



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 19 November 2019 — No. 83

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

The Assembly was called to order at 1.40 o'clock p.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. Jacques (Mégantic) made a statement to underline the launch of MRC du Haut-Saint-François's promotional campaign.

Mrs. Rizqy (Saint-Laurent) made a statement to underline Education Professionals' Week.

Mrs. Lecours (Lotbinière-Frontenac) made a statement to underline the 20th anniversary of the Thetford Mines organization Héritage Centre-Ville.

Mrs. Ménard (Laporte) made a statement to congratulate the Packers football team on winning the President's Cup.

Mrs. Samson (Iberville) made a statement to pay tribute to Mr. Alain Poirier for his 30 years as President of Soleno.

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Mrs. Ghazal (Mercier) made a statement to underline the 45th anniversary of the Comité logement du Plateau Mont-Royal.

Mrs. Foster (Charlevoix–Côte-de-Beaupré) made a statement to congratulate the Forces Avenir award-winners in Charlevoix–Côte-de-Beaupré riding.

Mr. Bérubé (Matane-Matapédia) made a statement to pay tribute to Mrs. Kathy Dodson on her 35-year teaching career and her community involvement.

Mr. Martel (Nicolet-Bécancour) made a statement to underline Mrs. Christine Sioui Wawanoloath's career as an Abenaki-Wendat multidisciplinary artist.

Mr. Lévesque (Chauveau) made a statement to underline International Men's Day.

At 1.52 o'clock p.m., Mrs. Soucy, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 2.00 o'clock p.m.

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Moment of reflection

Presenting Papers

Mr. Roberge, Minister of Education and Higher Education, tabled the following:

The 2018–2019 annual management report of the Commission d'évaluation de l'enseignement collégial.

(Sessional Paper No. 1174-20191119)

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

The 2018–2019 annual management report of the Centre intégré de santé et de services sociaux de la Gaspésie;

(Sessional Paper No. 1175-20191119)

The 2018–2019 annual report on the implementation of the complaints review procedure, user satisfaction and respect of user rights of the Centre intégré de santé et de services sociaux de la Gaspésie.

(Sessional Paper No. 1176-20191119)

The President tabled the following:

A copy of the notice of motion by Mrs. Maccarone (Westmount–Saint-Louis) to be placed on the *Order Paper and Notices* of Wednesday, 20 November 2019, under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 1177-20191119)

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Presenting Petitions

By leave of the Assembly to set aside Standing Order 63, Mrs. Perry Mélançon (Gaspé) tabled the following:

The abstract of a petition on bringing trains back to Gaspé, signed by 2,335 citizens of Québec.

(Sessional Paper No. 1178-20191119)

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, Mr. Legault, Premier, together with Mr. Arcand, Leader of the Official Opposition, Mrs. Massé, Leader of the Second Opposition Group, Mr. Bérubé, Leader of the Third Opposition Group, Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly mark the exceptional career of astronaut, astrophysicist, engineer and physician David Saint-Jacques;

THAT it recall that over the course of his 204 days in space, he became the first Quebecer to perform a spacewalk;

THAT it recognize and applaud his great contribution to promoting Québec ingenuity and expertise internationally;

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THAT the National Assembly express its immense gratitude toward Mr. Saint-Jacques and wish him the greatest success in his future endeavours.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

Mr. Fortin (Pontiac), together with Mr. Zanetti (Jean-Lesage), Mr. Gaudreault (Jonquière), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved a motion on Bill 399, An Act to establish a presumption of consent to organ or tissue donation after death; 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, House Leader of the Second Opposition Group, together with Mr. Roberge, Minister of Education and Higher Education, Mrs. Rizqy (Saint-Laurent), Mrs. Perry Mélançon (Gaspé), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly take note of the results of the Québec-wide study on student mental health published by the Quebec Student Union;

THAT it voice its concern in face of the study's findings that 58% of the university student population belongs to the general population's worst quintile as regards psychological distress indicators, that one out of five students exhibits symptoms of depression and should receive care and that there are three times more people with suicidal thoughts among the student population compared with the general population and twice as many suicide attempts;

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THAT the National Assembly ask the Québec Government to take the necessary measures as soon as possible to improve the mental health of students so that higher education institutions can put in place action plans intended to improve student mental health, in particular by improving their study conditions.

