



Votes and Proceedings
Monday, 15 December 2003 - No. 42

Ten o'clock
President: Mr. Michel Bissonnet

The paper version of the Votes and Proceedings takes precedence over its electronic equivalent.

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The Assembly was called to order at 10.10 o'clock a.m.

Moment of reflection

ROUTINE PROCEEDINGS

Presenting Papers

Mr. Reid, Minister of Education, tabled the following:

The annual report of the Conseil supérieur de l'éducation on the state and needs of education for 2002-2003.

(Sessional Paper No. 580-20031215)

The financial statements of the Fondation universitaire de l'Institution royale pour l'avancement des sciences (McGill University), for the fiscal year ended 31 May 2003.

(Sessional Paper No. 581-20031215)

The quinquennial university investment plan, from 1 June 2002 to 31 May 2007.

(Sessional Paper No. 582-20031215)

Mr. Chagnon, Minister of Public Security, tabled the following:

The document prepared by the Ministère de la Sécurité publique entitled "La sécurité privée — Partenaire de la sécurité intérieure".

(Sessional Paper No. 583-20031215)

Presenting Reports from Committees

Mrs. Vien (Bellechasse), member of the Committee, tabled the following:

A report from the Committee on Planning and the Public Domain, which met on 4, 5 and 12 December 2003 for clause-by-clause consideration of the following Bill:

- 33 An Act to amend the Charter of Ville de Montréal.

The report contains certain amendments to the bill.

(Sessional Paper No. 584-20031215)

A report from the Committee on Planning and the Public Domain, which met on 10, 11 and 12 December 2003 for clause-by-clause consideration of the following Bill:

- 23 An Act to again amend various legislative provisions concerning municipal affairs.

The report contains certain amendments to the bill.

(Sessional Paper No. 585-20031215)

Presenting Petitions

The abstracts of six petitions respecting the maintaining and development of non profit community-owned housing were laid upon the Table:

- the first, being the abstract of a petition signed by 14 tenants of non profit community-owned housing in the riding of Marie-Victorin, by Mrs. Vermette (Marie-Victorin);

(Sessional Paper No. 586-20031215)

- the second, being the abstract of a petition signed by 39 tenants of non profit community-owned housing in the riding of Terrebonne, by Mrs. Caron (Terrebonne);

(Sessional Paper No. 587-20031215)

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- the third, being the abstract of a petition signed by 63 tenants of non profit community-owned housing in the riding of Beauharnois, by Mr. Deslières (Beauharnois);
(Sessional Paper No. 588-20031215)
- the fourth, being the abstract of a petition signed by 31 tenants of non profit community-owned housing in the riding of Rimouski, by Mrs. Charest (Rimouski);
(Sessional Paper No. 589-20031215)
- the fifth, being the abstract of a petition signed by 31 tenants of non profit community-owned housing in the riding of L'Assomption, by Mr. St-André (L'Assomption);
(Sessional Paper No. 590-20031215)
- the sixth, being the abstract of a petition signed by 65 tenants of non profit community-owned housing in the riding of Pointe-aux-Trembles, by Mrs. Léger (Pointe-aux-Trembles).
(Sessional Paper No. 591-20031215)

By leave of the Assembly to set aside Standing Order 63, Mr. Picard (Les Chutes-de-la-Chaudière) tabled the following:

The abstract of a petition respecting the passage of Bill 25, An Act respecting local health and social services network development agencies, and the biomedical approach in the organization of mental health services, and signed by 61 citizens of Québec.

(Sessional Paper No. 592-20031215)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 59, Mrs. Harel (Hochelaga-Maisonneuve) tabled the following:

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An excerpt from the brief prepared by the Syndicat professionnel des diététistes et nutritionnistes du Québec, presented to the Committee on Social Affairs, concerning Bill 30, An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

(Sessional Paper No. 593-20031215)

Motions Without Notice

Pursuant to Standing Orders 182 and 183, Mr. Dupuis, Government House Leader, moved:

THAT owing to the urgency of the situation and in order to permit the passage of the following Bills:

- Bill 7, An Act to amend the Act respecting health services and social services;
- Bill 25, An Act respecting local health and social services network development agencies;
- Bill 30, An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors;
- Bill 8, An Act to amend the Act respecting childcare centres and childcare services;
- Bill 32, An Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants;
- Bill 31, An Act to amend the Labour Code;
- Bill 34, An Act respecting the Ministère du Développement économique et régional;
- Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities.

