

FIRST SESSION FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 15 March 2016 — No. 151

President of the National Assembly: Mr. Jacques Chagnon

QUÉBEC

The Assembly was called to order at 1.40 o'clock p.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. Bernier (Montmorency) made a statement to pay tribute to Mr. Mario Imbault for his act of good citizenship.

Mr. Gendron (Abitibi-Ouest) made a statement to congratulate Mr. Jacques Larrivée, who was inducted into the Tournoi national midget d'Amos hall of fame.

Mrs. Simard (Charlevoix-Côte-de-Beaupré) made a statement to underline the success of the business Cassis Monna & Filles.

Mr. Roberge (Chambly) made a statement to pay tribute to Mrs. Monique Couture for her volunteer work.

Mrs. Charbonneau (Mille-Îles) made a statement to underline Québec Meals on Wheels Week.

Mr. Roy (Bonaventure) made a statement to congratulate young Viggo Belley-Cheseaux for his battle against leukemia.
Mrs. de Santis (Bourassa-Sauvé) made a statement to pay tribute to the artist Mr. Sergio Gutiérrez.
Mrs. D'Amours (Mirabel) made a statement to pay tribute to Mr. Guy Fortin and Mrs. Lise Ledoux for their volunteer work.
Mrs. Weil (Notre-Dame-de-Grâce) made a statement to underline the Dorval–Jean-XXIII secondary school band's visit to the National Assembly.
Mr. Leitão (Robert-Baldwin) made a statement to underline Mrs. Jane Ellen Robinson Mack's 103rd birthday.
At 1:52 o'clock p.m., Mr. Ouimet, First Vice-President, suspended the proceedings for a few minutes.
The proceedings resumed at 2:00 o'clock p.m.

Moment of reflection

Presenting Papers

Mrs. Vallée, Minister of Justice, tabled the following:

A copy of a letter, dated 14 March 2016, she had received from Me Michel Bouchard, Chair of the Comité de la rémunération des procureurs aux poursuites criminelles et pénales, concerning the Committee's report on the remuneration and certain conditions of employment of criminal and penal prosecuting attorneys, for the period from 1 April 2015 to 31 March 2019, which was tabled in the National Assembly on 6 October 2015.

(Sessional Paper No. 1981-20160315)

Mrs. David, Minister responsible for Higher Education, tabled the 2014–2015 financial statements and statements of salaries, as well as the performance reports and reports on development prospects of the following institutions:

Ecole de technologie supérieure		
,	(Sessional Paper No.	1982-20160315)
École nationale d'administration publique		
	(Sessional Paper No.	1983-20160315)
HEC Montréal		
	(Sessional Paper No.	1984-20160315)
Institut national de la recherche scientifiqu	;	
	(Sessional Paper No.	1985-20160315)
Polytechnique Montréal		
	(Sessional Paper No.	1986-20160315)
Bishop's University		
	(Sessional Paper No.	1987-20160315)
Concordia University		
	(Sessional Paper No.	1988-20160315)
Université de Montréal		
	(Sessional Paper No.	1989-20160315)

Université de Sherbrooke	
	(Sessional Paper No. 1990-20160315)
Université du Québec (head office)	
	(Sessional Paper No. 1991-20160315)
Université du Québec en Abitibi-Témiscan	•
	(Sessional Paper No. 1992-20160315)
Université du Québec à Chicoutimi	
W	(Sessional Paper No. 1993-20160315)
Université du Québec à Montréal	(G : 1D N 1004 201 (0215)
Haling with the Oracle and Oracle and in	(Sessional Paper No. 1994-20160315)
Université du Québec en Outaouais	(Sessional Depart No. 1005 20160215)
Université du Québec à Rimouski	(Sessional Paper No. 1995-20160315)
Oliversite du Quebec à Killiouski	(Sessional Paper No. 1996-20160315)
Université du Québec à Trois-Rivières	(Sessional Laper 140: 1990 20100313)
omversite da Queece à 11018 lavieres	(Sessional Paper No. 1997-20160315)
Université Laval	(0.222222)
	(Sessional Paper No. 1998-20160315)
McGill University	,
·	(Sessional Paper No. 1999-20160315)
Télé-Université du Québec.	
	(Sessional Paper No. 2000-20160315)

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

The Government's reply to petitions tabled on 9 February 2016 by Mrs. Lamarre (Taillon) on abolishing measures involving isolation and physical or chemical restraints in Québec's hospitals;

(Sessional Paper No. 2001-20160315)

The Government's reply to a petition tabled on 16 February 2016 by Mr. Birnbaum (D'Arcy-McGee) on the matrimonial regime and appeal deadlines. (Sessional Paper No. 2002-20160315)

The President tabled the following:

A letter, dated 25 February 2016, he had received from Mr. Roch Marc Christian Kabore, President of Burkina Faso, in response to the letter of condolence sent on behalf of the Assembly following the 15 January 2016 attacks that occurred in Ouagadougou.

