



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 29 April 2021 — No. 185

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

The Assembly was called to order at 9:42 a.m.

ROUTINE PROCEEDINGS

Statements by Members

Ms. Hébert (Saint-François) made a statement to underline the holding of the 20th edition of the Gala des Bravos of the Centre de services scolaire de la Région-de-Sherbrooke.

Mr. Benjamin (Viau) made a statement to pay tribute to youth organizations in the Viau riding.

Mr. Lefebvre (Arthabaska) made a statement to underline the retirement of Mr. Martin Leblond, director of Victoriaville's Service de la sécurité publique.

Ms. Maccarone (Westmount–Saint-Louis) made a statement to congratulate the Bursary of the MNA for Westmount–Saint-Louis recipients.

Ms. IsaBelle (Huntingdon) made a statement to pay tribute to singer Ms. Véronique Labbé.

Mr. Marissal (Rosemont) made a statement to express solidarity and support for families in the Rosemont riding affected by the housing crisis.

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Ms. Lecours (Lotbinière-Frontenac) made a statement to pay tribute to Mr. Mario Grenier, Mayor of Saint-Sylvestre.

Mr. Bérubé (Matane-Matapédia) made a statement to underline Mr. Pierre D'Amours's contribution to developing the town of Amqui.

Mr. Skeete (Sainte-Rose) made a statement to recognize the work of Laval's Intervention Centre in Sexual Delinquency.

Mr. Girard (Lac-Saint-Jean) made a statement to underline the 1st anniversary of the assistance fund Mon Voisin, je m'en occupe.

By leave of the Assembly to set aside Standing Orders 54.1 and 54.3, Mr. Ouellet (René-Lévesque) made a statement to pay tribute to hockey coach Mr. Allen Morissette.

At 9:55 a.m., the President suspended the proceedings for a few minutes.

The proceedings resumed at 10:03 a.m.

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Moment of reflection

Presenting Papers

Mr. Jolin-Barrette, Government House Leader, tabled the following on behalf of Mr. Girard, Minister of Finance:

The 2020–2023 strategic plan of Loto-Québec.
(Sessional Paper No. 2514-20210429)

He then tabled the following on behalf of Mr. Julien, Minister of Energy and Natural Resources:

The report on Québec's inactive oil wells of the Ministère de l'Énergie et des Ressources naturelles – March 2021.
(Sessional Paper No. 2515-20210429)

Lastly, he tabled the following:

The reply to a written question from Mr. Zanetti (Jean-Lesage) on the professional practice of chemistry and the framework for the profession of microbiologist – Question No. 221, *Order Paper and Notices* of 25 March 2021.
(Sessional Paper No. 2516-20210429)

The President tabled the following decisions of the Office of the National Assembly, dated 22 April 2021:

Decision 2161 concerning the Règlement concernant la mutation et la promotion d'une candidate au poste de cheffe de Service des opérations et de la protection (regulation respecting the transfer and promotion of a candidate to the position of head of the Service des opérations et de la protection).
(Sessional Paper No. 2417-20210429)

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He then tabled the following:

The Ethics Commissioner's inquiry report to the President of the National Assembly on Mr. Louis-Charles Thouin, Member for Rousseau, entitled "Rapport d'enquête de la commissaire à l'éthique et à la déontologie au président de l'Assemblée nationale, au sujet de M. Louis-Charles Thouin, député de Rousseau".
(Sessional Paper No. 2518-20210429)

Presenting Petitions

Ms. Hivon (Joliette) tabled the following:

The abstract of a petition on improving support for parents who assist their children in their educational path.

(Sessional Paper No. 2519-20210429)

Complaints of Breach of Privilege or Contempt and Personal Explanations

The President ruled on the point of privilege or contempt raised by the Government House Leader on 15 April 2021 immediately after the introduction of Bill 790, An Act to amend the Act respecting labour relations, vocational training and workforce management in the construction industry to right the power imbalance.

The Government House Leader alleges that a third party had access to the bill's text before the bill's introduction, which would constitute contempt of Parliament. To support his allegation, he stated that, on the day before the bill was introduced, FTQ-Construction published a press release on its website that made reference to the bill's title and number, the measures it contains and its date of introduction.

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RULING FROM THE CHAIR

The Chair recalls that its role is to determine whether the facts submitted constitute *prima facie* contempt of Parliament. When it performs this role, it must rely on jurisprudence and the principles that arise therefrom. It must also analyze the facts that are brought to its attention.

