



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 10 May 2018 — No. 338

**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. H. Plante (Maskinongé) made a statement to underline the 50th anniversary of the Ligue de balle-donnée masculine de Maskinongé.

Mrs. Jean (Chicoutimi) made a statement to underline the 25th anniversary of the e-library "Les Classiques des sciences sociales".

Mrs. Simard (Charlevoix-Côte-de-Beaupré) made a statement to underline the 25th anniversary of the company Solugaz.

Mr. Bonnardel (Granby) made a statement to underline the 10th anniversary of the Grand défi Pierre Lavoie.

Mrs. de Santis (Bourassa-Sauvé) made a statement to underline the 50th anniversary of École secondaire Henri-Bourassa.

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Mrs. Fournier (Marie-Victorin) made a statement to underline the 30th anniversary of the organization Vision Inter-Cultures.

Mr. Kelley (Jacques-Cartier) made a statement to underline the career of journalist Mr. Bernard “Bernie” St-Laurent.

Mrs. Samson (Iberville) made a statement to underline the work of the Société d’histoire et de généalogie des Quatre Lieux.

Mrs. Melançon (Verdun) made a statement to congratulate Packplay 2 ecodesign project organizers and participants.

Mrs. Vallée (Gatineau) made a statement to underline the 70th anniversary of the Lord Reading Law Society.

At 9.52 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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Moment of reflection

Introduction of Bills

The President communicated to the Assembly, and then tabled, the Law Clerk's report on the following private bill:

238 An Act respecting the immunities granted to the World Anti-Doping Agency

The report states that the notice was drafted and published in accordance with the Rules for the Conduct of Proceedings governing private bills.

(Sessional Paper No. 4349-20180510)

Mr. Birnbaum (D'Arcy-McGee) moved that leave be granted to introduce Private Bill 238, An Act respecting the immunities granted to the World Anti-Doping Agency.

The motion was carried.

Mr. Fournier, Government House Leader, moved that Private Bill 238 be referred to the Committee on Institutions for consultation and clause-by-clause consideration and that the Minister of International Relations and La Francophonie be a member of the said Committee during its proceedings with respect to this order of reference.

The motion was carried.

Presenting Papers

Mrs. Vallée, Minister of Justice, tabled the following:

Guidelines for dealing with requests for accommodations on religious grounds (French and English versions).

(Sessional Paper No. 4350-20180510)

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The President tabled the following:

The 2018–2023 strategic plan of the Public Protector (Ombudsman);
(Sessional Paper No. 4351-20180510)

A letter, dated 2 May 2018, he had received from Mrs. Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, in response to the motion on the *Act to amend the Criminal Code (exploitation and trafficking in persons)* carried unanimously by the Assembly on 14 March 2018.

(Sessional Paper No. 4352-20180510)

Presenting Reports from Committees

Mrs. Richard (Duplessis), Committee Chair, tabled the following:

The report from the Committee on Labour and the Economy, which met on 17 and 18 April and on 9 May 2018 for 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 report contains amendments to the bill.

(Sessional Paper No. 4353-20180510)

Presenting Petitions

By leave of the Assembly to set aside Standing Order 63, Mr. Lelièvre (Gaspé) tabled the following:

The abstract of a petition on permanent access to medical services at Hôpital de Sainte-Anne-des-Monts, signed by 2,041 citizens of Québec.

(Sessional Paper No. 4354-20180510)

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Complaints of Breach of Privilege or Contempt and Personal Explanations

The President ruled on the point of privilege or contempt raised by the Member for Groulx on 19 April 2018, in which the latter alleged that the *ad hoc* Ethics Commissioner for the Members of the National Assembly, Me Jacques Saint-Laurent, had violated his rights and privileges during the investigation in his regard. The point of contempt concerns the content and conclusions of the *ad hoc* Commissioner's report about the Member for Groulx as well as remarks the *ad hoc* Commissioner allegedly made to the Member affirming the Commissioner's wish to scapegoat him.