(Sessional Paper No. 2003-20160315)

A copy of the notice of motion by Mrs. Roy (Montarville) to be placed on the *Order Paper and Notices* of Wednesday, 16 March 2016 under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 2004-20160315)

Presenting Reports from Committees

Mr. Ouellette (Chomedey), Committee Chair, tabled the following:

The report from the Committee on Institutions, which met on 24 and 25 February and on 10 March 2016 for clause-by-clause consideration of Bill 89, An Act to ensure better consistency between the French and English texts of the Civil Code. The report contains amendments to the bill.

(Sessional Paper No. 2005-20160315)

Mr. Tanguay (LaFontaine), Committee Chair, tabled the following:

The report from the Committee on Health and Social Services, which held public hearings on 24 and 25 February and on 8, 9, 10 and 11 March 2016 within the framework of special consultations on Bill 81, An Act to reduce the cost of certain medications covered by the basic prescription drug insurance plan by allowing calls for tender.

(Sessional Paper No. 2006-20160315)

Mr. Reid (Orford), Committee Chair, tabled the following:

The report from the Committee on Transportation and the Environment, which held public hearings on 18, 23 and 24 February and on 9 and 10 March 2016 within the framework of special consultations on the backgrounder on passenger transportation by automobile for remuneration.

(Sessional Paper No. 2007-20160315)

Presenting Petitions

Mr. Cloutier (Lac-Saint-Jean) tabled the following on behalf of Mr. Bergeron (Verchères):

The abstract of a petition on adopting an order to exclude land from an agricultural zone for the construction of an elementary school in Val-des-Monts, signed by 788 citizens of Québec.

(Sessional Paper No. 2008-20160315)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

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

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mr. Rochon (Richelieu), together with Mrs. Lavallée (Repentigny) and Mrs. David (Gouin), moved:

THAT the National Assembly recall the release, on 18 November 2015, of the 2015–2018 joint action plan to prevent and fight bullying entitled "Ensemble contre l'intimidation, une responsabilité partagée";

THAT it underline that this action plan is the result of joint efforts by all parliamentary groups and that the Members of the National Assembly must act as role models to prevent and fight bullying;

THAT the National Assembly also recall the coming into force, on 4 June 2015, of the Policy on Preventing and Managing Situations Involving Harassment in the Workplace, which confirms the desire of the Members and administration of the National Assembly that the Assembly constitute a healthy, harmonious workplace, free from harassment.

The question was put on this motion, and a recorded division was thereupon demanded.

The motion was carried on the following vote:

(Division No. 174 in Appendix)

Yeas: 110 Nays: 0 Abstentions: 0

Mr. Roberge (Chambly), together with Mr. Cloutier (Lac-Saint-Jean), moved a motion concerning the teaching activities of teachers in higher education institutions; this motion could not be debated for want of unanimous consent.

Mrs. Massé (Sainte-Marie–Saint-Jacques), together with Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), moved a motion concerning Québec's 2016–2017 budget; 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 Agriculture, Fisheries, Energy and Natural Resources, to hold public hearings within the framework of special consultations on the Green Paper on social acceptability entitled "Orientations du ministère de l'Énergie et des Ressources naturelles en matière d'acceptabilité sociale";
- the Committee on Citizen Relations, to continue its clause-by-clause consideration of Bill 77, Québec Immigration Act;
- the Committee on Labour and the Economy, to continue its clause-byclause consideration of Bill 70, An Act to allow a better match between training and jobs and to facilitate labour market entry.

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

— the Committee on Culture and Education, to continue its public hearings within the framework of special consultations on Bill 86, An Act to modify the organization and governance of school boards to give schools a greater say in decision-making and ensure parents' presence within each school board's decision-making body.

Information on the Proceedings of the Assembly

Mr. Ouimet, First Vice-President, informed the Assembly that on Wednesday, 16 March 2016, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mrs. Roy (Montarville).

