



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 27 September 2016 — No. 190

**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

Mrs. Sauvé (Fabre) made a statement to pay tribute to Mrs. Monique Guilbeault for her commitment to the organization Les Actifs de Laval-Ouest.

Mr. Bérubé (Matane-Matapédia) made a statement to underline the 50th anniversary of the Pépinière de Sainte-Luce.

Mr. Iracà (Papineau) made a statement to pay tribute to Mrs. Nicole Mercier-Danis for her involvement in the community of Notre-Dame-de-la-Paix.

Mr. Martel (Nicolet-Bécancour) made a statement to pay tribute to Mrs. Simone Leblanc for her contribution to the fight against telephone scams.

Mrs. Boulet (Laviolette) made a statement to underline World Tourism Day.

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Mr. Kotto (Bourget) made a statement to underline the 45th anniversary of the Club Optimiste Tétreaultville.

Mr. Heurtel (Viau) made a statement to underline the 25th anniversary of the organization Vivre Saint-Michel en santé.

Mrs. Soucy (Saint-Hyacinthe) made a statement to pay tribute to Cégep de Saint-Hyacinthe for the quality of its services.

Mr. Billette (Huntingdon) made a statement to underline the 25th anniversary of the organization Anchor and Wings of the Upper St. Lawrence.

Mr. Roy (Bonaventure) made a statement to congratulate Mr. Régis Audet for his volunteer work in the community of Baie-des-Chaleurs.

At 13.51 o'clock p.m., Mr. Ouimet, First Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 2.07 o'clock p.m.

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Moment of reflection

Presenting Papers

Mrs. de Santis, Minister responsible for Access to Information and the Reform of Democratic Institutions, tabled the following:

The 2015–2016 activity report of the Lobbyists Register.
(Sessional Paper No. 2463-20160927)

Mr. Barrette, Minister of Health and Social Services, tabled the following:

The 2015–2016 annual management report of the Centre régional de santé et de services sociaux de la Baie-James;
(Sessional Paper No. 2464-20160927)

The 2015–2016 annual report on applying the complaint review procedure and improving service quality of the Centre régional de santé et de services sociaux de la Baie-James;
(Sessional Paper No. 2465-20160927)

The 2015–2016 annual management report of the McGill University Health Centre;
(Sessional Paper No. 2466-20160927)

The 2015–2016 annual management report of the CHU Sainte-Justine Mother and child university hospital center;
(Sessional Paper No. 2467-20160927)

The 2015–2016 annual management report of the Institut universitaire de cardiologie et de pneumologie de Québec;
(Sessional Paper No. 2468-20160927)

The 2015–2016 annual report on applying the complaint review procedure and improving service quality of the Institut universitaire de cardiologie et de pneumologie de Québec;
(Sessional Paper No. 2469-20160927)

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The 2015–2016 annual management report of the Centre intégré universitaire de santé et de services sociaux de l'Est-de-l'Île-de-Montréal.

(Sessional Paper No. 2470-20160927)

Mr. Fortin, Minister of Culture and Communications, tabled the following:

The 2015–2016 annual management report of the Conseil du patrimoine culturel du Québec.

(Sessional Paper No. 2471-20160927)

Mr. Coiteux, Minister of Municipal Affairs and Land Occupancy, tabled the following:

The 2015–2016 annual management report of the Ministère des Affaires Municipales et de l'Occupation du territoire.

(Sessional Paper No. 2472-20160927)

Mr. Lessard, Minister of Transport, Sustainable Mobility and Transport Electrification, tabled the following:

The 2015–2016 annual management report of the Commission des transports du Québec;

(Sessional Paper No. 2473-20160927)

The 2015–2016 annual management report of the Société des traversiers du Québec.

(Sessional Paper No. 2474-20160927)

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Mrs. Charlebois, Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living, tabled the following:

The 2015–2016 annual management report of the Office des personnes handicapées du Québec.

