



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 24 February 2015 — No. 61

President of the National Assembly:
Mr. Jacques Chagnon

QUÉBEC

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

ROUTINE PROCEEDINGS

Statements by Members

Mr. Drolet (Jean-Lesage) made a statement to underline the 56th edition of the International Pee-Wee Hockey Tournament.

Mr. Dufour (René-Lévesque) made a statement to pay tribute to Mr. Napoléon Martin.

Mrs. de Santis (Bourassa-Sauvé) made a statement to pay tribute to Mr. Raymond Paquin, a devoted volunteer from Montréal-Nord.

Mr. Lemay (Masson) made a statement to underline the 15th anniversary of the Fondation Bon Matin Jeannine Cossette.

Mr. Huot (Vanier-Les Rivières) made a statement to pay tribute to the Fondation Jean Lapointe.

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Mr. Roy (Bonaventure) made a statement to congratulate Mr. Jean-François Caissy, a Carleton-sur-Mer screenwriter, for his nomination at the 2015 Jutra awards.

Mr. D'Amour (Rivière-du-Loup–Témiscouata) made a statement to underline the 40th anniversary of Rivière-du-Loup's Hôtel Universel.

Mrs. Roy (Montarville) made a statement to underline the 100th anniversary of the Cercles de fermières du Québec.

Mr. Arcand (Mont-Royal) made a statement to congratulate Mr. Pierre Charron, Mayor of the municipality of Saint-Eustache, recipient of the OPHQ "À part entière" award in the "municipality and regional county municipality" category.

Mr. LeBel (Rimouski) made a statement concerning the Bas-Saint-Laurent's mobilization in the fight against prejudice.

At 1.58 o'clock p.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 2.15 o'clock p.m.

Moment of reflection

Presenting Papers

Mrs. David, Minister of Culture and Communications, tabled the following:

The 2013–2014 annual report of the Société de la Place des Arts de Montréal.
(Sessional Paper No. 808-20150224)

Mr. Barrette, Minister of Health and Social Services, tabled the following:

The 2012–2013, 2013–2014 and 2014–2015 health care accounts.
(Sessional Paper No. 809-20150224)

Mrs. Charlebois, Minister for Rehabilitation, Youth Protection and Public Health, tabled the following:

The 2014–2019 strategic plan of the Institut national de santé publique du Québec.
(Sessional Paper No. 810-20150224)

Mr. Fournier, Government House Leader, tabled the following:

The Government's reply to a petition tabled on 19 November 2014 by Mr. Legault (L'Assomption) on opposition to euthanasia presented under the name medical aid in dying.
(Sessional Paper No. 811-20150224)

The Government's reply to a petition tabled on 19 November 2014 by Mr. Marceau (Rousseau) on opposition to establishing a new sandpit in the Grande-Jetée area.

(Sessional Paper No. 812-20150224)

The Government's reply to a petition tabled on 20 November 2014 by Mr. Cousineau (Bertrand) on adding ambulance services in the territory of Sainte-Agathe-des-Monts.

(Sessional Paper No. 813-20150224)

The President tabled the following:

The 2011–2014 Ethics Commissioner's report on the implementation of the *Code of ethics and conduct of the Members of the National Assembly*.

(Sessional Paper No. 814-20150224)

A copy of the notice of motion by Mrs. Poirier (Hochelaga-Maisonneuve) to be placed on the *Order Paper and Notices* of Wednesday, 25 February 2015, under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 815-20140218)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mr. Couillard, Premier, tabled the following:

A table on real per capita GDP.

(Sessional Paper No. 816-20140218)

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mr. Drainville (Marie-Victorin), together with Mr. Khadir (Mercier), moved:

THAT the National Assembly reaffirm that implementation of the Enbridge Pipeline 9B reversal project is conditional on full compliance with the 18 recommendations contained in the report tabled on 6 December 2013 by the Committee on Agriculture, Fisheries, Energy and Natural Resources;

THAT the National Assembly recall the Minister of the Environment's words of 27 November 2014 to the effect that all of the conditions would be followed to the letter, as recommended by the parliamentary committee;

THAT the National Assembly remind the Government of Québec that Enbridge's Pipeline 9B reversal is scheduled for June 2015.

