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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

## **Votes and Proceedings**

**of the Assembly**

**Friday, 6 December 2019 — No. 93**

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

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

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## **ROUTINE PROCEEDINGS**

### **Statements by Members**

Mrs. IsaBelle (Huntingdon) made a statement to congratulate Mrs. Chantal Van Winden on being named Agricultural Entrepreneur at the Gala Saturne.

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Mrs. Melançon (Verdun) made a statement to congratulate Société de développement commercial Wellington on the prize awarded to Promenade Wellington by Opération patrimoine Montréal.

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Mr. Schneeberger (Drummond-Bois-Francs) made a statement to underline the 40th anniversary of the Association des bénévoles de l'Hôpital Sainte-Croix.

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Mrs. Gaudreault (Hull) made a statement to underline the 40th anniversary of Centre d'entraide aux aînés.

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Mrs. Grondin (Argenteuil) made a statement to encourage citizens not to drive while intoxicated but rather to use designated driver services.

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**6 December 2019**

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Mr. Zanetti (Jean-Lesage) made a statement to encourage citizens to take inspiration from the values of young persons involved with L'Évasion Saint-Pie X.

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Mrs. Proulx (Côte-du-Sud) made a statement to underline the success of La Pocatière's charity event Défi Everest.

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Mr. LeBel (Rimouski) made a statement to pay tribute to the volunteers at the CKMN-FM community radio station.

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Mr. Provençal (Beauce-Nord) made a statement to underline the 30th anniversary of the Le Forgeron d'or jewelry store.

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Mrs. Dansereau (Verchères) made a statement to underline the 25th anniversary of the Fondation Centre d'accueil de Contrecoeur.

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At 9.52 o'clock a.m., Mrs. Soucy, Second Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 10.02 o'clock a.m.

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Moment of reflection

### **Presenting Papers**

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

The Government's reply to a petition tabled on 6 November 2019 by Mrs. Ghazal (Mercier) on the SQDC's request to adopt a more ecological packaging policy.

(Sessional Paper No. 1272-20191206)

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The President tabled the following:

A letter, dated 6 December 2019, he had received from Mr. François Legault, Premier, asking that the President take the necessary measures for the National Assembly to meet for extraordinary sittings on Saturday, 7 December 2019, beginning at 9.00 o'clock a.m., according to the calendar and timetable to be determined by the Assembly, in order to conclude consideration of Bill 34, An Act to simplify the process for establishing electricity distribution rates;

(Sessional Paper No. 1273-20191206)

The report of the Office of the National Assembly, adopted on 5 December 2019, following a motion carried on 14 June 2019 conferring on it the mandate to determine which best practices to implement to ensure that the employment conditions of all Members are regularly assessed in a fully independent manner;

(Sessional Paper No. 1274-20191206)

The President then tabled the following decisions of the Office of the National Assembly, dated 28 November 2019:

Decision 2059 concerning the Règlement modifiant le Règlement sur le Plan d'organisation administrative de l'Assemblée nationale (regulation to amend the regulation respecting the administrative organization plan of the National Assembly);

(Sessional Paper No. 1275-20191206)

Decision 2060 concerning the Règlement concernant la promotion et l'attribution de la rémunération de la directrice des communications et de l'expérience visiteur (regulation respecting the promotion of and the granting of remuneration to the Director of Communications and Visitor Experience);

(Sessional Paper No. 1276-20191206)

Decision 2061 concerning the Règlement modifiant le Règlement sur les ressources financières attribuées à la Commission spéciale sur l'exploitation sexuelle des mineurs (regulation to amend the regulation on the financial resources allocated to the Select Committee on the Sexual Exploitation of Minors);

(Sessional Paper No. 1277-20191206)

Decision 2062 concerning the Règlement modifiant les Règles de procédure du Bureau de l'Assemblée nationale (regulation to amend the regulation on the rules of procedure of the Office of the National Assembly);

(Sessional Paper No. 1278-20191206)

Decision 2063 concerning the Règlement modifiant le Règlement sur la gestion financière et administrative (regulation to amend the regulation respecting financial and administrative management);

(Sessional Paper No. 1279-20191206)

Decision 2064 concerning the Règlement modifiant le Règlement sur la rémunération et les conditions de travail du personnel d'un député et d'autres dispositions réglementaires (regulation to amend the regulation respecting the remuneration and conditions of employment of the staff of Members and other regulatory provisions).