(Sessional Paper No. 2475-20160927)

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

The Government's reply to a petition tabled on 18 May 2016 by Mrs. Léger (Pointe-aux-Trembles) on maintaining front-line health care services in pharmacies;

(Sessional Paper No. 2476-20160927)

The Government's reply to a petition tabled on 18 May 2016 by Mr. Birnbaum (D'Arcy-McGee) on the conditions surrounding the sale and adoption of animals.

(Sessional Paper No. 2477-20160927)

Mr. Gendron, Third Vice-President, tabled the following:

A letter, dated 22 September 2016, to Mr. Jacques Chagnon, President of the National Assembly, from Mr. Gaétan Lelièvre, Member for Gaspé, informing the President of his resignation as Deputy Opposition House Leader;

(Sessional Paper No. 2478-20160927)

The new seating plan of the National Assembly, dated 27 September 2016;

(Sessional Paper No. 2479-20160927)

A copy of the notice of motion by Mr. Charette (Deux-Montagnes) to be placed on the *Order Paper and Notices* of Wednesday, 28 September 2016 under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 2480-20160927)

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Presenting Reports from Committees

Mrs. Rotiroti (Jeanne-Mance–Viger), Committee Chair, tabled the following:

The report from the Committee on Culture and Education, which held public hearings on 21 and 22 September 2016 within the framework of special consultations on Bill 105, An Act to amend the Education Act.

(Sessional Paper No. 2481-20160927)

Presenting Petitions

Mr. Auger (Champlain) tabled the following:

The abstract of a petition on reviewing the External Breastforms Program, signed by 618 citizens of Québec.

(Sessional Paper No. 2482-20160927)

Complaints of Breach of Privilege or Contempt and Personal Explanations

Mr. Gendron, Third Vice-President, ruled on the point of privilege or contempt raised by the Member for Sanguinet on 19 August 2016, in which the latter alleged that while Mr. Jacques Daoust was Minister of Transport, Sustainable Mobility and Transport Electrification, he knowingly misled the House by indicating that he did not know about or authorize the sale of shares in RONA by Investissement Québec.

RULING FROM THE CHAIR

The Chair began by pointing out that it is responsible for analyzing the specific circumstances surrounding the point of privilege even if the Minister in question has since resigned from his ministerial duties. A point of privilege concerning a Minister does not lapse with his or her resignation.

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Contempt of Parliament is any act or omission that hinders the work of the Assembly or the Members or that undermines their authority or dignity. At this stage, the Chair's role is not to determine whether contempt of Parliament has occurred but whether the facts submitted constitute *prima facie* contempt of Parliament. In the case at hand, the Chair must determine whether the facts submitted point to the *prima facie* conclusion that the former Minister of Transport deliberately misled the House.

Parliamentary jurisprudence has always recalled the fundamental principle provided for in Standing Order 35, under which no Member shall refuse to take another Member at his or her word. Jurisprudence has consistently shown that this assumption cannot be reversed unless the Member, when speaking, misleads the Assembly and, subsequently, acknowledges having deliberately misled it, thus acting in contempt of Parliament. For the Chair to conclude that a Member knowingly misled the House, the deliberate nature of the act must be clear. Furthermore, Québec jurisprudence requires an admission on the part of the Member who misled the House.

In recent cases on points of privilege, in which the Chair had to address the notion of misleading the House, the Chair referred to two Canadian House of Commons decisions. On both occasions, the Speaker of the House of Commons gave *prima facie* justification for contempt of Parliament on the grounds that ministers had given two contradictory versions of the same facts in the House. According to the Speaker, these statements had generated confusion. She explained this approach, highlighting the importance of the need for clarity during deliberations and the need for ensuring the integrity of the information that the Government provides in the House.

As to what constitutes “contradictory versions”, the Chair of the Assembly has confirmed that, to deliberately mislead the House, a Member speaking on a matter must give two contradictory versions of it. Differing interpretations of a given situation by several people cannot give rise to contempt of Parliament.

