



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 3 November 2015 — No. 122

**President of the National Assembly:
Mr. Jacques Chagnon**

QUÉBEC

The Assembly was called to order at 1.40 o'clock p.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. Habel (Sainte-Rose) made a statement to pay tribute to Mr. Matthew Schreindorfer for his determination in raising enough money to pay for his experimental cancer treatment.

Mrs. Montpetit (Crémazie) made a statement to underline an awareness day held for Chronic Obstructive Pulmonary Disease.

Mr. Roberge (Chambly) made a statement to underline Chambly's dynamic brewery entrepreneurs.

Mr. St-Denis (Argenteuil) made a statement to pay tribute to Mr. Marc Aubin for the success of his novel "La justicière : la finale des coupables".

Mrs. Massé (Sainte-Marie-Saint-Jacques) made a statement in support of community organization strike activity.

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Mr. Bolduc (Mégantic) made a statement to pay tribute to Mrs. Colette Roy-Laroche, former Mayor of Lac-Mégantic.

Mr. Caire (La Peltrie) made a statement to congratulate “Tous pour un Kili” program participants.

Mrs. Gaudreault (Hull) made a statement to underline the 40th anniversary of the company Slush Puppie Canada.

Mr. Rochon (Richelieu) made a statement to underline National Family Caregivers Week.

Mrs. Poirier (Hochelaga-Maisonneuve) made a statement to underline the 40th anniversary of the “Mouvement contre le viol et l’inceste–Collectif de femmes de Montréal” movement against rape and incest.

At 1.52 o’clock p.m., Mr. Ouimet, First Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 2.00 o’clock p.m.

Moment of reflection

Introduction of Bills

Mr. Coiteux, Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor, moved that leave be granted to introduce the following bill:

73 An Act respecting mainly the implementation of recommendations of the pension committee of certain public sector pension plans

The motion was carried.

Accordingly, Bill 73 was introduced in the Assembly.

Mr. Daoust, Minister of the Economy, Innovation and Exports, moved that leave be granted to introduce the following bill:

68 An Act to address the findings of the report of the appellate panel established under the Agreement on Internal Trade regarding section 4.1 of the Food Products Act

The motion was carried.

Accordingly, Bill 68 was introduced in the Assembly.

Presenting Papers

On behalf of Mr. Blais, Minister of Education, Higher Education and Research, Mrs. David, Minister of Culture and Communications, tabled the following:

The financial statements of the Fondation universitaire de l'École des hautes études commerciales de Montréal for the fiscal year ended 31 May 2015;
(Sessional Paper No. 1681-20151103)

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The financial statements of the Fondation universitaire de l'Université de Montréal for the fiscal year ended 31 May 2015;
(Sessional Paper No. 1682-20151103)

The financial statements of the university foundation of the Royal Institution for the Advancement of Learning of McGill University for the fiscal year ended 31 May 2015.
(Sessional Paper No. 1683-20151103)

Mr. Fournier, Government House Leader, tabled the following:

The Government's reply to a petition tabled on 30 September 2015 by Mrs. David (Gouin) on maintaining the Librairies Renaud-Bray and Groupe Archambault bookstore branches and banners;
(Sessional Paper No. 1684-20151103)

The Government's reply to a petition tabled on 30 September 2015 by Mrs. Roy (Montarville) on equity in men's and women's sports sponsorships;
(Sessional Paper No. 1685-20151103)

The Government's reply to a written question from Mr. Villeneuve (Berthier) on recognized stabilization centres in Québec – Question No. 82, *Order Paper and Notices* of 30 September 2015.
(Sessional Paper No. 1686-20151103)

The President tabled the following:

A copy of the notice of motion by Mr. Bérubé (Matane-Matapédia) to be placed on the *Order Paper and Notices* of Wednesday, 4 November 2015, under Business Standing in the Name of Members in Opposition.
(Sessional Paper No. 1687-20151103)

Presenting Petitions

Mrs. Léger (Pointe-aux-Trembles) tabled the following:

The abstract of a petition on maintaining community-based services in Pointe-aux-Trembles and in Montréal-Est, signed by 122 citizens of Québec.
(Sessional Paper No. 1688-20151103)

Mr. Charette (Deux-Montagnes) tabled the following:

The abstract of a petition on funding the health network in Basses-Laurentides, signed by 54 citizens of Québec.
(Sessional Paper No. 1689-20151103)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mrs. Vallée, Minister of Justice, tabled the following:

Copy of a letter, dated 2 November 2015, addressed to her by Me Nathalie G. Drouin, Deputy Minister of Justice, concerning the awarding of contracts to accounting and investigative forensic accounting firms within the framework of the Voluntary Reimbursement Program.
(Sessional Paper No. 1690-20151103)

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mrs. Weil, Minister of Immigration, Diversity and Inclusiveness, together with Mrs. Roy (Montarville) and Mrs. David (Gouin), moved:

THAT the National Assembly mark the 3rd annual National Francophone Immigration Week, whose theme, this year, is “Building Community through Diversity!”;

THAT it applaud this initiative of the Francophone Immigration Networks and the Federation of Francophone and Acadian Communities of Canada, which represents 2.6 million francophones and francophiles;

THAT it affirm the crucial importance of increasing francophone immigration to contribute to the vitality, protection and promotion of the French language in America.

By leave of the Assembly, the motion was carried.

Mr. Turcotte (Saint-Jean), together with Mrs. Massé (Sainte-Marie–Saint-Jacques), moved a motion concerning community organizations; this motion could not be debated for want of unanimous consent.

