



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Votes and Proceedings

of the Assembly

Wednesday, 20 March 2019 — No. 22

**President of the National Assembly:
Mr. François Paradis**

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

ROUTINE PROCEEDINGS

Statements by Members

Mrs. Guilbault (Louis-Hébert) made a statement to pay tribute to young Jérémy Plourde, recipient of the Outstanding Youth in Philanthropy award, in the “under 18 years old” category.

Mr. Charette (Deux-Montagnes) made a statement to applaud the work of Deux-Montagnes riding minor league baseball associations.

Mrs. Robitaille (Bourassa-Sauvé) made a statement to congratulate the company Vestshell, winner of the Performance Québec award.

Mr. Lemay (Masson) made a statement to express solidarity with and support for the members of the Royal Canadian Legion in Mascouche.

Mrs. Dorion (Taschereau) made a statement to invite seniors to share their vision for Québec's future.

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Mr. Lévesque (Chauveau) made a statement to underline the work of the New Pathways Foundation.

Mr. Arseneau (Îles-de-la-Madeleine) made a statement to underline the success of the 10th Rendez-vous loup-marin.

Mrs. McCann (Sanguinet) made a statement to underline the Club Optimiste de Saint-Rémi's 35th anniversary.

Mr. Allaire (Maskinongé) made a statement to pay tribute to Mr. Claude Julien and Mr. Jocelyn Déry for their act of bravery.

Mrs. Maccarone (Westmount–Saint-Louis) made a statement to pay tribute to Mrs. Louise Scrimgeour for her volunteer work.

At 9.53 o'clock a.m., Mrs. Gaudreault, Third 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

Mr. Bonnardel, Minister of Transport, moved that leave be granted to introduce the following bill:

17 An Act respecting remunerated passenger transportation by automobile

The motion was carried.

Accordingly, Bill 17 was introduced in the Assembly.

Presenting Papers

Mrs. McCann, Minister of Health and Social Services, tabled the following:

The 2017–2018 annual report on applying the complaint review procedure and improving service quality of the Centre intégré de santé et de services sociaux de l’Abitibi-Témiscamingue;

(Sessional Paper No. 436-20190320)

The 2017–2018 annual management report of the Centre intégré de santé et de services sociaux de l’Abitibi-Témiscamingue.

(Sessional Paper No. 437-20190320)

Mr. Jolin-Barrette, Government House Leader, tabled the following:

The Government’s reply to a petition tabled on 6 February 2019 by Mr. Reid (Beauharnois) on the Commission scolaire de la Vallée-des-Tisserands’ elementary school territory rezoning;

(Sessional Paper No. 438-20190320)

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The Government's reply to a petition tabled on 14 February 2019 by Mr. Tanguay (LaFontaine) on improving the delivery of public transit services in Rivière-des-Prairies.

(Sessional Paper No. 439-20190320)

Presenting Petitions

Mrs. Hivon (Joliette) tabled the following:

The abstract of a petition on opposing the project for universal deployment of kindergarten for four-year-olds and improving early childhood educational services, signed by 31,990 citizens of Québec.

(Sessional Paper No. 440-20190320)

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

The abstract of a petition on opposing the project for universal deployment of kindergarten for four-year-olds and improving early childhood educational services project, signed by 7,655 citizens of Québec.

(Sessional Paper No. 441-20190320)

Following the Member for Marie-Victorin's decision to sit as an independent Member, the President ruled on the question raised by Mr. Nadeau-Dubois, House Leader of the Third Opposition Group, about the status of the Second and Third Opposition Groups and the distribution of measures and allocation of speaking times.

RULING FROM THE CHAIR

At the beginning of the current legislature, discussions held among the various political parties represented in the Assembly led to the signing of an agreement addressing such matters as the concept of recognizing parties as parliamentary groups, the distribution of measures and the allocation of speaking times.

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Given that the distribution of measures and allocation of speaking times provided for in the agreement is in keeping with the principles established by parliamentary jurisprudence in such matters, the Chair acted on the groups' unanimously expressed desire. However, the Chair specified the possibility of having to adjust this distribution and allocation in the course of the legislature, should the Assembly's composition change.

As the guardian of the rights and privileges of all Members of the National Assembly, the Chair must modify the distribution of measures and allocation of speaking times in order to grant rights to the Member for Marie-Victorin.

The long-standing practice observed in the Assembly has been that when a Member belonging to a parliamentary group leaves that group to sit as an independent Member, the measures recognized for that Member are generally taken from those allocated to the group to which the Member formerly belonged.