When the Chair is informed of a point of privilege on the grounds that a Member deliberately misled the House, the Chair is limited to seeking the presence of two elements—an intention to mislead the House and an admission of having done so knowingly. In the absence of such an admission, the Chair must, at the very least, be faced with two clearly contradictory statements made by the same Member in the context of parliamentary debates. This is the extent of the Chair's role.

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It is not the Chair's role to assess the credibility of Members' remarks, but rather to guide discussions by ensuring that the rules of debate are respected so that different ideas can be expressed. The Members must take responsibility for the statements they make in the House in keeping with their parliamentary privilege of freedom of speech. Clearly, a Member who decides not to tell the truth in the Assembly is committing an act that has very serious consequences for the functioning of this democratic institution.

On reading excerpts from the *Journal des débats* (Hansard) for the Oral Question Periods of 3 and 7 June 2016, it is clear that the former Minister stated several times that he had not given permission or authorized the sale of RONA shares by Investissement Québec, alleging that it was not up to him to do so. After considering the elements presented to the Chair, nothing points to the conclusion that, in a statement in the Assembly, the former Minister subsequently changed his version of the facts. Failing the former Minister's admission that he misled the House and failing contradictory statements on the subject, the Chair cannot conclude *prima facie* that the former Minister deliberately misled the House with regard to authorization of the sale of RONA shares by Investissement Québec.

As concerns the former Minister's knowledge of the sale, his statements to the media, that is, outside of parliamentary deliberations, that he had not been informed of the directors' intention to sell Investissement Québec's shares in RONA, were submitted to the Chair. The former Minister always maintained this version and, in fact, reiterated it in the statement he issued after resigning. That being said, his former Chief of Staff said under oath, in his testimony before the Committee on Labour and the Economy, that he had in fact raised the matter of the sale of RONA shares by Investissement Québec with the former Minister between 17 and 26 November 2014.

A newspaper article submitted in support of the point of privilege reports that the former Minister changed his version of the facts after this testimony, stating that he had not been informed of the sale at the time Investissement Québec made its decision.

Although this may well be a case of two contradictory versions of the same facts, no document shows that the former Minister stated anything at all in the context of parliamentary proceedings concerning his knowledge of the sale of RONA shares by Investissement Québec. Consequently, he could not have misled the House by making a false statement in it.

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For all these reasons, both with regard to authorization of the sale and the former Minister's knowledge of it, the facts submitted to the Chair do not point to the conclusion that the former Minister *prima facie* misled the House. The basic criteria established by Québec parliamentary jurisprudence—that the parliamentarian in question must have made a statement in the context of parliamentary proceedings that misled the House and, subsequently, that he acknowledged having deliberately tried to deceive the House—have not been met.

Furthermore, even if the Chair drew inspiration from the Speaker of the House of Commons' interpretation in the two above-mentioned decisions, nothing allows the Chair to conclude that the former Minister gave two contradictory versions of the same facts in the House.

Therefore, the Chair cannot *prima facie* justify a point of privilege.

Nonetheless, the Chair points out that, as part of an order of initiative, the Committee on Labour and the Economy is still examining the process that led to the sale of RONA shares by Investissement Québec. If the Members deem that insufficient light has been shed on this matter, they must continue the debate before the Committee or using the different parliamentary oversight measures at their disposal. The point of privilege, on the grounds that the Minister deliberately misled the House, is not, in this instance, the proper vehicle for establishing all the circumstances and the truth of the statements surrounding the sale of shares in RONA by Investissement Québec.

Mr. Gendron, Third Vice-President, informed the Assembly that the Chair had, within the prescribed time, received a request from Mrs. Poirier (Hochelaga-Maisonneuve) to be heard on a matter of breach of privilege or contempt concerning Mrs. Dominique Savoie, former Deputy Minister at the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports, and Mr. Michel Boulard, former Director of Inquiries and Internal Audits at the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports.

However, given that the Chair had also received a copy of an affidavit from Mrs. Savoie dated 13 September 2016 and explaining her version of the facts, Mr. Gendron, Third Vice-President, indicated that the Chair will inform the Assembly on how it intends to handle this request.

