



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 14 November 2013 — No. 92

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

Mr. Chapadeau (Rouyn-Noranda–Témiscamingue) made a statement about the Prix de reconnaissance Essor 2012-2013 awarded to Saint-Bernard d'Évain elementary school and La Source high school.

Mr. Ouimet (Marquette) made a statement to pay tribute to Mrs. Jane Cowell Poitras and Mr. Bernard Blanchet.

Mrs. Bouillé (Iberville) made a statement about a "Coup de coeur" honourable mention awarded to Infasco.

Mr. D'Amour (Rivière-du-Loup–Témiscouata) made a statement about the success of the "Noël chez nous à Rivière-du-Loup" event.

Mrs. Beaudoin (Mirabel) made a statement about the 25 years of commitment of the Knights of Columbus of Saint-Augustin de Mirabel.

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Mrs. Trudel (Charlesbourg) made a statement to welcome a new medical clinic in Charlesbourg.

Mrs. David (Gouin) made a statement about the Centre N A Rive celebrating 40 years of hope.

Mr. Arcand (Mont-Royal) made a statement about to underline the 25th anniversary of PROMIS.

Mr. Bonnardel (Granby) made a statement to thank the Haute-Yamaska rescue unit.

Mr. Bérubé (Matane-Matapédia) made a statement about the 40th anniversary of Centre de la petite enfance Les P'tits Montois.

At 9.58 o'clock a.m., Mr. Cousineau, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.12 o'clock a.m.

Moment of reflection

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Mr. President marked the 37 years of parliamentary life of Mr. François Gendron, Member for Abitibi-Ouest, and presented him with the President's Medal.

Mrs. Marois, Premier, Mr. Fournier, Leader of the Official Opposition, Mr. Paradis (Brome-Missisquoi), Mr. Legault, Leader of the Second Opposition Group, Mrs. David (Gouin) and Mr. Gendron (Abitibi-Ouest) then took the floor.

Introduction of Bills

Mr. Lelièvre, Minister for Regions, moved that leave be granted to introduce the following Bill:

64 An Act to amend various legislative provisions concerning
 municipal affairs

The motion was carried.

Accordingly, Bill 64 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:

62 An Act to amend the Professional Code to permit the immediate
 provisional suspension or restriction of professional activities

The motion was carried.

Accordingly, Bill 62 was introduced in the Assembly.

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Mr. Marceau, Minister of Finance and the Economy, moved that leave be granted to introduce the following Bill:

58 An Act to again amend various legislative provisions concerning
 mainly the financial sector

The motion was carried.

Accordingly, Bill 58 was introduced in the Assembly.

Mr. Marceau, Minister of Finance and the Economy, moved that leave be granted to introduce the following Bill:

59 An Act to amend the Taxation Act, the Act respecting the
 Québec sales tax and various legislative provisions

The motion was carried.

Accordingly, Bill 59 was introduced in the Assembly.

Mrs. Malavoy, Minister of Education, Recreation and Sports, moved that leave be granted to introduce the following Bill:

63 An Act respecting the financing of certain school boards for the
 2014-2015 and 2015-2016 fiscal years

The motion was carried.

Accordingly, Bill 63 was introduced in the Assembly.

Mr. President communicated to the Assembly and then tabled the report from the Law Clerk on the following Private Bill:

211 An Act respecting Ville de Sherbrooke

The report states that the notice was drafted and published in accordance with the Rules for the Conduct of Proceedings Respecting Private Bills.

(Sessional Paper No. 1347-20131114)

Mr. Cardin (Sherbrooke) then moved that leave be granted to introduce Private Bill 211, An Act respecting Ville de Sherbrooke.

The motion was carried.

Mr. Bédard, Government House Leader, moved that Private Bill 211 be referred for consultations and clause-by-clause consideration to the Committee on Planning and the Public Domain and that the Minister of Municipal Affairs, Regions and Land Occupancy be a member during its deliberations in respect of the said Bill.

The motion was carried.

Presenting Petitions

By leave of the Assembly to set aside Standing Order 63, Mr. Pelletier (Saint-Hyacinthe) tabled the following:

The abstract of a petition respecting water bottle deposits, and signed by 145 citizens of Québec.

(Sessional Paper No. 1348-20131114)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

Deferred Divisions

Mr. Bédard, Government House Leader, sought a directive from the Chair on the effect of the deferred division on the motion moved by Mr. Tanguay (LaFontaine) during Business Standing in the Name of Members in Opposition at the sitting of 13 November 2013.

Mr. President heard comments from the three House leaders of the parliamentary groups and took the matter advisement.

By leave of the Assembly to set aside Standing Order 53, the Assembly immediately took Motions Without Notice.

Motions Without Notice

Mrs. Daneault (Groulx) moved a motion concerning professionals assigned to home care services; this motion could not be debated for want of unanimous consent.

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

THAT the National Assembly underline World Diabetes Day whose theme this year is "Diabetes Education and Prevention";

THAT it express its solidarity with persons living with this chronic disease on a day-to-day basis;

THAT it recognize the importance of encouraging Quebecers to make healthy lifestyle choices that may notably contribute to fighting diabetes.

