



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 23 November 2017 — No. 297

**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. Nichols (Vaudreuil) made a statement to pay tribute to a number of former municipal elected representatives from Vaudreuil riding.

Mr. LeBel (Rimouski) made a statement to pay tribute to Mr. Roland Lavoie for his community involvement.

Mr. Morin (Côte-du-Sud) made a statement to thank the population of Côte-du-Sud riding for its contribution to the “L’IRM à nos portes” fundraising campaign.

Mr. Spénard (Beauce-Nord) made a statement to underline the 100th anniversary of the Vallée-Jonction heritage railway station.

Mr. Blanchette (Rouyn-Noranda–Témiscamingue) made a statement to underline Mr. André Tremblay’s contribution to development of the forest industry.

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Mrs. Ouellet (Vachon) made a statement to underline the 90th anniversary of the Montréal Saint-Hubert Longueuil Airport.

Mr. Billette (Huntingdon) made a statement to underline the 20th anniversary of the Corporation de développement communautaire du Haut-Saint-Laurent.

Mr. Schneeberger (Drummond–Bois-Francs) made a statement to underline the 75th anniversary of the Cercle de fermières Saint-Rémi-de-Tingwick.

Mrs. Maltais (Taschereau) made a statement to underline the 25th anniversary of Croissance-Travail.

Mrs. Vallée (Gatineau) made a statement to underline the 40th anniversary of the Club Les Ours blancs.

At 9.52 o'clock a.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

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

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At the request of Mrs. Gaudreault, Second Vice-President, the Assembly observed a minute of silence in memory of Mr. Henri-E. Laberge, former Member for Jeanne-Mance.

Introduction of Bills

Mr. Barrette, Minister of Health and Social Services, moved that leave be granted to introduce the following bill:

160 An Act to confirm certain terms of employment applicable to officers of health and social services institutions

The motion was carried.

Accordingly, Bill 160 was introduced in the Assembly.

Mr. Picard (Chutes-de-la-Chaudière) moved that leave be granted to introduce the following bill:

1092 An Act to amend the Act respecting labour standards to prohibit clauses providing for differences in treatment among employees

The motion was carried.

Accordingly, Bill 1092 was introduced in the Assembly.

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Presenting Papers

Mrs. Gaudreault, Second Vice-President, tabled the following:

The Report of the Auditor General of Québec to the National Assembly for 2017–2018 – Fall 2017;

(Sessional Paper No. 3841-20171123)

The new seating plan of the National Assembly, dated 23 November 2017.

(Sessional Paper No. 3842-20171123)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Orders 53 and 59, Mrs. Maltais (Taschereau) tabled the following:

Copies of two documents on the province-wide ranking of workloads by ambulance zone according to rates of clinical use, data for 2014–2015 and 2015–2016.

(Sessional Paper No. 3843-20171123)

Motions Without Notice

Mr. Picard (Chutes-de-la-Chaudière), together with Mr. Leclair (Beauharnois), Mr. Nadeau-Dubois (Gouin), Mr. Lelièvre (Gaspé), Mr. Surprenant (Groulx) and Mrs. Ouellet (Vachon), moved a motion on clauses providing for differences in treatment among employees based on their hiring date; this motion could not be debated for want of unanimous consent.

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By leave of the Assembly to set aside Standing Order 185, Mr. Couillard, Premier, together with Mr. Lisée, Leader of the Official Opposition, Mrs. Léger (Pointe-aux-Trembles), Mr. Legault, Leader of the Second Opposition Group, Mr. Nadeau-Dubois (Gouin), Mr. Lelièvre (Gaspé), Mr. Surprenant (Groulx), Mr. Sklavounos (Laurier-Dorion) and Mrs. Ouellet (Vachon), moved:

THAT the National Assembly congratulate the finalists of the 15th edition of the “Gala des Prix reconnaissance” of the Forum des jeunes de la fonction publique québécoise;

THAT the National Assembly highlight the professional skills of these government workers, their ability to innovate and their determination to accomplish outstanding work for the benefit of all Quebecers;

THAT the National Assembly mark the contribution of the Forum des jeunes de la fonction publique québécoise, which, for 20 years, has been a unique think tank that actively contributes to the development of Québec’s public service.

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. LeBel (Rimouski), together with Mr. Khadir (Mercier), Mr. Lelièvre (Gaspé) and Mrs. Ouellet (Vachon), moved:

THAT the National Assembly ask the Federal Government to review the way it calculates Employment Insurance benefits in order to better meet the needs of workers who have seasonal jobs;

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THAT it recall that the drop in the unemployment rate has far-reaching implications for these men and women, who hold jobs that are important for the economy of Québec's different regions.

The question was put on this motion, and a recorded division was thereupon demanded.