By leave of the Assembly, the motion was carried.

By leave of the Assembly to set aside Standing Order 185, Mr. Bérubé, Leader of the Third Opposition Group, together with Mrs. McCann, Minister of Health and Social Services, Mr. Fortin (Pontiac), Mrs. Massé, Leader of the Second Opposition Group, Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly mark 19 November as Québec Prostate Cancer Awareness Day;

THAT it reiterate that prostate cancer is the most widespread form of cancer among men in Québec;

THAT, every day, 12 Québec men are diagnosed with prostate cancer and approximately 890 die from this disease every year;

THAT it highlight the efforts of PROCURE, a charitable organization, which is dedicated exclusively to fighting prostate cancer through research, awareness-raising, education and support, and which reinvests all of the funds it raises exclusively in Québec.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

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Notices of Proceedings in Committees

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

- the Committee on Planning and the Public Domain, to continue its clause-by-clause consideration of Bill 16, An Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs;
- the Committee on Labour and the Economy, to continue its clause-by-clause consideration of Bill 27, An Act respecting mainly government organization as regards the economy and innovation;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 32, An Act mainly to promote the efficiency of penal justice and to establish the terms governing the intervention of the Court of Québec with respect to applications for appeal;
- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 37, An Act mainly to establish the Centre d'acquisitions gouvernementales and Infrastructures technologiques Québec.

Information on the Proceedings of the Assembly

The President issued a directive on the point of privilege raised by the Official Opposition House Leader on 13 November 2019 regarding Bill 49, An Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions, and the report on the implementation of the *Municipal Ethics and Good Conduct Act*.

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RULING FROM THE CHAIR

The last report on the implementation of the *Municipal Ethics and Good Conduct Act* was tabled in the Assembly on 26 February 2019. This report, which is submitted to the Government by the Minister of Municipal Affairs and Housing, must be tabled in the Assembly and then examined in parliamentary committee.

During a deliberative meeting held on 30 May 2019, the Committee on Planning and the Public Domain's steering committee proposed that the members of the Committee undertake examination of the report. However, the time at which this will be done has not yet been determined by the Committee.

In this context, the question is whether the fact that the report on the implementation of that Act has not yet been examined in committee prevents the introduction and consideration of a bill amending the Act in question.

Certain legislative provisions set a time limit for parliamentary committee examination of a report on an Act's implementation to ascertain the advisability of maintaining or amending it. In addition, some legislative provisions make it compulsory to examine a report tabled in the Assembly before modifying a legislative text. Such is the case of certain regulations whose originating Acts provide that they must be examined in parliamentary committee before being adopted by the Government.

In the case at hand, the *Municipal Ethics and Good Conduct Act* does not set out a specific time limit in which the Committee must examine the report, nor does it specify that such examination must be carried out before amending the Act.

Although there is no jurisprudence that specifically touches on a case of this nature, the Chair has, in the past, affirmed that neither a question raised on a violation of rights or privileges nor the *sub judice* rule may prevent the Assembly from legislating on any matter whatsoever. It would therefore be difficult to conclude that failure to examine a report on the implementation of an Act in committee could preclude the Assembly from playing its role as legislator.

As to the advisability of proceeding to amend an Act before the report on the Act's implementation is examined in committee, the Chair would like to share the following thoughts on the matter.

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On the one hand, parliamentary committees have all the autonomy necessary to decide when they wish to carry out a mandate provided for by law. Indeed, the mandates given to parliamentary committees in this manner, through a legislative provision, and designated as “mandates of quasi-initiative”, have the distinct characteristic of leaving committees with all the leeway necessary to organize and conduct these mandates, despite the legal obligation to carry them out.

