



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 24 March 2016 — No. 156

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

QUÉBEC

The Assembly was called to order at 9.40 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. Bonnardel (Granby) made a statement to underline the 45th anniversary of Auberge Sous Mon Toit.

Mr. LeBel (Rimouski) made a statement to pay tribute to the painter Mr. Léonard Parent, a.k.a. Basque.

Mr. Iracà (Papineau) made a statement to pay tribute to young Sophie-Ann Lafontaine for her courage and quick thinking, which saved her mother's life.

Mr. Morin (Côte-du-Sud) made a statement to underline the reopening of Station plein air de Saint-Pacôme.

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By leave of the Assembly to set aside Standing Order 54.1, Mr. Gaudreault (Jonquière) made a statement to pay tribute to Mr. Bernard Angers, former senior civil servant and former rector of Université du Québec à Chicoutimi.

Mrs. Simard (Charlevoix–Côte-de-Beaupré) made a statement to underline the kick-off of the Société pour la prévention de la cruauté envers les animaux de Charlevoix's fundraising campaign.

Mr. Lisée (Rosemont) made a statement to underline the 25th anniversary of Regroupement des cuisines collectives du Québec.

By leave of the Assembly to set aside Standing Order 54.1, Mr. Schneeberger (Drummond–Bois-Francis) made a statement to underline the success of the Symposium des arts UV Mutuelle de Drummondville.

At 9.50 o'clock a.m., Mrs. Gaudreault, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.00 o'clock a.m.

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Moment of reflection

Presenting Papers

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

The agreement between the Société du Plan Nord and the Ministère du Tourisme on the implementation of the Québec Government's Plan Nord toward 2035, 2015-2020 Action Plan;

(Sessional Paper No. 2060-20160324)

The 2015–2018 strategic plan of the Société du Centre des congrès de Québec.

(Sessional Paper No. 2061-20160324)

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

The Government's reply to a petition tabled on 11 February 2016 by Mrs. Soucy (Saint-Hyacinthe) on registration fees for snow removal vehicles and commercial carriers;

(Sessional Paper No. 2062-20160324)

The reply to a written question from Mrs. Roy (Montarville) on the guarantees Lowe's provided to Industry Canada to acquire RONA — Question No. 150, *Order Paper and Notices* of 17 February 2016.

(Sessional Paper No. 2063-20160324)

Presenting Petitions

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

The abstract of a petition on maintaining jobs dedicated to natural heritage preservation at the Ministère des Forêts, de la Faune et des Parcs, signed by 836 citizens of Québec.

(Sessional Paper No. 2064-20160324)

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The President and other presiding officers issued a joint statement on the application of Standing Order 35 (3), which governs referring to matters that are under adjudication before a court of law. This resulted in a request for interpretation from both the Second Opposition Group House Leader and the Member for Mercier.

STATEMENT FROM THE CHAIR

During the last two oral question periods, the Chair intervened several times to urge Members to exercise caution and to prohibit Members from speaking about the criminal charges laid last week. The presiding officers have carefully reviewed parliamentary jurisprudence related to this issue and have unanimously agreed to maintain this Standing Order and, moreover, to enforce it.

In a recent statement, the Chair recalled that a sensitive, well-balanced approach to applying Standing Order 35 is crucial in the context of parliamentary proceedings, as it provides the framework for Members to exercise their constitutional parliamentary privilege of freedom of speech. This privilege is a fundamental tool Members use in exercising their parliamentary duties. It is, in a sense, an important bulwark in safeguarding a democratic society, as it allows Members to speak freely by granting them immunity with respect to words spoken during debates.

However, the Chair also stated that since this privilege has such broad scope, it must be exercised with care. Hence legislatures' guidelines for its application, by virtue of the parliamentary privilege that allows them to adopt their own code of procedure, witness the Assembly's Standing Order 35.

How does the Assembly apply Standing Order 35 (3) to criminal and penal matters?

In these matters, all Chairs from 1984 on have applied Standing Order 35 (3) clearly, consistently and unambiguously. It has been strictly applied because prejudice is deemed likely to occur.

