



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Votes and Proceedings

of the Assembly

Wednesday, 8 April 2009 — No. 17

**President of the National Assembly:
Mr. Yvon Vallières**

QUÉBEC

The Assembly was called to order at 10.03 o'clock a.m.

ORDERS OF THE DAY

Business Standing in the Name of Members in Opposition

Mrs. Maltais (Taschereau) moved:

THAT the National Assembly recall sections 61 and 62 of the *Act respecting the National Assembly* as well as the wording of the oath of allegiance taken by the members of the Cabinet, that it demand that the Premier have his own directives regarding conflicts of interest enforced, that it solemnly affirm that a Cabinet member must not be bound to another employer during the exercise of his duties and that it ask for the appointment, as expeditiously as possible, of an independent ethics commissioner.

Following a meeting with the House leaders, Mr. Chagnon, Second Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this motion: 10 minutes shall be allotted for a reply by its mover; 11 minutes shall be allotted for the independent Members as a whole; the remaining time will be distributed among the parliamentary groups, who will have a time envelope that corresponds to the proportion of seats they respectively have in the Assembly; any time not used by a group will be transferred to the two other groups, in accordance with the proportion of seats they hold; and individual addresses shall not be limited.

A debate arose on the motion by Mrs. Maltais (Taschereau).

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At the end of his address, Mr. Gauthrin (Verdun) moved the following amendment:

THAT the motion by the Member for Taschereau be amended as follows: By replacing, in the fourth line, the word "demand" by the word "ask"; by adding, in the fourth line, after the word "Premier", the words "continue to"; by replacing, in the sixth line, the words "be bound to" by the words "hold a position for which he receives remuneration from"; by removing, in the eighth line, the words "as expeditiously as possible"; and by adding, at the end of the last line, the words "at the completion of the adoption by the Assembly of a Code of Ethics and Professional Conduct of the Members of the Assembly as proposed by the Government House Leader within the framework of discussions on the parliamentary reform".

The motion, as amended, would read as follows:

THAT the National Assembly recall sections 61 and 62 of the *Act respecting the National Assembly* as well as the wording of the oath of allegiance taken by the members of the Cabinet, that it ask that the Premier continue to have his own directives regarding conflicts of interest enforced, that it solemnly affirm that a Cabinet member must not hold a position for which he receives remuneration from another employer during the exercise of his duties and that it ask for the appointment of an independent ethics commissioner at the completion of the adoption by the Assembly of a Code of Ethics and Professional Conduct of the Members of the Assembly as proposed by the Government House Leader within the framework of discussions on the parliamentary reform.

The debate continued on the main motion by Mrs. Maltais (Taschereau) and on the amendment motion by Mr. Gauthrin (Verdun), subject to the receivability of the latter, which Mr. Chagnon, Second Vice-President, took under advisement.

At the end of his address, Mr. Deltell (Chauveau) moved:

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THAT the amendment by the Member for Verdun be subamended by adding, after the words "at the completion of the adoption", the words "no later than 19 December 2009".

The motion, as amended and subamended, would read as follows:

THAT the National Assembly recall sections 61 and 62 of the *Act respecting the National Assembly* as well as the wording of the oath of allegiance taken by the members of the Cabinet, that it ask that the Premier continue to have his own directives regarding conflicts of interest enforced, that it solemnly affirm that a Cabinet member must not hold a position for which he receives remuneration from another employer during the exercise of his duties and that it ask for the appointment of an independent ethics commissioner at the completion of the adoption no later than 19 December 2009 by the Assembly of a Code of Ethics and Professional Conduct of the Members of the Assembly as proposed by the Government House Leader within the framework of discussions on the parliamentary reform.

The debate continued on the main motion by Mrs. Maltais (Taschereau), on the amendment motion by Mr. Gauthrin (Verdun) and on the subamendment motion by Mr. Deltell (Chauveau), subject to the receivability of the latter, which Mr. Chagnon, Second Vice-President, took under advisement.

Mr. Chagnon, Second Vice-President, rendered the following decision on the receivability of the amendment motion proposed by Mr. Gauthrin (Verdun):

RULING FROM THE CHAIR

The amendment motion is unreceivable, since it constitutes an important change that excludes one of the principles of the main motion. The principle at issue is that a member of the Cabinet must not be bound to another employer, while the amendment motion provides that a member of the Cabinet must not hold a position for which he receives remuneration. If the amendment motion were carried, it would always allow for the possibility of being bound to another employer while the main motion prohibits it.

