



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 16 March 2023 — No. 23

**President of the National Assembly:
Madam Nathalie Roy**

The Assembly was called to order at 9:40 a.m.

ROUTINE PROCEEDINGS

Statements by Members

Ms. Picard (Soulanges) made a statement to pay tribute to Mr. Colin Lalonde for his performance in wheelchair basketball.

Mr. Morin (Acadie) made a statement to underline the 40th anniversary of the organization Concertation-Femme.

Ms. Gendron (Châteauguay) made a statement to underline the 350th anniversary of Ville de Châteauguay.

Mr. Bouazzi (Maurice-Richard) made a statement to pay posthumous tribute to Mr. Pierre Beudet, internationalist activist.

Ms. Hébert (Saint-François) made a statement to congratulate Camping du Pont Couvert, winner of the Mon camping préféré contest.

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Ms. Rizqy (Saint-Laurent) made a statement to underline the 60th anniversary of the newspaper *The Suburban*.

Mr. Lemieux (Saint-Jean) made a statement to underline the Fondation du Cégep Saint-Jean-sur-Richelieu scholarship award ceremony.

Ms. Boutin (Jean-Talon) made a statement to underline the 35th anniversary of the Immigrant Women's Shelter.

Mr. Boulet (Trois-Rivières) made a statement to underline the success of the ArtikFest music festival.

Ms. Charest (Brome-Missisquoi) made a statement to pay tribute to Mr. Yvon Lemire for his volunteer work and community involvement.

Mr. Caron (Portneuf) made a statement to underline Mr. Henri Beaudout's nautical achievements.

Mr. Lamontagne (Johnson) made a statement to congratulate the company Oliméga, recipient of a Bocuse d'Or SIRHA Innovation award.

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At 9:55 a.m., Mr. Lévesque, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10:04 a.m.

Moment of reflection

Introduction of Bills

Ms. Rizqy (Saint-Laurent) moved that leave be granted to introduce the following bill:

391 An Act to amend the Education Act to enshrine the right to free special school projects offered in schools providing preschool or elementary and secondary education and to limit the distance between immovables of a school with a special project

The motion was carried.

Accordingly, Bill 391 was introduced in the Assembly.

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Mr. Beauchemin (Marguerite-Bourgeoys) moved that leave be granted to introduce the following bill:

396 An Act to amend the Act to reduce the debt and establish the Generations Fund to provide for the achievement of a capitalization of one hundred billion dollars

The motion was carried.

Accordingly, Bill 396 was introduced in the Assembly.

Presenting Papers

Mr. Bonnardel, Minister of Public Security, tabled the following:

The 2022–2027 strategic plan of the Bureau du coroner.
(Sessional Paper No. 422-20230316)

Mr. Caire, Deputy Government House Leader, tabled the following:

The Government's reply to a petition tabled on 31 January 2023 by Mr. Fortin (Pontiac) on access to food allergy desensitization clinics;
(Sessional Paper No. 423-20230316)

The Government's reply to a petition tabled on 2 February 2023 by Mr. Kelley (Jacques-Cartier) on a request to repeal sections of Bill 21 that impact the rights and freedoms of marginalized people.
(Sessional Paper No. 424-20230316)

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Presenting Reports from Committees

Ms. Cadet (Bourassa-Sauvé), Committee Vice-Chair, tabled the following:

The report from the Committee on Public Finance, which met on 15, 16, 21 and 23 February and on 14 and 15 March 2023 for clause-by-clause consideration of Bill 3, An Act respecting health and social services information and amending various legislative provisions. The report contains amendments to the bill.

(Sessional Paper No. 425-20230316)

Mr. Provençal (Beauce-Nord), Committee Chair, tabled the following:

The report from the Committee on Health and Social Services, which held public hearings on 14 and 15 March 2023 within the framework of special consultations on Bill 10, An Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector.

(Sessional Paper No. 426-20230316)

Presenting Petitions

Ms. Massé (Sainte-Marie–Saint-Jacques) tabled the following:

The abstract of a petition on recognition of systemic racism and discrimination against Indigenous women and girls, signed by 3,805 citizens of Québec (French and English versions).

