



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 12 April 2018 — No. 326

**President of the National Assembly:
Mr. Jacques Chagnon**

QUÉBEC

The Assembly was called to order at 9.40 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. Gendron (Abitibi-Ouest) made a statement to congratulate the National Assembly of Québec Political Book Prize finalists.

Mr. Billette (Huntingdon) made a statement to underline the 35th anniversary of the Club de patinage artistique de Napierville.

Mr. Kotto (Bourget) made a statement to underline the 65th anniversary of the Service des loisirs de Notre-Dame-des-Victoires.

Mrs. Thériault (Anjou-Louis-Riel) made a statement to underline the 30th anniversary of the Knights of Columbus of Saint-Conrad – Council 9821 and pay tribute to Mr. Mario Robert, Grand Knight.

Mr. Poëti (Marguerite-Bourgeoys) made a statement to pay tribute to four citizens from Marguerite-Bourgeoys riding, recipients of the Medal of the National Assembly.

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Mr. Matte (Portneuf) made a statement to congratulate the students of the École secondaire de Donnacona labour market training program for their “Sa’coches” recycling project.

Mr. Bonnardel (Granby) made a statement to underline the 30th anniversary of the organization Oasis Santé mentale Granby et région.

Mr. Polo (Laval-des-Rapides) made a statement to congratulate Association régionale de basketball de Laval volunteers.

Mrs. Léger (Pointe-aux-Trembles) made a statement to underline the 60th anniversary of the newspaper Avenir de l’Est.

At 9.51 o’clock a.m., Mrs. Gaudreault, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.00 o’clock a.m.

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At the request of the President, the Assembly observed a moment of silence in memory of Mr. Pierre Descôteaux, former Member for Groulx.

Introduction of Bills

Mr. Lessard, Minister of Agriculture, Fisheries and Food, moved that leave be granted to introduce the following bill:

172 An Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation mainly to establish a bio-food policy

The motion was carried.

Accordingly, Bill 172 was introduced in the Assembly.

Presenting Papers

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

The Government's reply to petitions tabled on 7 February 2018 by Mr. Pagé (Labelle) on introducing and implementing a Lyme disease action plan;
(Sessional Paper No. 4249-20180412)

The Government's reply to a petition tabled on 14 March 2018 by Mr. Gaudreault (Jonquière) on adding 2,000 electric vehicle quick-charge stations by 2020.

(Sessional Paper No. 4250-20180412)

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Presenting Petitions

By leave of the Assembly to set aside Standing Order 63, Mr. Giguère (Saint-Maurice) tabled the following:

The abstract of a petition on expanding École Notre-Dame, in the municipality of Notre-Dame-du-Mont-Carmel, signed by 2,173 citizens of Québec.
(Sessional Paper No. 4251-20180412)

Complaints of Breach of Privilege or Contempt and Personal Explanations

The President ruled on the point of privilege or contempt raised by the Official Opposition House Leader on 14 March 2018, in which the latter alleged that several ministers had acted in contempt of Parliament by committing public funds without prior legislative authorization by foreseeing new expenditures for the fiscal year underway in the Québec Economic Plan of March 2017.

RULING FROM THE CHAIR

The Chair would like to recall that contempt of Parliament is any act or omission that hinders the work of the Assembly or its Members or that undermines their authority or dignity. At this stage, it is not the Chair's role to determine whether contempt of Parliament occurred, but whether the facts submitted constitute prima facie contempt of Parliament.

Parliamentary jurisprudence states that, in budget-related matters, ignoring the Assembly's role in examining and adopting the State's estimates of expenditure is tantamount to denying the former's fundamental role with regard to exercising its oversight power as concerns public finances and the Government. This could undermine the Assembly's authority in financial matters and, in all likelihood, constitute prima facie contempt of Parliament.

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The Assembly's fundamental role in the budgetary process is inherent in British-style parliamentary systems, in which the executive branch and Parliament both play a decisive role in establishing the State's annual budget. In this regard, the Constitution states that the Crown alone may recommend the adoption of financial measures in the House. It is the latter's responsibility to examine these measures and then grant or refuse the budget estimates requested by the Government. This role falls within the scope of the Assembly's powers of oversight with respect to any action by the Government or its departments or bodies.

