



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 9 June 2005 — No. 165

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

QUÉBEC

The Assembly was called to order at 10.06 o'clock a.m.

Moment of reflection

ROUTINE PROCEEDINGS

Presenting Papers

Mr. President tabled the following:

Volume I of the annual report of the Auditor General of Québec to the National Assembly for the 2004-2005 fiscal year, accompanied by a brochure on the highlights of the report.

(Sessional Paper No. 1976-20050609)

Presenting Reports from Committees

Mr. Hamad (Louis-Hébert), chairman, tabled the following:

A report from the Committee on Public Finance, which met on 7 and 8 June 2005 for clause-by-clause consideration of the following Bill:

100 Budget Act No. 2 giving effect to the Budget Speech delivered on 30 March 2004 and to certain other budget statements

The report contains one amendment to the bill.

(Sessional Paper No. 1977-20050609)

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Mr. Bouchard (Vachon), vice-chairman, tabled the following:

A report from the Committee on Social Affairs, which met on 8 June 2005 for clause-by-clause consideration of the following Bill:

- 108 An Act to amend the Act respecting parental insurance and other legislative provisions

The report contains certain amendments to the bill.

(Sessional Paper No. 1978-20050609)

Mr. Jutras (Drummond), chairman, tabled the following:

A report from the Committee on Labour and the Economy, which met on 8 June 2005 for clause-by-clause consideration of the following Bill:

- 94 An Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions

The report contains certain amendments to the bill.

(Sessional Paper No. 1979-20050609)

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

A report from the Committee on Education, which met on 7 and 8 June 2005 for clause-by-clause consideration of the following Bill:

- 95 An Act to amend various legislative provisions of a confessional nature in the education field

The report contains certain amendments to the bill.

(Sessional Paper No. 1980-20050609)

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Mr. Descoteaux (Groulx), vice-chairman, tabled the following:

A report from the Committee on Institutions, which met on 3 and 7 June 2005 for clause-by-clause consideration of the following Bill:

105 An Act to amend the Code of Penal Procedure and the Courts of Justice Act

The report contains certain amendments to the bill.

(Sessional Paper No. 1981-20050609)

Presenting Petitions

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

The abstract of a petition respecting road repairs carried out on Highway 132 in the Haldimand sector, in Gaspé, and signed by 1267 citizens from the riding of Gaspé.

(Sessional Paper No. 1982-20050609)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

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

Copy of a letter, dated 8 June 2005, addressed to the mayor and councillors of the municipality of Huntingdon by Mrs. Nathalie Roy, clerk of this municipality, concerning comments allegedly made by Mr. André Chenail, Member for Huntingdon, accompanied by a communiqué issued by the town regarding this matter.

(Sessional Paper No. 1983-20050609)

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Motions Without Notice

Mr. Charest, Premier, moved:

THAT, pursuant to sections 58, 58.1 and 58.3 of the *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12), M^e Marc-André Dowd, Director of the Québec office and of the regional offices of the Commission des droits de la personne et des droits de la jeunesse, be named a member and vice-chairman of the Commission des droits de la personne et des droits de la jeunesse for a term of five years, beginning on 20 June 2005.

Mr. Charest, Premier, then tabled the following:

A copy of the curriculum vitae of M^e Marc-André Dowd.
(Sessional Paper No. 1984-20050609)

The question was put on the motion, a recorded division was taken as required for the application of section 58 of the Charter of Human Rights and Freedoms.

The motion was carried on the following vote:

(Division No. **180** in Appendix)

Yeas: **107** Nays: **0** Abstentions: **0**

Mr. Charest, Premier, moved:

THAT, pursuant to sections 106 and 107 of the *Public Service Act* (R.S.Q., c. F-3.1.1), Mr. Michel Poirier be reappointed a member of the Commission de la fonction publique for a term of five years, beginning on 16 June 2005.

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Mr. Charest, Premier, then tabled the following:

A copy of the curriculum vitae of Mr. Michel Poirier.

(Sessional Paper No. 1985-20050609)

The question was put on the motion, a recorded division was taken as required for the application of section 106 of the *Public Service Act*.

The motion was carried on the following vote:

(Division No. **181** in Appendix)

Yeas: **107** Nays: **0** Abstentions: **0**

By leave of the Assembly to set aside Standing Order 185, Mr. Charest, Premier, Mr. Legault (Rousseau) and Mr. Dumont (Rivière-du-Loup) jointly moved:

THAT, on the occasion of the 40th anniversary of the founding of the Caisse de dépôt et placement du Québec, the National Assembly mark its outstanding contribution throughout the years.

