



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 11 February 2020 — No. 99

**President of the National Assembly:
Mr. François Paradis**

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

ROUTINE PROCEEDINGS

Statements by Members

Mr. Thouin (Rousseau) made a statement to underline the 30th anniversary of Centre de femmes Montcalm.

Mr. Birnbaum (D'Arcy-McGee) made a statement to underline Tamil Heritage Month.

Ms. Foster (Charlevoix-Côte-de-Beaupré) made a statement to pay tribute to Ms. Annie Lévesque, artist and entrepreneur.

Mr. Arcand (Mont-Royal-Outremont) made a statement to pay tribute to Mr. Erick Marciano, recipient of the Medal of the National Assembly.

Mr. Carmant (Taillon) made a statement to pay tribute to Ms. Marie-Ève Richard, recipient of the Medal of the National Assembly.

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Mr. Bérubé (Matane-Matapédia) made a statement to pay tribute to Mr. Alban Arsenault, founder of the company Arseno.

Ms. Blais (Prévost) made a statement to pay tribute to Mr. Jacques Aubin, recipient of the Medal of the National Assembly.

Mr. Ouellette (Chomedey) made a statement to pay tribute to Mr. Ali Nestor, recipient of the Medal of the National Assembly.

Ms. IsaBelle (Huntingdon) made a statement to congratulate Ferme AMY Martin, winner of the Master Breeder award.

Ms. Picard (Soulanges) made a statement to pay tribute to the prefect of MRC de Vaudreuil-Soulanges, Mr. Patrick Bousez, winner of the Jean-Marie- Moreau award.

At 1.52 o'clock p.m., Ms. Soucy, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 2.02 o'clock p.m.

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Moment of reflection

Presenting Papers

Mr. Jolin-Barrette, Government House Leader, tabled the following:

The Government's reply to a petition tabled on 13 November 2019 by Ms. Ghazal (Mercier) on the removal of all digital meters, communicating or not.
(Sessional Paper No. 1391-20200211)

The President tabled the following:

A copy of the notice of motion by Mr. Leduc (Hochelaga-Maisonneuve) to be placed on the *Order Paper and Notices* of Wednesday, 12 February 2020 under Business Standing in the Name of Members in Opposition.
(Sessional Paper No. 1392-20200211)

Presenting Reports from Committees

Mr. Lemay (Masson), Committee Chair, tabled the following:

The report from the Committee on Agriculture, Fisheries, Energy and Natural Resources, which held public hearings on 5, 6 and 11 February 2020 within the framework of special consultations on Bill 48, An Act mainly to control the cost of the farm property tax and to simplify access to the farm property tax credit.
(Sessional Paper No. 1393-20200211)

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Mr. Bachand (Richmond), Committee Chair, tabled the following:

The report from the Committee on Institutions, which held public hearings on 22 and 23 January and on 4, 5, and 6 February 2020 within the framework of special consultations on Bill 39, An Act to establish a new electoral system.

(Sessional Paper No. 1394-20200211)

By leave of the Assembly to set aside Standing Order 325 and section 4.4 of the Rules for the Conduct of Proceedings, the President tabled the following:

The report from the steering committee of the Committee on the National Assembly, which met on 11 February 2020 to modify the list of temporary Chairs.

(Sessional Paper No. 1395-20200211)

Complaints of Breach of Privilege or Contempt and Personal Explanations

The President ruled on the point of privilege or contempt raised on 7 December 2019 by Mr. Tanguay, Official Opposition House Leader, concerning certain statements made by the Minister of Health and Social Services to the effect that she would eventually table an action plan to address the shortage of orderlies.

