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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

## **Votes and Proceedings**

**of the Assembly**

**Tuesday, 7 May 2013 — No. 48**

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

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**QUÉBEC**



The Assembly was called to order at 1.46 o'clock p.m.

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**ROUTINE PROCEEDINGS**

**Statements by Members**

Mrs. Hivon (Joliette) made a statement about Food Sharing Week.

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Mr. Hébert (Saint-François) made a statement about National Mental Health Week.

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Mr. Ouimet (Fabre) made a statement to pay tribute to the Fabre businesses that won a Dunamis award.

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Mr. Lévesque (Vanier-Les Rivières) made a statement about the 25<sup>th</sup> anniversary of the Club optimiste de Duberger.

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Mr. Bérubé (Matane-Matapédia) made a statement about the 20<sup>th</sup> anniversary of home care services in the Matane region.

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Mr. Rousselle (Vimont) made a statement to pay tribute to Dr. André Bourret, physician for 50 years.

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Mrs. St-Laurent (Montmorency) made a statement to pay tribute to Mr. Vincent Dallaire.

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Mr. Diamond (Maskinongé) made a statement about the 30<sup>th</sup> anniversary of the Centre des femmes l'Héritage.

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Mr. Bergeron (Verchères) made a statement about the 35<sup>th</sup> anniversary of the Club de patinage artistique de Sainte-Julie.

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Mrs. Charlebois (Soulanges) made a statement about the 40<sup>th</sup> anniversary of the Club de l'âge d'or de Saint-Polycarpe.

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At 1.57 o'clock p.m., Mr. Ouimet, Third Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 2.13 o'clock p.m.

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Moment of reflection

### **Presenting Papers**

Mrs. Maltais, Minister of Employment and Social Solidarity, tabled the following:

The 2012 annual management report of the Régie des rentes du Québec;  
(Sessional Paper No. 627-20130507)

The 2013 action plan of the Régie des rentes du Québec;  
(Sessional Paper No. 628-20130507)

The 2011-2012 activity report of the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale.  
(Sessional Paper No. 629-20130507)

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Mr. Gaudreault, Minister of Transport, tabled the following:

The 2012 annual report of the Agence métropolitaine de transport.  
(Sessional Paper No. 630-20130507)

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Mrs. De Courcy, Minister of Immigration and Cultural Communities, tabled the following:

Copy of a letter, dated 2 May 2013, addressed to Mr. Daniel Duranleau, President of the Commission scolaire de Montréal, from Mr. Akos Verboczy, concerning his resignation as school commissioner in the Westmount – Côte-des-Neiges Sud district.  
(Sessional Paper No. 631-20130507)

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Mr. President tabled the following:

Copy of the notice of motion by Mr. Bolduc (Jean-Talon) which will be placed on the *Order Paper and Notices* of Wednesday, 8 May 2013, under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 632-20130507)

### **Presenting Reports from Committees**

Mrs. Richard (Duplessis), committee chairman, tabled the following:

The report from the Committee on Culture and Education, which, on 29 and 30 April and on 1 and 2 May 2013, held public hearings within the framework of special consultations on Bill 23, An Act to amend the Education Act concerning certain educational services for students under five years of age.

(Sessional Paper No. 633-20130507)

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Mr. Bergman (D'Arcy-McGee), committee chairman, tabled the following:

The report from the Committee on Health and Social Services, which, on 24 and 25 April and on 1 and 2 May 2013, held public hearings within the framework of special consultations on Bill 30, An Act to amend the Civil Code and other legislative provisions with respect to research.

(Sessional Paper No. 634-20130507)

### **Presenting Petitions**

By leave of the Assembly to set aside Standing Order 63, Mr. Villeneuve (Berthier) tabled the following:

The abstract of a petition respecting the rerelease of Québec's hunting and fishing rule book, and signed by 245 citizens of Québec.

(Sessional Paper No. 635-20130507)

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## Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

At the request of Mr. President, Mr. Bonnardel (Granby) withdrew certain words deemed unparliamentary.

By leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Khadir (Mercier) tabled the following:

The extract of a Web page concerning Mr. Denis Lefebvre.  
(Sessional Paper No. 636-20130507)

Mr. President gave a directive following a question raised on Thursday, 25 April 2013, by the Second Opposition Group House Leader, concerning the allotment of speaking time in committee when Members who are not members of a committee take part in its proceedings.

### DIRECTIVE FROM THE CHAIR

As for the allotment of oversight measures in the Assembly, various criteria have been developed for the allotment of speaking time in committee. Parliamentary jurisprudence has evolved over time to reflect the recognition of a second opposition group, changes in the number of independent Members and minority governments.

According to the jurisprudence, the rule of thumb for determining speaking time in committee is to consider the composition of the committee. Speaking time in committee was allotted based on the composition of the Assembly only once, for a short period of time during the 38th Legislature, and only because of the exceptional situation the Assembly found itself in at that time.