The motion was carried on the following vote:

(Division No. 394 in Appendix)

Yeas: **106** Nays: **0** Abstentions: **0**

Mr. Nadeau-Dubois (Gouin), together with Mrs. Hivon (Joliette), Mr. Lelièvre (Gaspé) and Mrs. Ouellet (Vachon), moved a motion on regulating childcare services; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 84.1 and pursuant to Standing Order 146, Mr. Tanguay, Deputy Government House Leader, moved:

THAT, within the framework of the consideration 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, the Committee on Health and Social Services hold special consultations and public hearings on 30 November and on 1, 4, 5, 6, 7 and 8 December 2017 and on 16 and 17 January 2018 in the Legislative Council Room;

THAT, for this purpose, it hear the following:

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Association québécoise pour la promotion de la santé des
personnes utilisatrices de drogues
Association des intervenants en dépendance du Québec
Group for Research and Psychosocial Intervention Montréal
Fondation Jean Lapointe
Hydrophocary
Collège des médecins du Québec
Ordre des pharmaciens du Québec
Fédération québécoise des municipalités
Union des municipalités du Québec
Association des directeurs de police du Québec
Barreau du Québec
Fédération des médecins spécialistes du Québec
Association des spécialistes en médecine d'urgence du Québec
Association des médecins psychiatres du Québec
Canadian Medical Association
Québec Medical Association
Canadian Association of Chiefs of Police
Fédération médicale étudiante du Québec
Ordre des chimistes du Québec
Association pour la santé publique du Québec
Dr. Mark Ware, Director of Clinical Research, Alan Edwards
Pain Management Unit, McGill University Health Centre
Dr. Didier Jutras-Aswad, Addiction Psychiatrist, Medical
Psychiatrist, Department of Psychiatry, CHUM
Mr. Jean-Sébastien Fallu, Associate Professor, School of
psychoeducation, Université de Montréal
Mrs. Line Beauchesne, Full Professor, Department of
Criminology, University of Ottawa and Associate Professor,
Community Health Department, Université de Sherbrooke
Union des producteurs agricoles
IRIS (Institut de recherche et d'informations socioéconomiques)
IREC (Institut de recherche en économie contemporaine)
Société des alcools du Québec
Assembly of First Nations Quebec-Labrador
Grand Council of the Crees (Eeyou Istchee)
Kativik Regional Government
Conseil québécois sur le tabac et la santé

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Directions de santé publique du Québec
Institut universitaire sur les dépendances / Mr. Serge Brochu
Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec
Regroupement des organismes communautaires autonomes jeunesse du Québec
Clinique d'évaluation neuropsychologique et des troubles d'apprentissage de Montréal / Dr. Dave Ellemberg
Conseil pour la protection des malades
Fédération des médecins omnipraticiens du Québec
Fédération interprofessionnelle de la santé du Québec
Mouvement santé mentale Québec
Regroupement provincial des comités d'usagers
Fédération des policiers et policières municipaux du Québec
Association des policières et policiers provinciaux du Québec
Association des restaurateurs du Québec
Conseil du patronat du Québec
Canadian Federation of Independent Business
Fédération des chambres de commerce du Québec
Canadian Life and Health Insurance Association
Association québécoise des pharmaciens propriétaires
Fédération des comités de parents du Québec
Fédération des commissions scolaires du Québec
Centrale des syndicats du Québec
Confédération des syndicats nationaux
Fédération des travailleurs et travailleuses du Québec
Bureau de coopération interuniversitaire
Fédération des cégeps
Corporation des propriétaires immobiliers du Québec
Regroupement des comités logement et des associations de locataires du Québec
Institut national de santé publique du Québec;

THAT a period of 12 minutes be set aside for opening statements, allocated as follows: 6 minutes to the parliamentary group forming the Government, 3 minutes 30 seconds to the parliamentary group forming the Official Opposition, and 2 minutes 30 seconds to the Second Opposition Group;

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THAT the presentation by each individual or organization last no longer than 10 minutes and the exchange with the Committee members last no longer than 35 minutes, allocated as follows: 17 minutes 30 seconds to the parliamentary group forming the Government, 10 minutes 30 seconds to the Official Opposition, and 7 minutes to the Second Opposition Group;

THAT the Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living be a member of the said Committee during its proceedings with respect to this order of reference.

By leave of the Assembly, the motion was carried.

Notices of Proceedings in Committees

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

- the Committee on Culture and Education, to continue and conclude its public hearings within the framework of special consultations on Bill 151, An Act to prevent and fight sexual violence in higher education institutions;
- 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;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 154, An Act to implement certain recommendations of the report of the committee on the remuneration of judges for 2016–2019.

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And, by leave of the Assembly to set aside Standing Order 143.1, he convened the following committee:

- the Committee on Labour and the Economy, to hold public hearings within the framework of special consultations on Bill 149, An Act to enhance the Québec Pension Plan and to amend various retirement-related legislative provisions.