Furthermore, it is not for the Chair to evaluate the advisability of ending all ties with a former employer.

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Lastly, since the amendment motion is unreceivable, the Chair is not required to put the question to the subamendment motion.

The debate continued on the motion by Mrs. Maltais (Taschereau).

The debate being concluded, the question was put on the motion by Mrs. Maltais (Taschereau); a recorded division was thereupon demanded.

At the request of Mr. Gauthrin, Deputy Government House Leader, the division was deferred until Routine Proceedings later in today's sitting.

At 11.57 o'clock a.m., at the request of Mr. Gauthrin, Deputy Government House Leader, Mr. Chagnon, Second Vice-President, suspended the proceedings until 2.00 o'clock p.m.

The proceedings resumed at 2.05 o'clock p.m.

Moment of reflection

ROUTINE PROCEEDINGS

Introduction of Bills

Mrs. Boulet, Minister of Transport, moved that leave be granted to introduce the following Bill:

5 An Act to amend the Act respecting transportation services by taxi

The motion was carried.

Accordingly, Bill 5 was introduced in the Assembly.

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

193 An Act to amend the Transport Act

The motion was carried.

Accordingly, Bill 193 was introduced in the Assembly.

Presenting Papers

Mr. Dupuis, Minister of Public Security, tabled the following:

Order-in-Council No. 258-2009 concerning the entry into effect of Complementary Agreement No. 19 to the James Bay and Northern Québec Agreement;

(Sessional Paper No. 166-20090408)

The Agreement to amend the Agreement reached between the Kativik Regional Government, Her Majesty the Queen in right of Canada and the Government of Québec, concerning the provision of police services;

(Sessional Paper No. 167-20090408)

The Agreement reached between the Kativik Regional Government and the Government of Québec, concerning additional financing for the provision of police services;

(Sessional Paper No. 168-20090408)

The Agreement concerning the provision of police services on the territory of the Uashat-Maliotenam community, for the period from 1 April 2009 to 31 March 2014;

(Sessional Paper No. 169-20090408)

The Agreement to amend the Agreement reached between the Kahnawake Mohawk Council and the Government of Québec, concerning the provision of police services;

(Sessional Paper No. 170-20090408)

The Agreement concerning the provision of police services on the territory of the Mashteuiatsh community, for the period from 1 April 2009 to 31 March 2010;

(Sessional Paper No. 171-20090408)

The Agreement concerning the provision of police services on the territory of the Lac Simon community, for the period from 1 April 2009 to 31 March 2011.

(Sessional Paper No. 172-20090408)

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Mr. Béchard, Minister of Natural Resources and Wildlife, tabled the following:

The annual report of Hydro-Québec, for the fiscal year ended 31 December 2008.
(Sessional Paper No. 173-20090408)

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

The performance evaluation report on the health and social services system for 2009 from the Health and Welfare Commissioner.
(Sessional Paper No. 174-20090408)

Mr. President tabled the following:

A letter, dated 8 April 2009, he had received from Mrs. Monique Jérôme-Forget, Member for Marguerite-Bourgeoys, informing him of her resignation as Member for this electoral division.
(Sessional Paper No. 175-20090408)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mrs. Normandeau, Minister of Municipal Affairs, Regions and Land Occupancy, tabled the following:

Copy of letters, dated 7 February 2008, addressed to Mr. Claude Léger, Chief Administrative Officer of the City of Montréal, Mrs. Colette Fraser, Interim Deputy Clerk of the City of Montréal, and Mrs. Noushig Eloyan, Leader of the Official Opposition at the City of Montréal, by Mr. Jean-Paul Beaulieu, Deputy Minister of Municipal Affairs and Regions, concerning the granting of a contract to the Génieau consortium.

(Sessional Paper No. 176-20090408)

Deferred Divisions

The Assembly took the division, which had been deferred during Business Standing in the Name of Members in Opposition earlier in today's sitting, on the motion moved by Mrs. Maltais (Taschereau).

