



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Votes and Proceedings

of the Assembly

Wednesday, 1 June 2005 — No. 159

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

QUÉBEC

The Assembly was called to order at 10.04 o'clock a.m.

Moment of reflection

ROUTINE PROCEEDINGS

Presenting Papers

Mr. President tabled the following:

The new seating plan of the National Assembly, dated 1 June 2005.
(Sessional Paper No. 1933-20050601)

Presenting Reports from Committees

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

A report from the Committee on Public Finance, which met on 31 May 2005 for clause-by-clause consideration of the following Bill:

96 An Act respecting the Ministère des Services gouvernementaux

The report contains certain amendments to the bill.
(Sessional Paper No. 1934-20050601)

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

1 June 2005

A report from the Committee on Labour and the Economy, which met on 31 May 2005 for clause-by-clause consideration of the following Bill:

- 97 An Act to amend the Act respecting the Régie des installations olympiques

The report contains an amendment to the bill.

(Sessional Paper No. 1935-20050601)

Presenting Petitions

Mrs. Harel (Hochelaga-Maisonneuve) tabled the following:

The abstract of a petition respecting the practice of midwifery, and signed by 55 citizens of Québec.

(Sessional Paper No. 1936-20050601)

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

The abstract of a petition respecting the review of the *Tobacco Act*, and signed by 1442 citizens of Québec.

(Sessional Paper No. 1937-20050601)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

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

1 June 2005

An extract from requests for private information addressed to Mrs. Théberge, Minister of Families, Seniors and the Status of Women, by the Official Opposition within the framework of the examination of the 2005-2006 estimates of expenditure, concerning early childhood centres having ended the fiscal year with an operating deficit.

(Sessional Paper No. 1938-20050601)

At the request of Mr. President, Mrs. Théberge, Minister of Families, Seniors and the Status of Women, withdrew certain words deemed unparliamentary.

At 10.30 o'clock a.m., Mr. President suspended the proceedings for a few minutes.

The proceedings resumed at 10.40 o'clock a.m.

At the request of Mr. President, Mr. Bédard (Chicoutimi) withdrew certain words deemed unparliamentary.

Deferred Divisions

The Assembly took the division, which had been deferred at the sitting of 31 May 2005, on the motion without notice moved jointly by Mr. Bouchard (Vachon), Mrs. Théberge, Minister of Families, Seniors and the Status of Women, and Mrs. Roy (Lotbinière). This motion reads as follows:

THAT the National Assembly mark Child Care Services Week, which is being held from 29 May to 4 June 2005, and that it express its appreciation to those who, day after day, ensure the well-being and development of our children.

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The motion was carried on the following vote:

(Division No. 177 in Appendix)

Yeas: **110** Nays: **0** Abstentions: **0**

By leave of the Assembly to set aside Standing Order 53, the Assembly immediately took Notices of Proceedings in Committees.

Notices of Proceedings in Committees

By leave of the Assembly to set aside Standing Order 145, Mrs. Lamquin-Éthier, Deputy Government House Leader, convened the following Committees:

- the Committee on Education, to continue its public hearings within the framework of special consultations on Bill 95, An Act to amend various legislative provisions of a confessional nature in the education field;
- the Committee on Labour and the Economy, to hold public hearings within the framework of special consultations on 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 Committee on Social Affairs, to conclude its public hearings within the framework of special consultations on Bill 112, An Act to amend the Tobacco Act and other legislative provisions.

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, 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, Mr. Thériault (Masson) and Mr. Picard (Chutes-de-la-Chaudière) jointly moved:

1 June 2005

THAT the National Assembly proudly mark the 60th anniversary of the Chief Electoral Officer of Québec and reiterate its trust in this independent institution, whose mission is to oversee the holding of elections and referendums, to guarantee the full exercise of electoral right, and to promote the democratic values of Québec society.

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

The debate being concluded, the motion was carried.

By leave of the Assembly to set aside Standing Order 185, Mr. Marcoux, Minister of Justice, Mr. Boulerice (Sainte-Marie–Saint-Jacques) and Mrs. Roy (Lotbinière) jointly moved:

THAT the National Assembly of Québec mark the third National Day Against Homophobia, which is being held today, 1 June 2005.

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

The debate being concluded, the motion was carried.

Mr. MacMillan, Chief Government Whip, moved:

THAT, pursuant to Standing Order 129, the Member for Nelligan be named a permanent member of the Committee on Culture.

THAT this modification be effective immediately.

The motion was carried.