This motion reads as follows:

THAT the National Assembly acknowledge that Québec benefits socially and economically from immigration when its volume reflects our reception and integration capacity;

THAT it note that many municipal, community and economic sector stakeholders are concerned by our present inability to receive, integrate and francize all of the immigrants admitted to Québec;

THAT it ask the Government to take the current context into account and not raise immigration thresholds.

ORDERS OF THE DAY

Government Bills

Passage in Principle

Mr. Coiteux, Minister of Municipal Affairs and Land Occupancy, moved that Bill 83, An Act to amend various municipal-related legislative provisions concerning such matters as political financing, do now pass in principle.

A debate arose thereon.

At the end of his address, Mr. Ouellet (René-Lévesque) moved the following motion to divide the said Bill:

THAT, pursuant to Standing Order 241, Bill 83, An Act to amend various municipal-related legislative provisions concerning such matters as political financing, be divided into four bills:

The first of which shall be entitled "An Act to amend various municipal-related legislative provisions" and shall comprise sections 1 to 5, 24 to 26, 28 to 31, 33 to 38, 62, 73, 76 to 81, 84 and 90, except the words ", except sections 27, 45 to 57, 61, 64, 74, 75 and 86, which come into force on 1 January 2017";

The second of which shall be entitled "An Act to amend the Act respecting elections and referendums in municipalities with respect to financing and to amend various other legislative provisions" and shall comprise sections 27, 39 to 61, 64, 74, 75, 85, 86 and 90;

The third of which shall be entitled "An Act to amend the Act respecting the Société d'habitation du Québec" and shall comprise sections 65 to 72, 87 to 89 and 90, except the words ", except sections 27, 45 to 57, 61, 64, 74, 75 and 86, which come into force on 1 January 2017"; and

The fourth of which shall be entitled "An Act to amend the Cities and Towns Act and to amend various other legislative provisions" and shall comprise sections 6 to 23, 32, 63, 82, 83 and 90, except the words ", except sections 27, 45 to 57, 61, 64, 74, 75 and 86, which come into force on 1 January 2017".

At 4.52 o'clock p.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 5.18 o'clock p.m.

At 5.36 o'clock p.m., after hearing arguments from all sides regarding the receivability of the motion to divide, Mr. Gendron, Third Vice-President, took the matter under advisement and suspended the proceedings until 7.30 o'clock p.m.

The proceedings resumed at 7.37 o'clock p.m.

Passage in Principle

The Assembly continued the debate on the motion moved by Mr. Coiteux, Minister of Municipal Affairs and Land Occupancy, that Bill 83, An Act to amend various municipal-related legislative provisions concerning such matters as political financing, do now pass in principle.

Mr. Gendron, Third Vice-President, made his ruling on the receivability of the motion to divide moved by Mr. Ouellet (René-Lévesque).

RULING FROM THE CHAIR

On numerous occasions, parliamentary jurisprudence has recognized that, 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. It has also been established that a distinction must be made between a principle, which is an essential element of a bill, and a term, which is ancillary to this principle. Furthermore, the Chair must, when determining the principles, neither seek nor take into account the intention of the bill's author, basing the analysis solely on the bill's provisions.

In the case at hand, the Chair does not deny that the intention may be to respond to various requests concerning the municipal sector. However, it notes that this intention translates into several principles. Moreover, this is not in itself a criterion that the Chair is required to consider in analyzing the receivability of a motion to divide, just as the Chair is not required to consider the fact that, in the past, motions to divide were not moved for all bills that concerned municipal matters. The only criteria guiding the Chair are those outlined in jurisprudence and those stipulated by the Standing Orders.

Standing Order 268 provides that private bills are the only type of bill for which motions to divide cannot be moved. Since the bill in question here is not a private bill, the Chair cannot conclude that moving a motion to divide on that basis is prohibited. Furthermore, a past ruling declared a motion to divide moved against a bill that amended various legislative provisions in the municipal sector receivable.

Analysis shows that the bill contains more than one principle, not simply various terms linked to a single principle. As drafted, the motion to divide proposes grouping the initial bill's elements into four bills: bills 2, 3 and 4 resulting from the division would constitute as many separate principles, and a first bill, entitled "An Act to amend various municipal-related legislative provisions", would constitute the remainder of a bill to amend various municipal-related legislative provisions. This first bill could also be considered a bill in its own right.

