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NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Votes and Proceedings

of the Assembly

Wednesday, 13 February 2013 — No. 22

President of the National Assembly:
Mr. Jacques Chagnon

QUÉBEC

The Assembly was called to order at 9.45 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mrs. Hivon (Joliette) made a statement about the 40th anniversary of Portage.

Mrs. Charbonneau (Mille-Îles) made a statement about Hooked on School Week.

Mr. Dufour (René-Lévesque) made a statement to pay tribute to Mr. Gérard Asselin.

Mrs. Ménard (Laporte) made a statement about the Salon du livre jeunesse de Longueuil.

Mr. Bonnardel (Granby) made a statement to pay tribute to his friend Richard Labonté.

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Mr. Khadir (Mercier) made a statement about the Comité logement du Plateau Mont-Royal, an active community group.

Mr. Morin (Côte-du-Sud) made a statement to promote the 7th edition of Odyssée appalachienne held in the southern part of the regional county municipality of L'Islet.

Mrs. St-Laurent (Montmorency) made a statement about the 30th anniversary of Le Pivot.

Mr. D'Amour (Rivière-du-Loup—Témiscouata) made a statement to thank the volunteers of Ligne de Vie du Témiscouata.

Mrs. Poirier (Hochelaga-Maisonneuve) made a statement about the 50th anniversary of Jeunes Sportifs Hochelaga.

At 9.57 o'clock a.m., Mr. Cousineau, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.08 o'clock a.m.

Moment of reflection

Introduction of Bills

Mrs. Maltais, Minister of Employment and Social Solidarity, moved that leave be granted to introduce the following Bill:

21 An Act to optimize government action in delivering public services to citizens and businesses

The motion was carried.

Accordingly, Bill 21 was introduced in the Assembly.

Mr. St-Arnaud, Minister of Justice and Minister responsible for the administration of legislation respecting the professions, moved that leave be granted to introduce the following Bill:

17 An Act to amend the Professional Code with respect to disciplinary justice

The motion was carried.

Accordingly, Bill 17 was introduced in the Assembly.

Mr. Bonnardel (Granby) moved that leave be granted to introduce the following Bill:

193 An Act to amend the Auditor General Act

The motion was carried.

Accordingly, Bill 193 was introduced in the Assembly.

Presenting Petitions

Mr. Marsan (Robert-Baldwin) tabled the following:

The abstract of a petition respecting the increase in welfare benefits paid to disabled persons living alone, and signed by 592 citizens of Québec.

(Sessional Paper No. 403-20130213)

Mrs. Charlebois (Soulanges) tabled the following:

The abstract of a petition respecting the closing of the Olympic Park's 15-metre diving pool, and signed by 2638 citizens of Québec.

(Sessional Paper No. 404-20130213)

By leave of the Assembly to set aside Standing Order 63, Mrs. de Santis (Bourassa-Sauvé) tabled the following:

The abstract of a petition respecting the financing of independent community organizations, and signed by 477 citizens of the riding of Bourassa-Sauvé and of Québec.

(Sessional Paper No. 405-20130213)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

Following the Assembly's adoption of a motion without notice at the sitting of 12 February 2013 demanding that the Government renounce the budget cutbacks imposed on the universities at the end of the fiscal year, the Second Opposition Group House Leader raised a point of order about the nature of this motion, that is, if it constituted an order or a resolution.

DIRECTIVE FROM THE CHAIR

Standing Order 186 provides that every motion, when carried, becomes either an order or a resolution of the Assembly. By its orders the Assembly directs its committees, its Members, or any other person to do something; by its resolutions the Assembly declares its own opinions and purposes or affirms some fact or principle.

Since 1973, jurisprudence has consistently made reference to the following principles. First of all, the National Assembly may only give an order within the scope of its prerogatives and authority. Secondly, the executive branch is not strictly required to follow up on a motion carried by the legislative branch since it is bound only by specific legislation.

These principles are entirely in keeping with the notion of the separation of State powers which confers distinct and specific roles to the executive and legislative powers. The latter plays a fundamental role when it comes to controlling the executive power's actions through various parliamentary means. The legislative power may also impose obligations upon the executive power through the legislation that it passes. Furthermore, the legislative power disposes of important powers that arise from the parliamentary privileges enjoyed by British-style parliamentary assemblies in order to allow it to fully exercise its role. Among these powers is the right to call for persons, papers or records, and this, with respect to any person, including Ministers.

However, when it comes to governance, the executive power makes its own decisions and the Assembly cannot act in its place as administrator of the State any more than it can give orders to it. Thus, when dealing with a motion calling for the Government to act in a specific manner in an area falling within the exclusive jurisdiction of the executive power, jurisprudence has always considered that this is strictly a political or moral constraint and that the Assembly, within this context, is expressing a wish rather than an order, such as in this particular case.

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Motions Without Notice

Mr. Bolduc (Jean-Talon), together with Mr. Le Bouyonnec (La Prairie) and Mrs. David (Gouin), moved a motion concerning Québec's three research funds; this motion could not be debated for want of unanimous consent.

Mr. Bonnardel (Granby), together with Mr. Khadir (Mercier), moved a motion concerning the mandate of the Auditor General; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mrs. Malavoy, Minister of Education, Recreation and Sports, together with Mrs. Charbonneau (Mille-Îles), Mrs. Roy (Montarville) and Mrs. David (Gouin), moved:

THAT the National Assembly of Québec underline Teachers' Week, which was held last 3 to 9 February, and that it recognize their primary role in the development of our children and of our society.

By leave of the Assembly, the motion was carried.

Notices of Proceedings in Committees

Mr. Traversy, Deputy Government House Leader, convened the following Committees:

- the Committee on Culture and Education, to examine the Research and Innovation and the Pension Plans components of the estimates of expenditure of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie;

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- the Committee on Health and Social Services, to examine the Health component of the estimates of expenditure of the Ministère de la Santé et des Services sociaux;
- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to examine the Agriculture and Fisheries and the Food components of the estimates of expenditure of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation;
- the Committee on Public Finance, to examine the Finance component of the estimates of expenditure of the Ministère des Finances et de l'Économie;
- the Committee on Planning and the Public Domain, to examine the Municipal Affairs and the Housing and Régie du logement components of the estimates of expenditure of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire.

At 11.20 o'clock a.m., pursuant to Standing Order 282, Mrs. Poirier, First Vice-President, adjourned the Assembly until Thursday, 14 February 2013, at 9.45 o'clock a.m.

JACQUES CHAGNON

President