By leave of the Assembly under Standing Order 84, a debate arose thereon.

The debate being concluded, the motion was carried.

Mrs. Gagnon-Tremblay, Minister of International Relations, moved:

THAT the National Assembly mark the important step completed last 3 June at UNESCO during the most recent intergovernmental meeting of experts on the Preliminary Draft Convention on the Protection and Promotion of the Diversity of Cultural Contents and Artistic Expressions.

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By leave of the Assembly under Standing Order 84, a debate arose thereon.

By leave of the Assembly to set aside Standing Order 59, Mr. Turp (Mercier) tabled the following:

Copy of the text, dated 2 June 2005, of the Preliminary Draft Convention on the Protection and Promotion of the Diversity of Cultural Contents and Artistic Expressions.

(Sessional Paper No. 1986-20050609)

The debate being concluded, the motion was carried.

Notices of Proceedings in Committees

Mrs. Lamquin-Éthier, Deputy Government House Leader, convened the following Committees:

- 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;
- the Committee on Social Affairs, to continue its clause-by-clause consideration of Bill 57, Individual and Family Assistance Act;
- the Committee on Education, to hold public hearings within the framework of special consultations on Bill 106, An Act to amend the Education Act and the Act respecting private education;
- the Committee on Transportation and the Environment, to hear the interested parties and give clause-by-clause consideration to Private Bill 229, An Act respecting Pipeline Saint-Laurent;
- the Committee on Labour and the Economy, to give clause-by-clause consideration to Bill 99, An Act to amend the Act respecting the leasing of part of the water power of the Shipshaw River.

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ORDERS OF THE DAY

Government Bills

Report Stage

The Assembly took into consideration the report from the Committee on Culture on its clause-by-clause consideration of Bill 101, An Act respecting the Ministère de l'Immigration et des Communautés culturelles.

After debate thereon, the report was concurred in.

By leave of the Assembly to set aside Standing Orders 252 and 253, the Assembly took into consideration the report from the Committee on Labour and the Economy on its clause-by-clause consideration of Bill 94, An Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions.

After debate thereon, the report was concurred in.

The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 104, An Act to amend the Code of Civil Procedure and other legislative provisions.

The report was concurred in.

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The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 2, An Act respecting the reciprocal issue and enforcement of support orders, together with the amendment handed in by Mr. Marcoux, Minister of Justice.

The amendment was declared in order.

The amendment was carried.

The report, as amended, was concurred in.

Government Motions

The Assembly resumed the debate, which had been adjourned on 8 June 2005, on the amendment motion moved by Mrs. Lemieux, Official Opposition House Leader, 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,

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- 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:

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- 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, ethno cultural 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 moved by Mrs. Lemieux, Official Opposition House Leader, reads as follows:

THAT the motion under discussion be amended by replacing its 2nd and 3rd paragraphs by the following:

- "– the committee shall be composed of 11 members distributed as follows:
 - three from the parliamentary group forming the Government, including the Minister for the Reform of Democratic Institutions,
 - three from the parliamentary group forming the Official Opposition,
 - three independent Members,
 - a chairman from the parliamentary group forming the Government and a vice-chairman from the parliamentary group forming the Official Opposition, both elected by two-thirds of the Members of the National Assembly;
- "– the chairman and vice-chairman do not have the right to vote;
- "– the parliamentary groups and the independent Members shall forward to the President of the Assembly the list of committee members within seven days after this motion has been carried. This list must favour an equal representation of men and women;"

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

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

The Assembly continued the debate on the amendment motion moved by Mrs. Lemieux, Official Opposition House Leader, 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 Mrs. Lemieux, Official Opposition House Leader, 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. **182** in Appendix)

Yeas: **32** Nays: **50** Abstentions: **0**

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

At 5.59 o'clock p.m., Mr. Gendron, Third 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.

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

At the end of his address, Mr. Pinard (Saint-Maurice) moved:

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;"

At 9.41 o'clock p.m., Mr. Cusano, First Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 10.09 o'clock p.m.

Mr. Cusano, First Vice-President, heard comments from both sides on the receivability of the amendment motion moved by Mr. Pinard (Saint-Maurice).

At 10.28 o'clock p.m., Mr. Cusano, First Vice-President, took the matter under advisement and suspended the proceedings for a few minutes.

The proceedings resumed at 10.47 o'clock p.m.