In keeping with this principle, the questions during Oral Questions and Answers and the Statements by Members that may be used by the Member for Marie-Victorin will come from those hitherto allocated to the parliamentary group formed by the Parti québécois. Where limited debates are concerned, the time provided for the Member for Marie-Victorin will be equal to the time provided for the independent Member for Chomedey. As is the case for the latter, this time will be deducted from the overall time allotment and the remaining time is to be distributed as follows: 50% of the time is to be allocated to the Government, the remaining 50% is to be allocated to the opposition groups in proportion to the number of seats they hold.

On the question of parliamentary opposition group recognition and ranking, the terms of the agreement state that the parties agreed to recognize the Parti québécois as the Second Opposition Group and Québec solidaire as the Third Opposition Group for the duration of the 42nd Legislature, notwithstanding the provisions of National Assembly Standing Order 13.

The Assembly also adopted a temporary amendment to Standing Order 13, which provides that "each political party represented in the National Assembly following the 1 October 2018 general election shall constitute a parliamentary group".

However, as a result of the Member for Marie-Victorin's decision to sit as an independent Member, the parliamentary group formed by the Parti québécois now has fewer members than the parliamentary group formed by Québec solidaire.

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The question therefore is whether, under these circumstances, the Parti québécois may keep its title of Second Opposition Group.

It is important to begin by distinguishing between two distinct concepts, the first being a party's recognition as a parliamentary group and the second being the parliamentary groups' ranking within the Opposition.

The general election results are the determining factor in recognizing a party as a parliamentary group. When a political party meets the criteria set out in Standing Order 13, by either having at least 12 elected Members or obtaining at least 20% of the vote in the most recent general election, it forms a parliamentary group for the duration of the legislature, regardless of any changes that may arise over the course of that legislature. This means that, if a political party that won 12 seats in the election comes to have less than 12 Members at any given time in the course of the legislature, it will nonetheless continue to be recognized as a parliamentary group. Likewise, a party that obtained 20% of the vote in the last election will continue to be recognized as a parliamentary group even if it loses Members in the course of the legislature. However, if, in the course of a legislature, 12 Members decided to group together and sit as a new political party, that party could not be recognized as a parliamentary group because it would not have won seats in the last election or obtained votes as this party.

Since 2009, there have been two occasions on which the parties represented in the Assembly have agreed to change the criteria for recognizing parliamentary groups so that a party that did not meet the criteria provided for in the Standing Orders could still be considered a parliamentary group for the duration of the legislature. The first instance was at the beginning of the current legislature, to allow the Parti québécois and Québec solidaire to be recognized as parliamentary groups, and the second was during the 39th Legislature, to allow the Action démocratique du Québec to be recognized as a parliamentary group.

In both cases, the parliamentary groups were recognized for the duration of the legislature based on the most recent election results.

It was on that basis that, during the 39th Legislature, the Action démocratique du Québec maintained its status as a parliamentary group, when two Members left it to sit as independent Members. These same principles also explain why the Action démocratique du Québec lost its status as a parliamentary group when its Members, along with others, decided to sit under the name Coalition Avenir Québec, for which no Members had been elected in the most recent general election.

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In light of these principles and precedents, it seems clear that the Parti québécois must continue to be recognized as a parliamentary group, since it continues to meet the criteria agreed on for the duration of the 42nd Legislature.

Now, let us look at the parliamentary groups' ranking within the Opposition.

The agreement provides that, for the duration of the 42nd Legislature, on the basis of the 1 October 2018 election results, the political parties represented in the Assembly agree to recognize the Parti québécois as the Second Opposition Group and Québec solidaire as the Third Opposition Group.

It is important to point out that the order established in the agreement reflects the situation as it was at that time, that is, the Parti québécois and Québec solidaire each had 10 Members.

It was only because both parties returned the same number of Members in the 1 October 2018 general election that it was ultimately decided that the status of Second or Third Opposition Group would be assigned according to an objective criterion, namely the percentage of the vote obtained in the most recent election.

The agreement reached at the beginning of the legislature reflected the Assembly's composition at that time.

One can hardly argue that the agreement "freezes" the Assembly in the state it was in at the beginning of the legislature, without regard for changes that might arise in its composition.

An agreement between the political parties is usually concluded at the beginning of each legislature. Such agreements address the recognition of parliamentary groups, budgets, oversight measures and any other matter the parties wish to include. The Chair must regularly adjust the distribution and allocation provided for in such agreements to reflect the Assembly's composition.