(Sessional Paper No. 1280-20191206)

### **Complaints of Breach of Privilege or Contempt and Personal Explanations**

The President ruled on two points of privilege or contempt raised on 3 December 2019 by the Official Opposition House Leader and on 5 December 2019 by the Leader of the Second Opposition Group, respectively.

The Official Opposition House Leader alleges, for his part, that a breach of rights or privileges of the Members of the Assembly was committed when privileged information was transmitted by the Government to third parties, including a journalist, regarding Bill 52, An Act to strengthen the complaint examination process of the health

and social services network, in particular for users receiving services from private institutions, and did so before it was introduced in the Assembly.

The question raised by the House Leader of the Second Opposition Group touches on an advertisement published by the Minister of Families in a newspaper in his riding, in which he announce to readers that Bill 40, An Act to amend mainly the Education Act with regard to school organization and governance, had been passed even though, in reality, the bill was still at the stage of clause-by-clause consideration by a parliamentary committee.

#### RULING FROM THE CHAIR

Parliamentary jurisprudence has often considered questions related to the communication of information regarding bills. The Chair has always held that MNAs' desire to inform the population about parliamentary proceedings is not reprehensible and that, on the contrary, it is their duty to do so. However, public communication regarding bills must be made in accordance with the rules and with jurisprudence, which is clear and constant on this subject. Three central principles must guide Members' actions when they disclose or communicate information relating to a bill.

Firstly, Members must be the first to be apprised of information that is intended for them. Thus, as far as bills are concerned, their content must remain confidential until the Assembly has consented to the bill's introduction.

Secondly, as there can be no certainty as to whether a bill introduced in the Assembly will be passed or as to what its content will be at the time of its passage, communications regarding the legislative process should be worded with restraint and clearly specify the role to be played by the Assembly and its Members.

Thirdly, information disseminated with respect to parliamentary proceedings must reflect reality.

Anyone who does not respect these rules, which exist to ensure that the voice of democracy expressed through parliamentary proceedings is respected, exposes himself or herself to a charge of contempt of Parliament, meaning any act or omission that has the effect of undermining the authority or dignity of the Assembly or of its Members, or that has the effect of discrediting them.

As regards the first point, after having examined the content of Bill 52, the Chair notes that some of the elements identified in the news article to which the Official Opposition House Leader refers in support of his question are indeed in the bill, while some others are not. Likewise, the Chair remarks that the bill covers other aspects that are not mentioned in the news article.

It seems apparent that the journalist had access to information in order to write the article, but that does not necessarily mean that the journalist had been given the text itself or details about the bill's content. It begs the question: due to the amount of detail in the newspaper article, must one inevitably conclude that there has been contempt of Parliament?

Parliamentary jurisprudence has oftentimes affirmed that it is crucial for Members, and not journalists, to be informed first of the information that is intended for them. It is not only a matter of respecting parliamentarians, but also of respecting the important duties of their office and the essential role they play in society as legislators.

That being said, although jurisprudence has clearly established that communicating the text of a bill before its introduction is prohibited, it has also affirmed on many occasions that this does not prevent the government from communicating its intention to propose certain measures via a bill to be introduced, nor from disclosing the general policy directions contained in such a bill.

It may sometimes seem difficult to distinguish the disclosure of details of a bill's content, as described by jurisprudence, from the communication of the bill's general policy directions. While the former would constitute *prima facie* contempt of Parliament, the latter has always been allowed.