This motion reads as follows:

THAT the National Assembly recall sections 61 and 62 of the *Act respecting the National Assembly* as well as the wording of the oath of allegiance taken by the members of the Cabinet, that it demand that the Premier have his own directives regarding conflicts of interest enforced, that it solemnly affirm that a Cabinet member must not be bound to another employer during the exercise of his duties and that it ask for the appointment, as expeditiously as possible, of an independent ethics commissioner.

The motion was negated on the following vote:

(Division No. 24 in Appendix)

Yeas: 51 Nays: 62 Abstentions: 0

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mrs. Marois, Leader of the Official Opposition, Mr. Charest, Premier, Mrs. Roy (Lotbinière) and Mr. Khadir (Mercier) jointly moved:

THAT the National Assembly mark the ten years in politics of Mrs. Monique Jérôme-Forget, that it commend the time devoted to the service of the citizens of Marguerite-Bourgeoys by this leading woman and that it particularly note the fact that the latter contributed to paving the way for women to have access to important political positions.

By leave of the Assembly, the motion was carried.

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By leave of the Assembly to set aside Standing Order 53, the Assembly immediately took Notices of Proceedings in Committees.

Notices of Proceedings in Committees

By leave of the Assembly to set aside Standing Order 145, Mr. Dupuis, Government House Leader, convened the following Committee:

- the Committee on Social Affairs, to conclude its public hearings within the framework of special consultations on Bill 7, An Act to establish an early childhood development fund.

Motions Without Notice

By leave of the Assembly to set aside Standing Orders 84 and 185, Mr. Bolduc, Minister of Health and Social Services, Mr. Drainville (Marie-Victorin), Mr. Caire (La Peltre) and Mr. Khadir (Mercier) jointly moved:

THAT the National Assembly mark Parkinson's Awareness Month and World Parkinson's Day, which will be held next 11 April;

THAT the contribution of those who work for the well-being of persons suffering from this disease and for their families be recognized.

By leave of the Assembly, the motion was carried.

By leave of the Assembly to set aside Standing Orders 84 and 185, Mr. Bachand, Minister of Economic Development, Innovation and Export Trade, Mr. Ratthé (Blainville), Mr. Bonnardel (Shefford) and Mr. Khadir (Mercier) jointly moved:

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THAT the National Assembly pay tribute to the businesses awarded the Grands Prix québécois de la qualité last 24 October 2008, namely: the Montreal division of Johnson and Johnson Inc., the Ordre des conseillers en ressources humaines et en relations industrielles agréés du Québec, the National Bank of Canada customer relations centres, the Caisse populaire Desjardins de Farnham, Teknika HBA, Groupe Lacasse and Carrefour jeunesse emploi de l'Outaouais.

By leave of the Assembly, the motion was carried.

By leave of the Assembly to set aside Standing Orders 84 and 185, Mr. Deltell (Chauveau), Mr. Bergman (D'Arcy-McGee), Mr. Simard (Richelieu) and Mr. Khadir (Mercier) jointly moved:

THAT the National Assembly mark the election of Mr. Adam Atlas as President of the Québec Jewish Congress;

THAT it also recognize, by the organization's name change, a willingness to identify with the Québec nation and its desire to fully participate in its development.

By leave of the Assembly, the motion was carried.

By leave of the Assembly to set aside Standing Orders 84 and 185, Mr. Bédard (Chicoutimi), Mr. Simard, Minister responsible for the Saguenay–Lac-Saint-Jean region, Mr. Deltell (Chauveau) and Mr. Khadir (Mercier) jointly moved:

THAT the National Assembly of Québec mark the 20th anniversary of the Caserne de Jouets Saguenay and recognize the dedication of Mr. Mario Gagnon, founding President, and the work of the numerous volunteers who, through their involvement, brought happiness to more than 50,000 children over the years; approximately 10,000 toys are distributed each year to underprivileged, immigrant and disaster-stricken families and to hospitalized children of the Saguenay–Lac-Saint-Jean region.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

Notices of Proceedings in Committees

Mrs. Beauchamp, Deputy Government House Leader, convened the following Committees:

- the Committee on Labour and the Economy, to continue its clause-by-clause consideration of Bill 25, An Act to amend the Pay Equity Act;
- the Committee on Public Finance, to hear the interested parties and give clause-by-clause consideration to Private Bill 202, An Act respecting Abitibi-Consolidated Company of Canada;
- the Committee on Transportation and the Environment, to hold public hearings within the framework of special consultations on Bill 30, An Act to amend the Act respecting off-highway vehicles.

