



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 7 November 2017 — No. 289

**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

Mr. Iracà (Papineau) made a statement to pay tribute to Mrs. Johanne Matte, President of the organization Les Anges gardiens des animaux.

Mr. Girard (Trois-Rivières) made a statement to underline the success of the Salon des aidants et des aînés.

Mr. Lefebvre (Arthabaska) made a statement to underline the company Lactantia's 70th anniversary.

Mr. Busque (Beauce-Sud) made a statement to underline the 35th anniversary of the organization Havre L'Éclaircie.

Mr. Khadir (Mercier) made a statement to underline the Mile End Legal Clinic's 15th anniversary.

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Mr. Blanchette (Rouyn-Noranda–Témiscamingue) made a statement to congratulate the Rouyn-Noranda school board's first elementary school council.

Mr. Bergeron (Verchères) made a statement to underline the 25th anniversary of the Centre de répit-dépannage Aux Quatre Poches.

Mrs. Roy (Montarville) made a statement to underline the 25th anniversary of the Centre de répit-dépannage Aux Quatre Poches.

Mr. Coiteux (Nelligan) made a statement to pay tribute to all candidates and to those elected in the November 2017 municipal elections.

Mr. Villeneuve (Berthier) made a statement to underline the 40th anniversary of the Galerie Archambault and to congratulate Mr. Denis Archambault, recipient of the Medal of the National Assembly.

At 1.52 o'clock p.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 2.03 o'clock p.m.

Moment of reflection

Presenting Papers

Mr. Leitão, Minister of Finance, tabled the following:

The 2016–2017 annual report on the surveys conducted in the context of Revenu Québec's 2015–2018 three-year survey plan, including the opinion of the Commission d'accès à l'information du Québec.

(Sessional Paper No. 3777-20171107)

Mr. Blais, Minister of Employment and Social Solidarity, tabled the following:

The 2015–2016 annual management report of Comité Entraide.

(Sessional Paper No. 3778-20171107)

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

The Government's reply to a petition tabled on 21 September 2017 by Mr. Bérubé (Matane-Matapédia) on legalizing five amateur combat sports and recognizing their federations;

(Sessional Paper No. 3779-20171107)

The Government's reply to petitions tabled on 3 October 2017 by Mr. Roy (Bonaventure) and Mr. Lemay (Masson) on squirrel hunting;

(Sessional Paper No. 3780-20171107)

The reply to a written question from Mrs. Léger (Pointe-aux-Trembles) on the use of the 2016–2017 contingency fund — Question No. 253, *Order Paper and Notices* of 19 September 2017;

(Sessional Paper No. 3781-20171107)

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The reply to a written question from Mr. LeBel (Rimouski) on the work of the interdepartmental committee on dry rot fungus – Question No. 257, *Order Paper and Notices* of 28 September 2017.

(Sessional Paper No. 3782-20171107)

The President tabled the following:

A copy of the notice of motion by Mr. Kotto (Bourget) to be placed on the *Order Paper and Notices* of Wednesday, 8 November 2017 under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 3783-20171107)

Complaints of Breach of Privilege or Contempt and Personal Explanations

On behalf of the Chair, Mr. Gendron, Third Vice-President, ruled on the point of privilege or contempt raised by the Official Opposition House Leader on 24 October 2017, in which he alleged that the Minister of Justice had acted in contempt of Parliament by knowingly misleading the parliamentarians in the context of the consideration of Bill 62, An Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies, with respect to the meaning to be given to a provision contained in the bill.

RULING FROM THE CHAIR

Parliamentary jurisprudence has established that deliberately misleading the House or its committees can constitute contempt of Parliament. In this regard, it is expedient to begin by recalling the fundamental principle set out in the 6th paragraph of Standing Order 35, under which a Member must be taken at his or her word.

To reverse this assumption, the Member, when speaking, must have misled the Assembly or a committee, and subsequently acknowledge having done so deliberately. Failing such an admission, the Chair may draw on the jurisprudence developed by the Canadian House of Commons and ask itself whether it is confronted with two contradictory statements made by a Member about the same facts in the context of parliamentary proceedings.

The facts lead us to believe that, in the context of the clause-by-clause consideration of Bill 62, the Minister of Justice's statements following questions from a Member seemed to indicate an obligation to uncover one's face for the bus ride's entire duration. In answer to the Member's question as to whether this obligation applied throughout the entire bus ride, the Minister responded "That's right", "Clearly". The Member even asked whether it was necessary to present an amendment specifying that the obligation applied "during the entire bus ride", to which the Minister responded "No, it applies while a service is being delivered or being received". Although the notion of interaction was indeed present in the debate, as raised by the Government House Leader, the fact remains that, in response to the Member's specific question, the Minister suggested that the obligation applied throughout the entire bus ride.