On the other hand, parliamentary law has consistently recognized that the principle of Members’ legislative initiative is important and that it allows any Member, including ministers, to introduce bills at a time of their choosing.

The Chair is thus faced with two clearly affirmed legal principles. In such circumstances, could a committee, by not examining a report on the implementation of an Act, prevent the Government, or even a Member, from proposing that a bill that follows the report be considered? The Chair does not wish to answer this question in a peremptory fashion, given that nothing currently indicates that that will be the case. The bill has only just been introduced in the Assembly and, at this time, the Chair is not aware of the timeline the Committee wishes to give itself to carry out its proceedings.

One thing is certain, the purpose of section 50 of the *Municipal Ethics and Good Conduct Act*, which provides that the report on the implementation of the Act is to be examined by the committee having jurisdiction, is to allow parliamentarians to participate in the reflection on the implementation of the Act and on the advisability of amending it. In that respect, the observations, conclusions and recommendations that the Committee on Planning and the Public Domain might issue following an examination of the report on the implementation of the Act could most certainly help inform the debate on Bill 49, An Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions. It might therefore be well advised for examination of the report to take place before beginning consideration of Bill 49, or for it to at least be taken into account at some point during the various stages of the legislative process the bill will follow. It will be up to the Government House Leader and the members of the Committee on Planning and the Public Domain, respectively, to decide, bearing in mind the importance of parliamentarians’ role and of their contribution to developing a quality legislative corpus.

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Mrs. Soucy, Second Vice-President, informed the Assembly that on Wednesday, 20 November 2019, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mrs. Maccarone (Westmount–Saint-Louis).

This motion reads as follows:

THAT the National Assembly instruct the Committee on Health and Social Services to hold, on 22 and 23 January 2020, special consultations and public hearings on the services offered to people with autism, in particular when they reach full age;

THAT the Committee hear the following individuals and organizations, as well as any individuals or organizations it deems necessary to convene:

Autisme Québec, together with Autisme Montréal

Transforming Autism Care Consortium (TACC)

Autisme sans limites

Mr. Charles Lafortune, Vice-President of Creative Content, Pixcom

The Little Red Playhouse

Autism Speaks

Dr. Srividya Iyer, Assistant Professor, Department of Psychiatry, McGill University, and researcher at the Douglas Hospital Research Centre

Association des médecins psychiatres du Québec (AMPQ)

Association des directions générales des commissions scolaires (ADIGECS)

Association of Directors General of English School Boards of Québec (ADGESBQ)

SACCADE, Ms. Brigitte Harrison

Giant Steps School

Dr. Alexis Beauchamp-Châtel, Psychiatrist, Chief of Medical Service of the IUSMM's Adult Neurodevelopmental Psychiatry Program and Assistant Clinical Professor, Department of Psychiatry, Université de Montréal

Fédération québécoise de l'autisme

Coalition Autisme Québec

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Mr. Tung Tran, Acting Director of the Mental Health and Addiction Program, CIUSSS West-Central Montreal, together with Ms. Geneviève Chabot, Associate Director of Rehabilitation, CIUSSS West-Central Montreal;

THAT a period of 12 minutes be set aside for opening statements, allocated as follows: 6 minutes to the parliamentary group forming the Government, 4 minutes to the parliamentary group forming the Official Opposition, 1 minute to the Second Opposition Group and 1 minute to the Third Opposition Group;

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 35 minutes, allocated as follows: 17 minutes 30 seconds to the parliamentary group forming the Government, 11 minutes 40 seconds to the Official Opposition, 2 minutes 55 seconds to the Second Opposition Group and 2 minutes 55 seconds to the Third Opposition Group;

THAT the organization of proceedings be entrusted to the Committee's steering committee, including the preparation of the schedule according to any request for changes made by individuals and organizations.

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ORDERS OF THE DAY

Government Bills

Passage in Principle

Mr. Girard, Minister of Finance, moved that Bill 42, An Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and to various other measures, do now pass in principle.

After debate thereon, the motion was carried on division, and Bill 42 was accordingly passed in principle.

