



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 21 November 2017 — No. 295

**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

Mrs. de Santis (Bourassa-Sauvé) made a statement to underline the 60th anniversary of the *Guide de Montréal-Nord*.

Mr. Girard (Trois-Rivières) made a statement to underline the 50th anniversary of Ciné-Campus (Trois-Rivières).

Mr. D'Amour (Rivière-du-Loup–Témiscouata) made a statement to congratulate the municipality of Saint-Louis-du-Ha! Ha! for being entered in the *Guinness World Records*.

Mr. Roy (Bonaventure) made a statement to pay tribute to the Maison des greffés Lina Cyr for lodging patients from the regions.

Mr. Lamontagne (Johnson) made a statement to pay tribute to Mr. Jacques Gosselin, Director General of the Carrefour jeunesse-emploi comté de Johnson.

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Mrs. David (Outremont) made a statement to underline the 25th anniversary of the Académie de danse d'Outremont.

Mr. Coiteux (Nelligan) made a statement to congratulate the winners of the Gala des Prix Policiers du Québec.

Mrs. Charlebois (Soulanges) made a statement to underline the Semaine de prévention des dépendances.

Mr. LeBel (Rimouski) made a statement to underline the 35th anniversary of the Centre d'action bénévole de Rimouski-Neigette.

At 1.51 o'clock p.m., Mrs. Gaudreault, Second Vice-President, suspended the proceedings for a few minutes.

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

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Moment of reflection

Presenting Papers

Mr. Leitão, Minister of Finance, tabled the following:

Public Accounts 2016–2017 – Consolidated Financial Statements of the
Gouvernement du Québec, Volume 1;

(Sessional Paper No. 3824-20171121)

Public Accounts 2016–2017 – Financial Information on the Consolidated
Revenue Fund: General Fund and Special Funds, Volume 2.

(Sessional Paper No. 3825-20171121)

Mr. Barrette, Minister of Health and Social Services, tabled the following:

The 2016–2017 annual report on applying the complaint review procedure and
improving service quality of the Centre intégré universitaire de santé et de
services sociaux de l'Ouest-de-l'Île-de-Montréal.

(Sessional Paper No. 3826-20171121)

Mrs. David, Minister responsible for Higher Education, tabled the following:

The 2016–2017 annual management report of the Institut de tourisme et
d'hôtellerie du Québec.

(Sessional Paper No. 3827-20171121)

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

The reply to a written question from Mr. Martel (Nicolet-Bécancour) on passenger and vehicle traffic on the Québec-Lévis, Sorel-Tracy–Saint-Ignace-de-Loyola, Matane–Baie-Comeau–Godbout and Tadoussac–Baie-Sainte-Catherine ferries – Questions No. 261 and 262, *Order Paper and Notices* of 5 October 2017;

(Sessional Paper No. 3828-20171121)

The reply to a written question from Mr. Spénard (Beauce-Nord) on maple syrup production, in particular the quota system and its allocation by random draw – Question No. 267, *Order Paper and Notices* of 18 October 2017;

(Sessional Paper No. 3829-20171121)

The reply to a written question from Mr. Lefebvre (Arthabaska) on managing amounts available under the Fonds d'appui au rayonnement des régions – Question No. 271, *Order Paper and Notices* of 25 October 2017;

(Sessional Paper No. 3830-20171121)

The reply to a written question from Mrs. D'Amours (Mirabel) on establishing family daycare on agricultural land – Question No. 273, *Order Paper and Notices* of 1 November 2017.

(Sessional Paper No. 3831-20171121)

Mr. Gendron, Third Vice-President, tabled the following:

A letter, dated 16 November 2017, to Mr. Jacques Chagnon, President of the National Assembly, from Mr. Philippe Couillard, Premier, about cancelling the convening of the Assembly for extraordinary sittings on 16 November 2017 as of 7.00 o'clock p.m.;

(Sessional Paper No. 3832-20171121)

The Ethics Commissioner's ad hoc investigation report to the President of the National Assembly on Mr. Donald Martel, Whip of the Second Opposition Group and Member for Nicolet-Bécancour, entitled "*Rapport d'enquête du Commissaire ad hoc à l'éthique et à la déontologie au président de l'Assemblée nationale au sujet de M. Donald Martel, whip du deuxième groupe d'opposition et député de Nicolet-Bécancour*";

(Sessional Paper No. 3833-20171121)

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A copy of the notice of motion by Mr. Bérubé, Official Opposition House Leader, to be placed on the *Order Paper and Notices* of Wednesday, 22 November 2017 under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 3834-20171121)

Presenting Reports from Committees

Mr. Pagé (Labelle), Committee Chair, tabled the following:

The report from the Committee on Agriculture, Fisheries, Energy and Natural Resources, which met on 26 September 2017 to examine the policy directions, activities and administrative management of the Régie des marchés agricoles et alimentaires du Québec. The report contains observations and conclusions.

(Sessional Paper No. 3835-20171121)

Mr. Merlini (La Prairie), Committee Chair, tabled the following:

The report from the Committee on Health and Social Services, which met on 15 and 16 November 2017 for clause-by-clause consideration of Bill 148, An Act to regulate generic medication procurement by owner pharmacists and to amend various legislative provisions. The report contains one amendment to the bill.

