the legislative process, see Côté and Bonsaint (2003: 305–320).

Since most procedures are set out in the *Standing Orders* passed by the Assembly, it can override them. 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 Quebec custom, and MNAs use it in nearly every session.<sup>9</sup> 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 (Côté and Bonsaint, 2003: 348–350). 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 (Côté and Bonsaint, 2003: 359). 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 (Migneault, 2011). 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

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<sup>9</sup> Unanimous consent is most commonly used to pass a bill even if it was introduced past the deadline, suspend the session, table documents or committee reports at times not permitted under the *Standing Orders*, etc.

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” [translation] (Vallières, 2011). As is the case for many legislatures, question period is said to contribute to public cynicism about politics.

## **Parliamentary committees**

Less well known than question period, parliamentary committees are nonetheless a vital component of legislative activity. Their importance has progressively increased, and most MNAs now devote most of their time to committees when they are working in the National Assembly.

### *Historical development*

The origin of committees dates as far back as 1793 when special committees were created to improve the legislature's internal organization (QNA, 2010: 7). 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 (Association internationale des parlementaires de langue française, 1984: 30).

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 (Duchaine, 1986: 44).

Despite these substantial improvements, the main objectives of the 1984 reform were not achieved (QNA, 1995). Still today, committees make little use of their powers and are not as autonomous as expected (QNA, 1995; Duchaine, 1986; Grenier, 1994; Langevin, 1995). More than the lack of time or resources, blame rests with the control exerted by political parties and the executive, a conclusion also drawn in the report of the study group on committee work (QNA, 2000). The recent 2009 reform made few changes in that area, instead focusing on rebalancing the workload among committees and facilitating public participation.

### *Current structure*

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 (Duchaine, 1986: 58; Grenier, 1994: 57). 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.<sup>10</sup> 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.<sup>11</sup> 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

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<sup>10</sup> For a detailed description of these committees' areas of responsibility, see *The Parliamentary Committees of the National Assembly of Québec* (QNA, 2010).

<sup>11</sup> When an independent MNA or an MNA from another party sits on a committee, its membership increases to 12, and one more government MNA is added.

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) (QNA, 2010: 21). 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 (Gagnon, 2005: 15). 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) and the issue of dying with dignity (2009).

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 Quebec (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 Quebec, 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 (2004), the *Election Act* (2005) and homelessness (2008). 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 (QNA, 2009a: 3). 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) (Côté and Bonsaint, 2003:

103). 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 Quebec's laws except *An Act respecting the National Assembly*. The convention is that this power, described as "exceptional and unprecedented in a society" [translation] (Proulx, 1983: 13), 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 (Ospina, 2009: 31). 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 (Ospina, 2009: 36–42).

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 (Cauchon, 2008: 120). However, in practice, the appointee receives the unanimous support of MNAs because of the powers and responsibilities of the position (Grenier, 2009). 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.<sup>12</sup>

The Press Gallery provides certain services to journalists and is in some respects an institution of the National Assembly.<sup>13</sup> Members of the Gallery enjoy special access to Assembly proceedings and have offices in one of the Assembly's buildings. The Speaker of the Assembly is responsible for accrediting journalists, but the task is delegated to the Press Gallery's board of directors. Therefore, in practice, the Press Gallery is the only body that can give the media access to the National Assembly.

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<sup>12</sup> The actions of the sergeant-at-arms defused the hostage situation in the National Assembly in 1984. On May 8, 1984, Corporal Denis Lortie burst into the National Assembly building and fired several bursts with a machine gun in the Assembly chamber. Sergeant-at-arms René Jalbert managed to subdue the madman, who had killed three people and wounded several more (Anonymous, 1984).

<sup>13</sup> On the history and organization of the Press Gallery, see QNA (1996) and Saint-Pierre (2007).

## **PARTY DYNAMICS**

At the National Assembly, Quebec's party system has a strong two-party orientation. This party dynamic is in part a result of the electoral system, which automatically affects the makeup of the National Assembly.