By leave of the Assembly, the motion was carried.

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By leave of the Assembly to set aside Standing Order 185, Mr. Marcoux (Vaudreuil), together with Mr. Lisée, Minister of International Relations, La Francophonie and External Trade, Mr. Le Bouyonnec (La Prairie), Mr. Lévesque (Vanier-Les Rivières) and Mrs. David (Gouin), moved:

THAT the National Assembly underline International Day for Tolerance, established in 1996 by the United Nations General Assembly, which will be held on 16 November, and that it affirm the importance of promoting tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples.

By leave of the Assembly, the motion was carried.

Mrs. David (Gouin) moved a motion concerning general and vocational college teachers; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

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

- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 39, Voluntary Retirement Savings Plans Act;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 28, An Act to establish the new Code of Civil Procedure;
- the Committee on Health and Social Services, to continue its public hearings within the framework of special consultations on the document entitled "Autonomy for All: White Paper on the Creation of Autonomy Insurance".

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Mr. Cousineau, Second Vice-President, gave the following notices:

- the Committee on Institutions shall hold a deliberative meeting to discuss the possibility of carrying out an order of initiative;
- the Committee on Public Finance shall hold a deliberative meeting to discuss the possibility of carrying out an order of initiative.

Information on the Proceedings of the Assembly

Mr. Cousineau, Second Vice-President, informed the Assembly that on Friday, 22 November 2013, Mr. Billette (Huntingdon) would question Mr. Gendron, Minister of Agriculture, Fisheries and Food, during an interpellation on "the Parti Québécois Government's inaction with regard to agriculture in Québec".

At 12.27 o'clock p.m., Mr. Cousineau, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 12.47 o'clock p.m.

At 12.48 o'clock p.m., Mr. Cousineau, Second Vice-President, suspended the proceedings until 3.00 o'clock p.m.

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The proceedings resumed at 3.03 o'clock p.m.

At 3.04 o'clock p.m., Mr. Ouimet, Third Vice-President, suspended the proceedings.

The proceedings resumed at 4.00 o'clock p.m.

Mr. President gave a directive on the question raised by the Government House Leader earlier in today's sitting under Deferred Divisions, concerning the effect of having deferred the division on the motion moved by the Member for LaFontaine debated at the sitting of 13 November 2013 during Business Standing in the Name of Members in Opposition.

DIRECTIVE FROM THE CHAIR

Standing Order 164 states that a committee wishing to hear a minister with respect to some matter must notify him not less than fifteen days before he is to be heard, regardless of the Committee's method of referral.

That being said, can a motion that is regular on Wednesday become irregular on Thursday by the mere fact that the Government asked that the division be deferred? The procedure relating to deferred divisions as provided for in our Standing Orders aims to foster the proper conduct of proceedings by allowing the Government to ensure that the largest number of Members may be present when a division held. However, the intent of a deferred division is not to prevent the Assembly from carrying out its business. The intent of the rules of procedure is to ensure that a deferred division does not delay the effects of a motion.

The role of the President is always to promote debate and safeguard the rights of Members. Even though the Chair does not normally exercise its discretionary power to accept or refuse to defer a division, this power does exist. If simply deferring a division had the effect of turning a valid motion into an invalid one, the Chair would most certainly be under the obligation to refuse such deferral.

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Moreover, once the Assembly will have voted on the motion by the Member for LaFontaine, it will no longer be up to the President, at that stage, to interpret how the minister will proceed with regard to this motion.

As regards the Committee's ability to compel the Minister of Justice and Attorney General of Québec to act as such, any objections he may have, as the case may be, will have to be submitted to the Committee chairman, if the motion is carried. The Chair cannot make assumptions about the precise questions that will be asked and it will then be up to the minister to ask the Committee chairman for clarification as regards the relevance of these questions and of the applicable principles.

Deferred Divisions

The Assembly took the division, which had been deferred during Business Standing in the Name of Members in Opposition at the sitting of 13 November 2013 on the motion moved by Mr. Tanguay (LaFontaine). This motion reads as follows:

THAT the Committee on Institutions hear the Minister of Justice, on Thursday, 28 November 2013, beginning at 3.00 o'clock p.m., concerning the comments of the Commission des droits de la personne et des droits de la jeunesse made public on 17 October 2013 on the Government's policy directions regarding the proposed charter of Québec values as well as on the unconstitutionality of the Government's proposal;

THAT a period of 15 minutes be set aside for opening statements;

THAT the presentation by the Minister of Justice last no longer than 10 minutes and the exchange with the Committee members last no longer than 120 minutes;

THAT a period of 15 minutes be set aside for closing statements;

THAT the Committee report to the Assembly on 4 December 2013 unless the Committee decides otherwise.

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The motion was carried on the following vote:

(Division No. **70** in Appendix)

Yeas: **53** Nays: **24** Abstentions: **0**

ORDERS OF THE DAY

Government Bills

Passage

Mr. Bédard, Minister responsible for Government Administration and Chair of the Conseil du trésor, moved the passage of Bill 41, An Act to amend the Public Service Act mainly with respect to staffing.