RULING FROM THE CHAIR

The Chair wishes to recall that its role, at this stage, is not to determine whether contempt of Parliament has occurred, but whether the facts submitted constitute *prima facie* contempt of Parliament. In other words, the Chair must determine whether the facts are sufficiently compelling to allow the Assembly to continue the process of determining whether contempt of Parliament has, in fact, occurred.

With regard to the first aspect of the point of privilege or contempt, concerning the content and conclusions of the *ad hoc* Commissioner's report, the Chair would like to recall that, in matters of ethics and professional conduct, the procedure adopted by the National Assembly under its *Code of ethics and conduct of the Members of the National Assembly* is clear: When the Commissioner receives a request for an investigation, he investigates, his report is tabled in the Assembly and, if he recommends the imposition of sanctions, the matter is put to a vote. The parliamentarians may not amend the report. Their power is limited to adopting or rejecting the report; they cannot modify the conclusions or sanctions it proposes.

Consequently, no Member can request review of a report produced by the Ethics Commissioner. The Chair cannot, therefore, rule on the allegations made by the Member for Groulx that relate directly to the factual elements of the *ad hoc* Commissioner's investigation and their assessment.

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The Chair then addresses the second aspect of the question, concerning the Member for Groulx's allegations that the *ad hoc* Commissioner told him he wanted to make the Member a scapegoat. This aspect of the point of privilege does not concern the report's content or conclusions but rather how the *ad hoc* Commissioner acted with regard to the Member for Groulx.

The Chair must assess whether the facts submitted by the Member, which are supported by an affidavit from a lawyer, constitute a violation of section 55, paragraph 7 of the *Act respecting the National Assembly*.

Although unfortunate, the fact that the Member for Groulx did not bring these facts to the House's attention before the latter ruled on the report cannot discredit the process and, alone, justify rejecting this point of privilege.

Despite the adoption of the *Code of ethics* and the independence conferred on the Commissioner, there has never been any question of the Assembly waiving its rights and privileges. Moreover, no one is above a point of privilege from the Assembly.

Whether the Chair may, under special circumstances, call on individuals qualified in the area of investigations in order to determine whether the point raised by the Member for Groulx can, in fact, be considered *prima facie* admissible is not provided for in the procedure.

When Members decide to avail themselves of a point of privilege, no other recourse than that provided for in the Standing Orders can apply.

Given the state of parliamentary jurisprudence in matters involving threatening a Member that oblige the Chair to take the Member's word, as well as the sworn statement from a lawyer that appears to corroborate the Member's word, the Chair declares the point of privilege to be *prima facie* admissible.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Paradis (Lévis) tabled the following:

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A copy of a document constituting the minutes of a Court of Appeal hearing involving the Attorney General of Québec vs. an association of health and social services establishment managers entitled “Cour d’appel – Procureure générale du Québec c. Association des gestionnaires des établissements de santé et de services sociaux – Procès-verbal d’audience, 28 novembre 2017”.

(Sessional Paper No. 4355-20180510)

Motions Without Notice

Mr. Jolin-Barrette (Borduas), together with Mr. Pagé (Labelle), Mr. Nadeau-Dubois (Gouin) and Mr. Surprenant (Groulx), moved a motion on reforming the voting system; this motion could not be debated for want of unanimous consent.

Pursuant to Standing Order 146, Mr. Tanguay, Deputy Government House Leader, moved:

THAT, on Wednesday, 16 May 2018, from 4.00 o’clock p.m. to 6.00 o’clock p.m., the Committee on Institutions examine the first guidelines for dealing with requests for accommodations on religious grounds established by the Minister in accordance with section 12 and tabled in the National Assembly by the Minister of Justice on 10 May 2018;

THAT the Minister of Justice 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.

Mr. Villeneuve (Berthier), together with Mrs. D’Amours (Mirabel), Mr. Nadeau-Dubois (Gouin), Mr. Lelièvre (Gaspé) and Mr. Surprenant (Groulx), moved a motion on the farm property tax credit program; this motion could not be debated for want of unanimous consent.