(Sessional Paper No. 427-20230316)

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Complaints of Breach of Privilege or Contempt and Personal Explanations

The President ruled on the admissibility of the point of privilege or contempt raised on 23 February 2023 by the Official Opposition House Leader concerning the Minister of Families' statements with regard to the number of children waiting for a childcare space.

RULING FROM THE CHAIR

Our parliamentary law recognizes that the deliberate misleading of the Assembly or its committees may constitute contempt of Parliament.

There are two situations where a *prima facie* case of contempt may be made and where the presumption established by the sixth paragraph of Standing Order 35 that parliamentarians must be taken at their word may be rebutted.

To demonstrate that a Member has misled the Assembly or one of its committees when speaking, jurisprudence holds that it must be proven that the Member has subsequently acknowledged having done so deliberately.

In the absence of proof of such an acknowledgment, it must be established that the Member has given two contradictory versions of the same facts in parliamentary proceedings.

In all cases, the intentional nature of the act must be proven in order to conclude that a Member knowingly misled the House. In other words, for an allegation of misleading the Assembly to give rise to a point of privilege, there must be a clear demonstration of the intent to mislead or hinder parliamentary proceedings.

In this case, during the February 2023 question periods cited by the Official Opposition House Leader, the Minister of Families stated several times that 33,000 children were on the waiting list for childcare spaces. However, according to an article published by Radio-Canada, a different method of calculation would add some 39,000 spaces to that list, for a total of over 72,000 spaces. The issue here is the difference between the results of the two methods of calculation.

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If we return to the first criterion established by parliamentary jurisprudence to demonstrate that a Member has misled the House, there is clearly no proof that the Minister of Families acknowledged misleading the Assembly with regard to the number of childcare spaces. Indeed, at no time was it even suggested that the Minister had made such an admission.

As for the second criterion, there is no evidence that the Minister gave two contradictory versions in this regard during parliamentary proceedings. In fact, all agree that the Minister repeatedly stated the same fact, namely that the waiting list had 33,000 spaces.

As regards the concept of contradictory statements, the documents tabled by the Official Opposition House Leader during his remarks refer to extra-parliamentary statements and thus cannot be evidence of contradictory statements made during parliamentary proceedings. In any event, although these documents include more information, they are intended to provide details on the Minister's method of calculation and it would be difficult to conclude that they contradict her statements.

Consequently, it has not been established that the Minister of Families knowingly attempted to mislead the House. Instead, it has been demonstrated that there is a discrepancy between the number stated by the Minister regarding childcare spaces on the waiting list and the number reported by Radio-Canada, a discrepancy explained by the method of calculation used. Thus, we have different interpretations by different people regarding the number of spaces. Jurisprudence is clear in this regard: differing interpretations of the same situation by different people cannot give rise to contempt of Parliament.

As the opposition leaders have mentioned, it is certainly important for the Members of this House, particularly ministers, to answer questions as accurately as possible. Citizens and parliamentarians should expect to receive the clearest information possible from the Government in parliamentary proceedings. However, the Chair cannot become the arbiter in interpreting the methods used to compile government data. The Chair's role is not to determine which method should be used.

In this regard, the point of privilege is intended only for serious breaches and violations of the rights of the Assembly and of its Members.

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However, in the course of parliamentary proceedings, the Members of the Assembly may ask the Minister of Families to explain her calculation of the number of childcare spaces on the waiting list, the method she used and the reasons why her result is different from the one reported by the media. This is an important part of the work done in the Assembly and in committee where ministers are accountable, to the opposition Members who perform the important role of overseeing the Government's activities, for the management of their department and their results. Thus, if the numbers presented by the Minister are different from those reported by the media, this may be the subject of various means of parliamentary control, including exchanges during question period, but this does not meet the criteria of parliamentary jurisprudence for raising a point of privilege or contempt on the basis that the Minister deliberately misled the House. Points of privilege cannot be used as a means of parliamentary control.

