



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Votes and Proceedings

of the Assembly

Monday, 13 June 2005 — No. 167

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

QUÉBEC

The Assembly was called to order at 10.05 o'clock a.m.

Moment of reflection

ROUTINE PROCEEDINGS

Introduction of Bills

Mr. Mulcair, Minister of Sustainable Development, the Environment and Parks, moved that leave be granted to introduce the following Bill:

118 Sustainable Development Act

The motion was carried.

Mr. Lessard, Minister of Labour, moved that leave be granted to introduce the following Bill:

116 An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and the Building Act

The motion was carried.

Presenting Papers

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

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The annual report of the Société nationale de l'amiante for the fiscal year ended 31 March 2005.

(Sessional Paper No. 1995-20050613)

Mr. Dupuis, Government House Leader, on behalf of Mrs. Normandeau, Minister of Municipal Affairs and Regions, tabled the following:

The annual report of the Régie du logement for the fiscal year ended 31 March 2005.

(Sessional Paper No. 1996-20050613)

Presenting Reports from Committees

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

A report from the Committee on Social Affairs, which met on 9 December 2004 and on 31 May, 1, 7, 9 and 10 June 2005 for clause-by-clause consideration of the following Bill:

57 Individual and Family Assistance Act

The report contains certain amendments to the bill.

(Sessional Paper No. 1997-20050613)

Mr. Chagnon (Westmount–Saint-Louis), chairman, tabled the following:

A report from the Committee on Education, which, on 9 and 10 June 2005, held public hearings within the framework of special consultations and gave clause-by-clause consideration to the following Bill:

106 An Act to amend the Education Act and the Act respecting private education

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The report contains certain amendments to the bill.

(Sessional Paper No. 1998-20050613)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 59, Mrs. Charest (Rimouski) tabled the following:

An excerpt from the Registry of Lobbyists concerning information relating to Magna Entertainment Corp.

(Sessional Paper No. 1999-20050613)

Notices of Proceedings in Committees

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

- the Committee on Social Affairs to give clause-by-clause consideration to Bill 112, An Act to amend the Tobacco Act and other legislative provisions;
- the Committee on Planning and the Public Domain, to continue its clause-by-clause consideration of Bill 111, An Act to amend various legislative provisions concerning municipal affairs.

Mr. Cusano, First Vice-President, gave the following notice:

- the Committee on Public Finance shall hold a deliberative meeting to dispose of the final report concerning the Institut de la statistique du Québec.

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ORDERS OF THE DAY

Government Bills

Passage in Principle

Mr. Kelley, Minister for Native Affairs, moved, –That Bill 115, An Act to amend the Act respecting the Cree Regional Authority, do now pass in principle.

After debate thereon, the motion was carried and Bill 115 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 115 be referred for clause-by-clause consideration to the Committee of the Whole.

The motion was carried.

Committee of the Whole

Mr. Dupuis, Government House Leader, moved that the Assembly resolve itself into a Committee of the Whole for the clause-by-clause consideration of Bill 115, An Act to amend the Act respecting the Cree Regional Authority.

The motion was carried.

At 11.24 o'clock a.m., Mr. Cusano, First Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 11.37 o'clock a.m.

Bill 115 was considered in Committee of the Whole and thereupon reported.

The report was concurred in.

Report Stage

The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 105, An Act to amend the Code of Penal Procedure and the Courts of Justice Act.

After debate thereon, the report was concurred in.

Passage

Mr. Bergman, Minister of Revenue, moved the passage of Bill 100, Budget Act No. 2 giving effect to the Budget Speech delivered on 30 March 2004 and to certain other budget statements.

A debate arose thereon.

At 12.59 o'clock p.m., Mr. Cusano, First Vice-President, suspended the proceedings until 3.00 o'clock p.m.

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The proceedings resumed at 3.04 o'clock p.m.

Passage

The debate continued on the motion by Mr. Bergman, Minister of Revenue, for the passage of Bill 100, Budget Act No. 2 giving effect to the Budget Speech delivered on 30 March 2004 and to certain other budget statements.

The debate being concluded, the motion was carried on division and, accordingly, Bill 100 was passed.

Government Motions

The Assembly resumed the debate, which had been adjourned on 10 June 2005, on the amendment motion moved by Mr. Pinard (Saint-Maurice) within the framework of the debate on the motion by Mr. Pelletier, Minister responsible for Canadian Intergovernmental Affairs, Francophones within Canada, the Agreement on Internal Trade, the Reform of Democratic Institutions and Access to Information.