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Mr. Surprenant (Groulx) moved a motion on the *Code of ethics and conduct of the Members of the National Assembly*; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

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

- the Committee on Institutions, to continue its clause-by-clause consideration of 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; and then, continue its clause-by-clause consideration of Bill 140, An Act respecting the services available to a former Prime Minister;
- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 141, An Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions;
- 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;
- the Committee on Labour and the Economy, to hold public hearings within the framework of special consultations on Bill 176, An Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance.

And, by leave of the Assembly to set aside Standing Order 143, he convened the following committee:

- the Committee on Citizen Relations, to conclude its public hearings within the framework of special consultations on Bill 178, An Act to amend various legislative provisions concerning consumer protection.

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Mrs. Gaudreault, Second Vice-President, gave the following notices:

- the Committee on Planning and the Public Domain shall hold a deliberative meeting to prepare the hearing within the framework of the order of initiative on access to local financial services in the regions; then, hold a public meeting to undertake its hearings within the framework of the order of initiative on access to local financial services in the regions; and, finally, hold a deliberative meeting to discuss the observations, conclusions and recommendations, if any, following these hearings;
- the Committee on Public Administration shall hold a deliberative meeting to prepare the hearing of the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports on the Auditor General of Québec's special audit, entitled "Special Audit, Ministère des Transports, de la Mobilité durable et de l'Électrification des transports: Contract Management" and to follow up on recommendation 3.1 of the 36th report of the Committee on Public Administration; then, hold a public meeting to hear the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports; and, finally, hold a deliberative meeting to discuss the observations, conclusions and recommendations, if any, following this hearing.

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ORDERS OF THE DAY

Government Bills

Adoption

Mr. Poëti, Minister for Integrity in Public Procurement and for Information Resources, moved the passage of Bill 171, An Act to enact the Act respecting the implementation of the Canadian Free Trade Agreement and to bring measures relating to contracting by public bodies into compliance with that agreement, the Trade and Cooperation Agreement between Ontario and Québec and the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States.

After debate thereon, the motion was carried and, accordingly, Bill 171 was passed.

Report Stage

The Assembly took into consideration the report from the Committee on Labour and the Economy on its clause-by-clause consideration of Bill 173, An Act mainly to introduce a basic income for persons with a severely limited capacity for employment, together with the amendment transmitted by Mr. LeBel (Rimouski).

The amendment was declared in order.

After debate thereon, the question was put on this motion, and a recorded division was thereupon demanded.

At the request of Mr. Tanguay, Deputy Government House Leader, the divisions on the amendment moved by Mr. LeBel (Rimouski) and on the report from the Committee on Labour and the Economy were deferred until Routine Proceedings on the next sitting day.

Mr. Tanguay, Deputy Government House Leader, moved the adjournment of the Assembly until Tuesday, 15 May 2018 at 1.40 o'clock p.m.

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The motion was carried.

Accordingly, at 11.45 o'clock a.m., Mrs. Gaudreault, Second Vice-President, adjourned the Assembly until Tuesday, 15 May 2018 at 1.40 o'clock p.m.

ROYAL ASSENT

On Thursday, 10 May 2018 at 2.00 o'clock p.m. in the Office of the Lieutenant-Governor, in the presence of Mr. Poëti, Minister for Integrity in Public Procurement and for Information Resources, Delegate of the Premier, and of Mrs. Durepos, Director of the Sitings Service and Delegate of the Secretary General, the Honourable J. Michel Doyon, Lieutenant-Governor of Québec, was pleased to assent to the following bill:

- 171 An Act to enact the Act respecting the implementation of the Canadian Free Trade Agreement and to bring measures relating to contracting by public bodies into compliance with that agreement, the Trade and Cooperation Agreement between Ontario and Québec and the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States

JACQUES CHAGNON

President