The Assembly manifests its approval by adopting an appropriation bill that binds the executive, which is responsible for implementing its provisions in keeping with the State's legal framework for financial management, under which it falls. If, over the course of the year, unforeseen expenditures arise or needs exceed the initial forecasts, the Government may choose to avail itself of the supplementary estimates procedure provided for in the Standing Orders. However, the *Public Administration Act* and the appropriation bills themselves provide more limited mechanisms that also give the executive a certain leeway in how the voted appropriations may be used. These mechanisms will have been authorized by Parliament beforehand.

In the case at hand, it is not the Chair's role to determine whether government expenditures were made in compliance with the law; that is the role of the courts. Rather, the Chair must ensure that the Assembly's role in the budgetary process is not ignored. The elements before the Chair do not prima facie show that this role has been bypassed. Consequently, the question must be declared out of order.

The Chair has often recalled the importance of the role conferred on the Assembly and its Members to oversee the Government's actions. Members devote much time and energy to examining the estimates of expenditure. In this context, the more information the Government makes available to the Members, the more likely it is that debates and decision-making will be carried out in an informed manner. This is why Ministers' collaboration is desirable and, often, in a spirit of openness, Ministers make information available in preparation for or following examination of the estimates.

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The Chair recalls that the information requested, and at issue here, concerns expenditures made by the Government out of the appropriations approved by the Assembly which, therefore, fall under Parliament's oversight of government action. However, there is a difference between questions asked by Members in performing their duties and orders to produce documents adopted by the Assembly or a committee. Only the latter constitute orders issued under the constitutional privileges this Assembly enjoys and allow a document to be communicated regardless of possible objections under the *Act respecting Access to documents held by public bodies and the Protection of personal information*. Nonetheless, if the information the Chair now possesses had been made available to the Members, the question put to the Chair might never have been raised. Although the communication of documents is at the Government's discretion, it is desirable and even necessary that the Government cooperate so as to ensure that Members have the most complete information possible in order to exercise their parliamentary oversight role.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

The Chair recalled that the issue of wearing pins had been discussed by the Office of the National Assembly and that it had been agreed that Members would not wear partisan pins during parliamentary proceedings. The Chair therefore asked Mr. Lisée, Leader of the Official Opposition, to remove his political party pin.

Deferred Divisions

The Assembly took the division, which had been deferred at the sitting of 11 April 2018, on the motion moved by Mr. Jolin-Barrette (Borduas) during Business Standing in the Name of Members in Opposition.

This motion reads as follows:

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THAT the National Assembly ask the Government to abolish the statute of limitations applicable to victims of sexual assault.

The motion was negated on the following vote:

(Division No. 440 in Appendix)

Yeas: 50 Nays: 63 Abstentions: 0

Motions Without Notice

Mrs. Roy (Montarville), together with Mrs. Maltais (Taschereau), Mr. Lelièvre (Gaspé), Mr. Surprenant (Groulx) and Mrs. Ouellet (Vachon), moved a motion on persons in positions of authority wearing religious signs; this motion could not be debated for want of unanimous consent.

Mr. Marceau (Rousseau), together with Mrs. Massé (Sainte-Marie–Saint-Jacques), Mr. Lelièvre (Gaspé) and Mrs. Ouellet (Vachon), moved a motion on support for British Columbia in its opposition to construction of the Kinder Morgan pipeline; this motion could not be debated for want of unanimous consent.

Mr. Khadir (Mercier), together with Mr. Turcotte (Saint-Jean), Mr. Roberge (Chambly), Mr. Lelièvre (Gaspé), Mr. Surprenant (Groulx) and Mrs. Ouellet (Vachon), moved a motion on the social impacts of autism spectrum disorders in Québec; this motion could not be debated for want of unanimous consent.

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Notices of Proceedings in Committees

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

- the Committee on Culture and Education, to undertake examination of the draft Homeschooling Regulation;
- the Committee on Institutions, to continue its public hearings within the framework of special consultations on Bill 170, An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages;
- the Committee on Labour and the Economy, to continue and conclude its public hearings within the framework of special consultations on Bill 173, An Act mainly to introduce a basic income for persons with a severely limited capacity for employment; and then, undertake clause-by-clause consideration of Bill 152, An Act to amend various labour-related legislative provisions mainly to give effect to certain Charbonneau Commission recommendations;
- the Committee on Public Finance, to continue the debate on the Budget Speech;
- the Committee on Health and Social Services, to continue its clause-by-clause consideration of Bill 157, An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions.

