



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 5 May 2015 — No. 84

President of the National Assembly:
Mr. Jacques Chagnon

QUÉBEC

The Assembly was called to order at 1.45 o'clock p.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. H. Plante (Maskinongé) made a statement to underline Licensed Practical Nurses Day.

Mr. Pagé (Labelle) made a statement to congratulate Kevin Bazinet, winner of La Voix 2015.

Mrs. de Santis (Bourassa-Sauvé) made a statement to underline the 50th anniversary of the Gildonese Society of Montreal.

Mr. Laframboise (Blainville) made a statement to congratulate the Phare des Lucioles.

Mr. Ouellette (Chomedey) made a statement to underline World Red Cross Day.

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Mrs. Massé (Sainte-Marie–Saint-Jacques) made a statement about the Virée des ateliers event.

Mrs. Charbonneau (Mille-Îles) made a statement to underline the 27th annual symposium of the Carrefour action municipale et famille.

Mr. Jolin-Barrette (Borduas) made a statement to underline the participation of Borduas schools in the 2015 Energy Cubes challenge.

Mr. Ouimet (Fabre) made a statement to pay tribute to Mrs. Marie-Noëlle Bourque and Mr. Raúl Herrera.

Mr. Péladeau (Saint-Jérôme) made a statement to congratulate Le Trouble-Tête, the Cégep de Saint-Jérôme's student newspaper.

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

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

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Moment of reflection

Introduction of Bills

Mr. Hamad, Minister of Labour, Employment and Social Solidarity, moved that leave be granted to introduce the following bill:

43 An Act to enhance the communication of hazard-related information concerning products present in the workplace and to amend the Act respecting occupational health and safety

The motion was carried.

Accordingly, Bill 43 was introduced in the Assembly.

Mrs. Charlebois, Minister for Rehabilitation, Youth Protection and Public Health, moved that leave be granted to introduce the following bill:

44 An Act to bolster tobacco control

The motion was carried.

Accordingly, Bill 44 was introduced in the Assembly.

Presenting Papers

Mrs. Vien, Minister of Tourism, tabled the following:

The 2014 annual report of the Olympic Park.

(Sessional Paper No. 1071-20150505)

The President tabled the following:

A letter, dated 30 April 2015, he had received from Mrs. Maltais, Official Opposition House Leader, about the ruling the Second Vice-President had handed down on 24 February 2015 on the receivability of the motion to divide moved within the framework of consideration of 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. 1072-20150505)

A copy of the notice of motion by Mr. Kotto (Bourget) to be placed on the *Order Paper and Notices* of Wednesday, 6 May 2015, under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 1073-20150505)

Presenting Petitions

Mr. Dufour (René-Lévesque) tabled the following:

The abstract of a petition on the retention premium for health care professionals in the Côte-Nord region, signed by 598 citizens of Québec.

(Sessional Paper No. 1074-20150505)

Complaints of Breach of Privilege or Contempt and Personal Explanations

The President ruled on the point of privilege or contempt raised by the Official Opposition House Leader on 16 April 2015, in which she alleged that four school boards had acted in contempt of Parliament by invoking the provisions of Chapter VI of 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, before the Assembly had passed this bill.

RULING FROM THE CHAIR

Contempt of Parliament is any act or omission that hinders the work of the Assembly or its Members or that undermines their authority or dignity. Jurisprudence has established that invoking legislative provisions still under consideration in the National Assembly may constitute an act akin to contempt of Parliament.

This could be the case if action taken in advertising or communicating information infers that a bill has force of law. The question here is whether legislative provisions still under consideration in the Assembly were invoked to take action that would result from application of the bill.

At this stage, the role of the President is not to determine whether contempt of Parliament has occurred, but whether the facts submitted constitute *prima facie* contempt of Parliament. In other words, the Chair must determine whether the facts raised are sufficiently compelling to allow the Committee on the National Assembly and the Assembly to continue the process aimed at determining whether contempt of Parliament has, in fact, occurred.

When the President analyzes a point of privilege that refers to the use of a legislative provision still under consideration, he must first take into account the facts submitted by its author, including the points raised in the letter and in enclosed documents. If applicable, the President then considers the arguments submitted by the House Leaders and any other Members who wish to rise on the question. This step is not compulsory. However, in determining whether legislative provisions still under consideration were invoked, the President must find out if an existing enabling power was perhaps invoked instead. In this context, the President may find it relevant to obtain further clarification.

The role of the President, as concerns interpretation of the law, is usually limited to the rules of parliamentary law contained in an Act. The President may, on occasion, have to extend this power of interpretation of a legislative provision for the purposes of applying a rule of parliamentary procedure, as in the present case, to determine whether a provision of a bill or an existing enabling power was invoked. The President's analysis is not always obvious as, unlike the courts, the President's field of jurisdiction is almost exclusively limited to interpreting rules of parliamentary law.

However, this must not add to anyone's burden of proof. The President always seeks to establish whether an existing legislative provision is at the root of the action being reproached. As situations are not always cut and dries, additional clarification may be desirable. It may be in the interest of the person(s) concerned by a point of privilege that the President be as well informed as possible before making his ruling. In this respect, a statement affirming that the law "in general" allows or prohibits someone from doing something, without further specifying the basis of the argument, is not very revealing.