For all these reasons, the point of privilege or contempt raised by the Official Opposition House Leader is declared out of order.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Orders 53 and 59, Ms. Labrie (Sherbrooke) tabled the following:

A copy of a letter, dated 8 February 2023, by Ms. Audrey Fontaine and Ms. Nathalie Samson, Acting Director of Community Care Services – Health Component and Director of Community Care Services – Health Component, respectively, at the CIUSSS de l'Estrie – CHUS, regarding the reorganization of on-call health and social services assistants in the event of a fall.

(Sessional Paper No. 428-20230316)

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Motions Without Notice

Ms. Massé (Sainte-Marie–Saint-Jacques), together with Mr. Morin (Acadie), Mr. St-Pierre Plamondon, Leader of the Third Opposition Group, Ms. Tardif (Lavolette–Saint-Maurice) and Ms. Nichols (Vaudreuil), moved a motion asking for the organization of a meeting for the purposes of reconciliation with Indigenous peoples; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mr. Arseneau (Îles-de-la-Madeleine), together with Mr. Lacombe, Minister of Culture and Communications, Ms. Setlakwe (Mont-Royal–Outremont), Ms. Ghazal (Mercier), Ms. Tardif (Lavolette–Saint-Maurice) and Ms. Nichols (Vaudreuil), moved:

THAT the National Assembly affirm its support for the Québec Issime show *Décembre*;

THAT it congratulate the technicians whose talent ensures its success;

THAT it encourage the heritage role of the Québec Issime troupe and of all Québec cultural productions;

THAT it fully share its desire to introduce Québec to as many people as possible through song;

THAT, lastly, it ask the Government to provide the support and assistance required for the continuation of the Québec Issime show *Décembre*.

By leave of the Assembly, the motion was carried.

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Mr. Dubé, Minister of Health, together with Ms. Tardif (Lavolette–Saint-Maurice), moved a motion on the reliance on the private health sector; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mr. Derraji, Official Opposition House Leader, together with Mr. Zanetti (Jean-Lesage), Mr. Bérubé (Matane-Matapédia) and Ms. Nichols (Vaudreuil), moved:

THAT the National Assembly solemnly reaffirm that in accordance with the principle of ministerial responsibility, a minister is accountable to Parliament for their actions, those of their department and those of the public bodies under their responsibility.

The question was put on this motion, and a recorded division was thereupon demanded.

The motion was carried on the following vote:

(Division No. **39** in Appendix)

Yeas: **93** Nays: **0** Abstentions: **0**

Notices of Proceedings in Committees

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

- the Committee on Health and Social Services, to undertake clause-by-clause consideration of Bill 10, An Act limiting the use of personnel placement agencies' services and independent labour in the health and social services sector;

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- the Committee on Citizen Relations, to continue its public hearings within the framework of special consultations on Bill 11, An Act to amend the Act respecting end-of-life care and other legislative provisions;
- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to undertake clause-by-clause consideration of Bill 13, An Act respecting the Hertel-New York interconnection line.

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

- the Committee on Public Finance, to undertake public hearings within the framework of special consultations on Bill 9, An Act amending mainly certain Acts establishing public sector pension plans.

Mr. Lévesque, Second Vice-President, gave the following notice:

- the Committee on Culture and Education shall hold a public meeting to follow up on the order of initiative on the revelations of violence during hazing in the junior hockey league and the potential situation in other sports.

Information on the Proceedings of the Assembly

Mr. Lévesque, Second Vice-President, informed the Assembly that on Friday, 24 March 2023, Ms. Rizqy (Saint-Laurent) would question Mr. Drainville, Minister of Education, during an interpellation on the “blind spots” of the Minister of Education.

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ORDERS OF THE DAY

At 11:30 a.m., at the request of Mr. Caire, Deputy Government House Leader, Mr. Lévesque, Second Vice-President, suspended the proceedings until the expiry of the time limit for receiving notices for debates upon adjournment.

The proceedings resumed at 11:43 a.m.

At 11:44 a.m., at the request of Mr. Caire, Deputy Government House Leader, Mr. Lévesque, Second Vice-President, suspended the proceedings until 1:00 p.m.