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ORDERS OF THE DAY

At 11.22 o'clock a.m., at the request of Mr. Tanguay, Deputy Government House Leader, Mr. Gendron, Third Vice-President, suspended the proceedings until the expiry of the time limit for receiving notices for debates upon adjournment.

The proceedings resumed at 11.41 o'clock a.m.

Mr. Tanguay, Deputy Government House Leader, moved the adjournment of the Assembly until Tuesday, 17 April 2018 at 1.40 o'clock p.m.

The motion was carried.

Accordingly, at 11.42 o'clock a.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Tuesday, 17 April 2018 at 1.40 o'clock p.m.

JACQUES CHAGNON

President

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APPENDIX

Recorded Divisions

On the motion moved by Mr. Jolin-Barrette (Borduas):

(Division No. 440)

YEAS - 50

| | | | |
|----------------------|-------------------|---------------------|--------------------|
| Bergeron (PQ) | Khadir (IND) | Marceau (PQ) | Roberge (CAQ) |
| Bonnardel (CAQ) | Kotto (PQ) | Martel (CAQ) | Roy (CAQ) |
| Bourcier (PQ) | Laframboise (CAQ) | Massé (IND) | (Montarville) |
| Caire (CAQ) | Lamarre (PQ) | Nadeau-Dubois (IND) | Roy (PQ) |
| Charette (CAQ) | Lamontagne (CAQ) | Ouellet (PQ) | (Bonaventure) |
| Cloutier (PQ) | Lavallée (CAQ) | (René-Lévesque) | Samson (CAQ) |
| Cousineau (PQ) | LeBel (PQ) | Ouellet (IND) | Schneeberger (CAQ) |
| D'Amours (CAQ) | Lefebvre (CAQ) | (Vachon) | Soucy (CAQ) |
| Gaudreault (PQ) | Legault (CAQ) | Pagé (PQ) | Spénard (CAQ) |
| (Jonquière) | Léger (PQ) | Paradis (CAQ) | Surprenant (IND) |
| Guilbault (CAQ) | Lelièvre (IND) | (Lévis) | Therrien (PQ) |
| Hivon (PQ) | Lemay (CAQ) | Picard (CAQ) | Traversy (PQ) |
| Jean (PQ) | Lisée (PQ) | Poirier (PQ) | Turcotte (PQ) |
| Jolin-Barrette (CAQ) | Maltais (PQ) | Richard (PQ) | Villeneuve (PQ) |

NAYS - 63

| | | | |
|-------------------|-----------------|-----------------|------------------------------|
| Anglade (QLP) | Chevarie (QLP) | Huot (QLP) | Proulx (QLP) |
| Arcand (QLP) | Coiteux (QLP) | Iracà (QLP) | Reid (QLP) |
| Auger (QLP) | D'Amour (QLP) | Kelley (QLP) | Rotiroti (QLP) |
| Barrette (QLP) | David (QLP) | Leitão (QLP) | Rousselle (QLP) |
| Bernier (QLP) | de Santis (QLP) | Lessard (QLP) | Sauvé (QLP) |
| Billette (QLP) | Drolet (QLP) | Matte (QLP) | Simard (QLP) |
| Birnbaum (QLP) | Fortin (QLP) | Melançon (QLP) | (Charlevoix-Côte-de-Beaupré) |
| Blais (QLP) | (Sherbrooke) | Ménard (QLP) | Simard (QLP) |
| Blanchette (QLP) | Fortin (QLP) | Merlini (QLP) | (Dubuc) |
| Bolduc (QLP) | (Pontiac) | Montpetit (QLP) | St-Denis (QLP) |
| Boucher (QLP) | Fournier (QLP) | Moreau (QLP) | St-Pierre (QLP) |
| Boulet (QLP) | (Saint-Laurent) | Morin (QLP) | Tanguay (QLP) |
| Bourgeois (QLP) | Giguère (QLP) | Nichols (QLP) | Thériault (QLP) |
| Busque (QLP) | Girard (QLP) | Ouellette (QLP) | Tremblay (QLP) |
| Carrière (QLP) | Habel (QLP) | Plante (QLP) | Vallée (QLP) |
| Charbonneau (QLP) | Hardy (QLP) | Poëti (QLP) | Vien (QLP) |
| Charlebois (QLP) | Heurtel (QLP) | Polo (QLP) | Weil (QLP) |