



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 25 February 2016 — No. 147

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

QUÉBEC

The Assembly was called to order at 9.40 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mrs. Rotiroti (Jeanne-Mance–Viger) made a statement to underline the inauguration of Montréal Auto Prix's hybrid electric division.

Mr. Ouellet (René-Lévesque) made a statement to pay tribute to the organization Hockey Côte-Nord.

Mr. Morin (Côte-du-Sud) made a statement to congratulate Mrs. Suzanne Blais on her career in municipal politics.

Mr. Lemay (Masson) made a statement to underline the contribution of Cégep régional de Lanaudière à Terrebonne students to the Children's Wish Foundation of Canada.

Mr. Drolet (Jean-Lesage) made a statement to underline the success of the Québec City International Pee-Wee Hockey Tournament.

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Mr. Kotto (Bourget) made a statement to underline the 5th edition of the “Projet Hommage aux Femmes”.

Mr. Blanchette (Rouyn-Noranda–Témiscamingue) made a statement to pay tribute to Mr. Pierre Larouche for his contribution to the Centre de santé Sainte-Famille.

Mrs. Roy (Arthabaska) made a statement to underline the 100th anniversary of the Cercle des fermières Plessisville.

Mr. Fournier (Saint-Laurent) made a statement to underline the 10th annual “Journée de réflexion sur l’immigration francophone” conference on Francophone immigration.

Mrs. Maltais (Taschereau) made a statement to underline international Rare Disease Day.

At 9.52 o’clock a.m., Mr. Ouimet, First Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.00 o’clock a.m.

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Moment of reflection

Introduction of Bills

Mr. Jolin-Barrette (Borduas) moved that leave be granted to introduce the following bill:

591 An Act to affirm Québec's participation in the appointment process for Québec Supreme Court of Canada judges

The motion was carried.

Accordingly, Bill 591 was introduced in the Assembly.

Mrs. Poirier (Hochelaga-Maisonneuve) moved that leave be granted to introduce the following bill:

594 An Act to amend the Act respecting elections and referendums in municipalities

The motion was carried.

Accordingly, Bill 594 was introduced in the Assembly.

Presenting Papers

Mr. Arcand, Minister of Energy and Natural Resources, tabled the following:

The 2015 annual report of Hydro-Québec.

(Sessional Paper No. 1925-20160225)

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Mr. Lessard, Minister of Forests, Wildlife and Parks, tabled the following:

The 2014 annual report of the Inuit Hunting, Fishing and Trapping Support Program.

(Sessional Paper No. 1926-20160225)

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

The Government's reply to a petition tabled on 4 December 2015 by Mr. Gaudreault (Jonquière) on no longer taxing income replacement indemnities;

(Sessional Paper No. 1927-20160225)

The Government's reply to a petition tabled on 9 February 2016 by Mrs. D'Amours (Mirabel) on preserving protected agricultural zones while establishing a logistics hub in the Vaudreuil-Soulanges area;

(Sessional Paper No. 1928-20160225)

The reply to a written question from Mrs. Maltais (Taschereau) concerning the list of foreign jurisdictions and legislation relating to 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 – Question No. 131, *Order Paper and Notices* of 9 February 2016;

(Sessional Paper No. 1929-20160225)

The reply to written questions from Mr. Martel (Nicolet-Bécancour) on the policy directions outlined in the 2015–2020 Action Plan of the Québec Government's Maritime Strategy regarding Chapter 6, Priority 1; Chapters 4, 5 and 6, Priority 2; Chapter 6, Priority 3; and Chapter 4, Priority 4 – Questions No. 133 to 141, *Order Paper and Notices* of 10 February 2016.

(Sessional Paper No. 1930-20160225)

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The President tabled the following:

The 2015–2016 report of the Auditor General of Québec to the National Assembly entitled “Audit of Financial Information and Other Related Work – Winter 2016”, accompanied by a presentation of its content;

(Sessional Paper No. 1931-20160225)

The 2015–2016 report of the Auditor General of Québec to the National Assembly entitled “Follow-Up of a Value-for-Money Audit of the Sustainable Development Commissioner – Green Fund: Management and Financial Assistance”, accompanied by a presentation of its content.