Mr. Lemay (Masson), together with Mr. Villeneuve (Berthier) and Mrs. Massé (Sainte-Marie–Saint-Jacques), moved a motion concerning the Chamouchouane–Bout-de-l’Île power transmission line project; this motion could not be debated for want of unanimous consent.

Mrs. David (Gouin), together with Mrs. Richard (Duplessis), moved a motion concerning health protection at work; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

Mr. Sklavounos, Deputy Government House Leader, convened the following committees:

- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 51, An Act mainly to make the administration of justice more efficient and fines for minors more deterrent;
- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to continue its clause-by-clause consideration of Bill 54, An Act to improve the legal situation of animals.

Information on the Proceedings of the Assembly

Mr. Ouimet, First Vice-President, informed the Assembly that on Wednesday, 4 November 2015, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mr. Bérubé (Matane-Matapédia).

This motion reads as follows:

THAT the National Assembly ask the Government that the appointment of the Anti-Corruption Commissioner be approved by two thirds of the Assembly's Members.

ORDERS OF THE DAY

Government Bills

Report Stage

The Assembly took into consideration the report from the Committee on Health and Social Services on its clause-by-clause consideration of Bill 20, An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation, together with the amendments submitted by Mrs. Lamarre (Taillon), Mr. Paradis (Lévis) and Mr. Khadir (Mercier).

The amendments submitted by Mrs. Lamarre (Taillon), Mr. Paradis (Lévis) and Mr. Khadir (Mercier) were declared in order, except for the amendment to section 25.2 introduced by section 1 of the bill submitted by Mr. Khadir (Mercier), which was declared out of order because it would amend a provision that had already been amended by an amendment that was adopted during the Committee's clause-by-clause consideration. The manner in which the provision was amended by the Committee renders the amendment inapplicable.

A debate arose thereon.

Debates upon Adjournment

At 6.02 o'clock p.m., the Assembly held two debates upon adjournment:

- the first, on a question from Mrs. Poirier (Hochelaga-Maisonneuve) to Mr. Moreau, Minister of Municipal Affairs and Land Occupancy, about funding for social housing in Val-d'Or;

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- the second, on a question from Mr. Turcotte (Saint-Jean) to Mr. Hamad, Minister of Labour, Employment and Social Solidarity, about funding for community organizations.

At 6.29 o'clock p.m., Mrs. Gaudreault, Second Vice-President, suspended the proceedings until 7.30 o'clock p.m.

The proceedings resumed at 7.30 o'clock p.m.

Government Bills

Report Stage

The Assembly continued the debate on consideration of the report from the Committee on Health and Social Services on its clause-by-clause consideration of Bill 20, An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation, together with the amendments submitted by Mrs. Lamarre (Taillon), Mr. Paradis (Lévis) and Mr. Khadir (Mercier).

The debate being concluded, the amendments, on questions put severally thereon, were negatived.

The report was concurred in on division.

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At 8.43 o'clock p.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 8.51 o'clock p.m.

Passage in Principle

The Assembly resumed the debate, which had been adjourned on 29 October 2015, on the motion moved by Mrs. Vallée, Minister of Justice, that Bill 59, An Act to enact the Act to prevent and combat hate speech and speech inciting violence and to amend various legislative provisions to better protect individuals, do now pass in principle.

Mr. Ouimet, First Vice-President, made his ruling on the receivability of the motion to divide moved by Mr. Gaudreault (Jonquière).

RULING FROM THE CHAIR

Parliamentary jurisprudence has often recognized that, for a motion to divide to be declared receivable, a bill must contain more than one principle, and each bill resulting from the division must be coherent, complete and able to stand alone. Jurisprudence has also established that a distinction must be made between a principle, which is an essential element of a bill, and a term, which is ancillary to this principle. Furthermore, according to parliamentary jurisprudence, the Chair must, when determining the principles, neither seek nor take into account the intention of the bill's author, basing the analysis solely on the bill's provisions.

Analysis of Bill 59 shows that it contains more than one principle.

To begin with, the title of the bill immediately suggests two distinct principles, the first being to enact an Act to prevent and combat hate speech and speech inciting violence and the second, to amend various legislative provisions to better protect individuals. Furthermore, the bill's very structure highlights these two principles.

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Consequently, given the importance of both parts and, in light of the criteria established by jurisprudence, the Chair cannot conclude that the two parts are simply provisions of a broader principle. Rather, they must be considered separately, as two essential components of the bill.

Furthermore, the motion moved by the Member for Jonquière clearly seeks to divide totally distinct principles into two separate bills, and the manner in which the bill's various elements are divided results in two coherent bills that could stand alone.

In closing, the Chair recalls that certain legislative drafting techniques, such as enacting an Act within a bill, reveal the existence of separate principles, thereby facilitating the receivability of motions to divide.

In light of receivability criteria, the motion to divide is declared receivable.

Mr. Gendron, Third Vice-President, informed the Assembly of the allocation of speaking time for the limited debate on this motion to divide: 56 minutes 30 seconds to the parliamentary group forming the Government; 33 minutes to the parliamentary group forming the Official Opposition; 23 minutes 30 seconds to the Second Opposition Group; and 7 minutes to the independent Members, subject to a maximum of 2 minutes for the Member for Arthabaska. Within this framework, any time not used by the independent Members or by a parliamentary group shall be redistributed among the parliamentary groups in the proportions established above. Lastly, individual addresses shall not be limited.

The Assembly entered upon the debate on the motion to divide moved by Mr. Gaudreault (Jonquière).

The debate was adjourned in the name of Mrs. Maltais (Taschereau).

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Accordingly, at 9.29 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Wednesday, 4 November 2015 at 9.40 o'clock a.m.

JACQUES CHAGNON

President