Following its analysis, the Chair must determine whether each bill resulting from the division is a coherent whole able to stand alone.

The Chair notes that, except for the section on coming into force, there are no cross-references in the bills resulting from the division that would render them incoherent. Furthermore, under the section on coming into force, certain provisions would take effect on a specific date. All of these provisions are found only in the second bill. Section 90 is therefore meaningful where the second bill is concerned. Withdrawing the exceptions from section 90, as formulated in the three other bills, is in keeping with what parliamentary jurisprudence allows regarding a section on coming into force.

Therefore, the motion to divide meets the criteria established by jurisprudence and is declared receivable.

Mr. Gendron, Third Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate: 56 minutes 30 seconds to the parliamentary group forming the Government; 33 minutes 30 seconds to the parliamentary group forming the Official Opposition; 23 minutes to the parliamentary group forming the Second Opposition Group; and 7 minutes to the independent Members, subject to a maximum of 2 minutes to the Member for Arthabaska. Within this framework, any time not used by the independent Members or by a parliamentary group shall be redistributed among the parliamentary groups in the proportions established above. Lastly, individual addresses shall not be limited.

The Assembly entered upon the debate on the motion to divide moved by Mr. Ouellet (René-Lévesque).

The debate being concluded, the question was put on the motion to divide, and a recorded division was thereupon demanded.

The motion was negatived on the following vote:

(Division No. 175 in Appendix)

Yeas: 14 Nays: 67 Abstentions: 0

The Assembly continued the debate on the motion moved by Mr. Coiteux, Minister of Municipal Affairs and Land Occupancy, that Bill 83, An Act to amend various municipal-related legislative provisions concerning such matters as political financing, do now pass in principle.

The debate being concluded, the motion was carried on division and, accordingly, Bill 83 was passed in principle.

Mr. Sklavounos, Deputy Government House Leader, moved that Bill 83 be referred to the Committee on Planning and the Public Domain for clause-by-clause consideration.

The motion was carried on division.

At 9.30 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Wednesday, 16 March 2016 at 9.40 o'clock a.m.

JACQUES CHAGNON

President

APPENDIX

Recorded Divisions

On the motion moved by Mr. Rochon (Richelieu), together with Mrs. Lavallée (Repentigny) and Mrs. David (Gouin):

(Division No. 174)

YEAS - 110

		10	
Anglade (QLP)	de Santis (QLP)	Lemay (CAQ)	Rotiroti (<i>QLP</i>)
Arcand (QLP)	Drainville (PQ)	Lessard (<i>QLP</i>)	Rousselle (<i>QLP</i>)
Auger (QLP)	Drolet (QLP)	Lisée (PQ)	Roy(CAQ)
Barrette (QLP)	Fortin (QLP)	Marceau (PQ)	(Montarville)
Bernier (<i>QLP</i>)	(Sherbrooke)	Martel (CAQ)	Roy(IND)
Bérubé (PQ)	Fortin (QLP)	Massé (IND)	(Arthabaska)
Billette (<i>QLP</i>)	(Pontiac)	Matte (QLP)	Roy(PQ)
Birnbaum (<i>QLP</i>)	Fournier (<i>QLP</i>)	Ménard (QLP)	(Bonaventure)
Blais (QLP)	Gaudreault (PQ)	Merlini (QLP)	Samson (CAQ)
Blanchette (QLP)	(Jonquière)	Morin (QLP)	Sauvé (QLP)
Bolduc (QLP)	Gendron (PQ)	Nichols (QLP)	Schneeberger (CAQ)
Bonnardel (CAQ)	Giguère (QLP)	Ouellet (PQ)	Simard (QLP)
Boucher (QLP)	Girard (QLP)	(René-Lévesque)	(Charlevoix–Côte-de-Beaupré)
Boulet (QLP)	Habel (QLP)	Ouellet (PQ)	Simard (QLP)
Bourgeois (QLP)	Hamad (QLP)	(Vachon)	(Dubuc)
Busque (QLP)	Hardy (QLP)	Ouellette (<i>QLP</i>)	Sklavounos (QLP)
Caire (CAQ)	Heurtel (QLP)	Pagé (PQ)	Soucy (CAQ)
Carrière (<i>QLP</i>)	Huot (QLP)	Paradis (QLP)	Spénard (CAQ)
Charbonneau (QLP)	Iracà (QLP)	(Brome-Missisquoi)	St-Denis (QLP)
Charette (CAQ)	Jolin-Barrette (<i>CAQ</i>)	Paradis (CAQ)	St-Pierre (<i>QLP</i>)
Charlebois (QLP)	Kelley (QLP)	(Lévis)	Surprenant (CAQ)
Chevarie (QLP)	Kotto (PQ)	Péladeau (PQ)	Tanguay (QLP)
Cloutier (PQ)	Laframboise (CAQ)	Picard (CAQ)	Therrien (PQ)
Coiteux (QLP)	Lamarre (PQ)	Plante (QLP)	Tremblay (QLP)
Couillard (QLP)	Lavallée (CAQ)	Poirier (PQ)	Turcotte (PQ)
Cousineau (PQ)	LeBel (PQ)	Polo (<i>QLP</i>)	Vallée (QLP)
D'Amour (QLP)	Leclair (PQ)	Proulx (QLP)	Vallières (<i>QLP</i>)
D'Amours (CAQ)	Legault (CAQ)	Reid (QLP)	Vien (QLP)
David (IND)	Léger (PQ)	Richard (PQ)	Villeneuve (PQ)
(Gouin)	Leitão (QLP)	Roberge (CAQ)	Weil (QLP)
David (QLP)	Lelièvre (<i>PQ</i>)	Rochon (PQ)	
(Outremont)			