The Minister's statement to Radio-Canada about changing her mind over the weekend and her statements in a press conference seem to show that her interpretation of the Bill's provisions was no longer the same as the one she gave before the parliamentary committee.

The Minister's statements cannot be considered an admission to having deliberately misled parliamentarians. At no time did she admit to having deliberately made statements in order to mislead the committee. Nothing in the evidence warrants this conclusion.

Giving rise to a point of privilege or contempt on the basis of having deliberately misled the Assembly requires more than a clumsy or poorly prepared statement. There must be a clear demonstration of the intent to mislead or hinder parliamentary proceedings. The facts do not allow us to show that the Minister intended to mislead the parliamentarians when she made her statements in parliamentary committee.

That being said, did the Minister give two conflicting versions of the same facts in the context of parliamentary proceedings? We must make a distinction between two specific, contradictory pieces of information regarding the same facts and two general, ill-prepared statements on how to interpret a provision contained in a bill under consideration.

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First, the Chair was not informed that the Minister made two contradictory statements in the context of parliamentary proceedings—the second statement was made by the Minister in a televised interview or press conference. Moreover, there were not two contradictory statements on a specific fact—the Minister changed her opinion about the meaning of a legislative provision contained in Bill 62.

The members of a parliamentary committee are entitled to expect consistency on the Minister's part during a bill's consideration. The Members are legitimately entitled to expect governmental consistency in legislative matters, which does not seem to have been the case in this instance. The Chair has already recalled the importance of the notion of Members' legitimate expectations. When a Minister makes statements in the context of parliamentary proceedings, in particular on the interpretation of a legislative provision a committee is examining, the Members may legitimately expect that interpretation to remain the same once the parliamentary proceedings have concluded. This does not mean that one can never change one's mind about the meaning of a given provision during the legislative process.

On the subject of whether paragraph 10 of section 55 of the *Act respecting the National Assembly* applies to this case, we cannot find that there was an attempt to influence by means of deceit, threats or undue pressure. Rather, we are in the sphere of confusion as to the meaning of a legislative provision.

As regards the legislator's intent, doctrine holds that the information provided during parliamentary proceedings should, according to the context, play only an ancillary role in interpreting a provision and that such proceedings should not be given undue weight when they contradict the meaning conveyed by the text. However, parliamentary debates remain important and the more specific they are, the more useful they are likely to be in ensuring an accurate, appropriate interpretation of the law. Furthermore, a Member should never be deprived of his or her right to amend when in doubt as to the meaning to be given to a provision in a bill, regardless of the opinions expressed during clause-by-clause consideration.

In light of the foregoing, there is no basis for concluding that the Minister of Justice acted in contempt of Parliament for having deliberately misled the House or a committee or for having tried to influence the vote, opinion, judgment or action of a Member by means of deceit, threats or undue pressure.

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Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mrs. Charbonneau, Minister responsible for Seniors and Anti-Bullying, together with Mr. LeBel (Rimouski), Mr. Paradis (Lévis), Mr. Khadir (Mercier), Mr. Lelièvre (Gaspé), Mr. Surprenant (Groulx) and Mr. Sklavounos (Laurier-Dorion), moved:

THAT the National Assembly mark National Family Caregivers Week, to be held throughout Québec from 5 to 11 November;

THAT, on this occasion, it reaffirm the need to support family caregivers on a daily basis and that it applaud the invaluable work of the many organizations that do just that;

THAT it thank all Quebecers who are family caregivers, often for an aging family member, and who provide assistance, listen to and comfort a relative or friend.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

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Mr. Marceau (Rousseau), together with Mr. Spénard (Beauce-Nord), Mr. Khadir (Mercier), Mr. Lelièvre (Gaspé) and Mr. Surprenant (Groulx), moved a motion on recommendations 1, 7 and 8 of the Committee on Public Finance's report on the tax haven phenomenon; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mr. Martel (Nicolet-Bécancour), together with Mr. Surprenant (Groulx), moved:

THAT the National Assembly ask the Government to shut the door on any and all Société des traversiers du Québec initiatives to withdraw car ferries serving motorists travelling between Québec City and Lévis.

By leave of the Assembly, the motion was carried.