Mr. Schneeberger, Deputy Government House Leader, moved that Bill 42 be referred to the Committee on Public Finance for clause-by-clause consideration.

The motion was carried.

Passage in Principle

Mr. Roberge, Minister of Education and Higher Education, moved that Bill 40, An Act to amend mainly the Education Act with regard to school organization and governance, do now pass in principle.

A debate arose thereon.

At the end of her address, Mrs. Charbonneau (Mille-Îles) moved the following hoist motion:

THAT the motion under debate be amended by striking out the word “now” and by adding at the end thereof the words “this day twelve months hence”.

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At 5.23 o'clock p.m., Mr. Picard, First Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 5.29 o'clock p.m.

The hoist motion was ruled in order.

Mr. Picard, First Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate: 58 minutes 30 seconds to the parliamentary group forming the Government; 34 minutes 51 seconds to the parliamentary group forming the Official Opposition; 12 minutes 27 seconds to the Second Opposition Group; 11 minutes 12 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.

The Assembly entered upon the debate on the hoist motion moved by Mrs. Charbonneau (Mille-Îles).

Debates upon Adjournment

At 6.00 o'clock p.m., the Assembly held two debates upon adjournment:

- the first, on a question from Mr. Fortin (Pontiac) to Mrs. McCann, Minister of Health and Social Services, about Bill 399, An Act to establish a presumption of consent to organ or tissue donation after death, introduced on 5 November 2019;

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- the second, on a question from Mr. Polo (Laval-des-Rapides) to Mrs. Proulx, Minister for Regional Economic Development, about the CAQ Government's stubborn insistence despite numerous negative opinions presented concerning Bill 34, An Act to simplify the process for establishing electricity distribution rates.

At 6.25 o'clock p.m., Mr. Picard, First Vice-President, suspended the proceedings until 7.30 o'clock p.m.

The proceedings resumed at 7.30 o'clock p.m.

Government Bills

Passage in Principle

The Assembly continued the debate on the hoist motion moved by Mrs. Charbonneau (Mille-Îles) within the framework of the debate on the passage in principle of Bill 40, An Act to amend mainly the Education Act with regard to school organization and governance.

At the request of Mrs. Soucy, Second Vice-President, Mrs. Rizqy (Saint-Laurent) withdrew certain words deemed unparliamentary.

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

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The motion was negated on the following vote:

(Division No. **247** in Appendix)

Yeas: **38** Nays: **59** Abstentions: **0**

The Assembly continued the debate on the motion moved by Mr. Roberge, Minister of Education and Higher Education, that Bill 40, An Act to amend mainly the Education Act with regard to school organization and governance, do now pass in principle.

The debate was adjourned in the name of Mrs. Rizqy (Saint-Laurent).

At 9.30 o'clock p.m., Mrs. Soucy, Second Vice-President, adjourned the Assembly until Wednesday, 20 November 2019 at 9.40 o'clock a.m.

FRANÇOIS PARADIS

President

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APPENDIX

Recorded Divisions

On the hoist motion moved by Mrs. Charbonneau (Mille-Îles):

(Division No. 247)

YEAS - 38

Anglade (<i>QLP</i>)	Derraji (<i>QLP</i>)	Leduc (<i>QS</i>)	Perry Mélançon (<i>PQ</i>)
Arcand (<i>QLP</i>)	Fontecilla (<i>QS</i>)	Leitão (<i>QLP</i>)	Polo (<i>QLP</i>)
Arseneau (<i>PQ</i>)	Fortin (<i>QLP</i>)	Maccarone (<i>QLP</i>)	Rizqy (<i>QLP</i>)
Barrette (<i>QLP</i>)	Gaudreault (<i>PQ</i>)	Marissal (<i>QS</i>)	Robitaille (<i>QLP</i>)
Benjamin (<i>QLP</i>)	(<i>Jonquière</i>)	Melançon (<i>QLP</i>)	Rotiroti (<i>QLP</i>)
Bérubé (<i>PQ</i>)	Ghazal (<i>QS</i>)	Ménard (<i>QLP</i>)	Rousselle (<i>QLP</i>)
Birnbaum (<i>QLP</i>)	Hivon (<i>PQ</i>)	Montpetit (<i>QLP</i>)	Sauvé (<i>QLP</i>)
Charbonneau (<i>QLP</i>)	Kelley (<i>QLP</i>)	Nadeau-Dubois (<i>QS</i>)	Tanguay (<i>QLP</i>)
Ciccone (<i>QLP</i>)	Labrie (<i>QS</i>)	Nichols (<i>QLP</i>)	Thériault (<i>QLP</i>)
David (<i>QLP</i>)	LeBel (<i>PQ</i>)	Ouellet (<i>PQ</i>)	
	(<i>Rimouski</i>)		

