



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 793

**An Act respecting the process for
publishing the documents from the
inquiry conducted by Bernard Grenier
concerning the activities of Option
Canada in the referendum held in
Québec in October 1995**

Introduction

**Introduced by
Mr. Pascal Bérubé
Member for Matane-Matapédia**

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EXPLANATORY NOTES

This bill determines the process relating to the publication of the documents from the inquiry conducted by the investigator Bernard Grenier concerning the activities of Option Canada in the referendum held in Québec in October 1995.

To that end, the bill establishes a parliamentary committee whose mandate is to identify the documents from the inquiry that, in whole or in part, must remain confidential. The committee may retain the services of a special adviser in order to obtain recommendations on the documents' confidentiality. The documents that have not been identified by the select committee as documents that must remain confidential are to be attached to the committee's final report tabled in the National Assembly.

Lastly, the bill includes miscellaneous and final provisions.

Bill 793

AN ACT RESPECTING THE PROCESS FOR PUBLISHING THE DOCUMENTS FROM THE INQUIRY CONDUCTED BY BERNARD GRENIER CONCERNING THE ACTIVITIES OF OPTION CANADA IN THE REFERENDUM HELD IN QUÉBEC IN OCTOBER 1995

AS on 20 January 2006, the Chief Electoral Officer mandated investigator Bernard Grenier to conduct an inquiry of an administrative nature into the pre-polling activities of Option Canada, that is, the “No” campaign;

AS the final report concluded that unauthorized, undeclared election expenditures had been made for the “No” campaign’s activities in the months preceding the holding of the vote on the future of Québec;

AS an order concerning the non-disclosure, non-communication and non-distribution of the evidence and the other documents obtained for the purposes of the inquiry was issued on 18 September 2006 by Bernard Grenier, and was to remain in force until the Chief Electoral Officer decided to make the report public;

AS that order was replaced on 25 May 2007 by another order to the same effect, which is still in force;

AS the public interest would be better served if the documents became public, but the National Assembly is concerned about the issues that publication of all the documents could raise;

AS a select parliamentary committee would have all the legitimacy required to examine the matter of confidentiality of the documents and to determine which documents must not be disclosed;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SELECT COMMITTEE ON THE PUBLICATION OF THE DOCUMENTS FROM THE GRENIER COMMISSION

DIVISION I

ESTABLISHMENT AND MANDATE

1. A select parliamentary committee, designated under the name “Commission spéciale sur la publication des documents de l’enquête Grenier”, is hereby established under the authority of the National Assembly.

2. The select committee’s mandate is to identify the documents, from among those covered by the order issued by Bernard Grenier on 25 May 2007 concerning the non-disclosure, non-communication and non-distribution of the evidence and the other documents obtained for the purposes of the inquiry, that should, in whole or in part, remain confidential.

The documents are to be made public when the select committee tables its final report, unless the committee, with the unanimous consent of its members, considers that the publication of a document, in whole or in part, could cause serious prejudice to a person or is contrary to the public interest.

DIVISION II

COMPOSITION

3. The select committee is composed of five members, including the chair. The following are members of the committee:

(1) two Members from the parliamentary group forming the Government, appointed by the Prime Minister, and who may be ministers;

(2) one Member from the Official Opposition, appointed by the Leader of the Official Opposition;

(3) one Member from the Second Opposition Group, appointed by the Leader of the Second Opposition Group; and

(4) one Member from the Third Opposition Group, appointed by the Leader of the Third Opposition Group.

The chair of the select committee is designated by the Prime Minister from among the two Members appointed by the Prime Minister.

4. The Prime Minister and the leaders of the opposition groups send to the Directeur des commissions parlementaires, not later than (*insert the date that is seven days after the date of assent to this Act*), a written notice indicating the names of the members whose appointment or designation is under their authority.

If the National Assembly is dissolved, the select committee resumes its proceedings at the following legislature. The committee's composition is determined by order of the Assembly.

DIVISION III

OPERATION

5. The Chief Electoral Officer sends the documents referred to in section 2 that are in the Chief Electoral Officer's possession to the President of the National Assembly not later than (*insert the date that is 30 days after the date of assent to this Act*), indicating, where applicable, the reasons for preserving the confidentiality of some of those documents.

The President of the National Assembly is responsible for preserving the documents in conditions that ensure their confidentiality. The President allows the select committee to examine them in a confidential manner for the duration of its mandate.

6. The rules of procedure relating to standing committees apply to the select committee, with the necessary modifications, as well as any other rule the National Assembly may determine by motion.

7. The select committee may, in order to carry out its mandate, retain the services of a special adviser responsible for providing recommendations on the publication of the documents referred to in section 2.

Such a special adviser gives the select committee, within the time it allots, a report stating the adviser's recommendations.

8. The documents referred to in section 2 that have not been identified by the select committee as documents that must remain confidential are attached to the final report tabled in the National Assembly.

If the select committee has not fulfilled its mandate on or before (*insert the date that is six months after the date of assent to this Act*), it reports to the National Assembly on the progress of its work and the Assembly sets the time limit for producing the final report.

CHAPTER II

MISCELLANEOUS AND FINAL PROVISIONS

9. The documents identified by the select committee as documents that must remain confidential become public on (*insert the date that is 25 years after the date of assent to this Act*). On that date, the National Assembly is to disseminate them by any appropriate means.

10. This Act applies despite the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and section 572.1 of the Election Act (chapter E-3.3). It also applies despite any other communication restriction or duty of confidentiality.

11. A contravention of this Act by the Chief Electoral Officer constitutes a breach of the National Assembly's privileges.

12. No civil action may be instituted by reason of facts revealed under this Act.

13. This Act does not restrict the rights, privileges and immunities of the National Assembly or of its members.

14. This Act comes into force on (*insert the date of assent to this Act*).