According to parliamentary jurisprudence, contempt of Parliament is any act or omission that hinders the work of the Assembly or the Members or that undermines their authority or dignity.

A cardinal principle arises from various rulings rendered in this regard, in particular during the current legislature: Members must be the first to be apprised of information that is intended for them. It follows that this information must remain confidential until it is officially disclosed, in accordance with the rules of parliamentary procedure.

As regards legislative matters in particular, the Chair reiterates the applicable rule: all bills must remain confidential until the Assembly has carried the bill's introduction.

The Chair must further examine four elements of the bill that were allegedly disclosed prematurely, that is, the bill's title, text, date of introduction and number.

As regards the bill's title, it was included under "Notices Appearing for the First Time" on the *Order Paper* the day before the bill's introduction. It therefore obviously became public at the time the *Order Paper and Notices* was published on the Assembly's website. However, the press release in question was published after the *Order Paper*. It therefore cannot be concluded that the Assembly's rights have been breached on this basis.

As for the bill's content, great caution must be taken when a parliamentarian communicates information about it. Special caution is especially called for when the title provides a good overview of the content of legislative measures, as is the case for Bill 790, which consists of three sections. In fact, in this context, there may not be much difference between the general policy directions and the bill's text.

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These rules were established to protect each Member's ability to fulfill his or her role as a legislator and representative of the people of Québec.

It is not reprehensible to want to inform the public about parliamentary proceedings, on the contrary. Members have a legislative duty to do so. However, it is important to ensure that the communication of a bill's general policy directions does not lead to the disclosure of all or most of its content.

The rule that parliamentarians must be the first to be apprised of information that is intended for them applies to all Members, regardless of their role in the legislative process. Each Member is responsible for ensuring that the rules of confidentiality are well understood and applied by every person involved in parliamentary work. This also applies to opposition members and is important to avoid compromising the confidentiality of specific legislative measures contained in a bill. Jurisprudence has often stated that a bill's general policy directions may be communicated and this statement still holds true. However, the more targeted the measure introduced and the fewer sections it contains, the more the fact of discussing it before its introduction may raise issues. This is a cautionary note as regards the degree of prudence that the Chair expects from each parliamentarian and the line they must take care not to approach too closely.

The confidentiality of a bill's content does not apply to the author's choice of date to introduce the bill. Each Member is free to choose the most appropriate time to submit a proposal to the Assembly for consideration and he or she is free to announce or not to announce the date on which he or she wishes to do so. Of course, that information is strategic and the timing of the bill's introduction requires a certain confidentiality, because a group may want to keep it secret until the last minute. However, this strategic aspect of a bill's date of introduction is not of the same nature as other information that is reserved first and foremost for parliamentarians and whose disclosure may constitute contempt of Parliament.

Regarding the question of communicating the bill's number, it is true that the number alone does not reveal any of the substance of the bill to which it is assigned. However, the number is assigned near the end of the drafting process and appears on the cover page of the official document tabled in the Assembly. Parliamentarians therefore do indeed have reason to be concerned that a third party may have had access to this information before them. Some may conclude, rightly or wrongly, that a third party had access to the bill's final draft.

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In this case, it would appear that the bill's number was leaked as a result of a mistake made while texting rather than a deliberate attempt to undermine the authority or dignity of the Assembly and its Members by sending a copy of the bill. The Chair also takes into account the House Leader of the Second Opposition Group's apology on behalf of the Member for Hochelaga-Maisonneuve, which was the appropriate thing to do in the circumstances.

That said, given that the bill number becomes public only once the introduction stage is completed and copies of the bill on which the number appears are made available to Members, such a disclosure should not be made again, as the Chair may be less understanding now that parliamentarians are aware of the issue.

As to whether the union had access to the bill's text before the bill's introduction, the House Leader of the Second Opposition Group categorically states that the text was not provided to the union and that if the union were able to write the press release in question, it was because it had recourse to documents it published several months or even years ago on the subject, the matter being the subject of a long-standing union request.

The Chair acknowledges these explanations, which are corroborated by the documents tabled, and observes that, in light of the facts and explanations provided, there is no reason to believe that the House Leader of the Second Opposition Group's word should not be taken when he affirms that the Member or the staff of the House Leader of the Second Opposition Group did not breach the bill's confidentiality.