(Sessional Paper No. 1932-20160225)

Presenting Petitions

Mr. Lisée (Rosemont) tabled the following:

The abstract of a petition on funding addiction intervention centres and reinstating last-resort financial assistance benefits for adults staying in such centres, signed by 1,456 citizens of Québec.

(Sessional Paper No. 1933-20160225)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mr. Fournier, Government House Leader, tabled the following:

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A copy of a letter, dated 2 May 2014, to Mr. Peter MacKay, Minister of Justice and Attorney General of Canada, from Mrs. Stéphanie Vallée, Minister of Justice and Attorney General of Québec, and Mr. Jean-Marc Fournier, Minister responsible for Canadian Intergovernmental Affairs and the Canadian Francophonie, about Québec's participation in the selection process for the three Québec judges that sit on the Supreme Court of Canada.

(Sessional Paper No. 1934-20160225)

At 10.42 o'clock a.m., the President suspended the proceedings.

The proceedings resumed at 11.13 o'clock a.m.

Oral Question Period was continued.

Motions Without Notice

Mr. Jolin-Barrette (Borduas), together with Mrs. David (Gouin), moved a motion concerning the appointment process of the three Québec Supreme Court of Canada judges; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mr. Heurtel, Minister of Sustainable Development, the Environment and the Fight Against Climate Change, together with Mr. Paradis, Minister of Agriculture, Fisheries and Food, Mr. Traversy (Terrebonne), Mr. Lemay (Masson) and Mrs. Massé (Sainte-Marie–Saint-Jacques), moved:

THAT the National Assembly highlight the 25th anniversary of the Société québécoise de récupération et de recyclage, RECYC-QUÉBEC;

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THAT it applaud the energy with which this government corporation has, for a quarter-century, worked toward a greener society and that it pay special tribute to the individuals and partner organizations striving, on a daily basis, to ensure that Québec's children can grow up in a zero-waste society;

THAT it recognize and reiterate the importance of RECYC-QUÉBEC working hand-in-hand with Quebecers to pursue its actions and efforts to rally citizens to manage waste responsibly, innovatively and sustainably, uniting us in the fight against climate change.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

By leave of the Assembly to set aside Standing Order 185, Mr. Kotto (Bourget), together with Mrs. Weil, Minister of Immigration, Diversity and Inclusiveness, Mrs. Samson (Iberville) and Mr. Khadir (Mercier), moved:

THAT the National Assembly mark the 25th anniversary of Black History Month;

THAT it applaud the founders of the Round Table on Black History Month for making it possible to spotlight the contribution Black communities have made to the development, progress and success of the Québec nation;

THAT it congratulate this 25th edition's award winners: Black Coalition of Quebec, Jamaica Association of Montreal, Black Theatre Workshop, Quebec Board of Black Educators, Association des enseignants et enseignantes haïtiens du Québec, Coloured Women's Club of Montreal, Maison d'Haïti, Vue d'Afrique, Les Productions Nuits d'Afrique, Caribbean Cultural Festivities Association, Universal Negro Improvement Association of African Communities League and Council for Black Aging Community of Montreal.

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By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

Mr. Khadir (Mercier) moved a motion concerning the *Act to combat poverty and social exclusion*; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

Mrs. Vien, Deputy Government House Leader, convened the following committees:

- the Committee on Culture and Education, to continue its public hearings within the framework of special consultations on Bill 86, An Act to modify the organization and governance of school boards to give schools a greater say in decision-making and ensure parents' presence within each school board's decision-making body;
 - the Committee on Health and Social Services, to continue its public hearings within the framework of special consultations on Bill 81, An Act to reduce the cost of certain medications covered by the basic prescription drug insurance plan by allowing calls for tender;
 - the Committee on Planning and the Public Domain, to continue its public hearings within the framework of special consultations on Bill 83, An Act to amend various municipal-related legislative provisions concerning such matters as political financing;
 - the Committee on Institutions, to continue its clause-by-clause consideration of Bill 89, An Act to ensure better consistency between the French and English texts of the Civil Code.
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Mr. Ouimet, First Vice-President, gave the following notice:

- the Committee on Institutions shall hold a deliberative meeting to discuss the possibility of carrying out an order of initiative.

Information on the Proceedings of the Assembly

Mr. Ouimet, First Vice-President, informed the Assembly that on Friday, 11 March 2016, Mr. Bonnardel (Granby) would question Mr. Leitão, Minister of Finance, during an interpellation on the need to reduce citizens' tax burden and produce an economic recovery plan in the pre-budget context.