Mr. Nadeau-Dubois (Gouin), together with Mr. Cloutier (Lac-Saint-Jean), moved a motion about social mixing and student mixing in classrooms and schools; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 84.1 and pursuant to Standing Order 146, Mr. Tanguay, Deputy Government House Leader, moved:

THAT, within the framework of the consideration of Bill 151, An Act to prevent and fight sexual violence in higher education institutions, the Committee on Culture and Education hold special consultations and public hearings on 16, 21, 22 and 23 November 2017;

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THAT, for this purpose, the Committee hear the following:

Fédération des cégeps
Bureau de coopération interuniversitaire
Fédération étudiante collégiale du Québec
Quebec Student Union
Association for the Voice of Education in Quebec
Mrs. Caroline Aubry, Director General, “Sans oui, c’est non!” campaign
Mr. Alexandre Blanchette, “Ni viande ni objet” campaign
Mrs. Ariane Litalien, Co-founder, Québec contre les violences sexuelles
Mrs. Maude Chalvin and Mrs. Mélanie Sarroino, Regroupement québécois des centres d’aide et de lutte contre les agressions à caractère sexuel
Association des collèges privés du Québec
Clinique juridique Juripop
Citoyenneté Jeunesse
Fédération québécoise des professeures et professeurs d’université
Centrale des syndicats du Québec
The authors of the survey “Enquête sur la sexualité, la sécurité et les interactions en milieu universitaire”
Fédération nationale des enseignantes et des enseignants du Québec
Association des cadres des collèges du Québec
Fédération des travailleurs et travailleuses du Québec
Fédération autonome du collégial;

THAT a period of 12 minutes be set aside for opening statements, allocated as follows: 6 minutes to the parliamentary group forming the Government, 3 minutes 30 seconds to the parliamentary group forming the Official Opposition, and 2 minutes 30 seconds to the Second Opposition Group;

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THAT the presentation by each individual or organization last no longer than 10 minutes and the exchange with the Committee members last no longer than 50 minutes, allocated as follows: 25 minutes to the parliamentary group forming the Government, 15 minutes to the Official Opposition, and 10 minutes to the Second Opposition Group;

THAT the Minister responsible for Higher Education be a member of the said Committee during its proceedings with respect to this order of reference.

By leave of the Assembly, the motion was carried.

Notices of Proceedings in Committees

Mr. Tanguay, Deputy Government House Leader, convened the following committees:

- the Committee on Citizen Relations, to continue its clause-by-clause consideration of Bill 134, An Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs;
- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 108, An Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics;
- the Committee on Health and Social Services, to continue its public hearings within the framework of special consultations on Bill 148, An Act to regulate generic medication procurement by owner pharmacists and to amend various legislative provisions.

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Mr. Gendron, Third Vice-President, gave the following notice:

- the Committee on Transportation and the Environment shall hold a public meeting to continue its special consultations and public hearings within the framework of the order of initiative on the use of mobile phones while driving.

Information on the Proceedings of the Assembly

Mr. Bérubé, Official Opposition House Leader, requested a ruling on the Government's reply to a written question from Mrs. Léger (Pointe-aux-Trembles) placed on the *Order Paper and Notices* of 19 September 2017.

After having heard arguments from all sides, Mr. Gendron, Third Vice-President, took the matter under advisement.

Mr. Gendron, Third Vice-President, then informed the Assembly that on Wednesday, 8 November 2017, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mr. Kotto (Bourget).

This motion reads as follows:

THAT the National Assembly take note of the most recent data from the 2016 census, which confirm the decline of the French language in Québec;

THAT it ask the Québec Government to modernize Bill 101, in particular, to:

Ensure that 100% of prospective immigrants have intermediate-level or advanced knowledge of French;

Make businesses with federal charters subject to the provisions of this legislation;

Require Québec businesses with 25 to 50 employees to undertake francization certification.

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ORDERS OF THE DAY

Government Bills

Report Stage

The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 139, An Act to group the Office Québec/Wallonie-Bruxelles pour la jeunesse, the Office Québec-Amériques pour la jeunesse and the Office Québec-Monde pour la jeunesse, together with the amendment transmitted by Mrs. St-Pierre, Minister of International Relations and La Francophonie.

The amendment was declared in order.

After debate thereon, the amendment was carried.

The report, as amended, was concurred in.

The Assembly took into consideration the report from the Committee on Culture and Education on its clause-by-clause consideration of Bill 144, An Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance, together with the amendments transmitted by Mr. Roberge (Chambly).

The amendments were declared in order.

After debate thereon, the amendments were negatived.

The report was concurred in.

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Mrs. Vien, Deputy Government House Leader, moved the adjournment of the Assembly until Wednesday, 8 November 2017 at 9.40 o'clock a.m.

The motion was carried.

Accordingly, at 5.15 o'clock p.m., Mr. Ouimet, First Vice-President, adjourned the Assembly until Wednesday, 8 November 2017 at 9.40 o'clock a.m.

JACQUES CHAGNON

President