In the Canadian House of Commons, the “House of Commons Procedure and Practice” bars reference to such matters before judgment has been rendered and during any appeal. Members are expected to refrain from discussing matters that are before a criminal court, not only to protect those persons who are undergoing trial and stand to be affected whatever its outcome, but also because the trial could be affected by debate in the House. According to Beauchesne, this application in the federal Parliament, whose precedents date back to 1928, is valid both before and during trial in order to protect all parties. Therefore, this rule must be respected from the outset of the criminal justice process, that is, as soon as a person has been charged and faces prosecution in the courts.

Strict application of the *sub judice* rule in criminal and penal matters ensures that the integrity of the judicial process is respected and cannot be violated under any circumstances without potentially resulting in a stay of proceedings. Because this rule is not applied as strictly in civil matters or inquiries, under certain circumstances Members were permitted to discuss the Charbonneau Commission in the context of debates, given that the outcome of a commission of inquiry is not the same as that of a criminal trial.

Why does jurisprudence prohibit references to criminal matters, even indictments that are public?

Referring to an indictment opens the door to discussing the acts for which charges were laid. In a criminal case, this is the heart of the matter. When a question is asked in the House, it starts a parliamentary, and necessarily political, discussion on the subject, and a hearing that should be held before the courts takes place on the National Assembly floor. The *sub judice* rule codified in Standing Order 35 (3) seeks to prevent this.

There is no doubt that the Chair’s role is to protect Members’ rights to exercise oversight powers with respect to the Government’s actions. However, this role must be exercised in accordance with the rules of parliamentary law unanimously adopted by the Members. In the case at hand, these rules require that the Assembly respect our system of governance and our rule of law. Just as the courts fully respect our Assembly’s autonomy by refraining to intervene in its internal affairs and debates, the Assembly must refrain from broaching criminal or penal matters.

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This does not in any way prevent Members from questioning the Government on its actions, for example, on political party financing or the financing of the Director of Criminal and Penal Prosecutions, without specifically referring to the criminal charges recently laid. In other words, it is possible to question the Government on its actions and decisions other than those related to individuals subject to criminal or penal charges.

Lastly, the Chair wishes to recall that this is a joint statement by all presiding officers, reaffirming their respect for the Assembly's rules of procedure, asserting that it is their role to safeguard these rules, and maintaining that they must not change the rules' application.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

At the request of the President, Mr. Drainville, Official Opposition House Leader, withdrew certain words deemed unparliamentary.

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

Motions Without Notice

Mr. Bonnardel, Second Opposition Group House Leader, together with Mrs. Roy (Arthabaska), moved a motion concerning Bill 64, Firearms Registration Act; 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. Charlebois, Minister for Rehabilitation, Youth Protection, Public Health and Healthy Lifestyles, together with Mr. Lisée (Rosemont), Mr. Schneeberger (Drummond–Bois-Francis), Mrs. Massé (Sainte-Marie–Saint-Jacques) and Mrs. Roy (Arthabaska), moved:

THAT the National Assembly highlight the 25th anniversary of Regroupement des cuisines collectives du Québec;

THAT the National Assembly recognize the contribution Regroupement des cuisines collectives du Québec makes to the health and well-being of Québec society;

THAT, lastly, the National Assembly underline Regroupement's excellent work as a catalyst of change and social inclusion.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

Mr. Gaudreault (Jonquière), together with Mr. Laframboise (Blainville) and Mrs. Massé (Sainte-Marie–Saint-Jacques), moved a motion concerning federal infrastructure funds; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mrs. Massé (Sainte-Marie–Saint-Jacques), together with Mr. Kelley, Minister responsible for Native Affairs, Mr. Boucher (Ungava), Mrs. Poirier (Hochelaga-Maisonneuve) and Mrs. Samson (Iberville), moved:

THAT the National Assembly acknowledge the great resilience of the Inuit people of Nunavik and honour their commitment to improving the quality of life and living conditions throughout their communities;

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THAT it ask the Québec Government to act diligently to support these communities and their caregivers, especially when they face hard times;

THAT, like the parliamentarians who were members of the Committee on Citizen Relations' mission under the order of initiative on Aboriginal women's living conditions as affected by sexual assault and domestic violence, the National Assembly note the very difficult situation currently experienced in Nunavik, particularly in the community of Kuujuaq, shaken by a recent wave of suicides;

THAT the National Assembly extend its condolences to the families, friends and members of the communities affected by these suicides.