By leave of the Assembly, the motion was carried.

Mr. Deltell (Chauveau), together with Mr. Drainville (Marie-Victorin), moved a motion concerning electricity rates; this motion could not be debated for want of unanimous consent.

Mrs. Massé (Sainte-Marie–Saint-Jacques), together with Mrs. Lamarre (Taillon), moved a motion concerning Bill 20, An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation; this motion could not be debated for want of unanimous consent.

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Pursuant to Standing Order 146, Mr. Sklavounos, Deputy Government House Leader, moved:

THAT the Committee on Citizen Relations hold special consultations on the report on the implementation of the 2008–2013 Government Action Plan Concerning Sexual Assault tabled by Mrs. Vallée, Minister of Justice and Minister responsible for the Status of Women; and then, public hearings on 16 and 17 March 2015 and on 23 and 24 March 2015, in the Louis-Hippolyte-LaFontaine Room and that, for this purpose, it hear the following organizations:

Fédération des femmes du Québec
Regroupement québécois des Centres d'aide et de lutte contre les agressions à caractère sexuel Québec Native Women Inc.
Conseil québécois LGBT
L'Intersyndicale des femmes
Crime Victims Assistance Centre
Regroupement des intervenants en matière d'agression sexuelle
COPHAN
L'R des centres de femmes du Québec
Accès-Travail-Femmes
Association des centres jeunesse du Québec
Regroupement des organismes Espace Québec
Resource and Intervention Center for Men Sexually Abused in their Childhood
Table de concertation des organismes au service des personnes réfugiées
Réseau des Tables régionales des groupes de femmes du Québec
Sûreté du Québec
Conseil du statut de la femme
Fédération des maisons d'hébergement pour femmes;

THAT a period of 12 minutes be set aside for opening statements, allocated as follows: 6 minutes to the parliamentary group forming the Government, 3 minutes 30 seconds to the parliamentary group forming the Official Opposition, and 2 minutes 30 seconds to the Second Opposition Group;

THAT the presentation by each organization last no longer than 10 minutes and the exchange with the Committee members last no longer than 50 minutes, allocated as follows: 25 minutes to the parliamentary group forming the Government, 15 minutes to the parliamentary group forming the Official Opposition, and 10 minutes to the Second Opposition Group;

THAT the Minister of Justice and Minister responsible for the Status of Women be a member of the said Committee during its proceedings with respect to this order of reference.

By leave of the Assembly, the motion was carried.

Notices of Proceedings in Committees

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

- the Committee on Health and Social Services, to continue its public hearings within the framework of special consultations on Bill 20, An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation;
- the Committee on Institutions, to continue its clause-by-clause consideration of 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;
- the Committee on Transportation and the Environment, to undertake clause-by-clause consideration of 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 notice:

- 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. Gendron, Third Vice-President, informed the Assembly that on Wednesday, 25 February 2015, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mrs. Poirier (Hochelaga-Maisonneuve).

This motion reads as follows:

THAT the National Assembly acknowledge that the Liberal Government is asking Québec families to tighten their belts and government employees to limit their travel expenses, in particular when travelling abroad;

THAT the National Assembly demand that the Premier lead by example and that the ministerial delegation going to France next week be limited to the Premier accompanied by two ministers instead of the Premier accompanied by six ministers.

ORDERS OF THE DAY

Government Bills

Passage in Principle

Before resuming the debate on the motion moved by Mr. Leitão, Minister of Finance, that 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, now do pass in principle, Mrs. Gaudreault, Second Vice-President, ruled on the receivability of the motion to divide moved by Mr. Gaudreault (Jonquière).

RULING FROM THE CHAIR

The broad principles established in parliamentary jurisprudence over the years regarding the receivability of a motion to divide are the following: for a motion to divide to be declared receivable, a bill must contain more than one principle, and each bill resulting from the division must be coherent, complete and able to stand alone.

