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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

## **Votes and Proceedings**

**of the Assembly**

**Friday, 9 December 2005 — No. 197**

**President of the National Assembly:  
Mr. Michel Bissonnet**

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**QUÉBEC**

The Assembly was called to order at 10.07 o'clock a.m.

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Moment of reflection

### **ROUTINE PROCEEDINGS**

#### **Presenting Papers**

Mr. Béchar, Minister of Economic Development, Innovation and Export Trade, tabled the following:

The annual management report of the Ministère du Développement économique, de l'Innovation et de l'Exportation for the fiscal year ended 31 March 2005.

(Sessional Paper No. 2490-20051209)

The 2005-2009 development plan of the Société générale de financement du Québec.

(Sessional Paper No. 2491-20051209)

#### **Presenting Reports from Committees**

Mr. Simard (Richelieu), committee chairman, tabled the following:

A report from the Committee on Institutions, which, on 6 and 8 December 2005, held public hearings within the framework of special consultations on Bill 133, An Act to amend article 1974 of the Civil Code, and gave clause-by-clause consideration to this Bill.

The report contains certain amendments to the bill.

(Sessional Paper No. 2492-20051209)

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Mr. Copeman (Notre-Dame-de-Grâce), committee chairman, tabled the following:

A report from the Committee on Social Affairs, which, on 25, 26 and 27 January, on 1, 2, 3 and 8 February, on 7, 12, 13 and 14 April, and on 27, 28 and 29 September 2005, held public hearings within the framework of a general consultation on the document entitled "For a New Social Contract of Equality Between Women and Men", and held an on-line consultation in accordance with the document entitled "Equality Between Women and Men, On-line Consultation". The Committee also held deliberative meetings on 20 October and on 1, 10, 17 and 30 November 2005. This report contains recommendations.

(Sessional Paper No. 2493-20051209)

### **Presenting Petitions**

Mr. Jutras (Drummond) tabled the following:

The abstract of a petition respecting the opening of the snowmobile trails, and signed by 2855 citizens of Québec.

(Sessional Paper No. 2494-20051209)

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Mr. Rioux (Iberville) tabled the following:

The abstract of a petition respecting educational childcare, and signed by 264 partners of an early childhood centre in the riding of Iberville;

(Sessional Paper No. 2495-20051209)

And, by leave of the Assembly to set aside Standing Order 63, the abstract of a petition respecting negotiations in the education sector, and signed by 1592 students of three high schools in the Appalaches School Board.

(Sessional Paper No. 2496-20051209)

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By leave of the Assembly to set aside Standing Order 63, Mr. Pinard (Saint-Maurice) tabled the following:

The abstract of a petition respecting the management of educational childcare, and signed by 26 partners of La Maison des Amis early childhood centre, in the Victoriaville region.

(Sessional Paper No. 2497-20051209)

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By leave of the Assembly to set aside Standing Order 63, Mrs. L'Écuyer (Pontiac) tabled the following:

The abstract of a petition respecting an increase in motorcyclists' insurance fees, and signed by 951 citizens of Québec.

(Sessional Paper No. 2498-20051209)

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

The abstract of a petition respecting the management of educational childcare, and signed by 10,528 citizens of Québec.

(Sessional Paper No. 2499-20051209)

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By leave of the Assembly to set aside Standing Order 63, Mr. Paquin (Saint-Jean) tabled the following:

The abstract of a petition respecting the manuring project in front of Île Sainte-Thérèse, and signed by 42 citizens of Bernaches Street, in Saint-Jean-sur-Richelieu.

(Sessional Paper No. 2500-20051209)

The abstract of a petition respecting the labour dispute between the Government and teachers, and signed by 454 students of Dr-Alexis-Bouthillier School, in Saint-Jean-sur-Richelieu.

(Sessional Paper No. 2501-20051209)

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By leave of the Assembly to set aside Standing Order 63, Mrs. Champagne (Champlain) tabled the following:

The abstract of a petition respecting educational childcare, and signed by 26 citizens of Québec, particularly from the 04 region.