In 2011, the jurisprudence clarified how time was to be allotted in committee when two or more independent Members who were not members of a committee wanted to participate in its proceedings. It was then decided to reconcile the participation of such Members with the proportionality of the Opposition Members within the committee by granting speaking time to the independent Members as a group that is equal to the time an additional Opposition committee member would be entitled to, that is, 1/6th of the time allotted to the Opposition. This method of calculating the time to be allotted to participating independent Members as a group subsequently became common practice.

The practice has remained unchanged since the beginning of the 40th Legislature: in committee, the time allotted to a Member of a parliamentary group is determined not according to the number of Members of that parliamentary group in relation to the 125 Members in the Assembly, but according to its proportional representation within the committee.

This means, concretely, that since there are five Opposition Members in each committee, speaking time is granted as follows to the Opposition as a whole: 4/5ths of the time is allotted to the Members of the Official Opposition and 1/5th to the Member of the Second Opposition Group. When the Members who are not members of the committee participate in its proceedings, the time granted to the Opposition is divided into 6 and a maximum of 1/6th is allotted to participating independent Members as a group.

The speaking time during the mandate of the Committee on Transportation and the Environment which gave rise to this request for a directive was defined for the full set of hearings in accordance with the principles established by the jurisprudence, and the method used is adequate. However, the Chair wishes that this method of allotment be applied to each hearing, and not only over the total course of a mandate.

The Chair also requests that, from now on, committee chairs ensure that a reasonable difference in the allotted time be maintained between the Members of the Second Opposition Group who are committee members and the independent Members who are not. It is essential that committee members benefit from certain advantages, including the right to more speaking time than that allotted to non-members.

Be that as it may, the Chair has no intention of quantifying this reasonable time difference since a number of circumstances specific to committee proceedings, such as the expected duration of a hearing, will have an effect of the allotment of speaking time. Logically, the shorter the hearing, the smaller the difference between the time allotted to a Member of the Second Opposition Group and the time allotted to an independent Member. It is also important to take into account the fact that a minimum of time must be allotted to ensure that a certain level of discussion with witnesses is preserved, to the extent allowed by the number of non-members who wish to intervene. However, in no case should a Member who is not a member of the committee be allotted the same speaking time as a committee member.



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In conclusion, it would be difficult to apply the same rigid form of speaking time allotment that applies to debates in the Assembly because speaking time during committee hearings is generally used in discussions with witnesses. That is why committee chairs must be allowed some freedom in managing the allotment of speaking time.

### **Motions Without Notice**

By leave of the Assembly to set aside Standing Order 185, Mr. Bergeron, Minister of Public Security, together with Mr. Ouellette (Chomedey), Mr. Duchesneau (Saint-Jérôme) and Mr. Khadir (Mercier), moved:

THAT the National Assembly mark Civil Protection Week, which is being held from 5 to 11 May 2013. Under the theme "La nature ne pardonne pas! Ne soyez pas à sa merci!", this week aims to raise public awareness about the importance of being properly prepared to face a variety of emergency situations, such as flooding, house fires, extended power outages, windstorms and earthquakes.

By leave of the Assembly, the motion was carried.

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Mr. Ouimet (Fabre), together with Mr. Duchesneau (Saint-Jérôme) and Mrs. David (Gouin), moved a motion concerning the separation of powers and judicial independence; 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. Deltell (Chauveau), together with Mrs. Maltais, Minister responsible for the Capitale-Nationale region, Mr. Hamad (Louis-Hébert) and Mr. Khadir (Mercier), moved:

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THAT the National Assembly express its deepest condolences to the family and friends of Mr. Marc Simoneau, who passed away last 3 May;

THAT it pay tribute to him and mark his contribution to public life, both through his career as a sports journalist and as a city councillor.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

At the invitation of Mr. Ouimet, Third Vice-President, the Assembly observed a minute of silence.

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By leave of the Assembly to set aside Standing Order 185, Mr. Khadir (Mercier), together with Mr. Bolduc (Jean-Talon) and Mrs. Daneault (Groulx), moved:

THAT the National Assembly reaffirm the primacy of quality home care to allow Quebecers to enjoy services that are adapted to their situation in their own home;

THAT, as such, the organization of work to constantly improve the quality of home care and services must first and foremost rest on the involvement of the network's workers;

Lastly, that the National Assembly express its will to provide the workers of the public health network establishments with a work environment that fosters the quality of the services offered, as required by professional ethics and labour laws.

By leave of the Assembly, the motion was carried.

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By leave of the Assembly to set aside Standing Orders 84.1 and 185, Mrs. Hivon, Minister for Social Services and Youth Protection, together with Mr. Bolduc (Jean-Talon), Mrs. Roy (Arthabaska) and Mrs. David (Gouin), moved:

THAT the National Assembly underline National Hospice Palliative Care Week, which is being held from 5 to 11 May;

THAT it highlight the work carried out daily by the numerous stakeholders in palliative care in the medical and community sectors to care for people who have reached the end stage of life;

Lastly, that the National Assembly express its gratitude to all the care teams, stakeholders, volunteers and caregivers who accompany persons at the end of life and their families and who show solidarity, compassion and great humanity.

By leave of the Assembly, the motion was carried.