On the motion to divide moved by Mr. Ouellet (René-Lévesque):

(Division No. 175)

YEAS - 14

Bergeron (PQ)	Kotto (PQ)	Ouellet (PQ)	Turcotte (PQ)
Cousineau (PQ)	LeBel (PQ)	(René-Lévesque)	
David (IND)	Leclair (PQ)	Poirier (PQ)	
(Gouin)	Léger (PQ)	Rochon (PQ)	
Gaudreault (PQ)	Lisée (PQ)	Roy(PQ)	
(Jonquière)	. ~,	(Bonaventure)	
	NAY	S - 67	
Anglade (QLP)	Coiteux (QLP)	Laframboise (CAQ)	Sauvé (QLP)
Arcand (<i>OLP</i>)	D'Amour (<i>OLP</i>)	Lemay (CAO)	Schneeberger (

NA 15 - 0/				
Anglade (QLP)	Coiteux (QLP)	Laframboise (CAQ)	Sauvé (QLP)	
Arcand (QLP)	D'Amour (<i>QLP</i>)	Lemay (CAQ)	Schneeberger (CAQ)	
Auger (QLP)	David (QLP)	Lessard (QLP)	Simard (QLP)	
Barrette (QLP)	(Outremont)	Matte (QLP)	(Charlevoix–Côte-de-Beaupré)	
Bernier (<i>QLP</i>)	de Santis (QLP)	Ménard (QLP)	Simard (QLP)	
Billette (<i>QLP</i>)	Fortin (QLP)	Merlini (QLP)	(Dubuc)	
Birnbaum (QLP)	(Pontiac)	Morin (QLP)	Sklavounos (QLP)	
Blais (QLP)	Fortin (QLP)	Nichols (QLP)	Spénard (CAQ)	
Blanchette (QLP)	(Sherbrooke)	Ouellette (QLP)	St-Denis (<i>QLP</i>)	
Bolduc (QLP)	Giguère (QLP)	Paradis (QLP)	St-Pierre (<i>QLP</i>)	
Bonnardel (CAQ)	Girard (QLP)	(Brome-Missisquoi)	Tanguay (QLP)	
Boucher (QLP)	Habel (QLP)	Plante (QLP)	Tremblay (QLP)	
Boulet (QLP)	Hamad (QLP)	Polo (QLP)	Vallée (QLP)	
Bourgeois (QLP)	Hardy (QLP)	Proulx (QLP)	Vallières (<i>QLP</i>)	
Busque (QLP)	Heurtel (QLP)	Reid (QLP)	Vien (QLP)	
Carrière (<i>QLP</i>)	Huot (QLP)	Roberge (CAQ)	Weil (<i>QLP</i>)	
Charbonneau (QLP)	Iracà (QLP)	Rotiroti (QLP)		
Charlebois (QLP)	Jolin-Barrette (CAQ)	Rousselle (QLP)		
Chevarie (QLP)	Kelley (QLP)	Roy(CAQ)		
		(Montarville)		