If a journalist has access to certain elements of a bill before the bill's introduction, but there is no evidence the Minister made a formal communication to make the bill public and if, moreover, the text conveyed in the news article is inconsistent with the text introduced in the Assembly, jurisprudence has until now not considered that this would constitute contempt that is receivable at first glance.

In light of the facts and the status of parliamentary law, the Chair therefore cannot conclude that *prima facie* contempt was committed with regard to this point.



Nonetheless, all Members, and in particular the Members of the Executive Branch who introduce most of the bills debated in this Chamber, must be highly vigilant when communicating information regarding a bill that has not yet been introduced. This warning is also intended for the people in a minister's entourage who have access to privileged information, which access is intended solely for the purpose of performing their work and in keeping with the principle of confidentiality.

A bill is first and foremost a parliamentary document that is closely tied to the Assembly's principal function, which is to legislate. The Assembly must be the first to be apprised of the contents of a bill, not for symbolic reasons, but because that is its fundamental role.

Sometimes, there is a fine line between what can be communicated about a bill that has not yet been introduced and what can't. A simple way to exercise caution would be to wait until the Assembly consents to introducing a bill before discussing its content with third parties. This solution, which is far from unreasonable, would ensure that parliamentarians' and Parliament's roles are respected, and it would prevent unfortunate situations in which Members feel their right, which is to be the first to be apprised of the details of a legislative measure they will be asked to comment on, examine and vote on, has been undermined.

As for the second point, the Chair recalls that Bill 40 was introduced in the Assembly on 1 October 2019, that it was the object of special consultations in parliamentary committee, that a debate on passage of its principle was held in the Assembly and that it is currently in committee for clause-by-clause consideration.

Under these circumstances, the Chair finds it difficult to understand how the Minister of Families' advertisement could contain inaccurate information regarding the parliamentary proceedings in relation to this bill.

Although the Minister tweeted that the error in question had been made in good faith by an employee of his riding office, the Chair recalls that Members are responsible for the publications disseminated by persons acting on their behalf and that they must ensure that their staff is minimally aware of Parliament's role and of the business conducted there.

**6 December 2019**

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That being said, contempt of Parliament is a serious matter and the Chair must thoroughly analyze the facts and the circumstances before declaring that a point of privilege is receivable on those grounds. It is therefore important to place the publication at issue in its context.

The Chair notes that the action taken does not seem to denote any ill intentions on the part of the Minister. Nor is the Minister availing himself of a provision still under consideration in order to take an action that he wouldn't be empowered to take unless the provision was passed. Lastly, it does not undermine parliamentarians' role nor that of the Parliament by implying anything whatsoever in that respect.

In analyzing the facts, the Chair must also take into account the prompt publication of an erratum note in the newspaper's digital edition and on the Minister's social media accounts to rectify the inaccurate information disseminated in the initial publication. These actions were taken swiftly so that no doubt would remain as to the message that should have been communicated, which was the proper thing to do.

However, it would have been appropriate for the Minister to have thought to make amends to his parliamentary colleagues out of respect for their legislative work, either in his erratum note, in the context of our parliamentary proceedings or by any other means used with the same intention.

After an overall analysis of the context, it seems that this incident can be put down to bungling rather than a deliberate attempt to undermine the authority or dignity of the Assembly and its Members: an employee acted too hurriedly or was ill-informed and did not take the time to make minimal verifications before launching a publication into the public sphere. It is regrettable, but these facts in and of themselves do not seem serious enough to convene the Committee on the National Assembly for an inquiry. Despite the misstep in the publication, parliamentary work on Bill 40 was not compromised and continues to run its course. For this reason, the Chair cannot conclude, in light of the facts analyzed, that the incident gives rise to contempt of Parliament.

### **Oral Questions and Answers**

The Assembly proceeded to Oral Question Period.