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Mrs. Lamquin-Éthier, Deputy Government House Leader, moved:

THAT the Committee on Institutions, within the framework of the examination of Bill 109, Director of Public Prosecutions Act, hold special consultations and public hearings, on 7 and 8 June 2005, in the Legislative Council Chamber, and that, for this purpose, it hear the following persons and agencies in the order indicated hereafter:

- M^c Jean-Claude Hébert
- M^c Michel Proulx, Davies Ward Phillips & Vineberg
- Mrs. Anne-Marie Boisvert, Dean, Law Faculty, Université de Montréal
- Barreau du Québec
- Pierre Rainville, Assistant Dean at the Law Faculty of Laval University
- Association des avocats et avocates de la défense
- Association des substituts du Procureur général
- René Turcotte, Professor at Sherbrooke University
- Julie Desrosiers, Professor at the Law Faculty of Laval University
- M^c Gil Rémillard, former Minister of Justice and Attorney General
- M^c Serge Ménard, former Minister of Justice and Attorney General
- M^c Mario Bilodeau, Chairman of the Comité de déontologie policière
- M^c Bernard Grenier

A period of 30 minutes shall be allotted for the opening statements, which time period shall be divided as follows: 15 minutes for the members of the parliamentary group forming the Government and 15 minutes for the Members sitting in Opposition;

The presentation by each group shall last no more than 20 minutes and the exchange with the members of the Committee shall last no more than 40 minutes, which time shall be shared equally among the members of the parliamentary group forming the Government and the Members sitting in Opposition;

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A period of 30 minutes shall be allotted for the closing statements, which time period shall be divided as follows: 15 minutes for the Members sitting in Opposition and 15 minutes for the members of the parliamentary group forming the Government;

The Minister of Justice shall be a member of the said Committee during its proceedings with respect to this order of reference.

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

By leave of the Assembly to set aside Standing Orders 121 and 134, Mr. Morin, Chief Opposition Whip, moved:

THAT the membership of the committees and the term of office of the chairmen and vice-chairmen of the committees be extended until 9 June 2005.

The motion was carried.

Accordingly, Mr. Gendron, Third Vice-President, informed the Assembly that the sitting of the Committee on the National Assembly scheduled to be held this morning was deferred until a later date.

Notices of Proceedings in Committees

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

- the Committee on Social Affairs, to continue its clause-by-clause consideration of Bill 38, An Act respecting the Health and Welfare Commissioner, and of Bill 57, Individual and Family Assistance Act.

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ORDERS OF THE DAY

Business Having Precedence

Estimates of Expenditure

The Assembly held the limited debate on the reports from the committees that considered the estimates of expenditure of the ministries for the 2005-2006 fiscal year.

Following a meeting with the House leaders, Mr. Gendron, Third Vice-President, announced the allocation of speaking time respect to this limited debate: 10 minutes shall be set aside for the independent Members; the two parliamentary groups shall share equally the rest of the time allotted for this debate; within this framework, any time not used by a parliamentary group will be added to that of the other group, while any time not used by the independent Members may be redistributed equally amongst the two parliamentary groups, and individual addresses shall not be limited.

And debate arising;

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

The proceedings resumed at 3.05 o'clock p.m.

Estimates of Expenditure

The Assembly continued the limited debate on the reports from the committees that considered the estimates of expenditure of the ministries for the 2005-2006 fiscal year.

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The debate being concluded and the Assembly having disposed of the want of confidence motions and the motion by the Minister of Finance moved within the framework of the Budget Speech and the debate thereon, the question was put for concurrence in the several reports together from the committees that considered the estimates of expenditure of the ministries for the 2005-2006 fiscal year; a recorded division was thereupon demanded.

These reports were concurred in on the following vote:

(Division No. **178** in Appendix)

Yeas: **64** Nays: **33** Abstentions: **0**

Appropriation Bills

Mrs. Jérôme-Forget, Chair of the Conseil du trésor and Minister responsible for Government Administration, moved that leave be granted to introduce Bill 114, Appropriation Act No. 1, 2005-2006, that the Bill do pass in principle and that the Bill do pass.

The question was put on this motion; a recorded division was thereupon demanded.

The motion was carried on the following vote:

(Division No. **179** in Appendix)

Yeas: **64** Nays: **33** Abstentions: **0**

Accordingly, Bill 114, Appropriation Act No. 1, 2005-2006, was passed.

Government Motions

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, moved:

THAT

- a select committee be established for the purpose of examining the 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^e 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*;

1 June 2005

- 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;

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- 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 debate arising;

Mrs. Lamquin-Éthier, Deputy Government House Leader, moved the adjournment of the debate.

The motion was carried.

At 5.53 o'clock p.m., at the request of Mrs. Lamquin-Éthier, Deputy Government House Leader, Mrs. Leblanc, Second Vice-President, suspended the proceedings until 8.00 o'clock p.m.

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The proceedings resumed at 8.01 o'clock p.m.

Government Bills

Passage in Principle

Mr. Couillard, Minister of Health and Social Services, moved, —That Bill 112, An Act to amend the Tobacco Act and other legislative provisions, do now pass in principle.

After debate thereon, the motion was carried and Bill 112 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 112 be referred for clause-by-clause consideration to the Committee on Social Affairs.

The motion was carried.

Mr. Marcoux, Minister of Justice, moved, —That Bill 103, An Act to amend the Act respecting administrative justice and other legislative provisions, do now pass in principle.

After debate thereon, the motion was carried and Bill 103 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 103 be referred for clause-by-clause consideration to the Committee on Institutions.

The motion was carried.

Mr. Marcoux, Minister of Justice, moved, —That Bill 105, An Act to amend the Code of Penal Procedure and the Courts of Justice Act, do now pass in principle.