### **Effects of the electoral system**

The National Assembly has 125 seats, one for each riding, and MNAs are elected using the single-member plurality system. This system creates major distortions between the number of votes a party receives and the number of seats it wins and fosters a two-party legislature. Debates about reforming the electoral system arise sporadically in Quebec (Massicotte, 2004; Milner, 2004). The most recent substantive action on this front occurred in the mid-2000s when the Select Committee on the Election Act held broad public consultations on the issue (QNA, 2006). However, the government did not accept the Committee's proposal to introduce a compensatory mixed system, and the status quo was preserved. No further reform proposals are expected in the near future.

The division of the electoral map is a recurring issue (Grenier, 2008; Massicotte, 2004; Massicotte and Bernard, 1985). In the mid-20th century, Maurice Duplessis's Union nationale did not hesitate to rejig the electoral map to preserve his majority government; that is how his party won the 1966 elections despite receiving fewer votes than its Liberal opponents (Massicotte, 1983). In 1970, the special status of the anglophone minority's 12 "protected ridings" was revoked, leading to a major reform of the electoral map that concluded in 1972. The task of redrawing the boundaries was assigned to an independent commission, the Quebec Electoral Representation Commission (ERC) to keep partisan interests out of the process. Despite successive revisions, the map remains imperfect. In the early 2000s, it was even shown to be one of the least equal in Canada as regards having an equal number of voters in each riding (Blake, 2001). New changes to the electoral map are currently under discussion and are being hotly debated by MNAs. The ERC is proposing a major redistribution to restore demographic balance by eliminating three regional ridings and adding three new ridings on the outskirts of Montreal (ERC, 2008). The Liberal government is opposed to these changes and is instead focusing on the role of MNAs in their constituencies and their links to "traditional

communities.” The government has pushed aside the argument for demographic balance and is proposing to keep the regional ridings (despite their declining populations) and add suburban ridings, increasing the total number of seats to 128. Since the resignation of the Chief Electoral Officer, who was also chair of the ERC, resolution of the issue does not appear imminent. Whatever the outcome, partisan interference in the redistribution process is evidence that, although theoretically independent, the process is not immune to political pressure.

Election practices are also a serious cause for concern. Throughout the 20th century, Quebec’s electoral and political system was ridden with dubious practices like gerrymandering, patronage and secret payments (Massicotte, 1984). To combat this corruption, a new *Election Act* was passed in 1963, followed by *An Act to govern the financing of political parties* in 1977. The latter tightened the rules for political party financing and election spending. Since then, only voters, not corporations, can donate to parties; only Quebec and Manitoba have legislated this restriction (Bordeleau, 2003: 62). Limiting election spending prevents the wealthiest parties and candidates from spending staggering sums to grab voters’ attention. In December 2010, new laws strengthened party financing rules. Their purpose is to ban dummy candidates, change the way that contributions are made and increase public funding for political parties and tax credits for contributors.

### **Political parties in the Assembly**

Party dynamics in the National Assembly are a decidedly two-party affair, and since 1867, a few main parties have faced off in this forum. The Quebec Liberal Party (QLP) is still active today, while the Conservative Party disappeared in the 1930s. It was replaced by the Union nationale, which existed from the 1930s to the 1970s. Quebec’s political forces entered a period of realignment in the 1970s (Pelletier and Crête, 1988), which sounded the death knell for the Union nationale and brought the Parti québécois (PQ) on the legislative scene. Since the 1973 election, the PLQ and the PQ have taken turns in power. Independent candidates have had no success in this environment; their last victory occurred in 1966. Third parties have appeared from time to time in the Assembly. The Action démocratique du Québec (ADQ) has been represented in the Assembly since 1994, and a new party, Québec solidaire (QS), has had one MNA since 2008. On the political spectrum, the ADQ is located on the right, the LPQ and the PQ, in the centre, and the QS, on the left. However, the most significant partisan divides largely

concern Quebec's constitutional status rather than ideological positions. The PQ and QS openly support Quebec sovereignty, the LPQ is clearly federalist, and the ADQ's position remains mostly ambiguous.