The following Standing Orders be suspended until the aforementioned Bills shall have been passed:

19 (second paragraph), 20 and 21, 53 (subparagraph (c) of the third paragraph, the words "and personal explanations" in the fourth paragraph, as well as the seventh paragraph), 54 (the first, second, third and fifth paragraphs), 62 to 64, 71 to 73, 84 (second and third paragraphs), 86 (the words "or at the request of some other Member", in the first paragraph, as well as the second paragraph), 87 (second, third and eighth paragraphs), 88 to 93, 100 and 101, 105 to 108, 110 to 114, 157, 164 and 165, 175 and 176, 177 (the words "and its observations, conclusions, or recommendations to the Assembly, if there be any"), 186 (second paragraph), 194 and 195, 197, 205 to 210, 212, 213, 215 to 217, 220 to 222, 230, 236, 239 (second paragraph), 240 and 241, 243, 244 (the words "any amendments proposed thereto shall be relevant to its subject matter and consistent with its nature and purpose" in the first paragraph, as well as the second paragraph), 245 to 247, 248 (the words "and the bill shall thereupon be set down for final passage on a future sitting day", in the second paragraph), 249 to 251, 252 (first paragraph), 253 and 254, 256 (second and third paragraphs), 257 and 304 to 307;

Notwithstanding the provisions of Standing Order 53, immediately the present motion is carried, the Standing Committee on Social Affairs shall conclude its proceedings with respect to the clause-by-clause consideration of Bill 7, An Act to amend the Act respecting health services and social services, Bill 8, An Act to amend the Act respecting childcare centres and childcare services, Bill 25, An Act respecting local health and social services network development agencies, and Bill 30, An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, and table its reports in the Assembly;

Any Member shall be permitted to hand in to the office of the Secretary General, no later than one hour after the reports on Bill 7, An Act to amend the Act respecting health services and social services, Bill 8, An Act to amend the Act respecting childcare centres and childcare services, Bill 25, An Act respecting local health and social services network development

agencies, and Bill 30, An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, are tabled, a copy of such amendments as he wishes to propose thereto; the proceedings of the Assembly shall be suspended until this time period shall have expired;

Upon the expiry of the time limit specified in the previous paragraph, the Assembly shall continue the debate on the passage in principle of Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities; the debate on the passage in principle of Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, shall last not more than one hour, which period shall be allotted as follows: twenty minutes to the parliamentary group forming the Government, twenty minutes to the parliamentary group forming the Official Opposition, ten minutes to the independent Members and ten minutes to the Minister presenting the Bill for his reply; voting on the passage in principle of the Bill shall be by a show of hands unless five Members demand a recorded division;

The clause-by-clause consideration of Bill 32, An Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants, of Bill 31, An Act to amend the Labour Code, of Bill 34, An Act respecting the Ministère du Développement économique et régional, and of Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, in Committee of the Whole shall last not more than two hours after the beginning of its proceedings for each of these bills; the questions for adoption of the sections considered and the amendments handed in shall be put forthwith without being read by the Chairman of the Committee of the Whole, and recorded divisions may not be demanded thereon;

Upon the conclusion of the clause-by-clause consideration of Bill 32, An Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants, Bill 31, An Act to amend the Labour Code, Bill 34, An Act respecting the Ministère du Développement