**6 December 2019**

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**Motions Without Notice**

By leave of the Assembly to set aside Standing Orders 84.3 and 185, Mr. Arcand, Leader of the Official Opposition, together with Mr. Legault, Premier, Mrs. Massé, Leader of the Second Opposition Group, Mrs. Hivon (Joliette), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly mark the 30th anniversary of the Polytechnique tragedy, which occurred on 6 December 1989;

THAT it honour the memory of the 14 young women who unjustly lost their lives during this anti-feminist attack;

THAT it reiterate that equality and respect between women and men are fundamental values of our society;

THAT it strongly denounce all forms of violence perpetrated against women;

THAT it bring attention to 12 Days of Action to End Violence against Women, an initiative encouraging the reporting of such violence and the supporting of actions to fight it;

THAT, lastly, the Members of the National Assembly observe a minute of silence in their memory.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

At the request of Mrs. Soucy, Second Vice-President, the Assembly observed a minute of silence.

**6 December 2019**

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Mrs. Massé, Leader of the Second Opposition Group, together with Mrs. Montpetit (Maurice-Richard), Mr. Gaudreault (Jonquière), Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved a motion on the signing of the Paris Agreement; this motion could not be debated for want of unanimous consent.

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By leave of the Assembly to set aside Standing Order 185, Mr. Bérubé, Leader of the Third Opposition Group, together with Mr. Legault, Premier, Mr. Arcand, Leader of the Official Opposition, Mrs. Massé, Leader of the Second Opposition Group, Mr. Ouellette (Chomedey) and Mrs. Fournier (Marie-Victorin), moved:

THAT the National Assembly encourage Quebecers to make most of their Christmas purchases at local businesses and retailers, and to include as much local produce and food items as possible in their holiday meals to encourage the Québec economy and our agricultural producers.

By leave of the Assembly, the motion was carried.

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Mrs. Guilbault, Minister of Public Security, together with Mr. Ouellet (René-Lévesque) and Mr. Ouellette (Chomedey), moved a motion on the fight against corruption; this motion could not be debated for want of unanimous consent.

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Mrs. Fournier (Marie-Victorin), together with Mr. Marissal (Rosemont), Mr. Ouellet (René-Lévesque) and Mr. Ouellette (Chomedey), moved a motion on imposing taxes on goods and services purchased online; this motion could not be debated for want of unanimous consent.

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**6 December 2019**

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By leave of the Assembly to set aside Standing Orders 84.1 and 185, Mr. Nadeau-Dubois, House Leader of the Second Opposition Group, together with Mr. Lefebvre, Chief Government Whip, Mrs. Ménard, Chief Official Opposition Whip, and Mr. Ouellet, House Leader of the Third Opposition Group, moved:

THAT the National Assembly receive the progress report produced by the Office of the National Assembly on the “independent process for determining the employment conditions of all Members”;

THAT all political groups and independent Members reaffirm their commitment to the motion unanimously carried on 14 June 2019 which recognizes that “the process of determining the National Assembly Members’ employment conditions must be impartial and autonomous to ensure the ongoing confidence of Quebecers in MNAs and in the National Assembly” and which states that “determining the employment conditions of regular MNAs and ministers cannot be done in a piecemeal manner but, rather, must be part of a fully comprehensive examination”;

THAT the National Assembly give the Office of the National Assembly a mandate to continue its proceedings with a view to tabling a final report no later than 20 February 2020;

THAT, lastly, this motion become an order of the Assembly.

By leave of the Assembly, the motion was carried.

### **Notices of Proceedings in Committees**

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

- the Committee on Labour and the Economy, to continue its clause-by-clause consideration of Bill 15, An Act respecting the Société de développement et de mise en valeur du Parc olympique;

**6 December 2019**

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- 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;
- the Committee on Culture and Education, to continue its clause-by-clause consideration of Bill 40, An Act to amend mainly the Education Act with regard to school organization and governance;
- the Committee on Transportation and the Environment, to undertake its public hearings within the framework of special consultations on Bill 44, An Act mainly to ensure effective governance of the fight against climate change and to promote electrification.

And, by leave of the Assembly to set aside Standing Order 143.2, he convened the following committee:

- the Committee on Institutions, to undertake its public hearings within the framework of special consultations on Bill 39, An Act to establish a new electoral system.