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 Transportation and the Environment, to continue its clause-by-clause consideration of Bill 76, An Act to modify the organization and governance of shared transportation in the Montréal metropolitan area;
- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to continue its 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";

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- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 59, An Act to enact the Act to prevent and combat hate speech and speech inciting violence and to amend various legislative provisions to better protect individuals; and then, to continue its public hearings within the framework of special consultations on Bill 64, Firearms Registration Act;
- the Committee on Labour and the Economy, to continue its clause-by-clause 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.

Mrs. Gaudreault, Second Vice-President, gave the following notices:

- the Committee on Public Administration shall hold a deliberative meeting to prepare the hearing on the administrative management and financial commitments of the Ministère de la Famille and on the follow-up to chapter 5 of the Auditor General's fall 2011 report entitled 'then, hold a public meeting to hear the Ministère de la Famille; and finally, hold a deliberative meeting to discuss the observations, conclusions and recommendations, if any, following this hearing;
- the Committee on Public Finance shall hold a deliberative meeting to organize the next steps of the Committee's order of initiative on the tax haven phenomenon.

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Information on the Proceedings of the Assembly

Mrs. Gaudreault, Second Vice-President, informed the Assembly that on Friday, 8 April 2016, Mrs. Roy (Montarville) would question Mrs. de Santis, Minister responsible for Access to Information and the Reform of Democratic Institutions, during an interpellation on the need to recover the money that may have been illegally paid to political parties between 1996 and 2011 and to extend the limitation period provided for in the *Election Act* to 1996.

ORDERS OF THE DAY

Business Having Precedence

Debate on the Budget Speech

The Assembly resumed the debate, which had been adjourned on 23 March 2016, on the motion moved by Mr. Leitão, Minister of Finance, that the Assembly approve the Government's budgetary policy, and on the motions stating a grievance moved by Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), Mr. Khadir (Mercier), Mr. Therrien (Sanguinet), Mr. Caire (La Peltre), Mr. Lelièvre (Gaspé) and Mr. Lisée (Rosemont), subject to the receivability of these motions.

At the request of Mrs. Gaudreault, Second Vice-President, Mr. Jolin-Barrette (Borduas) withdrew certain words deemed unparliamentary.

At the end of his address, Mr. Bergeron (Verchères) moved the following motion stating a grievance:

THAT the National Assembly severely censure the Liberal Government for forsaking Québec's formal claim to having the federal contribution to health funding restored to 25% immediately.

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The debate continued on the motion moved by Mr. Leitão, Minister of Finance, and on the motions stating a grievance moved by Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), Mr. Khadir (Mercier), Mr. Therrien (Sanguinet), Mr. Caire (La Peltre), Mr. Lelièvre (Gaspé), Mr. Lisée (Rosemont) and Mr. Bergeron (Verchères), subject to the receivability of these motions.

At the end of her address, Mrs. Poirier (Hochelaga-Maisonneuve) moved the following motion stating a grievance:

THAT the National Assembly severely censure the Liberal Government for having tabled a budget that reduces the amounts allocated to social housing.

The debate continued on the motion moved by Mr. Leitão, Minister of Finance, and on the motions stating a grievance moved by Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), Mr. Khadir (Mercier), Mr. Therrien (Sanguinet), Mr. Caire (La Peltre), Mr. Lelièvre (Gaspé), Mr. Lisée (Rosemont), Mr. Bergeron (Verchères) and Mrs. Poirier (Hochelaga-Maisonneuve), subject to the receivability of these motions.

By leave of the Assembly to set aside Standing Order 20, the proceedings continued beyond 1.00 o'clock p.m.