NAYS - 59

Allaire (<i>CAQ</i>)	Fitzgibbon (<i>CAQ</i>)	Lamontagne (<i>CAQ</i>)	Poulin (<i>CAQ</i>)
Bachand (<i>CAQ</i>)	Foster (<i>CAQ</i>)	Lamothe (<i>CAQ</i>)	Proulx (<i>CAQ</i>)
Bélanger (<i>CAQ</i>)	Girard (<i>CAQ</i>)	Lavallée (<i>CAQ</i>)	(<i>Côte-du-Sud</i>)
Blais (<i>CAQ</i>)	(<i>Lac-Saint-Jean</i>)	LeBel (<i>CAQ</i>)	Provençal (<i>CAQ</i>)
(<i>Abitibi-Ouest</i>)	Girard (<i>CAQ</i>)	(<i>Champlain</i>)	Reid (<i>CAQ</i>)
Boulet (<i>CAQ</i>)	(<i>Groulx</i>)	Lecours (<i>CAQ</i>)	Rouleau (<i>CAQ</i>)
Bussière (<i>CAQ</i>)	Grondin (<i>CAQ</i>)	(<i>Lotbinière-Frontenac</i>)	Roy (<i>CAQ</i>)
Caire (<i>CAQ</i>)	Guilbault (<i>CAQ</i>)	Lecours (<i>CAQ</i>)	(<i>Montarville</i>)
Campeau (<i>CAQ</i>)	Guillemette (<i>CAQ</i>)	(<i>Les Plaines</i>)	Samson (<i>CAQ</i>)
Carmant (<i>CAQ</i>)	Hébert (<i>CAQ</i>)	Lefebvre (<i>CAQ</i>)	Simard (<i>CAQ</i>)
Charest (<i>CAQ</i>)	Isabelle (<i>CAQ</i>)	Lemay (<i>CAQ</i>)	Skeete (<i>CAQ</i>)
Charette (<i>CAQ</i>)	Jacques (<i>CAQ</i>)	Lemieux (<i>CAQ</i>)	Tardif (<i>CAQ</i>)
Chassin (<i>CAQ</i>)	Jeannotte (<i>CAQ</i>)	Lévesque (<i>CAQ</i>)	(<i>Laviolette-Saint-Maurice</i>)
D'Amours (<i>CAQ</i>)	Jolin-Barrette (<i>CAQ</i>)	(<i>Chapleau</i>)	Tardif (<i>CAQ</i>)
Dansereau (<i>CAQ</i>)	Lachance (<i>CAQ</i>)	Lévesque (<i>CAQ</i>)	(<i>Rivière-du-Loup</i> – <i>Témiscouata</i>)
Dubé (<i>CAQ</i>)	Lacombe (<i>CAQ</i>)	(<i>Chauveau</i>)	Thouin (<i>CAQ</i>)
Dufour (<i>CAQ</i>)	Laforest (<i>CAQ</i>)	Martel (<i>CAQ</i>)	Tremblay (<i>CAQ</i>)
Émond (<i>CAQ</i>)	Laframboise (<i>CAQ</i>)	Picard (<i>CAQ</i>)	
		(<i>Soulanges</i>)	