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After debate thereon, the motion was carried and Bill 105 was accordingly passed in principle.

Mr. Dupuis, Government House Leader, moved that Bill 105 be referred for clause-by-clause consideration to the Committee on Institutions.

The motion was carried.

Government Motions

The Assembly resumed the debate, which had been adjourned earlier in today's sitting, 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.

At 11.58 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Thursday, 2 June 2005, at 10.00 o'clock a.m.

ROYAL ASSENT

On Wednesday, 1 June 2005, at 8.30 o'clock p.m., in Sainte-Thérèse, in the presence of Mrs. Giguère, Director of the Secretariat of the Assembly and Delegate of the Secretary General, the Honourable Lise Thibault, Lieutenant-Governor of Québec, was pleased to assent to the following Bill:

114 Appropriation Act No. 1, 2005-2006

MICHEL BISSONNET

President

1603

1 June 2005

APPENDIX

Recorded Divisions

On the motion without notice moved jointly by Mr. Bouchard (Vachon), Mrs. Théberge, Minister of Families, Seniors and the Status of Women, and Mrs. Roy (Lotbinière) to mark Child Care Services Week:

(Division No. 177)

YEAS - 110

Arseneau	Charlebois	Jérôme-Forget	Normandeu
Auclair	Chenail	Jutras	Ouimet
Audet	Cholette	Kelley	Pagé
Bachand	Copeman	Lafrenière	Papineau
Beauchamp	Corbeil	Lamquin-Éthier	Paquet
Béchar	Côté	Landry	Paquin
Bédard	Couillard	L'Écuyer	Pelletier
Bergman	Courchesne	Lefebvre	Perreault
Bernard	Cousineau	Légaré	Picard
Bernier	Delisle	Legault	Pinard
Bertrand	Descoteaux	<i>[Chambly]</i>	Reid
Blackburn	Deslières	Legault	Richard
Bordeleau	Dion	<i>[Rousseau]</i>	Rioux
Bouchard	Doyer	Legendre	Robert
<i>[Vachon]</i>	Dubuc	Léger	Roy
Boucher	Dufour	Lelièvre	Simard
Boulerice	Dupuis	Lemieux	Soucy
Boulet	Fournier	Lessard	Théberge
Bourdeau	Gabias	Létourneau	Thériault
Brodeur	Gagnon-Tremblay	Loiselle	<i>[Anjou]</i>
Caron	Gaudet	MacMillan	Thériault
Chagnon	Gauthier	Maltais	<i>[Masson]</i>
Champagne	Gautrin	Marcoux	Tomassi
Charbonneau	Girard	Marois	Tremblay
Charest	Grondin	Marsan	Turp
<i>[Matane]</i>	Hamad	Mercier	Vallières
Charest	Hamel	Morin	Valois
<i>[Rimouski]</i>	Harel	<i>[Nicolet-Yamaska]</i>	Vermette
Charest	Houda-Pepin	Morin	Vien
<i>[Sherbrooke]</i>	James	<i>[Montmagny-L'Islet]</i>	Whissell

1 June 2005

On the several reports together from the committees that considered the estimates of expenditure of the ministries for the 2005-2006 fiscal year:

(Division No. 178)

YEAS - 64

Auclair	Cholette	Houda-Pepin	Normandeau
Audet	Copeman	James	Ouimet
Bachand	Corbeil	Jérôme-Forget	Paquet
Beauchamp	Couillard	Kelley	Paquin
Béchar	Courchesne	Lafrenière	Pelletier
Bergman	Delisle	Lamquin-Éthier	Perreault
Bernard	Descoteaux	L'Écuyer	Reid
Bernier	Després	Legault	Rioux
Blackburn	Dubuc	<i>[Chambly]</i>	Soucy
Bordeleau	Dupuis	Lessard	Théberge
Boulet	Fournier	Loiselle	Thériault
Brodeur	Gabias	MacMillan	<i>[Anjou]</i>
Chagnon	Gagnon-Tremblay	Marcoux	Tomassi
Charest	Gaudet	Marsan	Vallières
<i>[Matane]</i>	Gauthier	Mercier	Vien
Charlebois	Gautrin	Moreau	Whissell
Chenail	Hamel	Morin	
		<i>[Montmagny-L'Islet]</i>	

NAYS - 33

Bédard	Deslières	Legault	Richard
Bertrand	Dion	<i>[Rousseau]</i>	Robert
Bouchard	Doyer	Léger	Roy
<i>[Vachon]</i>	Dufour	Lelièvre	Thériault
Bourdeau	Girard	Maltais	<i>[Masson]</i>
Caron	Grondin	Marois	Turp
Champagne	Harel	Pagé	Valois
Charbonneau	Jutras	Papineau	
Charest	Lefebvre	Picard	
<i>[Rimouski]</i>	Légaré	Pinard	

1 June 2005

On the motion by Mrs. Jérôme-Forget, Chair of the Conseil du trésor and Minister responsible for Government Administration, for the introduction, passage in principle and passage of Bill 114, Appropriation Act No. 1, 2005-2006:

(Division No. 179)

(Identical to Division No. 178)