The motion by Mr. Pelletier, Minister responsible for the Reform of Democratic Institutions, reads as follows:

THAT

- a select committee be established for the purpose of examining draft bill replacing the *Election Act*, tabled on 15 December 2004;

regarding the membership and the operation of the committee,

- the committee shall be composed of 13 members distributed as follows:
 - eight from the parliamentary group forming the Government, including the committee chairman and the Minister for the Reform of Democratic Institutions,

- four from the parliamentary group forming the Official Opposition, including the committee vice-chairman,
- one independent Member;

- the parliamentary groups and the independent Members shall forward to the President of the Assembly the list of committee members, including the name of the chairman and of the vice-chairman, within seven days after this motion has been carried;

- the committee shall begin its proceedings no later than two weeks after this motion has been carried;

- the committee shall hold public or deliberative hearings in compliance with the procedure stipulated in Standing Order 148, notwithstanding that it is a matter referred to it by the Assembly;

- the committee may table interim reports in the Assembly;

- the interim reports and the committee's final report may contain observations, conclusions and recommendations;

- the committee will not be restricted to one clear day, after having examined the draft bill, to determine in a deliberative meeting the observations, conclusions and recommendations it intends to table in the Assembly;

- the rules of procedure relating to the standing committees shall apply to the committee insofar as they are compatible with the provisions of this motion;

regarding the consultations held by the committee,

- the committee shall hear in special consultations:

- M^c Marcel Blanchet, Chief Electoral Officer and Chairman of the Commission de la représentation électorale;
 - experts on electoral matters who shall be chosen by the committee;
 - representatives of the political parties authorized under the *Election Act*;
- the committee shall also hold a general consultation;
 - the committee, within the framework of the general consultation, shall discuss the following matters:
 - the relevance of reviewing the voting process;
 - the principle of equality of votes;
 - the voting process proposed in the draft bill;
 - the pertinence of holding a referendum on the reform of the voting process;
 - the measures encouraging fair representation of women, young people, ethnocultural minorities and Native persons in the National Assembly;
 - the holding of elections at fixed dates;
 - the election day;
 - the permanent electoral list and its revision;
 - the electoral map and its revision;
 - electronic voting;
 - any other matter relating to the draft bill or to the *Election Act*;
 - the committee shall produce an information package for the purpose of facilitating citizen participation;
 - the committee shall set aside time periods to hear citizens who will have indicated their desire to be heard by the committee, despite their not having submitted a brief thereto;
 - the committee may meet outside of the National Assembly buildings and of Québec City;
 - the committee may have recourse to videoconferencing within the framework of the hearings;

- the committee shall hold an online consultation so as to encourage the most extensive population participation possible;

regarding the participation of citizens,

- a citizens' committee on electoral matters shall assist the select committee, in a non-partisan manner and on a consultative basis, in carrying out its mandate, by providing the opinion of electors complementarily to that of the elected officials;
- the citizens' committee participates exclusively in the public hearings held by the select committee, in accordance with the terms and conditions defined thereby;
- the citizens' committee does not take part in the drafting and adoption of the select committee report;
- the citizens' committee may submit to the select committee its observations, conclusions and recommendations;
- the citizens' committee shall be composed of twelve persons registered on the list of electors, namely six women and six men;
- a public call for nominations will be issued by the select committee for the purpose of forming the citizens' committee;
- the selection of the citizens' committee members shall be conducted by a random draw among the eligible and available candidates, while ensuring the best possible representation of the diversity of Québec's population, particularly according to age and regions;
- the persons forming the citizens' committee may receive allowances and be reimbursed for expenses incurred in relation to their participation in the select committee proceedings;

regarding human, technical and financial resources,

- the Secretariat of Committees ensures the support required for the proper conduct of the select committee and of the citizens' committee;
- the select committee disposes of the resources required to carry out its mandate, particularly as regards support to research and publicity, so as to encourage citizen participation and to ensure the efficient collaboration of the citizens' committee members.