#### **Information on the Proceedings of the Assembly**

By leave of the Assembly to set aside Standing Order 20, the proceedings continued past 1.00 o'clock p.m.

6 December 2019

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## ORDERS OF THE DAY

### Government Bills

#### *Passage*

Mrs. Laforest, Minister of Municipal Affairs and Housing, moved the passage of Bill 47, An Act to ensure the implementation of certain measures of the 2020–2024 partnership agreement between the Gouvernement du Québec and the municipalities.

After debate thereon, the motion was carried and, accordingly, Bill 47, An Act to ensure the implementation of certain measures of the 2020–2024 partnership agreement between the Gouvernement du Québec and the municipalities, was passed.

Mr. Fitzgibbon, Minister of Economy and Innovation, moved the passage of Bill 27, An Act respecting mainly government organization as regards the economy and innovation.

After debate thereon, the motion was carried and, accordingly, Bill 27, An Act respecting mainly government organization as regards the economy and innovation, was passed.

### Private Bills

#### *Passage in Principle*

Mr. Thouin (Rousseau) moved that Private Bill 206, An Act to amend the Act respecting the charter of the Coopérative fédérée de Québec, do now pass in principle.

After debate thereon, the motion was carried, and Private Bill 206 was accordingly passed in principle.

**6 December 2019**

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*Passage*

Mr. Thouin (Rousseau) moved the passage of Private Bill 206, An Act to amend the Act respecting the charter of the Coopérative fédérée de Québec.

The motion was carried and, accordingly, Private Bill 206 was passed.

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*Passage in Principle*

Mr. Girard (Lac-Saint-Jean) moved that Private Bill 208, An Act concerning the transfer of a right of emphyteusis to the Ville d'Alma, do now pass in principle.

After debate thereon, the motion was carried, and Private Bill 208 was accordingly passed in principle.

*Passage*

By leave of the Assembly to set aside Standing Order 22, Mr. Girard (Lac-Saint-Jean) moved the passage of Private Bill 208, An Act concerning the transfer of a right of emphyteusis to the Ville d'Alma.

The motion was carried and, accordingly, Private Bill 208 was passed.

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*Passage in Principle*

Mrs. Perry Mélançon (Gaspé) moved that Private Bill 205, An Act respecting Ville de Gaspé, do now pass in principle.

After debate thereon, the motion was carried, and Private Bill 205 was accordingly passed in principle.



**6 December 2019**

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*Passage*

Mrs. Perry Mélançon (Gaspé) moved the passage of Private Bill 205, An Act respecting Ville de Gaspé.

The motion was carried and, accordingly, Private Bill 205 was passed.

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*Passage in Principle*

Mrs. Perry Mélançon (Gaspé) moved that Private Bill 207, An Act respecting Ville de Murdochville, do now pass in principle.

After debate thereon, the motion was carried, and Private Bill 207 was accordingly passed in principle.

*Passage*

By leave of the Assembly to set aside section 35 of the Rules for the Conduct of Proceedings governing private bills, Mrs. Perry Mélançon (Gaspé) moved the passage of Private Bill 207, An Act respecting Ville de Murdochville.

The motion was carried and, accordingly, Private Bill 207 was passed.

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*Passage in Principle*

Mrs. Richard (Duplessis) moved that Private Bill 204, An Act respecting the establishment of a special taxation scheme for Port of Havre-Saint-Pierre, do now pass in principle.

**6 December 2019**

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After debate thereon, the motion was carried, and Private Bill 204 was accordingly passed in principle.

*Passage*

Mrs. Richard (Duplessis) moved the passage of Private Bill 204, An Act respecting the establishment of a special taxation scheme for Port of Havre-Saint-Pierre.

The motion was carried and, accordingly, Private Bill 204 was passed.

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At 1.31 o'clock p.m., Mrs. Soucy, Second Vice-President, adjourned the Assembly until Saturday, 7 December 2019 at 9.00 o'clock a.m.

**FRANÇOIS PARADIS**

*President*