Mr. Gendron, Third Vice-President, gave the following notices:

- the Committee on Planning and the Public Domain shall hold a public meeting to elect its Chair;
- the Committee on Institutions shall hold a public meeting to elect its Chair;
- the Committee on Labour and the Economy shall hold a deliberative meeting to discuss the order of initiative on the Commission de la construction du Québec adopted in June 2016; then, hold a deliberative meeting to approve the Committee's reports following the hearings of the three Fonds de recherche du Québec; and finally, hold a deliberative meeting to discuss the statutory orders that the Committee must carry out;
- the Committee on Public Finance shall hold a deliberative meeting to discuss a document on tax havens and the action plan to ensure tax fairness entitled "Paradis fiscaux : Plan d'action pour assurer l'équité fiscale" and to discuss the possibility of carrying out an order of initiative on this subject.

Information on the Proceedings of the Assembly

Mr. Ouimet, First Vice-President, gave a directive in response to two requests submitted to him on 31 October and 2 November 2017 by the Official Opposition House Leader and the Second Opposition Group House Leader regarding transmitting documents to parliamentarians.

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DIRECTIVE FROM THE CHAIR

In general, when a document is requested from a public body or government department during a parliamentary committee's proceedings, the body or department in question offers its full cooperation and gives the document to the committee members to enable them to carry out their mandate efficiently. When witnesses explain their reluctance about making a document public, the Members are usually open to their concerns and may suggest using certain mechanisms guaranteeing the confidentiality of the document's contents.

That being said, the Assembly and the parliamentary committees also have tools allowing them to require people, regardless of who they are, to produce documents or appear before the committee to produce them. The power to investigate, summon witnesses and compel the production of documents is codified in section 51 of the *Act respecting the National Assembly*.

Furthermore, parliamentary jurisprudence has established that the right to order the production of documents is one of the National Assembly's most indisputable constitutional privileges. Because parliamentary privilege has a constitutional status, it must prevail over any other rule of law that ranks lower in the legal hierarchy, such as the *Act respecting Access to documents held by public bodies and the Protection of personal information*. This is why, when production of a document has been ordered, this Act cannot be invoked to fail to comply.

If the entity from which the documents are being requested has reservations based on the nature of the information asked for, it is not for the entity to unilaterally decide not to release them. Only the Members may determine what they need in order to exercise their function as overseers of government action. Determining whether it is necessary to implement measures to protect certain information that may be contained in the requested documents also falls within the Members' exclusive purview.

In this regard, it is important to recall that caution must be exercised when documents are transmitted before an order to produce has been adopted, in particular with respect to the personal information such documents may contain. In such a context, the Committee Chair plays an important role in devising an avenue that respects both the fundamental rights of the persons concerned and the right of parliamentarians to the information they require to exercise their functions.

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As no order to produce documents had been adopted by the Assembly or a committee in either of the cases at hand, the Chair cannot conclude that there was an obligation to send the documents requested. Nonetheless, for future reference, parliamentarians are entitled to expect collaboration from the organizations participating in a committee's proceedings.

ORDERS OF THE DAY

Government Bills

Passage

Mr. Barrette, Minister of Health and Social Services, moved the passage of Bill 148, An Act to regulate generic medication procurement by owner pharmacists and to amend various legislative provisions.

After debate thereon, the motion was carried and, accordingly, Bill 148 was passed.

Mrs. Tremblay, Minister for Transport, moved the passage 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.

After debate thereon, the motion was carried and, accordingly, Bill 147 was passed.

Mr. Tanguay, Deputy Government House Leader, moved the adjournment of the Assembly until Tuesday, 28 November 2017 at 1.40 o'clock p.m.

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The motion was carried.

Accordingly, at 12.03 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Tuesday, 28 November 2017 at 1.40 o'clock p.m.

ROYAL ASSENT

On Thursday, 23 November 2017 at 3.20 o'clock p.m. in the Office of the Lieutenant-Governor, in the presence of Mr. Gendron, Third Vice-President of the National Assembly, of Mrs. Tremblay, Minister for Transport and Delegate of the Premier, and of Mr. Arsenault, Director General of Parliamentary Affairs and Delegate of the Secretary General, the Honourable J. Michel Doyon, Lieutenant-Governor of Québec, was pleased to assent to the following bills:

- 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
- 148 An Act to regulate generic medication procurement by owner pharmacists and to amend various legislative provisions

JACQUES CHAGNON

President

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APPENDIX

Recorded Divisions

On the motion moved by Mr. LeBel (Rimouski), together with Mr. Khadir (Mercier), Mr. Lelièvre (Gaspé) and Mrs. Ouellet (Vachon):