économique et régional, and Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, the Chairman of the Committee of the Whole shall put the questions forthwith as a whole, without debate, without a reading thereof, and without recorded division, on the amendments that the Committee has not disposed of, including the amendments the Minister presenting the Bill may not have been able to move during clause-by-clause consideration but which shall be transmitted to the Chairman of the Committee at this time; the Chairman of the Committee of the Whole shall then put the questions forthwith as a whole, without debate, without a reading thereof, and without recorded division, on the sections of the Bill as amended; immediately thereafter, the Chairman of the Committee of the Whole shall put the questions forthwith as a whole, without debate, without a reading thereof, and without recorded division, on the sections that the Committee has not disposed of; the Chairman of the Committee of the Whole shall then put the questions forthwith as a whole, without debate, without a reading thereof, and without recorded division, on the title and headings of the Bill as well as on the appendices, if any, whether amended or not; and finally, the Chairman of the Committee of the Whole shall report to the Assembly, without consultation of the Committee nor the Assembly, and the question on such report shall be put without recorded division;

The debate on the consideration of each report from the Standing Committee on Social Affairs concerning Bill 8, An Act to amend the Act respecting childcare centres and childcare services, Bill 7, An Act to amend the Act respecting health services and social services, Bill 25, An Act respecting local health and social services network development agencies, and Bill 30, An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, and on the amendments already handed in or handed in in compliance with the present motion shall last not more than thirty minutes, which period shall be allotted as follows: ten minutes to the parliamentary group forming the Government, ten minutes to the parliamentary group forming the Official Opposition, five minutes to the independent Members,

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and five minutes shall be allotted for a reply by the Minister presenting the Bill;

At the conclusion of the debate on the consideration of a Standing Committee report, the questions for adoption of the amendments already handed in or handed in in compliance with the present motion shall be put as a whole, in the order indicated by the President, without being read by the President, and recorded divisions may not be demanded; subsequently, the sections of the Bill as amended, the sections of the Bill that the Standing Committee shall not have disposed of shall be put as a whole, without being read by the President, and recorded divisions may not be demanded; the title and headings of the Bill as well as the appendices, if any, and the Committee report, amended or not, shall then be voted on, and recorded divisions may not be demanded;

The debate on the final passage of each of the following Bills:

- Bill 7, An Act to amend the Act respecting health services and social services;
- Bill 25, An Act respecting local health and social services network development agencies;
- Bill 30, An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors;
- Bill 8, An Act to amend the Act respecting childcare centres and childcare services;
- Bill 32, An Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants;
- Bill 31, An Act to amend the Labour Code;
- Bill 34, An Act respecting the Ministère du Développement économique et régional;
- Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities;

shall last not more than thirty minutes, which period shall be allotted as follows: ten minutes to the parliamentary group forming the Government, ten minutes to the parliamentary group forming the Official Opposition, five minutes to the independent Members, and five minutes shall be allotted for a reply by the Minister presenting the Bill; voting on the passage of a Bill shall be by a show of hands unless five Members demand a recorded division;

A Minister or a Deputy Government House Leader may move at any time during the debate on the passage of a Bill that the Assembly resolve itself into a Committee of the Whole to consider amendments that he indicates; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon; the debate in Committee of the Whole shall be limited to consideration of the proposed amendments; the debate in Committee of the Whole shall last not more than fifteen minutes, which period shall be allotted as follows: five minutes to the parliamentary group forming the Government, five minutes to the parliamentary group forming the Official Opposition, three minutes to the independent Members and two minutes to the Minister presenting the Bill for his reply, at the end of which period the question shall be put forthwith on the amendments as a whole, without being read by the President, without debate and without recorded division, as well as on the amendments the Minister presenting the Bill may not have been able to move during clause-by-clause consideration; after which the Chairman of the Committee of the Whole shall report to the Assembly, without consultation of the Committee nor the Assembly; the question on such report shall be put without recorded division;

A Minister or a Deputy Government House Leader may move at any time during the sitting that a bill be referred to the Committee of the Whole for clause-by-clause consideration; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

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A Minister or a Deputy Government House Leader may move at any time during the sitting that the Assembly resolve itself into a Committee of the Whole; the question on such

motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

A Minister or a Deputy Government House Leader may move, more than once during the same sitting, that the Committee of the Whole report progress to the Assembly and ask leave to sit again; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