And the amendment motion by Mr. Pinard (Saint-Maurice) reads as follows:

THAT the motion under discussion be amended:

first, by replacing the 18th, 19th, 20th and 21st paragraphs by the following paragraphs:

- "– a citizens' committee on electoral matters shall assist the select committee, in a non-partisan manner, in carrying out its mandate, by providing the opinion of electors complementarily to that of the elected officials;
- the citizens' committee participates in the proceedings and hearings held by the committee;
- the citizens' committee takes part in the drafting of the select committee report and may include its observations, conclusions and recommendations therein;"

and, second, by replacing the 24th paragraph by the following paragraph:

- "– the selection of the citizens' committee members shall be conducted by a random draw among the eligible candidates, while ensuring the best possible representation of the diversity of Québec's population, particularly according to age and regions;"

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At 5.59 o'clock p.m., Mr. Gendron, Third Vice-President, suspended the proceedings until 8.00 o'clock p.m.

The proceedings resumed at 8.02 o'clock p.m.

The Assembly continued the debate on the amendment motion moved by Mr. Pinard (Saint-Maurice) within the framework of the debate on the motion by Mr. Pelletier, Minister responsible for Canadian Intergovernmental Affairs, Francophones within Canada, the Agreement on Internal Trade, the Reform of Democratic Institutions and Access to Information, concerning the establishment of a select committee for the purpose of examining the draft bill replacing the *Election Act*, tabled on 15 December 2004.

The debate on the amendment by Mr. Pinard (Saint-Maurice) being concluded, the question was put on this motion; a recorded division was thereupon demanded.

The motion was negatived on the following vote:

(Division No. **183** in Appendix)

Yeas: **28** Nays: **51** Abstentions: **0**

The debate continued on the motion moved by Mr. Pelletier, Minister responsible for the Reform of Democratic Institutions.

At the end of his address, Mr. Bourdeau (Berthier) moved:

THAT the motion under discussion be amended by adding, to the 27th paragraph, after the word "publicity," the following:

"including the distribution of the information package in all Québec households,".

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At 11.16 o'clock p.m., Mrs. Leblanc, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 11.45 o'clock p.m.

Mrs. Leblanc, Second Vice-President, rendered her decision on the receivability of the amendment motion moved by Mr. Bourdeau (Berthier).

RULING FROM THE CHAIR

The amendment motion is receivable as it does not go against the principle of the main motion, which is the establishment of a select committee for the purpose of examining the draft bill replacing the *Election Act*, tabled on 15 December 2004. It simply aims to modify one of the conditions of the main motion, namely to provide for the distribution of the information package mentioned in the 13th paragraph of this motion.

The Assembly entered upon the debate on the amendment motion moved by Mr. Bourdeau (Berthier).

The debate was adjourned in the name of Mr. Thériault (Masson).

At 11.59 o'clock p.m., Mrs. Leblanc, Second Vice-President, adjourned the Assembly until Tuesday, 14 June 2005, at 10.00 o'clock a.m.

MICHEL BISSONNET

President

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APPENDIX

Recorded Divisions

On the amendment motion moved by Mr. Pinard (Saint-Maurice) within the framework of the debate on the motion by Mr. Pelletier, Minister responsible for the Reform of Democratic Institutions:

(Division No. 183)

YEAS - 28

Arseneau	Doyer	Morin	Turp
Bédard	Dufour	<i>[Nicolet-Yamaska]</i>	Valois
Bourdeau	Jutras	Papineau	Vermette
Caron	Legendre	Pinard	
Champagne	Léger	Robert	
Charbonneau	Lelièvre	Simard	
Côté	Lemieux	Thériault	
Deslières	Maltais	<i>[Masson]</i>	
Dionne-Marsolais	Marois	Tremblay	

NAYS - 51

Auclair	Corbeil	Kelley	Ouimet
Audet	Couillard	Lafrenière	Paquet
Bachand	Courchesne	L'Écuyer	Paquin
Bergman	Delisle	Legault	Paradis
Bernard	Descoteaux	<i>[Chambly]</i>	Pelletier
Bernier	Dupuis	Lessard	Perreault
Blackburn	Gabias	Loiselle	Rioux
Bordeleau	Gagnon-Tremblay	MacMillan	Théberge
Chagnon	Gaudet	Marcoux	Thériault
Charest	Gauthier	Mercier	<i>[Anjou]</i>
<i>[Matane]</i>	Gautrin	Moreau	Tomassi
Charlebois	Hamel	Morin	Vallières
Cholette	James	<i>[Montmagny-L'Islet]</i>	Vien
Copeman	Jérôme-Forget	Normandeau	