(Sessional Paper No. 2502-20051209)

### **Oral Questions and Answers**

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mrs. Théberge, Minister of Families, Seniors and the Status of Women, tabled the following:

The Superior Court ruling, dated 23 April 1991, in the case of Fernand Chouinard and Angéline Perry vs. Office des services de garde à l'enfance and the Attorney General of Québec.

(Sessional Paper No. 2503-20051209)

The Court of Appeal ruling, dated 27 November 1991, in the case of Office des services de garde à l'enfance and the Attorney General of Québec vs. Fernand Chouinard and Angéline Perry.

(Sessional Paper No. 2504-20051209)

At the request of Mr. President, Mr. Bouchard (Vachon) withdrew certain words deemed unparliamentary.

By leave of the Assembly to set aside Standing Orders 53 and 59, Mrs. Lemieux, Official Opposition House Leader, tabled the following:

An excerpt from the minutes of the meeting held by the Comité de développement des services de garde à l'enfance in Sherbrooke on Wednesday, 17 March 2004.

(Sessional Paper No. 2505-20051209)

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By leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Bédard, Deputy Opposition House Leader, tabled the following:

Copy of a letter, dated 7 December 2005, addressed to Mr. Jean Charest, Premier, from Mr. Ghislain Picard, Regional Chief of the Assembly of the First Nations of Québec and Labrador, concerning Bill 122, An Act to amend the Act respecting the lands in the domain of the State and other legislative provisions.

(Sessional Paper No. 2506-20051209)

### **Motions Without Notice**

Mr. Marcoux, Minister of Justice, moved:

THAT the National Assembly mark International Human Rights Day, which will be held this Saturday, 10 December 2005.

By leave of the Assembly under Standing Order 84, the motion was carried.

### **Notices of Proceedings in Committees**

Mr. Dupuis, Government House Leader, convened the following Committees:

- the Committee on Transportation and the Environment, to continue its public hearings within the framework of special consultations on Bill 118, Sustainable Development Act;
- the Committee on Labour and the Economy, to continue its clause-by-clause consideration on Bill 99, An Act to amend the Act respecting the leasing of part of the water power of the Shipshaw River;
- the Committee on Planning and the Public Domain, to continue its clause-by-clause consideration of Bill 134, An Act to again amend various legislative provisions concerning municipal affairs.

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Mrs. Leblanc, Second Vice-President, gave the following notice:

- the Committee on Public Administration shall hold a deliberative meeting for the purpose of examining the Committee's preliminary accountability report.

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## **ORDERS OF THE DAY**

### **Government Bills**

#### *Passage*

Mr. Després, Minister of Transport, moved the passage of Bill 129, An Act to amend the Act respecting owners and operators of heavy vehicles and other legislative provisions.

After debate thereon, the motion was carried and, accordingly, Bill 129 was passed.

#### *Report Stage*

The Assembly took into consideration the report from the Committee on Labour and the Economy on its clause-by-clause consideration of Bill 121, An Act to amend the Mining Act.

After debate thereon, the report was concurred in.

#### *Passage in Principle*

By leave of the Assembly to set aside Standing Order 237, Mr. Audet, Minister of Finance, moved, —That Bill 136, An Act to amend the Act respecting insurance and the Act respecting trust companies and savings companies, do now pass in principle.

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After debate thereon, the motion was carried and Bill 136 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 136 be referred for clause-by-clause consideration to the Committee on Public Finance.

The motion was carried.

### **Notices of Proceedings in Committees**

By leave of the Assembly to set aside Standing Order 147, Mr. Dupuis, Government House Leader, convened the following Committee:

- the Committee on Public Finance, to give clause-by-clause consideration to Bill 136, An Act to amend the Act respecting insurance and the Act respecting trust companies and savings companies.

### **Private Bills**

#### *Passage in Principle*

Mr. Dufour (René-Lévesque) moved the passage in principle of Private Bill 226, An Act respecting Municipalité de Sacré-Cœur.

The motion was carried and Private Bill 226 was accordingly passed in principle.

#### *Passage*

Mr. Dufour (René-Lévesque) moved the passage of Private Bill 226, An Act respecting Municipalité de Sacré-Cœur.

The motion was carried and Private Bill 226 was accordingly passed.