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By leave of the Assembly to set aside Standing Orders 84.1 and 185, Mr. Hébert, Minister of Health and Social Services, together with Mr. Bolduc (Jean-Talon), Mrs. Daneault (Groulx) and Mrs. David (Gouin), moved:

THAT National Assembly mark International Day of the Midwife and that take the opportunity to commend the quality of work and the devotion of these persons.

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 Planning and the Public Domain, to continue its clause-by-clause consideration of Bill 26, An Act to amend the Act respecting elections and referendums in municipalities with respect to financing;
- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 18, An Act to amend the Taxation Act and other legislative provisions;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 22, An Act to amend the Crime Victims Compensation Act, and of Bill 17, An Act to amend the Professional Code with respect to disciplinary justice;
- the Committee on Health and Social Services, to give clause-by-clause consideration to Bill 29, An Act to amend the Act respecting Héma-Québec and the haemovigilance committee.

#### **Information on the Proceedings of the Assembly**

Mr. Ouimet, Third Vice-President, informed the Assembly that on Wednesday, 8 May 2013, during Business Standing in the Name of Members in Opposition, a debate will be held on the motion by Mr. Bolduc (Jean-Talon).

This motion reads as follows:

THAT the Committee on Health and Social Services hold special consultations beginning on Wednesday, 29 May 2013, on the Parti Québécois Government's draft rules repealing the provision that prohibits the sale, service and consumption of alcoholic beverages inside gaming areas and that, for this purpose, the Committee hear the Minister of Finance and the Economy, the national public health director, the Association des centres de traitement des dépendances du Québec and the Minister of Health and Social Services, as well as any person it may deem necessary to summon;

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THAT the presentation by the Minister of Finance and the Economy last no longer than 10 minutes and the exchanges with the Committee members last no longer than 90 minutes;

THAT the presentation by the national public health director and by the Association des centres de traitement des dépendances du Québec last 10 minutes respectively and that the exchanges with the Committee members last no longer than 50 minutes respectively;

THAT the presentation by the Minister of Health and Social Services last no longer than 10 minutes and the exchanges with the Committee members last no longer than 90 minutes;

THAT the presentation by each of the other speakers, if any, last no longer than 10 minutes and the exchanges with the Committee members last no longer than 50 minutes;

THAT the Committee report to the Assembly no later than 12 June 2013, unless the Committee decides otherwise;

Lastly, that this motion become an order of the Assembly.

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Mr. Deltell, Second Opposition Group House Leader, requested a directive following the Assembly's adoption of a motion, at the sitting of 17 April 2013, instructing the Committee on Public Administration to hold public hearings in relation to the mandate of the Committee on the conditions of employment of persons holding senior positions and who are not part of the public service.

Mr. President took the matter under advisement.

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## ORDERS OF THE DAY

### Government Bills

#### *Passage*

Mr. Bergeron, Minister of Public Security, moved the passage of Bill 12, An Act to amend the Police Act as concerns independent investigations.

A debate arose thereon.

Pursuant to Standing Order 100, Mr. Traversy, Deputy Government House Leader, moved the adjournment of the debate.

The motion was carried.

#### *Passage in Principle*

By leave of the Assembly to set aside Standing Order 236, Mrs. Malavoy, Minister of Education, Recreation and Sports, moved, —That Bill 23, An Act to amend the Education Act concerning certain educational services for students under five years of age, 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 by Mr. D'Amour (Rivière-du-Loup–Témiscouata) to Mrs. Ouellet, Minister of Natural Resources, about the Parti Québécois copy of the Liberal Northern Plan and the appointment of the Minister of Natural Resources as chair of the Secrétariat du Nord;

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- the second, on a question by Mrs. St-Amand (Trois-Rivières) to Mrs. Léger, Minister of Families, about her refusal to enter into a dialogue with private subsidized daycare;
- the third, on a question by Mrs. Rotiroti (Jeanne-Mance–Viger) to Mrs. De Courcy, Minister of Immigration and Cultural Communities, about the comments made by her political attaché, Mr. Akos Verboczy, regarding immigrants.

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At 6.37 o'clock p.m., Mr. Cousineau, Second Vice-President, suspended the proceedings until 7.30 o'clock p.m.

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

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*Passage in Principle*

The Assembly continued the debate on the motion by Mrs. Malavoy, Minister of Education, Recreation and Sports, for the passage in principle of Bill 23, An Act to amend the Education Act concerning certain educational services for students under five years of age.

The debate being concluded, the motion was carried and Bill 23 was accordingly passed in principle.

Mr. Traversy, Deputy Government House Leader, moved that Bill 23 be referred for clause-by-clause consideration to the Committee on Culture and Education.

The motion was carried.

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The Assembly resumed the debate, which had been adjourned on 2 May 2013, on the motion by Mrs. De Courcy, Minister responsible for the Charter of the French language, for the passage in principle of Bill 14, An Act to amend the Charter of the French language, the Charter of human rights and freedoms and other legislative provisions.

The debate was adjourned in the name of Mr. Reid (Orford).

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At 9.29 o'clock p.m., Mr. Cousineau, Second Vice-President, adjourned the Assembly until Wednesday, 8 May 2013, at 9.45 o'clock a.m.

**JACQUES CHAGNON**

*President*