The 2007 general election upset the traditional two-party system in Quebec. The ADQ won enough seats to become the Official Opposition, relegating the PQ to second opposition party. The LPQ won but was kept to a minority government, not seen in Quebec since 1878. This exceptional state of affairs did not last long, as the 2008 election returned the LPQ to power with a majority and returned the PQ to Official Opposition. The ADQ and QS have since had third-party status. This experience, although brief, forced the Assembly to re-evaluate some of its rules and procedures, which were inadequate in a political configuration with a minority government and two opposition parties.

Even if they break through and win seats in the Assembly, third-party MNAs do not have an easy time. To be recognized as an official party and receive the associated benefits, parties have to elect at least 12 MNAs or receive at least 20% of the votes in the general election, a much higher threshold than in other provincial legislatures. If these requirements are not met, MNAs, even if they are elected under a party banner, are considered independents in the Assembly. The case of the ADQ, which elected seven MNAs and won 16.4% of the vote in 2008, led to changes in the *Standing Orders* for the duration of the 39th legislature. The ADQ is temporarily recognized as an official party, which gives it the status of second opposition party and the related benefits, including recognition of the positions of leader and house leader, and more time and opportunities to speak (QNA, 2009b).<sup>14</sup> At the same time, independent MNAs were granted new rights. In the 39th legislature, the Assembly must deal with three officially recognized parties (LPQ, PQ and ADQ) and an independent MNA with a party affiliation (QS). These measures are evidence of a willingness to make the two-party dynamic more flexible and re-establish a balance between the various parties.

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<sup>14</sup> These special measures apply for the duration of the 39th legislature despite the splintering of the ADQ, some of whose MNAs have resigned or now sit as independents.

## **MEMBERS OF THE NATIONAL ASSEMBLY**

Although they have some unique characteristics, Quebec's MNAs are quite similar to their counterparts in other legislatures in terms of their sociodemographic profile, working conditions and duties.

### **Sociodemographic profile**

During the 1960s, MNAs were found to be "little representative of the people they govern. [...] They came, and still come, from a narrow segment of the population, thus constituting a veritable minority or elite" [translation] (Boily, 1967: 608). This conclusion remains valid several decades later (Deschênes, 1995; Paquin, 2010b; Pelletier, 1984a; Pelletier, 1991; Sénécal, 1982).

Quebec was the last Canadian province to give women the right to vote and run for office, in 1940.<sup>15</sup> 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.<sup>16</sup> 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. The 2007 general election resulted in a decline in the number of women elected (32, or 25.6%), while the 2008 election pushed the number back up (37, or 29.6%). However, although women are a minority in the Assembly, they have an advantage when it comes to Cabinet appointments (Paquin, 2010a), following the trend seen in the House of Commons (Kerby, 2009). 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. In 2007, the arrival of a number of relatively young ADQ MNAs lowered the average age of the Assembly, which subsequently rose when the LPQ and PQ returned to dominance (Paquin, 2010b). The average age of MNAs elected in 2008 was 50.

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<sup>15</sup> On women in the Quebec National Assembly, see Fortin and Lavoie (1990), Tremblay (2005), Tremblay (2008), Tremblay and Pelletier (1993; 1995). For a study comparing Quebec with the other Canadian provinces, see Studlar and Matland (1996).

<sup>16</sup> Marie-Claire Kirkland-Casgrain, elected in a by-election on December 14, 1961, was re-elected in the general elections of 1962, 1966 and 1970. Another female MNA, Lise Bacon, was elected in 1973. The 1976 elections produced five female MNAs.

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 (Orban, 1967; Sénécal, 1982: 62–74). This overrepresentation was even greater in Cabinet, where the anglophone minority enjoyed certain privileges (Hamelin and Beaudoin, 1967: 98). As they lost influence in Quebec 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 (Rochefort and Lemieux, 2009: 3). The National Assembly welcomed its first Jewish MNA in 1916 and its first Black MNA in 1976 (Bauer, 1994). In 2008, eight MNAs were foreign-born, and five were members of ethnocultural groups born in Quebec. 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.

Quebec'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” [translation] (Pelletier, 1991: 347). Up to 80% of MNAs in recent legislatures have had university degrees. This proportion is more or less the same for the PQ and LPQ, while the ADQ has a lower overall education level (Paquin, 2010b).