Furthermore, in determining what is a principle in the case of a bill giving effect to a budget speech, the Chair has mentioned on previous occasions that the Chair should not seek or take into account the intention of the bill's sponsor, but base its analysis solely on the provisions contained in the bill. A bill must therefore not be considered as a whole because its sole purpose is to implement the measures announced in a budget speech. It is important that the bill's principle or principles not be confused with the area to which it applies. Dividing a bill giving effect to a budget speech does not counter the Government's budget policy and should not guide analysis of the receivability of a motion to divide. The Government itself has at times introduced more than one bill to give effect to the statements appearing in a budget speech. This shows that it is not mandatory that all measures in a budget speech be reflected in a single bill. Therefore, this reason cannot be used to declare a motion to divide out of order.

Analysis of Bill 28 reveals that it clearly contains several principles, meaning that parts of it could exist on their own and constitute more than mere provisions.

The role of the Chair in analyzing the principles of Bill 28, in light of the motion to divide, consists in determining whether they can be considered separately, whether they are coherent and complete, and whether they can stand alone.

One of the bills proposed by the motion to divide, entitled “An Act to amend the Mining Act”, comprises only sections 66 to 68 and certain portions of section 337 of Bill 28 and does not have a distinct principle. Sections 66 to 68 amend sections 215, 221 and 222 of the *Mining Act* and only concern provisions allowing the Minister of Natural Resources and Wildlife to avoid disclosing certain information and data related to mining rights to the public. These amendments would also prevent the data and information contained in various documents or reports from being used for purposes other than statistical purposes.

When the Chair analyzes the receivability of a motion to divide, it asks whether all the elements in a bill resulting from the division are important enough to not be considered ancillary to a broader principle, or whether they constitute a principle in their own right. In this case, sections 66 to 68 of Bill 28 cannot be considered anything other than amending legislative provisions ancillary to the other amendments Bill 28 brings to the mining regime or, more broadly, to energy and natural resources. For this reason, the bill resulting from the division amending the *Mining Act* cannot be considered separately.

The motion to divide provides that the second paragraph of section 337 of Bill 28, as it would read in the first bill resulting from the division, deals with the date of coming into force of sections 34 to 69. However, this list of sections contains sections 66 to 68 that would be part of another bill: the bill amending the *Mining Act*.

In such situations, jurisprudence has recognized that the bills resulting from a division would not be coherent and could not stand alone. To be receivable, the motion to divide should have adapted the section containing the date on which the first bill would come into force, as it did for the second and third bills. In this respect, the Chair has already mentioned that, in a motion to divide, it is permitted to adapt the section relating to the date of coming into force of the bills resulting from the division. The Chair has also pointed out in the past that, in a motion to divide, sections of a bill may not be rewritten to make it receivable, with the exception of the section relating to the coming into force of the bill.

In the case at hand, the Chair could not have made the necessary correction to the section containing the date on which the first bill would come into force. It is not for the Chair to amend the content of a motion to divide since, under Standing Order 193, the Chair may correct the motion in its form only. The amendment of sections concerned by a motion to divide do not belong to that category of corrections.

For these reasons, the motion to divide as drafted is deemed out of order.

The Assembly resumed the debate, which had been adjourned on 19 February 2015, on the motion moved by Mr. Leitão, Minister of Finance, that 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, do now pass in principle.

Debates Upon Adjournment

At 6:00 o'clock p.m., the Assembly held two debates upon adjournment:

- the first, on a question from Mr. Villeneuve (Berthier) to Mr. Paradis, Minister of Agriculture, Fisheries and Food, about saving the “Ferme Paul” farm in Sainte-Anne-de-Sorel;
- the second, on a question from Mr. LeBel (Rimouski) to Mrs. Charbonneau, Minister responsible for Seniors, about the Government’s inaction as regards seniors.

At 6.25 o'clock p.m., Mr. Ouimet, First 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.

Passage in Principle

The Assembly continued the debate on the motion moved by Mr. Leitão, Minister of Finance, that 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, do now pass in principle.

The debate was adjourned in the name of Mr. Bérubé (Matane-Matapédia).

At 9.30 o'clock p.m., Mrs. Gaudreault, Second Vice-President, adjourned the Assembly until Wednesday, 25 February 2015, at 9.45 o'clock a.m.

JACQUES CHAGNON

President