A Minister or a Deputy Government House Leader shall be permitted to move the adjournment of the debate at any time during the sitting; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

A Minister or a Deputy Government House Leader shall be permitted to move the adjournment of the Assembly at any time during the sitting; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

A Minister or a Deputy Government House Leader shall be permitted to suspend the sitting at any time during the sitting; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

A Minister or a Deputy Government House Leader shall be permitted to move the withdrawal of a motion at any time during the sitting; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

A Minister or a Deputy Government House Leader shall be permitted to move the revocation of an order or a resolution

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of the Assembly at any time during the sitting; the question on such motion, which requires no notice and may be neither amended nor debated, shall be put forthwith, and a recorded division may not be demanded thereon;

In addition to the provisions of this motion, all voting shall be by a show of hands unless a Minister or a Deputy Government House Leader demands a recorded division;

The Assembly shall be permitted to sit each day, beginning at 10.00 o'clock a.m., until it decides to adjourn its proceedings;

Subject to the foregoing, the provisions of the Standing Orders relating to extended hours of meeting shall apply; and

The rules hereinbefore specified shall remain in force until the following Bills shall have been passed:

- Bill 7, An Act to amend the Act respecting health services and social services;
- Bill 25, An Act respecting local health and social services network development agencies;
- Bill 30, An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors;
- Bill 8, An Act to amend the Act respecting childcare centres and childcare services;
- Bill 32, An Act to amend the Act respecting childcare centres and childcare services as regards places giving entitlement to grants;
- Bill 31, An Act to amend the Labour Code;
- Bill 34, An Act respecting the Ministère du Développement économique et régional;
- Bill 9, An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities.

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At 11.30 o'clock a.m., Mr. President suspended the proceedings for a period of one hour to allow the Members to examine the motion.

The proceedings resumed at 12.40 o'clock p.m.

Mr. Boisclair, Official Opposition House Leader, questioned the receivability of the motion to suspend certain rules of procedure moved by Mr. Dupuis, Government House Leader.

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

A copy of Votes and Proceedings No. 27 of the National Assembly, dated 19 November 2003.

(Sessional Paper No. 594-20031215)

At 1.00 o'clock p.m., Mr. President suspended the sitting until 3.00 o'clock p.m.

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

Mr. Boisclair, Official Opposition House Leader, continued his argument against the receivability of the motion to suspend certain rules of procedure moved by Mr. Dupuis, Government House Leader.

Mr. Bédard, Deputy Opposition House Leader, in turn raised grounds against the receivability of the motion to suspend certain rules of procedure.

Mr. Dupuis, Government House Leader, raised his grounds for the receivability of the motion.

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At 4.06 o'clock p.m., Mr. President suspended the proceedings to take the matter under advisement.

The proceedings resumed at 5.57 o'clock p.m.

At 5.58 o'clock p.m., Mr. President suspended the sitting until 8.00 o'clock p.m.

The proceedings resumed at 8.07 o'clock p.m.

Mr. President rendered his decision on the receivability of the motion to suspend certain rules of procedure moved by the Government House Leader.

RULING FROM THE CHAIR

The motion is receivable. If the constitutional privilege of the right to speak is at once the most contested and the most fundamental of the rights of Members in this Assembly, this privilege is defined by the rules for parliamentary debate by which the Members unanimously were bound at the time of the adoption of the Standing Orders. The motion to suspend certain rules of procedure is part of these rules and the President may not amend them on his own authority. The fact that, during the 36th Legislature, the Assembly adopted rules of procedure to temporarily replace the motion to suspend certain rules of procedure does not change anything with regard to this matter.

This motion does not constitute an abuse of a right or a breach of the rights of the Assembly and of its Members. The Chair is bound by the rules of procedure currently in effect. It may not act on behalf of the Assembly to replace these rules, even if it acknowledges that this is not the best parliamentary tool the Assembly disposes of to provide a credible framework for the consideration of a bill and which is carried out in observance of fundamental democratic principles.

