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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

## **Votes and Proceedings**

**of the Assembly**

**Thursday, 12 February 2015 — No. 57**

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

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**QUÉBEC**



The Assembly was called to order at 9.46 o'clock a.m.

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## **ROUTINE PROCEEDINGS**

### **Statements by Members**

Mr. Polo (Laval-des-Rapides) made a statement to underline Black History Month.

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Mr. Gaudreault (Jonquière) made a statement to underline the 5th anniversary of the Organisme de bassin versant du Saguenay and the day of reflection on dam management in the Saguenay region scheduled for 17 April 2015.

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Mr. Bolduc (Mégantic) made a statement to pay tribute to Mr. Yvan Laroche.

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Mr. Bonnardel (Granby) made a statement to underline the 45th anniversary of the Granby Bantam Tournament.

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Mr. Iracà (Papineau) made a statement to pay tribute to Mrs. Manon Cardinal.

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Mrs. David (Gouin) made a statement to underline the work of the Carrefour jeunesse emploi Rosemont/Petite-Patrie.

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Mrs. Simard (Charlevoix–Côte-de-Beaupré) made a statement to congratulate the persons who saved a man's life at Manoir Richelieu.

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Mr. Schneeberger (Drummond–Bois-Francis) made a statement to pay tribute to the child friendly municipality Notre-Dame-de-Ham.

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Mrs. Gaudreault (Hull) made a statement to underline the 40th anniversary of Portugais Les Amis Unis.

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Mr. Bergeron (Verchères) made a statement to pay tribute to Mr. Gilles Rhéaume.

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At 9.59 o'clock a.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 10.13 o'clock a.m.

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Moment of reflection

### **Introduction of Bills**

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

394      An act to amend the Police Act as concerns issuing statements of offence

The motion was carried.

Accordingly, Bill 394 was introduced in the Assembly.

### **Presenting Papers**

Mr. President tabled the following decision from the Office of the National Assembly, dated 27 November 2014:

Decision 1789 concerning the regulation to amend the regulation on National Assembly contracts and other regulatory provisions (Décision 1789 concernant le Règlement modifiant le Règlement sur les contrats de l'Assemblée nationale et d'autres dispositions réglementaires).

(Sessional Paper No. 755-20150212)

### **Presenting Reports from Committees**

Mr. Bernier (Montmorency), committee chair, tabled the following:

The report from the Committee on Public Finance, which on 23, 28, 29 and 30 January and 2, 3, 5, 10 and 11 February 2015, held public hearings within the framework of special consultations on Bill 28, An Act mainly to implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015–2016.

(Sessional Paper No. 756-20150212)

### **Presenting Petitions**

Mrs. Ouellet (Vachon) tabled the following:

The abstract of a petition concerning opposition to renaming the Champlain Bridge, signed by 335 citizens of Québec.

(Sessional Paper No. 757-20150212)

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Mrs. David (Gouin) tabled the following:

The abstract of a petition concerning the withdrawal of Bill 10 and holding consultations on the future of the public health and social services system, signed by 23,171 citizens of Québec.

(Sessional Paper No. 758-20150212)

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Mr. Bolduc (Mégantic) tabled the following:

The abstract of a petition concerning the shortage of family doctors in the northern sector of the MRC du Granit, signed by 104 citizens of Québec.

(Sessional Paper No. 759-20150212)

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Mr. Roberge (Chambly) tabled the following:

The abstract of a petition concerning financial compensation for students in educational programs with mandatory internships, signed by 7,832 citizens of Québec.

(Sessional Paper No. 760-20150212)

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By leave of the Assembly to set aside Standing Order 63, Mrs. Maltais (Taschereau) tabled the following:

The abstract of a petition concerning closing the SAQ's offices in the Québec City area and transferring activities to Montréal, signed by 3,000 citizens of Québec.

(Sessional Paper No. 761-20150212)

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By leave of the Assembly to set aside Standing Order 63, Mrs. David (Gouin) tabled the following:

The abstract of a petition concerning the maintenance of users' committees in all health facilities, signed by 1,200 citizens of Québec.

(Sessional Paper No. 762-20150212)

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By leave of the Assembly to set aside Standing Order 63, Mrs. David (Gouin) tabled the following:

The abstract of a petition concerning the withdrawal of Bill 10, signed by 660 citizens of Québec.

(Sessional Paper No. 763-20150212)

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By leave of the Assembly to set aside Standing Order 63, Mrs. David (Gouin) tabled the following:

The abstract of a petition concerning the withdrawal of Bill 10 and holding consultations on the future of the public health and social services system, signed by 125 citizens of Québec.

(Sessional Paper No. 764-20150212)

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

The abstract of a petition concerning the shortage of family doctors in the northern sector of the MRC du Granit, signed by 1,462 citizens of Québec.  
(Sessional Paper No. 765-20150212)

### **Complaints of Breach of Privilege or Contempt and Personal Explanations**

Mr. President ruled on the point of privilege or contempt raised by the Official Opposition House Leader on 11 February 2015, in which she alleged that the Ethics Commissioner was in contempt of Parliament for failing to comply with the legal obligation to submit a report on the implementation of the Code of ethics and conduct of the Members of the National Assembly by the deadline prescribed by law.

#### **RULING FROM THE CHAIR**

Under section 114 of the Code of ethics and conduct of the Members of the National Assembly, the Commissioner must report on the carrying out of the current Code and the advisability of amending it, no later than 1 January 2015. However, to date, the Chair has not received the Commissioner's report.