(Sessional Paper No. 3836-20171121)

Mr. Iracà (Papineau), Committee Chair, tabled the following:

The report from the Committee on Transportation and the Environment, which met on 21 November 2017 for clause-by-clause consideration of Bill 147, An Act concerning the prohibition against bringing certain actions related to the operation of off-highway vehicles on trails forming part of the interregional network. The report does not contain amendments to the bill.

(Sessional Paper No. 3837-20171121)

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Presenting Petitions

Mrs. Poirier (Hochelaga-Maisonneuve) tabled the following:

The abstract of a petition on support for workers affected by cuts in the cultural sector, signed by 380 citizens of Québec.

(Sessional Paper No. 3838-20171121)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

Motions Without Notice

Pursuant to Standing Order 146, Mr. Tanguay, Deputy Government House Leader, moved a motion to hold a parliamentary committee on Bill 157, An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions; this motion could not be debated for want of unanimous consent.

Mr. Pagé (Labelle), together with Mrs. Ouellet (Vachon), moved a motion on section 55 of Bill 157, An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions; this motion could not be debated for want of unanimous consent.

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Mr. Paradis (Lévis), together with Mrs. Lamarre (Taillon), Mr. Khadir (Mercier), Mr. Lelièvre (Gaspé), Mr. Surprenant (Groulx) and Mrs. Ouellet (Vachon), moved a motion on opening hours for family medicine groups; this motion could not be debated for want of unanimous consent.

Mr. Khadir (Mercier), together with Mrs. Lamarre (Taillon), Mr. Paradis (Lévis), Mr. Lelièvre (Gaspé), Mr. Surprenant (Groulx) and Mrs. Ouellet (Vachon), moved a motion on paramedics' work schedules; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

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

- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 108, An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics;
- the Committee on Citizen Relations, to continue its clause-by-clause consideration of Bill 143, An Act to improve the educational quality and foster the harmonious development of educational childcare services.

And, by leave of the Assembly to set aside Standing Order 143, he convened the following committee:

- the Committee on Culture and Education, to continue its public hearings within the framework of special consultations on Bill 151, An Act to prevent and fight sexual violence in higher education institutions.
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Mrs. Gaudreault, Second Vice-President, gave the following notices:

- the Committee on Transportation and the Environment shall hold a deliberative meeting to establish the Committee's observations, conclusions and recommendations within the framework of the order of initiative on the use of mobile phones while driving;
- the Committee on Health and Social Services shall hold a deliberative meeting to discuss the possibility of examining a petition.

Information on the Proceedings of the Assembly

Mr. Gendron, Third Vice-President, gave a directive in response to a question raised by the Official Opposition House Leader on 7 November 2017 concerning the Chair of the Conseil du trésor's response to a question on the *Order Paper and Notices* of 19 September 2017.

DIRECTIVE FROM THE CHAIR

Standing Order 314 provides that the Standing Orders pertaining to oral questions shall apply to written questions as well. As parliamentary jurisprudence has already indicated, Standing Order 82, which addresses answers to oral questions, also applies to answers to written questions.

With respect to application of this Standing Order, parliamentary jurisprudence has also established that a Minister may, at any time, decline to answer a question, that a Member may not insist on getting an answer and that the President may not force anyone to answer a question.

In view of the above, it is not for the Chair to interfere in the Minister's answer, which refers to the *Act respecting Access to documents held by public bodies and the Protection of personal information* to refuse to release documents. It is for the Minister to decide whether to allow documents to be forwarded, and he or she may, in exercising that judgment, draw on the criteria established in various acts, including the *Act respecting Access*.

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This is not to say that the *Act respecting Access* applies to the Assembly in the context of parliamentary deliberations. We are simply making a distinction between an order to produce a document and a question on the *Order Paper and Notices*.

In the case at hand, no order to produce a document had been adopted by the Assembly or one of its Committees under its power to investigate and summon witnesses and to order the production of documents. Should this have been the case, it is true that this parliamentary privilege would have to prevail over any other rule of law that is lower in the legal hierarchy, such as the *Act respecting Access*. However, this is not the case that has been submitted to the Chair.

Mrs. Gaudreault, Second Vice-President, informed the Assembly that on Wednesday, 22 November 2017, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mr. Bérubé, Official Opposition House Leader.

This motion reads as follows:

THAT the National Assembly ask the Government to prohibit cannabis use in public places apart from those expressly designated by the municipalities.

ORDERS OF THE DAY

Government Bills

Passage in Principle

Mrs. Vallée, Minister of Justice, moved that Bill 154, An Act to implement certain recommendations of the report of the committee on the remuneration of judges for 2016–2019, do now pass in principle.

After debate thereon, the motion was carried, and Bill 154 was accordingly passed in principle.

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Mrs. Vien, Deputy Government House Leader, moved that Bill 154 be referred to the Committee on Institutions for clause-by-clause consideration.

The motion was carried.

Mrs. Vien, Deputy Government House Leader, moved the adjournment of the Assembly until Wednesday, 22 November 2017 at 9.40 o'clock a.m.

The motion was carried.

Accordingly, at 3.26 o'clock p.m., Mrs. Gaudreault, Second Vice-President, adjourned the Assembly until Wednesday, 22 November 2017 at 9.40 o'clock a.m.

JACQUES CHAGNON

President