(Division No. 394)

YEAS - 106

Anglade (<i>QLP</i>)	Fortin (<i>QLP</i>)	Léger (<i>PQ</i>)	Richard (<i>PQ</i>)
Arcand (<i>QLP</i>)	(<i>Pontiac</i>)	Lemay (<i>CAQ</i>)	Roberge (<i>CAQ</i>)
Auger (<i>QLP</i>)	Fortin (<i>QLP</i>)	Lessard (<i>QLP</i>)	Rochon (<i>PQ</i>)
Barrette (<i>QLP</i>)	(<i>Sherbrooke</i>)	Lisée (<i>PQ</i>)	Rotiroti (<i>QLP</i>)
Bernier (<i>QLP</i>)	Fournier (<i>QLP</i>)	Maltais (<i>PQ</i>)	Rousselle (<i>QLP</i>)
Bérubé (<i>PQ</i>)	(<i>Saint-Laurent</i>)	Marceau (<i>PQ</i>)	Roy (<i>CAQ</i>)
Billette (<i>QLP</i>)	Fournier (<i>PQ</i>)	Martel (<i>CAQ</i>)	(<i>Montarville</i>)
Birnbaum (<i>QLP</i>)	(<i>Marie-Victorin</i>)	Matte (<i>QLP</i>)	Roy (<i>PQ</i>)
Blais (<i>QLP</i>)	Giguère (<i>QLP</i>)	Melançon (<i>QLP</i>)	(<i>Bonaventure</i>)
Blanchette (<i>QLP</i>)	Girard (<i>QLP</i>)	Ménard (<i>QLP</i>)	Samson (<i>CAQ</i>)
Bolduc (<i>QLP</i>)	Guilbault (<i>CAQ</i>)	Merlini (<i>QLP</i>)	Sauvé (<i>QLP</i>)
Bonnardel (<i>CAQ</i>)	Habel (<i>QLP</i>)	Montpetit (<i>QLP</i>)	Schneeberger (<i>CAQ</i>)
Boucher (<i>QLP</i>)	Hardy (<i>QLP</i>)	Morin (<i>QLP</i>)	Simard (<i>QLP</i>)
Boulet (<i>QLP</i>)	Hivon (<i>PQ</i>)	Nadeau-Dubois (<i>IND</i>)	(<i>Dubuc</i>)
Bourcier (<i>PQ</i>)	Huot (<i>QLP</i>)	Nichols (<i>QLP</i>)	Sklavounos (<i>IND</i>)
Bourgeois (<i>QLP</i>)	Iracà (<i>QLP</i>)	Ouellet (<i>PQ</i>)	Soucy (<i>CAQ</i>)
Busque (<i>QLP</i>)	Jean (<i>PQ</i>)	(<i>René-Lévesque</i>)	Spénard (<i>CAQ</i>)
Caire (<i>CAQ</i>)	Jolin-Barrette (<i>CAQ</i>)	Ouellet (<i>IND</i>)	St-Denis (<i>QLP</i>)
Charbonneau (<i>QLP</i>)	Kelley (<i>QLP</i>)	(<i>Vachon</i>)	Surprenant (<i>IND</i>)
Charette (<i>CAQ</i>)	Khadir (<i>IND</i>)	Ouellette (<i>QLP</i>)	Tanguay (<i>QLP</i>)
Charlebois (<i>QLP</i>)	Kotto (<i>PQ</i>)	Pagé (<i>PQ</i>)	Thériault (<i>QLP</i>)
Chevarie (<i>QLP</i>)	Laframboise (<i>CAQ</i>)	Paradis (<i>CAQ</i>)	Therrien (<i>PQ</i>)
Coiteux (<i>QLP</i>)	Lamarre (<i>PQ</i>)	(<i>Lévis</i>)	Traversy (<i>PQ</i>)
Couillard (<i>QLP</i>)	Lamontagne (<i>CAQ</i>)	Picard (<i>CAQ</i>)	Tremblay (<i>QLP</i>)
D'Amour (<i>QLP</i>)	Lavallée (<i>CAQ</i>)	Plante (<i>QLP</i>)	Turcotte (<i>PQ</i>)
D'Amours (<i>CAQ</i>)	LeBel (<i>PQ</i>)	Poëti (<i>QLP</i>)	Vallée (<i>QLP</i>)
David (<i>QLP</i>)	Leclair (<i>PQ</i>)	Poirier (<i>PQ</i>)	Vallières (<i>QLP</i>)
de Santis (<i>QLP</i>)	Lefebvre (<i>CAQ</i>)	Proulx (<i>QLP</i>)	Vien (<i>QLP</i>)
Drolet (<i>QLP</i>)	Legault (<i>CAQ</i>)	Reid (<i>QLP</i>)	Weil (<i>QLP</i>)