The question is therefore whether failure to submit this report constitutes a priori contempt of Parliament, that is any act or omission which obstructs the work of the Assembly or of its Members, or which calls into question its authority or dignity.

Before ruling on this question, we must determine whether section 114 of the Code of Ethics has been complied with. Normally, the Chair is not authorized to interpret the law, but this does not apply to provisions of parliamentary law. The Chair alone has the authority to interpret the provision of this Code governing the legal obligation to report on its implementation. In this instance, the Chair concludes that section 114 of the Code has not been complied with. The section is clear and can only be interpreted as the Commissioner being required to submit a report on the carrying out of the Code no later than 1 January 2015.

Having reached the conclusion that the Ethics Commissioner has failed to comply with section 114 of the Code of Ethics, we must determine whether failure to submit the report by the prescribed deadline constitutes a priori contempt of Parliament.



In the past, the Chair of the Assembly has recognized that failure by government departments or agencies to file a document by the deadline prescribed by law constitutes a priori contempt of Parliament.

The information contained in the Ethics Commissioner's report concerns the parliamentarians first and foremost. In entrusting certain responsibilities to the Commissioner, the parliamentarians have delegated a portion of their parliamentary privilege as concerns conflicts of interest and incompatible duties of office. The report the Commissioner is legally obliged to submit is therefore directly related to the exercise of one of the Assembly's parliamentary privileges. Under section 114 of the Code of Ethics, this report, once tabled, must be reviewed by the competent committee. Therefore, failing to table the report hinders a parliamentary committee from fulfilling the mandate expressly entrusted to it by law.

The fact that lawmakers chose to impose the legal obligation to file a report on the implementation of the Code of Ethics on a specific date shows the importance they placed on the information contained in it. This obligation cannot be taken lightly and the utmost vigilance is required of all government departments and agencies. This vigilance is even more important for a person designated by the Assembly, a person in whom the Assembly has placed its trust.

For all of these reasons, the Chair believes that the question raised by the Official Opposition House Leader constitutes a priori contempt of Parliament. However, as the Leader has not indicated her intention to present a motion for sanctions to be taken against the Commissioner, this procedure will go no further.

Nevertheless, the Chair invites the Commissioner to explain why he did not meet his legal obligation to submit this report, and to submit it as soon as possible.

### **Oral Questions and Answers**

The Assembly proceeded to Oral Question Period.

At the request of Mr. President, Mr. Moreau, Minister of Municipal Affairs and Land Occupancy, withdrew certain words deemed unparliamentary.

### **Motions Without Notice**

Mr. Picard (Chutes-de-la-Chaudière), together with Mr. Bérubé (Matane-Matapédia), moved a motion concerning the number of tickets issued by police officers; this motion could not be debated for want of unanimous consent.

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Mr. Turcotte (Saint-Jean), together with Mrs. Massé (Sainte-Marie–Saint-Jacques), moved a motion concerning changes to the employment insurance plan; this motion could not be debated for want of unanimous consent.

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Mrs. David (Gouin), together with Mrs. Poirier (Hochelaga-Maisonneuve), moved a motion concerning the Conseil du statut de la femme; this motion could not be debated for want of unanimous consent.

### **Notices of Proceedings in Committees**

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

- the Committee on Labour and the Economy, to give clause-by-clause consideration to Bill 19, An Act to amend the Cooperatives Act and other legislative provisions;
- the Committee on Public Finance, to give clause-by-clause consideration to Bill 30, An Act respecting mainly the suspension of payment of bonuses in the context of budget-balancing measures;
- the Committee on Transportation and the Environment, to hold public hearings within the framework of special consultations on Bill 25, An Act to transfer the responsibility for issuing road vehicle dealer's and recycler's licences to the president of the Office de la protection du consommateur.

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

- the Committee on Citizen Relations shall hold a deliberative meeting to discuss the observations, conclusions and recommendations of the Committee following the special consultations and the public hearings on the document entitled *Towards a New Québec Policy on Immigration, Diversity and Inclusion and the related documents*;
- the Committee on Transportation and the Environment shall hold a deliberative meeting to discuss the observations, conclusions and recommendations of the committee following the revised Draft Government Sustainable Development Strategy 2015–2020.

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

Mr. Gendron, Third Vice-President, informed the Assembly that on Friday, 20 February 2015, Mr. Lelièvre (Gaspé) would question Mr. D'Amour, Minister for Transport and the Implementation of the Maritime Strategy, during an interpellation on "The Liberal Government's offensive against the regions of Québec: sustained action against local and regional development."

## ORDERS OF THE DAY

### Information on the Proceedings of the Assembly

#### *Passage in Principle*

Mrs. Vallée, Minister of Justice, moved that Bill 26, An Act to ensure mainly the recovery of amounts obtained as a result of fraud or fraudulent tactics in connection with public contracts, do now pass in principle.

A debate arose thereon.

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

At the request of Mrs. Thériault, Minister of Public Security, the division was referred until Routine Proceedings on the next sitting day.

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Mrs. Vallée, Deputy Government House Leader, moved the adjournment of the Assembly until Tuesday, 17 February 2015, at 1.45 o'clock p.m.

The motion was carried.

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Accordingly, at 12.22 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Tuesday, 17 February 2015, at 1.45 o'clock p.m.

**JACQUES CHAGNON**

*President*