RULING FROM THE CHAIR

Parliamentary jurisprudence has established that deliberately misleading the Assembly or its committees can constitute contempt of Parliament. To reverse the principle under which a Member must be taken at his or her word, the Member in question, when speaking, must have misled the Assembly or a committee, and subsequently acknowledge having done so deliberately. Jurisprudence has also established that giving two contradictory statements, in the context of parliamentary proceedings, regarding the same facts may also result in misleading the House and give rise to contempt of Parliament. The question, in this case, is whether the statement the Minister made during question period can constitute an acknowledgment of her having deliberately misled the Assembly during the division on the motion, or whether it is a case of there being two conflicting statements made regarding the same facts.

None of the Minister's statements quoted by the Official Opposition House Leader can be considered as an admission that her vote in favour of the motion was intended to mislead the Assembly. Nor are there two statements relating to a specific fact which contradict one another. Moreover, the Minister's vote on the motion cannot be construed as a statement that was allegedly contradicted the following week. In addition, the facts brought to light do not suggest that the Minister intended to mislead parliamentarians when she cast her vote.

The 29 November 2019 motion provided that the Assembly "request" that the Minister table her action plan. As Standing Order 186 states, every motion, when carried, becomes either an order or a resolution. As drafted, the motion cannot be likened to an order of the Assembly, but must rather be considered as a simple resolution that the Government was not strictly required to follow up on.

The Assembly may ask the Minister to explain herself, but a point of privilege or contempt is not the appropriate means by which to do so. Points of privilege or contempt are intended for serious breaches and violations of the rights of the Assembly and of its Members. They are not meant as a means of parliamentary oversight.

When a motion is unanimously carried, there is a legitimate expectation that it will be complied with. In this respect, the Members are entitled to expect a certain degree of government coherence. However, this facet is not within the purview of the Chair. When the Government does not follow up on a moral commitment, it falls on the Government to explain itself in the aftermath.

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The point of privilege or contempt raised by the Official Opposition House Leader is out of order.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Ms. Laforest, Minister of Municipal Affairs and Housing, tabled the following:

Copies of two letters regarding the acquisition of land for the construction of new schools; the first, dated 6 January 2020, addressed to Mr. Serge Lamontagne, Director General of Ville de Montréal, by Mr. Frédéric Guay, Deputy Minister at the Ministère des Affaires municipales et de l'Habitation, and the second, dated 6 January 2020, addressed to Ms. Marie-Hélène Lajoie, Director General of Ville de Gatineau, by Mr. Frédéric Guay, Deputy Minister at the Ministère des Affaires municipales et de l'Habitation.

(Sessional Paper No. 1396-20200211)

At the request of the President, Ms. Hivon (Joliette) withdrew certain words deemed unparliamentary.

At the request of the President, Ms. Thériault (Anjou–Louis-Riel) withdrew certain words deemed unparliamentary.

Motions Without Notice

Mr. Roy (Bonaventure), together with Mr. Leitão (Robert-Baldwin), Mr. Marissal (Rosemont), Mr. Ouellette (Chomedey) and Ms. Fournier (Marie-Victorin), moved a motion about retirees from private companies; 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, Ms. Charest, Minister Responsible for the Status of Women, together with Ms. Melançon (Verdun), Ms. Dorion (Taschereau), Ms. Perry Mélançon (Gaspé), Mr. Ouellette (Chomedey) and Ms. Fournier (Marie-Victorin), moved:

THAT the National Assembly mark the International Day of Women and Girls in Science;

THAT it recall that gender equality is one of the main foundations of Québec society;

THAT the Members of the National Assembly take this opportunity to recognize the importance of taking action in girls' and boys' earliest years to give them equal chances to enter what is still a highly divided labour market;

THAT the Members of the National Assembly recognize the need to improve women's access to and retention in the scientific spheres;

THAT the Members of the National Assembly recognize the invaluable contribution of all the teachers and actors working with organizations toward that goal.

By leave of the Assembly, the motion was carried.

Ms. St-Pierre (Acadie), together with Mr. Marissal (Rosemont), Mr. Ouellet (René-Lévesque) and Mr. Ouellette (Chomedey), moved a motion on Investissement Québec; this motion could not be debated for want of unanimous consent.