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Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mr. Lessard, Minister of Transport, Sustainable Mobility and Transport Electrification, tabled the following:

Copies of two documents on the sports and recreational infrastructures of the Mont Adstock recreation and tourism centre.

(Sessional Paper No. 2483-20160927)

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mr. Barrette, Minister of Health and Social Services, together with Mrs. Lamarre (Taillon), Mr. Paradis (Lévis) and Mr. Khadir (Mercier), moved:

THAT the National Assembly mark Health and Social Services Users' Rights Week, which runs from 22 to 30 September 2016;

THAT it highlight the contribution users' committee members make to improving the care and services provided by the health and social services network;

THAT it thank the committee members for their involvement as volunteers.

By leave of the Assembly, the motion was carried.

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Mrs. Maltais (Taschereau), together with Mrs. Massé (Sainte-Marie–Saint-Jacques), moved a motion on developing the public transit network in Québec City and Lévis; this motion could not be debated for want of unanimous consent.

Mr. Bonnardel, Second Opposition Group House Leader, together with Mrs. David (Gouin), moved a motion on the video lottery machines operating in Québec; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mrs. David (Gouin), together with Mr. Proulx, Minister of Education, Recreation and Sports, Mr. Cloutier (Lac-Saint-Jean) and Mr. Roberge (Chambly), moved:

THAT the National Assembly recognize that the immigration status of a child residing in Québec not be a constraint to accessing free elementary and secondary education in the spirit of the Convention on the Rights of the Child, passed by the United Nations General Assembly, to which the Government of Québec declared itself bound on 9 December 1991;

THAT the National Assembly pledge to pass amendments to the *Education Act* to this effect as soon as possible.

By leave of the Assembly, the motion was carried.

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Notices of Proceedings in Committees

Mr. Sklavounos, 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 110, An Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector;
- the Committee on Transportation and the Environment, to undertake clause-by-clause consideration of Bill 104, An Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions;
- the Committee on Public Finance, to continue its public hearings within the framework of special consultations on Bill 108, An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics.

Mr. Ouimet, First Vice-President, gave the following notices:

- the Committee on Institutions shall hold a public meeting to continue its public hearings within the framework of special consultations within the framework of the examination of the report on the implementation of the *Code of ethics and conduct of the Members of the National Assembly*;
- the Committee on Health and Social Services shall hold a deliberative meeting to discuss the possibility of examining petitions.

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Information on the Proceedings of the Assembly

Mr. Ouimet, First Vice-President, informed the Assembly that on Wednesday, 28 September 2016, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mr. Charette (Deux-Montagnes).

This motion reads as follows:

THAT all political parties having received notices of intention to claim reimbursement from the Chief Electoral Officer for illegal contributions made between 2006 and 2011 undertake to repay these amounts in full before the next by-elections are called.

By leave of the Assembly to set aside Standing Order 298, he then informed the Assembly that the interpellation scheduled for Friday, 30 September 2016 between Mr. Traversy (Terrebonne) and Mr. Heurtel, Minister of Sustainable Development, the Environment and the Fight Against Climate Change, on Green Fund management failures, is deferred until Tuesday, 4 October 2016 from 10 o'clock a.m. to 12.00 o'clock noon.

ORDERS OF THE DAY

Government Bills

Passage in Principle

Mrs. Vallée, Minister of Justice, moved that Bill 98, An Act to amend various legislation mainly with respect to admission to professions and the governance of the professional system, do now pass in principle.

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After debate thereon, the motion was carried, and Bill 98 was accordingly passed in principle.

Mrs. Vien, Deputy Government House Leader, moved that Bill 98 be referred to the Committee on Institutions for clause-by-clause consideration.

The motion was carried.

Mrs. Vien, Deputy Government House Leader, moved the adjournment of the Assembly until Wednesday, 28 September 2016 at 9.40 o'clock a.m.

The motion was carried.

Accordingly, at 4.46 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Wednesday, 28 September 2016 at 9.40 o'clock a.m.

JACQUES CHAGNON

President