Debates upon Adjournment

At 1:00 p.m., the Assembly held three debates upon adjournment:

- the first, on a question from Ms. Cadet (Bourassa-Sauvé) to Ms. Déry, Minister of Higher Education, about the report of the expert committee on proficiency in the French language at the college level;
- the second, on a question from Ms. Zaga Mendez (Verdun) to Mr. Lacombe, Minister Responsible for the Abitibi-Témiscamingue Region and the Outaouais Region, about the relocation of 200 families due to the Horne Smelter. Mr. Skeete, Minister for the Economy, replaced the Minister for this debate;

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- the third, on a question from Ms. Maccarone (Westmount–Saint-Louis) to Ms. Biron, Minister Responsible for the Status of Women, about the transphobic remarks made by an organization financially supported by the Government. Mr. Skeete, Minister for the Economy, replaced the Minister for this debate.

Mr. Skeete, Minister for the Economy, moved the adjournment of the Assembly until Tuesday, 21 March 2023 at 10:00 a.m.

The motion was carried.

At 1:38 p.m., Mr. Lévesque, Second Vice-President, adjourned the Assembly until Tuesday, 21 March 2023 at 10:00 a.m.

NATHALIE ROY

President

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APPENDIX

Recorded Divisions

On the motion moved by Mr. Derraji, Official Opposition House Leader, together with Mr. Zanetti (Jean-Lesage), Mr. Bérubé (Matane-Matapédia) and Ms. Nichols (Vaudreuil):

(Division No. 39)

YEAS - 93

Abou-Khalil (CAQ)	Déry (CAQ)	Julien (CAQ)	Poulet (CAQ)
Allaire (CAQ)	Dionne (CAQ)	Labrie (QS)	Poulin (CAQ)
Arseneau (PQ)	Dorismond (CAQ)	Lacombe (CAQ)	Prass (QLP)
Asselin (CAQ)	Drainville (CAQ)	Laframboise (CAQ)	Proulx (CAQ)
Bélanger (CAQ) (Prévost)	Dubé (CAQ)	Lafrenière (CAQ)	Provençal (CAQ)
	Dufour (QLP)	Lakhoyan Olivier (QLP)	Reid (CAQ)
Bélanger (CAQ) (Orford)	(Mille-Îles)	Lamontagne (CAQ)	Rivest (CAQ)
Biron (CAQ)	Émond (CAQ)	Lamothe (CAQ)	Rizqy (QLP)
Blais (CAQ)	Fontecilla (QS)	LeBel (CAQ)	Roberge (CAQ)
Blouin (CAQ)	Fortin (QLP)	Lecours (CAQ)	Rotiroti (QLP)
Bogemans (CAQ)	Fréchette (CAQ)	(Les Plaines)	Rouleau (CAQ)
Bonnardel (CAQ)	Gagnon (CAQ)	Leduc (QS)	Roy (CAQ)
Boulet (CAQ)	Garceau (QLP)	Lefebvre (CAQ)	(Verchères)
Bourassa (CAQ)	Gendron (CAQ)	Lemay (CAQ)	Schmaltz (CAQ)
Boutin (CAQ)	Ghazal (QS)	Lemieux (CAQ)	Schneeberger (CAQ)
Bussière (CAQ)	Girard (CAQ)	Lévesque (CAQ)	Setlakwe (QLP)
Cadet (QLP)	(Lac-Saint-Jean)	(Chapleau)	Skeete (CAQ)
Caire (CAQ)	Girard (CAQ)	Maccarone (QLP)	St-Louis (CAQ)
Carmant (CAQ)	(Groulx)	Malette (CAQ)	Tardif (IND)
Caron (CAQ) (Portneuf)	Grandmont (QS)	Marissal (QS)	Thouin (CAQ)
Champagne Jourdain (CAQ)	Grondin (CAQ)	Martel (CAQ)	Tremblay (CAQ)
	Guilbault (CAQ)	McGraw (QLP)	(Dubuc)
Charest (CAQ)	Guillemette (CAQ)	Montigny (CAQ)	Tremblay (CAQ)
D'Amours (CAQ)	Hébert (CAQ)	Morin (QLP)	(Hull)
Derraji (QLP)	Jacques (CAQ)	Nichols (IND)	Zaga Mendez (QS)
	Jeannotte (CAQ)	Picard (CAQ)	Zanetti (QS)