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

- the Committee on Social Affairs shall continue its public hearings on homelessness in Québec;
- the Committee on Planning and the Public Domain shall hold a deliberative meeting for the purpose of organizing its proceedings;
- the Committee on Education shall hold a deliberative meeting for the purpose of discussing on an order of initiative on dropping out of school.

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ORDERS OF THE DAY

Government Bills

Passage in Principle

Mrs. Beauchamp, Minister of Sustainable Development, Environment and Parks, moved, —That Bill 27, An Act to affirm the collective nature of water resources and provide for increased water resource protection, do now pass in principle.

After debate thereon, the motion was carried and Bill 27 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 27 be referred for clause-by-clause consideration to the Committee on Transportation and the Environment.

The motion was carried.

Mrs. Weil, Minister of Justice, moved, —That Bill 20, An Act to amend the Courts of Justice Act and the Act respecting the Ministère de la Justice, do now pass in principle.

After debate thereon, the motion was carried and Bill 20 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 20 be referred for clause-by-clause consideration to the Committee on Institutions.

The motion was carried.

Mrs. St-Pierre, Minister of Culture, Communications and the Status of Women, moved, —That Bill 10, An Act to amend the Act respecting the Conseil des arts et des lettres du Québec, do now pass in principle.

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After debate thereon, the motion was carried and Bill 10 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 10 be referred for clause-by-clause consideration to the Committee on Culture.

The motion was carried.

Mr. Dupuis, Government House Leader, moved the adjournment of the Assembly until Thursday, 9 April 2009, at 10.00 o'clock a.m.

The motion was carried.

Accordingly, at 5.33 o'clock p.m., Mrs. Houda-Pepin, First Vice-President, adjourned the Assembly until Thursday, 9 April 2009, at 10.00 o'clock a.m.

YVON VALLIÈRES

President

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APPENDIX

Recorded Divisions

On the motion moved by Mrs. Maltais (Taschereau) during Business Standing in the Name of Members in Opposition, concerning the appointment of an independent ethics commissioner:

(Division No. 24)

YEAS - 51

Aussant	Curzi	Lemay	Richard
Beaudoin	Deltell	Malavoy	<i>[Duplessis]</i>
<i>[Mirabel]</i>	Doyer	Maltais	Richard
Bédard	Drainville	Marois	<i>[Marguerite-D'Youville]</i>
Bergeron	Dufour	McKay	Robert
Bérubé	Gaudreault	Pagé	Simard
Blanchet	<i>[Jonquière]</i>	Pelletier	<i>[Richelieu]</i>
Bonnardel	Gauvreau	<i>[Rimouski]</i>	St-Arnaud
Bouchard	Girard	Pelletier	Traversy
Boucher	Hivon	<i>[Saint-Hyacinthe]</i>	Tremblay
Caire	Khadir	Picard	Trottier
Champagne	Kotto	Pinard	Turcotte
Charette	Leclair	Poirier	Villeneuve
Cloutier	Legault	Ratthé	
Cousineau	Léger	Rebello	

NAYS - 62

Arcand	Charest	James	Paradis
Auclair	Charlebois	Kelley	Pigeon
Bachand	Chevarie	L'Écuyer	Reid
<i>[Outremont]</i>	Corbeil	Lehouillier	Rotiroti
Bachand	Courchesne	Lessard	Simard
<i>[Arthabaska]</i>	Diamond	MacMillan	<i>[Dubuc]</i>
Beauchamp	Drolet	Mamelonet	Sklavounos
Béchar	Dubourg	Marcoux	St-Amand
Bergman	Dupuis	Marsan	St-Pierre
Bernard	Dutil	Matte	Thériault
Bernier	Gagnon-Tremblay	Ménard	Tomassi
Billette	Gaudreault	Moreau	Vallée
Blais	<i>[Hull]</i>	Morin	Vien
Bolduc	Gautrin	Normandeau	Weil
Boulet	Gonthier	Ouellette	Whissell
Carrière	Hamad	Ouimet	
Charbonneau	Huot	Paquet	