For a long time, MNAs came mainly from the learned professions and the business sector (Sénécal, 1982: 109). In the 1960s and 1970s, the composition of the Assembly changed dramatically, the turnover rate sometimes exceeding 50% (Pelletier and Crête, 1988). 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 (Bédard, 1981; Pelletier, 1991: 350–352). 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 (Paquin, 2010b; Pelletier, 1991; Pelletier, 1999). The

ADQ's MNAs have a more diverse profile, with mainly middle-class backgrounds (Paquin, 2010b).

### **Working conditions**

The situation of Quebec's MNAs has changed dramatically since 1867, notably because of improvements in their working conditions. As in most Western democracies, Quebec saw the emergence of the career politician (Carrier, 1989). 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 Quebec City" [translation] (Bonenfant, 1966: 118).

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 (Nadeau, 1984: 41)! In 1965, the daily indemnity was replaced by a sessional indemnity, then \$12,000 and indexed regularly (Champagne, 1981: 64–70). Since April 1, 2009, each MNA receives a basic annual indemnity of \$85,388. 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.<sup>17</sup> For example, in 2009, the Premier's supplementary indemnity was 105%, which put his annual salary at \$175,045, while chairs of standing committees received a 25% premium for a total of \$106,735.

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 Quebec 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

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<sup>17</sup> For full details on these additional indemnities, see [<http://www.assnat.qc.ca/en/abc-assemblee/fonction-depute/indemnites-allocations.html>], consulted April 9, 2010.

public. However, even MNAs admit that using this discretionary amount raises ethical issues (Boisvert, 2009: 107–110).

## **Roles**

MNAs are usually said to have three roles: they legislate, perform oversight and act as representatives (Deschênes, 1995; Pelletier, 1984b).

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 (Gélinas, 1969: 101–102), especially if ministers have control over committee work (QNA, 2000: 9–17). Several MNAs worry about this state of affairs and wish to make full use of their oversight role. To that end, a multiparty study group submitted several recommendations in 2000. (QNA, 2000).

In Pelletier's view (1984b), 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'" [translation]. 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. MNAs are required to wear many hats: mediator, ombudsperson, facilitator, information officer, social worker, promoter, development officer and lobbyist (QNA, 1995: 139; Cherry, 1997: 13; Deschênes, 1995). Pelletier's conclusion is reflected in how MNAs themselves perceive their roles. A survey from the 1980s revealed that MNAs consider being a representative as their primary role, followed by their legislative and oversight roles and, finally, their role as members of a party. (QNA, 1995: 138). There is no indication that the situation has changed.<sup>18</sup>

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<sup>18</sup> The *Research Chair in Democracy and Parliamentary Institutions* at Université Laval is currently conducting research on MNAs' constituency work that promises to shed light on this little-understood facet of the National Assembly's activities.

## CONCLUSION

Historian Gaston Deschênes compares reforming the Quebec 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 (Deschênes, 1984). Although fitting, this allegory tends to obscure the many changes to the Assembly's organization and operations.

The evolution of the Quebec legislature was initially characterized by a long period in which its formal structure remained unchanged, although major transformations did occur, such as the decline of the Legislative Council and the Lieutenant Governor. The elimination of these political counterweights facilitated the reforms of the 1960s, which gave the National Assembly its own identity. However, the 20th century also saw the legislature become increasingly subordinate to the executive. A number of initiatives were launched to reduce the constraints of party discipline and the executive's grip on legislative work. 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. A sociological study of the National Assembly that focuses on the social dynamics at work there would provide a better understanding of how it really functions and thus open up new avenues for thinking about the institution. The National Assembly's activities are complex and involve many groups and individuals that are still mostly ignored. The spotlight is on the

elected officials, but they are not the only players in the political game. Political staff, who account for close to half of the people working at the National Assembly, play a substantial role, as do the parties, the media, the public, the Assembly's administrative staff, the lobbyists, the public service, etc. Reforms that fail to take their contributions into account could end in failure. 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.

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