In practice, a legislature does not remain static for four years. The Standing Orders provide that a Member who leaves a parliamentary group without joining another parliamentary group shall sit as an independent Member and that, conversely, a Member sitting as an independent Member may join a parliamentary group. Furthermore, any Member may resign in the course of a legislature, giving rise to a by-election that can also change the Assembly's composition.

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It would be contradictory for parliamentary law to allow changes in the Assembly's composition in the course of a legislature while "freezing" this composition as it was at the beginning of that legislature. It would also be odd to allow the Chair to modify the distribution of oversight measures, which are also a part of the agreement, while "freezing" the groups' rankings.

It is therefore difficult to justify that a party that now has 9 Members should occupy a higher rank than a party that has 10.

It is true that, throughout the 39th Legislature, the Action démocratique du Québec kept its Second Opposition Group status even after losing two Members. However, this did not call into question its ranking among the opposition groups, since it was already the parliamentary group with the fewest Members.

In determining a parliamentary group's ranking within the Opposition, the determining factor is the number of Members in that parliamentary group. This criterion has been used in the National Assembly since the 38th Legislature to establish which of two parliamentary groups will form the Official Opposition and which will form the Second Opposition Group.

Never has the Chair had to decide what would happen if the Second Opposition Group were to have more Members than the Official Opposition in the course of a legislature. However, the presiding officers of other Canadian legislative assemblies have had to rule on similar issues and have relied on the "number of Members" criterion to do so.

Just as the number of Members in a parliamentary group can change in the course of a legislature, so can a parliamentary group's status within the Opposition.

This is why, since the Parti québécois now has fewer Members than Québec solidaire, the latter shall henceforth be the Second Opposition Group and the Parti québécois shall be the Third Opposition Group.

The changes resulting from modifications to the distribution of measures and the new seating plan will be effective as of Thursday, 21 March 2019.

The President then tabled the following:

Tables indicating the distribution of measures and allocation of speaking times as well as the seat assignment for the purposes of the seating plan.

(Sessional Paper No. 442-20190320)

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Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Orders 53 and 59, Mrs. Massé, Leader of the Third Opposition Group, tabled the following:

A copy of a document by Québec solidaire on an economic transition plan for sustainable jobs in Québec entitled “Maintenant ou jamais – Plan de transition économique, 300 000 emplois verts pour le Québec”.

(Sessional Paper No. 443-20190320)

By leave of the Assembly to set aside Standing Orders 53 and 59, Mrs. Maccarone (Westmount–Saint-Louis) tabled the following:

A copy of a document by the group Parents pour toujours entitled “Lettre ouverte au premier ministre du Québec, M. François Legault”.

(Sessional Paper No. 444-20190320)

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mrs. Robitaille (Bourassa-Sauvé), together with Mrs. Girault, Minister of International Relations and La Francophonie, Mrs. Weil (Notre-Dame-de-Grâce), Mr. Arseneau (Îles-de-la-Madeleine), Mrs. Dorion (Taschereau), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly mark International Francophonie Day, held today, March 20;

THAT it recall that the survival of the French language outside Québec must be a priority and that we must work together to this end;

THAT it reaffirm its attachment to promoting the French language, to the values of democracy and justice and to the institutions of La Francophonie the world over;

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THAT it recall that Québec is a full-fledged member of the International Organisation of La Francophonie;

THAT the National Assembly applaud the cultural, social, scientific and sports-related exchanges between Québec and all other francophone and francophile States in order to nurture the ties that bind us and, thereby, make La Francophonie stronger and more prosperous, while promoting Québec's creativity, culture, knowledge and distinctive nature.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

Mr. Ouellet (René-Lévesque), together with Mr. Barrette (La Pinière), Mrs. Ghazal (Mercier), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved a motion on the F.-A.-Gauthier and MV Apollo ferries; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mr. Nadeau-Dubois (Gouin), together with Mrs. McCann, Minister of Health and Social Services, Mr. Fortin (Pontiac), Mr. Gaudreault (Jonquière), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly remind health institution management personnel that they must, as parapublic organizations, maintain high ethical standards and avoid conflicts of interest, or the appearance thereof, with private-sector businesses;

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THAT it remind the senior officers of these institutions that their primary mission is to serve the public interest and guarantee quality care for all Quebecers and that, to do so, they must defend health institutions' public nature and protect them from the undue influence of private-sector businesses at all times.

By leave of the Assembly, the motion was carried.