Mr. Cusano, First Vice-President, rendered his decision on the receivability of the amendment motion.

RULING FROM THE CHAIR

The amendment motion is receivable. 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 the role that will be played by the citizens' committee.

The Assembly entered upon the debate on the amendment motion moved by Mr. Pinard (Saint-Maurice).

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The debate was adjourned in the name of Mr. Charbonneau (Borduas).

At 11.59 o'clock p.m., Mrs. Leblanc, Second Vice-President, adjourned the Assembly until Friday, 10 June 2005, at 10.00 o'clock a.m.

MICHEL BISSONNET

President

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APPENDIX

Recorded Divisions

On the motion by Mr. Charest, Premier, to appoint M^c Marc-André Dowd as member and vice-chairman of the Commission des droits de la personne et des droits de la jeunesse:

(Division No. 180)

YEAS - 107

Arseneau	Côté	Lafrenière	Papineau
Auclair	Couillard	Lamquin-Éthier	Paquet
Audet	Courchesne	L'Écuyer	Paquin
Bachand	Cousineau	Lefebvre	Paradis
Beaudoin	Cusano	Légaré	Pelletier
Béchar	Delisle	Legault	Perreault
Bergman	Descoteaux	[Chambly]	Picard
Bernard	Deslières	Legault	Pinard
Bertrand	Després	[Rousseau]	Reid
Blackburn	Dion	Legendre	Rioux
Bordeleau	Dionne-Marsolais	Lelièvre	Robert
Bouchard	Doyer	Lemieux	Roy
[Vachon]	Dubuc	Lessard	Soucy
Boulet	Dufour	Létourneau	St-André
Bourdeau	Dumont	Loiselle	Théberge
Brodeur	Dupuis	MacMillan	Thériault
Caron	Fournier	Maltais	[Anjou]
Chagnon	Gabias	Marcoux	Thériault
Champagne	Gagnon-Tremblay	Marois	[Masson]
Charbonneau	Gaudet	Marsan	Tomassi
Charest	Gauthier	Mercier	Tremblay
[Sherbrooke]	Gautrin	Moreau	Turp
Charest	Gendron	Morin	Vallières
[Rimouski]	Girard	[Nicolet-Yamaska]	Valois
Charest	Hamad	Morin	Vermette
[Matane]	Hamel	[Montmagny-L'Islet]	Vien
Charlebois	Harel	Mulcair	Whissell
Chenail	Jérôme-Forget	Normandeau	
Cholette	Jutras	Ouimet	
Corbeil	Kelley	Pagé	

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On the motion by Mr. Charest, Premier, to reappoint Mr. Michel Poirier as member of the Commission de la fonction publique:

(Division No. 181)

(Identical to Division No. 180)

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On the amendment motion moved by Mrs. Lemieux, Official Opposition House Leader, within the framework of the debate on the motion by Mr. Pelletier, Minister responsible for the Reform of Democratic Institutions:

(Division No. 182)

YEAS – 32

Arseneau	Côté	Lelièvre	Thériault
Beaudoin	Cousineau	Lemieux	<i>[Masson]</i>
Bertrand	Deslières	Létourneau	Turp
Bouchard	Dion	Marois	Valois
<i>[Vachon]</i>	Dionne-Marsolais	Morin	
Bourdeau	Doyer	<i>[Nicolet-Yamaska]</i>	
Caron	Girard	Pagé	
Champagne	Jutras	Papineau	
Charbonneau	Lefebvre	Pinard	
Charest	Legault	Robert	
<i>[Rimouski]</i>	<i>[Rousseau]</i>	St-André	

NAYS - 50

Auclair	Charlebois	Jérôme-Forget	Paquin
Audet	Cholette	Kelley	Pelletier
Bachand	Corbeil	Lafrenière	Perreault
Béchar	Couillard	Lamquin-Éthier	Reid
Bergman	Courchesne	L'Écuyer	Rioux
Bernard	Delisle	Legault	Soucy
Bernier	Després	<i>[Chambly]</i>	Théberge
Blackburn	Fournier	Lessard	Thériault
Bordeleau	Gabias	MacMillan	<i>[Anjou]</i>
Brodeur	Gagnon-Tremblay	Marsan	Vien
Chagnon	Gaudet	Mercier	
Charest	Gauthier	Moreau	
<i>[Sherbrooke]</i>	Gautrin	Morin	
Charest	Hamad	<i>[Montmagny-L'Islet]</i>	
<i>[Matane]</i>	Hamel	Paquet	