*Passage in Principle*

Mr. Gabias (Trois-Rivières) moved the passage in principle of Private Bill 235, An Act respecting Ville de Trois-Rivières.

The motion was carried and Private Bill 235 was accordingly passed in principle.

*Passage*

Mr. Gabias (Trois-Rivières) moved the passage of Private Bill 235, An Act respecting Ville de Trois-Rivières.

After debate thereon, the motion was carried and Private Bill 235 was accordingly passed.

*Passage in Principle*

Mr. Cousineau (Bertrand) moved the passage in principle of Private Bill 237, An Act respecting Municipalité de Saint-Donat.

The motion was carried and Private Bill 237 was accordingly passed in principle.

*Passage*

Mr. Cousineau (Bertrand) moved the passage of Private Bill 237, An Act respecting Municipalité de Saint-Donat.

The motion was carried and Private Bill 237 was accordingly passed.

*Passage in Principle*

Mr. Lelièvre (Gaspé) moved the passage in principle of Private Bill 240, An Act respecting Ville de Chandler.

The motion was carried and Private Bill 240 was accordingly passed in principle.

*Passage*

Mr. Lelièvre (Gaspé) moved the passage of Private Bill 240, An Act respecting Ville de Chandler.

And debate arising;

By leave of the Assembly to set aside Standing Order 21, the proceedings continued beyond 1.00 o'clock p.m.

The debate being concluded, the motion was carried and Private Bill 240 was accordingly passed.

*Passage in Principle*

Mr. Lelièvre (Gaspé) moved the passage in principle of Private Bill 241, An Act respecting Ville de Grande-Rivière.

The motion was carried and Private Bill 241 was accordingly passed in principle.

*Passage*

Mr. Lelièvre (Gaspé) moved the passage of Private Bill 241, An Act respecting Ville de Grande-Rivière.

After debate thereon, the motion was carried and Private Bill 241 was accordingly passed.

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At 1.06 o'clock p.m., Mr. Marsan, Acting President, suspended the proceedings until 3.00 o'clock p.m.

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The proceedings resumed at 3.03 o'clock p.m.

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**Government Bills**

*Passage in Principle*

The Assembly resumed the debate, which had been adjourned on 8 December 2005, on the motion by Mrs. Th  berge, Minister of Families, Seniors and the Status of Women, —That Bill 124, Educational Childcare Act, do now pass in principle.

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At 6.00 o'clock p.m., Mrs. Leblanc, Second Vice-President, suspended the proceedings until 8.00 o'clock p.m.

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The proceedings resumed at 8.04 o'clock p.m.

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*Passage in Principle*

And debate continuing on the motion by Mrs. Th  berge, Minister of Families, Seniors and the Status of Women, —That Bill 124, Educational Childcare Act, do now pass in principle;

At the end of her address, Mrs. Lemieux, Official Opposition House Leader, moved the following motion to divide the said Bill:

THAT, pursuant to Standing Order 241, Bill 124, Educational Childcare Act, be divided into two Bills: the first of which shall be entitled "Educational Childcare Act" and shall comprise section 1, section 2 except for the words "and to home childcare coordinating offices", sections 3 to 5, section 6 except for the words "by an accredited home childcare coordinating office", sections 7 to 37, section 50 except for the words "by a coordinating office", section 51 except for the words "by a coordinating office", section 52 except for the words "and is subject to monitoring by the coordinating office that granted its recognition", 53, section 54 except for the words "by the coordinating office that granted its recognition", section 55 except for the words "and coordinating offices", 56, section 58 except for the words "and coordinating offices", section 59 except for the words "and coordinating offices", section 60 except for the words, in the first paragraph, "or coordinating office", in the fourth sentence of the second paragraph, the words "to revoke or" and "or accreditation" and in the fourth sentence the words "or accreditation", section 61 except for the words "and coordinating offices", 62, section 63 (1) and (2) except for the words "or coordinating office", (3) except for the words "or coordinating office", (4), section 64 except for the words "or coordinating office" and in (3) and (4) the words "accredited party" and in (5) the words "or accredited party", section 65 except for the words "or accredited party", section 66 except for the words "or accredited party", section 67 (1) except for the words "or accreditation", (2) except for the words "or accreditation", (3) except for the words "or coordinating office", section 68 except for the words "or accredited party", 69, 70, 71 (1) except for the words "or accreditation", (2), (3), (4), 72 to 84, section 85 except for the words "or home childcare coordinating office", section 86, section 87 except for the words, in paragraph (2), "or a home childcare coordinating office", 88 to 90, section 91 except for the words "and home childcare coordinating offices", the first paragraph of section 92 except for the words "or that a coordinating office fails to distribute, within the time determined by the Minister", and the third paragraph of section 92, section 93, section 95, except for section 57 in paragraph (3), sections 96 to 98, section 99 except for the words "or a home childcare coordinating office", and the words "or accreditation", section 100 except for the words, in the first paragraph, "a home childcare coordinating office", except for the second paragraph