A motion to suspend certain rules of procedure may include any Standing Order. The suspension of Standing Order 221, which stipulates that before the question is put on

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any motion it shall be read from the Chair, and a section of Standing Order 244, which states that any amendments proposed to a bill shall be relevant to its subject matter and consistent with its nature and purpose, cannot have the effect of rendering the motion out of order.

Furthermore, if the right to petition is provided for in the *Charter of Human Rights and Freedoms*, subparagraph c) of paragraph 3 of Standing Order 53 and Standing Orders 62 to 64 concern the procedural framework of its exercise. The motion to suspend certain rules of procedure solely involves this latter aspect and does not affect the right provided for in the Charter. Since the motion to suspend certain rules may include any Standing Order, the suspension of these Standing Orders cannot have the effect of rendering the motion out of order.

The fact that the motion to suspend certain rules of procedure provides for the consideration in Committee of the Whole of bills that had already been referred to Standing Committees for clause-by-clause consideration does not render it out of order at this stage. The motion to suspend the rules, once it is carried, will give the Government House Leader the right to rescind the order referring the bills to the Standing Committees and to refer them to a Committee of the Whole thereafter.

Mr. Boisclair, Official Opposition House Leader, submitted a new argument against the receivability of the motion to suspend the rules. He maintained that the fact that the fourth paragraph of Standing Order 2 was not suspended renders the motion out of order.

At 8.26 o'clock p.m., Mr. President suspended the proceedings to take the matter under advisement.

The proceedings resumed at 8.43 o'clock p.m.

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Mr. President rendered his decision concerning an argument against the receivability of the motion to suspend the rules raised by the Official Opposition House Leader in relation to the fact that the fourth paragraph of Standing Order 2 was not suspended.

RULING FROM THE CHAIR

The fourth paragraph of Standing Order 2 contains a general power invested in the Chair which is not inconsistent with the motion to suspend certain rules of procedure.

The Official Opposition House Leader raised another argument against the receivability of the motion to suspend the rules. He maintained that Standing Orders 103 and 104 should have been suspended since these Standing Orders refer to the powers of the President to suspend and adjourn the sitting, while the motion provides a special procedure for the suspension of sittings.

At 8.56 o'clock p.m., Mr. President suspended the proceedings to take the matter under advisement.

The proceedings resumed at 9.16 o'clock p.m.

Mr. President rendered his decision on a new argument against the receivability of the motion raised by the Official Opposition House Leader concerning Standing Orders 103 and 104.

RULING FROM THE CHAIR

There is no inconsistency between the motion to suspend certain rules of procedure and Standing Orders 103 and 104. These Standing Orders deal with a general

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power invested in the Chair while the suspension procedure provided for in the motion is a specific power of a Minister or a Deputy Government House Leader.

At 9.35 o'clock p.m., Mr. President suspended the proceedings to organize the limited debate on the motion to suspend the rules.

The proceedings resumed at 9.48 o'clock p.m.

Following a meeting with the House leaders, Mr. President announced the allocation of speaking time for the proceedings with respect to this limited debate on the motion to suspend certain rules of procedure moved by Mr. Dupuis, Government House Leader: ten 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 or by the independent Members may be redistributed, and individual addresses shall not be limited.

The Official Opposition House Leader raised a point of order whereby he wished to know whether the time required to discuss a motion to adjourn the debate on the motion to suspend certain rules of procedure was included in the time set aside for the debate on this motion.

RULING FROM THE CHAIR

If, during the limited debate on the motion to suspend certain rules of procedure, a motion to adjourn the debate is moved, the time allotted to discuss this motion is added to the time set aside for the limited debate.

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The Assembly entered upon the limited debate on the motion to suspend certain rules of procedure moved by Mr. Dupuis, Government House Leader.

At 11.59 o'clock p.m., Mr. Sirros, First Vice-President, adjourned the Assembly until Tuesday, 16 December 2003, at 10.00 o'clock a.m.

MICHEL BISSONNET

President