ORDERS OF THE DAY

Government Bills

Passage in Principle

The Assembly resumed the debate, which had been adjourned on 24 February 2016, on the motion moved by Mr. Blais, Minister of Employment and Social Solidarity, that Bill 70, An Act to allow a better match between training and jobs and to facilitate labour market entry, do now pass in principle.

At 12.58 o'clock p.m., Mr. Ouimet, First Vice-President, suspended the proceedings until 3.00 o'clock p.m.

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The proceedings resumed at 3.01 o'clock p.m.

Passage in Principle

The Assembly continued the debate on the motion moved by Mr. Blais, Minister of Employment and Social Solidarity, that Bill 70, An Act to allow a better match between training and jobs and to facilitate labour market entry, do now pass in principle.

At the end of his address, Mr. Drainville, Official Opposition House Leader, moved the following motion to divide the said Bill:

THAT, pursuant to Standing Order 241, Bill 70, An Act to allow a better match between training and jobs and to facilitate labour market entry, be divided into two bills, the first of which shall be entitled "An Act to allow a better match between training and jobs" and shall comprise sections 1 to 18 and section 38, except the words "Part II and section 37 of this Act come into force on the date or dates to be set by the Government.", the second of which shall be entitled "An Act to facilitate labour market entry" and shall comprise sections 19 to 37 and section 38, except the words "Part I of this Act comes into force on (*insert the date of assent to this Act*).".

At 4.02 o'clock p.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 4.32 o'clock p.m.

At 4.44 o'clock p.m., after hearing arguments from all sides regarding the receivability of the motion to divide, Mr. Gendron, Third Vice-President, took the matter under advisement and suspended the proceedings.

The proceedings resumed at 5.10 o'clock p.m.

Mr. Gendron, Third Vice-President, made his ruling on the receivability of the motion to divide moved by Mr. Drainville, Official Opposition House Leader.

RULING FROM THE CHAIR

On numerous occasions, parliamentary jurisprudence has 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. It has also been 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.

Analysis shows that Bill 70 contains more than one principle.

Although the explanatory notes are only one of the elements to take into consideration, it is telling that they indicate that the bill comprises two parts. From the description of each part, the Chair concludes that there are two distinct principles. One concerns a series of amendments to various existing pieces of legislation to allow a better match between training and jobs, and the other concerns measures to facilitate labour market entry and centres on implementing the Aim for Employment Program while terminating the Youth Alternative Program. The existence of two principles is further highlighted in the bill's structure, which clearly identifies these two separate parts.

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Consequently, in light of the criteria established by jurisprudence, these two principles are not simply terms within a single broader principle. Rather, they must be considered separately as two essential elements of the bill. The Chair has often mentioned that there is a distinction between what constitutes a principle, for the purpose of analyzing the receivability of a motion to divide, and what constitutes the objective of the person introducing the bill. Jurisprudence is clear on this point: the Chair must limit itself to consideration of the bill's content as it was introduced. In this case, the bill contains more than one principle.

That being said, the Chair must also ascertain whether each part of the bill is a coherent whole able to stand alone.

In the case at hand, the motion clearly seeks to divide the principles into two bills. Moreover, the manner in which the motion to divide separates the bill's various elements results into two coherent bills that could stand alone because there are no cross-references between the provisions of Part I and Part II preventing them from constituting two separate bills.

With regard to the manner in which the section on the bill's coming into force is divided, parliamentary jurisprudence has often indicated that a bill's sections cannot be redrafted in order to make them receivable, with the exception of the section that concerns the provisions of coming into force. The motion to divide, as moved, meets with the criteria outlined by jurisprudence.

Therefore, the motion to divide is receivable.

Mr. Ouimet, First Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to the limited debate on this motion to divide: 56 minutes 30 seconds to the parliamentary group forming the Government; 33 minutes 30 seconds to the parliamentary group forming the Official Opposition; 23 minutes 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. Drainville, Official Opposition House Leader.

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The debate was adjourned in the name of Mr. Polo (Laval-des-Rapides).

Accordingly, at 5.59 o'clock p.m., Mr. Ouimet, First Vice-President, adjourned the Assembly until Tuesday, 8 March at 1.40 o'clock p.m.

JACQUES CHAGNON

President