and in the third paragraph, except for the words ", the coordinating office", section 101, section 102 except for the words "or the home childcare coordination office, as the case may be,", section 104 in paragraphs (1), (2), (3), (4), (5), (6), (7) except for the words "the staff members of a coordinating office", (8), (9) except for the words "or home childcare coordinating office", (10), (11) except for the words " or a home childcare coordinating office", (12) except for the words "or home childcare coordinating office", (13), (14), (15), (16), (17), (18), (19) except for the words " or home childcare coordinating office", (20), (21), (22), (23), (25), (26), (27), (28), (29), (30), 105, 106, section 107 except for the words "39 or 51,", 108, 109, section 111 except for the words "or an accredited home childcare coordinating office", 112, section 113 except for the words "or an accredited home childcare coordinating office", 114 to 121, section 122 except for the words "and with all home childcare coordinating offices", 123, section 124 except for the words "and on all home childcare coordinating offices", 125 to 127, section 129 except for the words, in the first paragraph, "and the names of the home childcare coordinating offices having recognized each of them", in the second paragraph, the words "and the names of the home childcare coordinating offices having recognized each of them", 130 to 135, section 137 except for the words "or accredited as a home childcare coordinating office", and the words " , or coordinating office", section 138 except for the words "or an accredited home childcare coordinating office", 139, 140, section 141 except for, in paragraph (1), the words "or be accredited as a home childcare coordinating office", 142, section 143 except for, in a), the words "or be accredited as a home childcare coordinating office", 144 to 147, 149 to 153, section 155 except for the words " , by the competent accredited coordinating office", section 160 except for the second paragraph, section 161 except for the third paragraph, and section 162 except for the words following the words "Act"; and the second of which shall be entitled "An Act to establish home childcare coordinating offices" and shall comprise sections 38 to 52, 54, 55, 57 to 61, section 63, sections 64 to 68, 71, 85, 87, 91, 92, 94, 95, sections 57 to 61, section 99, 100, 102, 103, 104 except for paragraph (30), 106, 107, 110, 111, 113, 116, 117, 122, 124, 128, 129, 132, 136, 137, 138, 141, 143, 148, 154, 155, 156, 157, 158, 159 à 162."

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At 9.07 o'clock p.m., Mrs. Leblanc, Second Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 9.22 o'clock p.m.

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At 9.50 o'clock p.m., after having heard arguments from both sides regarding the receivability of this motion, Mrs. Leblanc, Second Vice-President, took this matter under advisement and suspended the proceedings.

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At 10.16 o'clock p.m., upon the resumption of proceedings, Mrs. Leblanc, Second Vice-President, gave the following ruling:

#### **RULING FROM THE CHAIR**

The motion is not receivable. In a motion to divide, the sections of a bill must not be rewritten in order to render them receivable, the only exception being the section containing the date on which the Act comes into force. In this case, the motion to divide does not fully redistribute the sections in both proposed bills.

Furthermore, certain sections included in the second bill refer to sections that are not included in this same bill, which has the effect of rendering the latter incoherent.

And debate continuing on the motion by Mrs. Thériault, Minister of Families, Seniors and the Status of Women, —That Bill 124, Educational Childcare Act, do now pass in principle;

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The debate was adjourned in the name of Mr. Bourdeau (Berthier).

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At 11.59 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Tuesday, 13 December 2005, at 10.00 o'clock a.m.

**MICHEL BISSONNET**

*President*