At 1.04 o'clock p.m., Mrs. Gaudreault, Second Vice-President, suspended the proceedings until 3.00 o'clock p.m.

The proceedings resumed at 3.01 o'clock p.m.

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Debate on the Budget Speech

The Assembly resumed the debate on the motion moved by Mr. Leitão, Minister of Finance, that the Assembly approve the Government's budgetary policy, and on the motions stating a grievance moved by Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), Mr. Khadir (Mercier), Mr. Therrien (Sanguinet), Mr. Caire (La Peltrie), Mr. Lelièvre (Gaspé), Mr. Lisée (Rosemont), Mr. Bergeron (Verchères) and Mrs. Poirier (Hochelaga-Maisonneuve), subject to the receivability of these motions.

At the end of her address, Mrs. Massé (Sainte-Marie–Saint-Jacques) moved the following motion stating a grievance:

THAT the National Assembly of Québec severely censure the Liberal Government for its 2016–2017 budget and its support plan in key sectors of the economy that do not clearly promote the Québec economy's ecological transition.

The debate continued on the motion moved by Mr. Leitão, Minister of Finance, and on the motions stating a grievance moved by Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), Mr. Khadir (Mercier), Mr. Therrien (Sanguinet), Mr. Caire (La Peltrie), Mr. Lelièvre (Gaspé), Mr. Lisée (Rosemont), Mr. Bergeron (Verchères), Mrs. Poirier (Hochelaga-Maisonneuve) and Mrs. Massé (Sainte-Marie–Saint-Jacques), subject to the receivability of these motions.

At the end of her address, Mrs. Hivon (Joliette) moved the following motion stating a grievance:

THAT the National Assembly severely censure the Liberal Government for the cutbacks of \$5 million imposed on the Director of Criminal and Penal Prosecutions and for not allocating the \$30 million accumulated in the Crime Victims Assistance Fund and the Access to Justice Fund for the purposes intended.

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The debate continued on the motion moved by Mr. Leitão, Minister of Finance, and on the motions stating a grievance moved by Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), Mr. Khadir (Mercier), Mr. Therrien (Sanguinet), Mr. Caire (La Peltre), Mr. Lelièvre (Gaspé), Mr. Lisée (Rosemont), Mr. Bergeron (Verchères), Mrs. Poirier (Hochelaga-Maisonneuve), Mrs. Massé (Sainte-Marie–Saint-Jacques) and Mrs. Hivon (Joliette), subject to the receivability of these motions.

At the end of his address, Mr. Villeneuve (Berthier) moved the following motion stating a grievance:

THAT the National Assembly severely censure the
Liberal Government for its successive cuts to La Financière
agricole funding.

The debate continued on the motion moved by Mr. Leitão, Minister of Finance, and on the motions stating a grievance moved by Mr. Marceau (Rousseau) and Mr. Bonnardel (Granby), Mr. Khadir (Mercier), Mr. Therrien (Sanguinet), Mr. Caire (La Peltre), Mr. Lelièvre (Gaspé), Mr. Lisée (Rosemont), Mr. Bergeron (Verchères), Mrs. Poirier (Hochelaga-Maisonneuve), Mrs. Massé (Sainte-Marie–Saint-Jacques), Mrs. Hivon (Joliette) and Mr. Villeneuve (Berthier), subject to the receivability of these motions.

By leave of the Assembly to set aside Standing Order 20, the proceedings continued beyond 6.00 o'clock p.m.

Debates upon Adjournment

At 6.01 o'clock p.m., by leave of the Assembly to set aside Standing Order 309, the Assembly held a debate upon adjournment on a question by Mr. Ouellet (René-Lévesque) to Mr. Couillard, Premier, on the fact that Federal Government changes to EI are unfair for Québec and the North Shore; Mr. Arcand, Minister of Energy and Natural Resources and Minister responsible for the Côte-Nord region, replaced the Premier for this debate.

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At 6.14 o'clock p.m., Mr. Ouimet, First Vice-President, adjourned the Assembly until Tuesday, 5 April 2016 at 1.40 o'clock p.m.

JACQUES CHAGNON

President