By leave of the Assembly to set aside Standing Order 185, Mrs. Roy, Minister of Culture and Communications, together with Mrs. Melançon (Verdun), Mrs. Perry Mélançon (Gaspé), Mr. Marissal (Rosemont), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly pay tribute to Mrs. Nicole Martin, a unique, unforgettable voice of Québec, and that it recognize her enormous contribution to Québec song throughout her brilliant career;

THAT, on behalf of the Québec nation, the National Assembly convey its most heartfelt condolences to Mrs. Nicole Martin's family and friends on the loss of this remarkably talented woman, who marked our culture over the past 50 years.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

At the request of Mrs. Gaudreault, Third Vice-President, the Assembly observed a minute of silence.

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Notices of Proceedings in Committees

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

- the Committee on Culture and Education, to continue its public hearings within the framework of special consultations on Bill 12, An Act to clarify the scope of the right to free education and to allow the regulation of certain financial contributions that may be required;
 - the Committee on Institutions, to undertake clause-by-clause consideration of Bill 1, An Act to amend the rules governing the appointment and dismissal of the Anti-Corruption Commissioner, the Director General of the Sûreté du Québec and the Director of Criminal and Penal Prosecutions;
 - the Committee on Health and Social Services, to hold public hearings within the framework of special consultations on Bill 7, An Act respecting certain terms of employment applicable to officers of the health and social services network.
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ORDERS OF THE DAY

Government Bills

Passage in Principle

Mr. Boulet, Minister of Labour, Employment and Social Solidarity, moved that Bill 10, An Act to amend the Pay Equity Act mainly to improve the pay equity audit process, do now pass in principle.

After debate thereon, the motion was carried, and Bill 10 was accordingly passed in principle.

Mr. Schneeberger, Deputy Government House Leader, moved that Bill 10 be referred to the Committee on Labour and the Economy for clause-by-clause consideration.

The motion was carried.

At 12.50 o'clock p.m., at the request of Mr. Schneeberger, Deputy Government House Leader, and by leave of the Assembly to set aside Standing Order 20, Mrs. Gaudreault, Third Vice-President, suspended the proceedings until 3.00 o'clock p.m.

The proceedings resumed at 3.00 o'clock p.m.

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Business Standing in the Name of Members in Opposition

Mr. Barrette (La Pinière) moved:

THAT the National Assembly ask the CAQ Government to honour its commitment to reimburse \$1.4 billion to Hydro-Québec customers.

Mr. Picard, First Vice-President, informed the Assembly of the allocation of speaking time for this limited debate: 10 minutes to the mover of the motion for his reply; 53 minutes 30 seconds to the parliamentary group forming the Government; 32 minutes 19 seconds to the parliamentary group forming the Official Opposition; 10 minutes 2 seconds to the Second Opposition Group; 11 minutes 9 seconds to the Third Opposition Group; and 1 minute 30 seconds to each independent Member. However, if only one independent Member takes part in the debate, that Member's speaking time is 2 minutes. Within this framework, any time not used by the independent Members or by a parliamentary group shall be redistributed among the parliamentary groups in the proportions established above. Lastly, individual addresses shall not be limited.

A debate arose thereon.

The debate being concluded, the question was put on the motion, and a recorded division was thereupon demanded.

At the request of Mr. Schneeberger, Deputy Government House Leader, the division was deferred until Routine Proceedings on the next sitting day.

Government Bills

Passage in Principle

Mr. Jolin-Barrette, Minister of Immigration, Diversity and Inclusiveness, moved that Bill 9, An Act to increase Québec's socio-economic prosperity and adequately meet labour market needs through successful immigrant integration, do now pass in principle.

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A debate arose thereon.

The debate was adjourned in the name of Mrs. Anglade (Saint-Henri–Sainte-Anne).

At 6.00 o'clock p.m., Mrs. Soucy, Second Vice-President, adjourned the Assembly until Thursday, 21 March 2019 at 9.40 o'clock a.m.

ROYAL ASSENT

On Wednesday, 20 March 2019 at 2.20 o'clock p.m. in the Office of the Lieutenant-Governor, in the presence of Mr. Picard, First Vice-President of the National Assembly, Mrs. Guilbault, Minister of Public Security, Mrs. Lachance (Bellechasse), Mrs. Lecours (Les Plaines) and Mr. Lemieux (Saint-Jean), Delegates of the Premier, of Mrs. Nichols (Vaudreuil), Delegate of the Leader of the Official Opposition, 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 bills:

- 8 An Act to amend the Civil Protection Act concerning financial assistance
- 11 An Act to amend the Deposit Insurance Act

FRANÇOIS PARADIS

President