In light of all the facts submitted and after having given closer consideration to each of the elements the Government House Leader raised in his question, the Chair cannot conclude that the Member acted in contempt of Parliament in the circumstances and therefore declares that the point of privilege or contempt is out of order.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

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By leave of the Assembly to set aside Standing Orders 53 and 59, Ms. Rizqy (Saint-Laurent) tabled the following:

A table concerning certain COVID-19 prevention measures in Québec schools.
(Sessional Paper No. 2520-20210429)

At the request of the President, Ms. Rizqy (Saint-Laurent) withdrew certain words deemed unparliamentary.

Motions Without Notice

Ms. Anglade, Leader of the Official Opposition, together with Ms. Massé, Leader of the Second Opposition Group, Mr. Roy (Bonaventure), Mr. Ouellette (Chomedey), Ms. Fournier (Marie-Victorin) and Mr. LeBel (Rimouski), moved a motion on access to housing for Québec families; this motion could not be debated for want of unanimous consent.

Ms. Massé, Leader of the Second Opposition Group, together with Ms. Nichols (Vaudreuil), Mr. Roy (Bonaventure), Mr. Ouellette (Chomedey), Ms. Fournier (Marie-Victorin) and Mr. LeBel (Rimouski), moved a motion on recognizing a housing crisis in Québec; this motion could not be debated for want of unanimous consent.

Mr. Ouellet, House Leader of the Third Opposition Group, together with Mr. Fontecilla (Laurier-Dorion), Mr. Ouellette (Chomedey), Ms. Fournier (Marie-Victorin) and Mr. LeBel (Rimouski), moved a motion on AccèsLogis program funding; this motion could not be debated for want of unanimous consent.

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Mr. Julien, Minister of Energy and Natural Resources, together with Mr. Ouellette (Chomedey), Ms. Fournier (Marie-Victorin), Mr. LeBel (Rimouski) and Mr. Thouin (Rousseau), moved a motion on the Québec mining industry; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

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

- the Committee on Institutions, to undertake examination of the “Access to Information” component of the 2021–2022 estimates of expenditure of the “Conseil exécutif” portfolio;
- the Committee on Labour and the Economy, to undertake examination of the “Tourism” component of the 2021–2022 estimates of expenditure of the “Tourisme” portfolio;
- the Committee on Health and Social Services, to undertake examination of the “Health and Social Services” component of the 2021–2022 estimates of expenditure of the “Santé et Services sociaux” portfolio;
- the Committee on Planning and the Public Domain, to undertake examination of the “Metropolis” component of the 2021–2022 estimates of expenditure of the “Affaires municipales et Habitation” portfolio;
- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to undertake examination of the “Agriculture, Fisheries and Food” component of the 2021–2022 estimates of expenditure of the “Agriculture, Pêcheries et Alimentation” portfolio;
- the Committee on Citizen Relations, to undertake examination of the “Youth” component of the 2021–2022 estimates of expenditure of the “Conseil exécutif” portfolio;
- the Committee on Institutions, to undertake examination of the “Relations with English-Speaking Quebecers” component of the 2021–2022 estimates of expenditure of the “Conseil exécutif” portfolio;

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- the Committee on Transportation and the Environment, to undertake examination of the “Forest, Wildlife and Parks” component of the 2021–2022 estimates of expenditure of the “Forêts, Faune et Parcs” portfolio;
- the Committee on Citizen Relations, to undertake examination of the “Status of Women” component of the 2021–2022 estimates of expenditure of the “Éducation” portfolio;
- the Committee on Public Finance, to undertake examination of the “Information Resources” component of the 2021–2022 estimates of expenditure of the “Conseil du trésor et Administration gouvernementale” portfolio;
- the Committee on Culture and Education, to undertake examination of the “Culture and Communications” component of the 2021–2022 estimates of expenditure of the “Culture et Communications” portfolio.

By leave of the Assembly to set aside the motion carried by the Assembly on 13 April 2021, the President gave the following notice:

- the Select Committee on the Evolution of the Act respecting end-of-life care shall hold a deliberative meeting to organize the Committee’s proceedings.

At 11:18 a.m., pursuant to Standing Order 282, the President adjourned the Assembly until Tuesday, 4 May 2021 at 1:40 p.m.

FRANÇOIS PARADIS

President