As for analysis of the case at hand, it is alleged that the school boards concerned acted in contempt of Parliament by invoking the provisions of Bill 28 in order to increase their childcare fees as of 1 April 2015, that is, before the bill was passed by the Assembly on 20 April 2015.

In support of their position, the Official Opposition House Leader and the Second Opposition Group House Leader quoted a letter dated 27 March 2015 from the Assistant Deputy Minister to the networks and teachers of the Ministère de l'Éducation, de l'Enseignement supérieur et de la Recherche in which he mentions that, in the event Bill 28 is not passed before 31 March 2015, it would be appropriate to delay the increase in childcare fees it suggests until it is passed, in order to avoid any protests by users.

After analyzing the provisions of Bill 28 and in light of the arguments submitted to the Chair, in particular by the Government House Leader, who pointed out how existing law allowed these actions, the President notes that Chapter VI of Bill 28 concerns the contribution payable for subsidized educational childcare services. This chapter amends the *Educational Childcare Act* and the Reduced Contribution Regulation. However, the bill contains no provision concerning school boards.

The fees for childcare in school are not established by this Act or by the regulation made under this Act, but rather under the *Education Act*.

When reading the provisions of the *Education Act*, we understand that the fees for childcare at school are the responsibility of the school boards themselves and that Bill 28 does not propose any changes in this respect.

The documents to which the President was referred by the Government House Leader also reveal that the amount of the allowance to which the school boards are entitled for each child enrolled in childcare is determined by the budgetary rules established under that Act. The payment of this allowance is, however, subject to certain conditions, including the requirement that the financial contribution asked of the parents for childcare not exceed a certain amount. This limit has been explicitly linked to the fee established for childcare centres in these budgetary rules.

Accordingly, in keeping with jurisprudence, despite the Assistant Deputy Minister's communication referring to the passage of Bill 28, the President cannot conclude that the school boards that increased their childcare fees before passage of the bill did so under Chapter VI. Although the contribution payable for childcare in school is linked to that of childcare centres, it is not so because of the bill's provisions, but rather because of the budgetary rules established by the Government and followed by the school boards.

The complaint is therefore not receivable.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

At the request of the President, Mr. Legault, Leader of the Second Opposition Group, withdrew certain words deemed unparliamentary.

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

A bundle of documents on maintaining jobs in the regions.
(Sessional Paper No. 1075-20150505)

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

Notices of Proceedings in Committees

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

- the Committee on Institutions, to continue and conclude examination of the 2015–2016 estimates of expenditure of the Ministère de la Justice by examining the “Justice” component;
- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to continue and conclude examination of the 2015–2016 estimates of expenditure of the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation;
- the Committee on Health and Social Services, to continue and conclude examination of the 2015–2016 estimates of expenditure of the Ministère de la Santé et des Services sociaux.

And, by leave of the Assembly to set aside Standing Order 143, he convened the following committee:

- the Committee on Citizen Relations, to conclude examination of the “Family and anti-bullying” component of the 2015–2016 estimates of expenditure of the Ministère de la Famille.

Motions Without Notice

Mr. Drainville (Marie-Victorin), together with Mrs. Roy (Arthabaska) and Mrs. David (Gouin), moved a motion to hear the former President and Director General of Hydro-Québec in committee; this motion could not be debated for want of unanimous consent.

Mr. Roberge (Chambly), together with Mrs. Léger (Pointe-aux-Trembles), moved a motion concerning economics classes at the secondary school level; 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, Mrs. David, Minister of Culture and Communications, together with Mrs. Hivon (Joliette), Mrs. Samson (Iberville) and Mrs. Massé (Sainte-Marie–Saint-Jacques), moved:

THAT the National Assembly mark World Press Freedom Day;

THAT it celebrate the fundamental principles of freedom of the press;

THAT the Members of the National Assembly observe a minute of silence in tribute to the journalists who lost their lives in the line of duty.

By leave of the Assembly, the motion was carried.

At the request of Mr. Ouimet, First Vice-President, the Assembly observed a minute of silence.

Mrs. Massé (Sainte-Marie–Saint-Jacques) moved a motion concerning the Green Fund; this motion could not be debated for want of unanimous consent.

Information on the Proceedings of the Assembly

Mr. Ouimet, First Vice-President, informed the Assembly that on Wednesday, 6 May 2015, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mr. Kotto (Bourget).

This motion reads as follows:

THAT the National Assembly recognize the fundamental nature of the primacy of the French language in Québec;

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THAT it reaffirm that it is the Québec Government's daily duty to protect the French language;

THAT it reiterate that Bill 101 remains essential in Québec;

THAT it reassert that French is the official language of Québec;

THAT it acknowledge the erosion of the French fact in certain sectors of Québec society, in particular the language of the workplace;

THAT, accordingly, it demand that the Québec Government extend this Act's application to Québec enterprises with 26 to 49 employees;

Lastly, that the National Assembly acknowledge the Court of Appeal of Québec's 28 April 2015 ruling on the language of signs and that it ask the Québec Government to propose the necessary amendments to the *Charter of the French language* to require that, at the very least, a French description be included in non-francophone trademarks.

At 3.35 o'clock p.m., pursuant to Standing Order 282, Mr. Ouimet, First Vice-President, adjourned the Assembly until Wednesday, 6 May 2015, at 9.45 o'clock a.m.

JACQUES CHAGNON

President