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Ms. Massé, Leader of the Second Opposition Group, together with Mr. Arcand, Leader of the Official Opposition, Ms. Hivon (Joliette) and Mr. Ouellette (Chomedey), moved a motion about school elections; this motion could not be debated for want of unanimous consent.

Ms. Fournier (Marie-Victorin), together with Ms. Ghazal (Mercier), Mr. Gaudreault (Jonquière) and Mr. Ouellette (Chomedey), moved a motion on the development of oil sands mining projects; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

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

- the Committee on Citizen Relations, to continue its clause-by-clause consideration of Bill 18, An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 32, An Act mainly to promote the efficiency of penal justice and to establish the terms governing the intervention of the Court of Québec with respect to applications for appeal;
- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 42, An Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and to various other measures;
- the Committee on Health and Social Services, to continue its clause-by-clause consideration of Bill 43, An Act to amend the Nurses Act and other provisions in order to facilitate access to health services.

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ORDERS OF THE DAY

Government Bills

Report Stage

The Assembly took into consideration the report from the Committee on Public Finance on its clause-by-clause consideration of Bill 37, An Act mainly to establish the Centre d'acquisitions gouvernementales and Infrastructures technologiques Québec.

A debate arose thereon.

The debate being concluded, the report was concurred in on division.

Passage in Principle

Mr. Charette, Minister of the Environment and the Fight Against Climate Change, moved that Bill 44, An Act mainly to ensure effective governance of the fight against climate change and to promote electrification, do now pass in principle.

A debate arose thereon.

Debates upon Adjournment

At 6.00 o'clock p.m., the Assembly held three debates upon adjournment:

- the first, on a question from Ms. Rizqy (Saint-Laurent) to Mr. Roberge, Minister of Education and Higher Education, about the demobilization of parents and teachers as regards the CAQ Government's Bill 40, imposed by a legislative "gag order";

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- the second, on a question from Ms. Thériault (Anjou–Louis-Riel) to Ms. Laforest, Minister of Municipal Affairs and Housing, about municipalities’ anger regarding the CAQ Government’s Bill 40, imposed by a legislative “gag order”;
- the third, on a question from Ms. Sauvé (Fabre) to Ms. Blais, Minister Responsible for Seniors and Informal Caregivers, about the absence of concrete, short-term measures to remedy the shortage of orderlies. Ms. McCann, Minister of Health and Social Services, replaced the Minister for this debate.

At 6.39 o’clock p.m., Ms. Gaudreault, Third Vice-President, suspended the proceedings until 7.30 o’clock p.m.

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

Government Bills

Passage in Principle

The Assembly continued the debate on the motion moved by Mr. Charette, Minister of the Environment and the Fight Against Climate Change, that Bill 44, An Act mainly to ensure effective governance of the fight against climate change and to promote electrification, do now pass in principle.

A debate arose thereon.

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At the end of his address, Mr. LeBel (Rimouski) moved the following hoist motion:

THAT the motion under debate be amended by striking out the word “now” and by adding at the end thereof the words “this day twelve months hence”.

The hoist motion was ruled in order.

Ms. Gaudreault, Third Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate on this hoist motion: 58 minutes 30 seconds to the parliamentary group forming the Government; 34 minutes 51 seconds to the parliamentary group forming the Official Opposition; 12 minutes 27 seconds to the Second Opposition Group; 11 minutes 12 seconds to the Third Opposition Group; and 1 minute 30 seconds to each independent Member. However, if only one independent Member takes part in the debate, that Member’s speaking time is 2 minutes. 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 hoist motion moved by Mr. LeBel (Rimouski).

At 21.30 o’clock p.m., Ms. Gaudreault, Third Vice-President, adjourned the Assembly until Wednesday, 12 February 2020 at 9.40 o’clock a.m.

FRANÇOIS PARADIS

President