After debate thereon, the question was put on this motion; a recorded division was thereupon demanded.

At the request of Mr. Bédard, Government House Leader, the division was deferred until Routine Proceedings on the next sitting day.

Passage in Principle

The Assembly resumed the debate, which had been adjourned on 13 November 2013, on the motion by Mr. Blanchet, Minister of Sustainable Development, Environment, Wildlife and Parks, for the passage in principle of Bill 37, An Act to prohibit certain shale natural gas exploration and production activities.

The debate was adjourned in the name of Mr. Rousselle (Vimont).

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Debates Upon Adjournment

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

- the first, on a question by Mrs. St-Pierre (Acadie) to Mr. Kotto, Minister of Culture and Communications, about the Parti Québécois Government's inaction, which jeopardizes the survival of independent bookstores;
- the second, on a question by Mr. Gauthrin (Verdun) to Mr. Bédard, Minister responsible for Government Administration and Chair of the Conseil du trésor, about the unfunded actuarial liability of the Government and public employees retirement plan.

At 6.24 o'clock p.m., Mr. Ouimet, Third Vice-President, adjourned the Assembly until Tuesday, 19 November 2013, at 1.45 o'clock p.m.

JACQUES CHAGNON

President

APPENDIX

Recorded Divisions

On the motion moved by Mr. Tanguay (LaFontaine):

(Division No. 70)

YEAS - 53

Arcand (<i>QLP</i>)	Drolet (<i>QLP</i>)	Marsan (<i>QLP</i>)	Roy (<i>CAQ</i>)
Billette (<i>QLP</i>)	Dubé (<i>CAQ</i>)	Martel (<i>CAQ</i>)	(<i>Arthabaska</i>)
Bolduc (<i>QLP</i>)	Duchesneau (<i>CAQ</i>)	Ménard (<i>QLP</i>)	Schneeberger (<i>CAQ</i>)
(<i>Mégantic</i>)	Fournier (<i>QLP</i>)	Moreau (<i>QLP</i>)	Sklavounos (<i>QLP</i>)
Bolduc (<i>QLP</i>)	Gaudreault (<i>QLP</i>)	Morin (<i>QLP</i>)	Spénard (<i>CAQ</i>)
(<i>Jean-Talon</i>)	(<i>Hull</i>)	Ouellette (<i>QLP</i>)	St-Laurent (<i>CAQ</i>)
Bonnardel (<i>CAQ</i>)	Gautrin (<i>QLP</i>)	Ouimet (<i>QLP</i>)	St-Pierre (<i>QLP</i>)
Boulet (<i>QLP</i>)	Hamad (<i>QLP</i>)	(<i>Fabre</i>)	Tanguay (<i>QLP</i>)
Carrière (<i>QLP</i>)	Iracà (<i>QLP</i>)	Paradis (<i>QLP</i>)	Thériault (<i>QLP</i>)
Charbonneau (<i>QLP</i>)	Kelley (<i>QLP</i>)	Picard (<i>CAQ</i>)	Trudel (<i>CAQ</i>)
Charlebois (<i>QLP</i>)	Le Bouyonnec (<i>CAQ</i>)	Poëti (<i>QLP</i>)	(<i>Charlesbourg</i>)
D'Amour (<i>QLP</i>)	Legault (<i>CAQ</i>)	Reid (<i>QLP</i>)	Vallée (<i>QLP</i>)
de Santis (<i>QLP</i>)	Lessard (<i>QLP</i>)	Rotiroti (<i>QLP</i>)	Vien (<i>QLP</i>)
Deltell (<i>CAQ</i>)	Lévesque (<i>CAQ</i>)	Rousselle (<i>QLP</i>)	Weil (<i>QLP</i>)
Diamond (<i>QLP</i>)	Marcoux (<i>QLP</i>)	Roy (<i>CAQ</i>)	
		(<i>Montarville</i>)	

NAYS - 24

Beaudoin (<i>PQ</i>)	Dufour (<i>PQ</i>)	Lelièvre (<i>PQ</i>)	Traversy (<i>PQ</i>)
Bédard (<i>PQ</i>)	Ferland (<i>PQ</i>)	Maltais (<i>PQ</i>)	Turcotte (<i>PQ</i>)
Bouillé (<i>PQ</i>)	Gadoury-Hamelin (<i>PQ</i>)	Proulx (<i>PQ</i>)	Villeneuve (<i>PQ</i>)
Breton (<i>PQ</i>)	Gaudreault (<i>PQ</i>)	Richard (<i>PQ</i>)	
Cardin (<i>PQ</i>)	(<i>Jonquière</i>)	(<i>Îles-de-la-Madeleine</i>)	
Champagne (<i>PQ</i>)	Goyer (<i>PQ</i>)	Roy (<i>PQ</i>)	
Claveau (<i>PQ</i>)	Hébert (<i>PQ</i>)	(<i>Bonaventure</i>)	
De Courcy (<i>PQ</i>)	Léger (<i>PQ</i>)	St-Arnaud (<i>PQ</i>)	