



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Votes and Proceedings

of the Assembly

Tuesday, 29 October 2024 — No. 157

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

The Assembly was called to order at 1:40 p.m.

ROUTINE PROCEEDINGS

Statements by Members

Ms. Bélanger (Prévost) made a statement to underline the 15th anniversary of L'Antr'Aidant.

Mr. Lévesque (Chauveau) made a statement to pay tribute to Ms. Sylvie Loubier.

Ms. Massé (Sainte-Marie–Saint-Jacques) made a statement to underline the work of SARTEC on the occasion of its 75th anniversary.

Ms. Dorismond (Marie-Victorin) made a statement to underline the courage and determination of Ms. Romy Hamel.

Ms. Fréchette (Sanguinet) made a statement to underline the 30th anniversary of the organization La Maison du Goéland.

29 October 2024

Ms. Biron (Chutes-de-la-Chaudière) made a statement to underline the 17th edition of the Maison hantée de Saint-Étienne.

Ms. Martel (Nicolet-Bécancour) made a statement to pay tribute to Mr. Marc-Antoine Camirand.

Ms. Boivin Roy (Anjou-Louis-Riel) made a statement to underline the 20th anniversary of the organization Le Temps d'une pause.

Ms. Poulet (Laporte) made a statement to underline the retirement of Mr. Dan Lamoureux.

Ms. Rizqy (Saint-Laurent) made a statement to pay tribute to Ms. Ginette Lareault.

At 1:53 p.m., Mr. Benjamin, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 2:05 p.m.

29 October 2024

Moment of reflection

The President informed the Assembly she had, within the prescribed time, received a request for an urgent debate from Mr. Derraji, Official Opposition House Leader. This request concerns allegations of sexual misconduct on children and young minors in foster families and youth centres involving the youth protection office.

RULING FROM THE CHAIR

Jurisprudence has recognized that, in order for a request for an urgent debate to be receivable, the request must concern a specific, particularly important matter that falls under the Assembly's jurisdiction. The request must concern a sudden, acute crisis or the worsening of such a crisis. The Chair must also take into consideration whether parliamentarians have discussed the matter in question and whether there will be upcoming opportunities to do so.

In light of these criteria, and having analyzed precedents on the matter, the request of the Official Opposition House Leader does indeed concern a specific, particularly important matter that falls under the Assembly's jurisdiction.

Furthermore, a crisis or the worsening of such a crisis is necessary to conclude that a request for an urgent debate is receivable. It would be difficult to claim that the issues currently experienced by the youth protection office are not a crisis. The situation appears to be ongoing, as new elements continue to emerge. The situation, far from being resolved, seems to be taking on considerable proportions.

As recognized by jurisprudence, additional developments may support the holding of an urgent debate when a current crisis is suddenly aggravated. In light of the shocking and concerning revelations regarding the actions of several DYP workers in various sectors under the DYP's responsibility, this appears to be such a case.

Jurisprudence has also established that the Chair has the power to interpret whether it is urgent to hold an urgent debate, which is the main receivability criterion. The Chair deems this to be such a situation.

Indeed, the recent revelations about the DPJ have shocked everyone, including the Minister Responsible for Social Services. Given the seriousness of the situation, the Chair deems that the Members must be allowed to discuss the subject.

29 October 2024

For all these reasons, and as already mentioned in the past when the Chair had to rule on the receivability of a request for an urgent debate, the Chair considers that these are exceptional circumstances and that the issue is one of such importance that it justifies the holding of an urgent debate and the interruption of the legislative proceedings of the Assembly. In this regard, allowing this urgent debate would have little impact on the progress of the Government's legislative program, given that there is ample time for the Government's legislative agenda in the coming weeks.

For all these reasons, the request for an urgent debate by the Official Opposition House Leader is deemed to be receivable.

Presenting Papers

Ms. Blanchette Vézina, Minister of Natural Resources and Forests, tabled the following:

The activity report of the Autorité des marchés financiers under the *Act respecting transparency measures in the mining, oil and gas industries*, for fiscal year 2023–2024.

(Sessional Paper No. 1987-20241029)

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

The reply to a written question from Ms. Nichols (Vaudreuil) on traffic issues in the Vaudreuil riding – Question No. 161, *Order Paper and Notices* of 24 September 2024;

(Sessional Paper No. 1988-20241029)

The reply to a written question from Ms. McGraw (Notre-Dame-de-Grâce) on funding for the Accorderie de Sherbrooke – Question No. 162, *Order Paper and Notices* of 24 September 2024;

(Sessional Paper No. 1989-20241029)

The reply to a written question from Ms. Rizqy (Saint-Laurent) on Québec students attending school in Ontario – Question No. 167, *Order Paper and Notices* of 25 September 2024;

(Sessional Paper No. 1990-20241029)

29 October 2024

The reply to a written question from Ms. Rizqy (Saint-Laurent) on budget rules for school organizations – Question No. 168, *Order Paper and Notices* of 25 September 2024;

(Sessional Paper No. 1991-20241029)

The reply to a written question from Ms. Setlakwe (Mont-Royal–Outremont) on a spending reduction policy in the municipal sector – Question No. 182, *Order Paper and Notices* of 8 October 2024;

(Sessional Paper No. 1992-20241029)

The Government's reply to a petition tabled on 11 September 2024 by Mr. Morin (Acadie) on maintaining technology-based remote signing of notarial acts;

(Sessional Paper No. 1993-20241029)

The Government's reply to the petitions tabled on 12 and 17 September 2024 by Mr. Bouazzi (Maurice-Richard) on requesting that the Société des alcools du Québec stop selling Israeli wines made in the occupied territories;

(Sessional Paper No. 1994-20241029)

The Government's reply to a petition tabled on 12 September 2024 by Mr. Derraji (Nelligan) on cancelling the rate increase for capital gains tax in Québec;

(Sessional Paper No. 1995-20241029)

The Government's reply to a petition tabled on 18 September 2024 by Ms. Labrie (Sherbrooke) on maintaining the education program for youth aged 16 to 21 at École Le Goéland;

(Sessional Paper No. 1996-20241029)

The Government's reply to a petition tabled on 25 September 2024 by Mr. Chassin (Saint-Jérôme) on a request to expand the regulations for the protection and support of temporary foreign workers.

(Sessional Paper No. 1997-20241029)

29 October 2024

The President tabled the following:

A copy of the notice of motion by Mr. Cliche-Rivard (Saint-Henri–Sainte-Anne) to be placed on the *Order Paper and Notices* of Wednesday, 30 October 2024 under Business Standing in the Name of Members in Opposition.

(Sessional Paper No. 1998-20241029)

Presenting Reports from Committees

Mr. Schneeberger (Drummond–Bois-Francis), Committee Chair, tabled the following:

The report from the Committee on Planning and the Public Domain, which held public hearings on 22, 23 and 24 October 2024 within the framework of special consultations on Bill 76, An Act mainly to enhance the quality of construction and public safety.

(Sessional Paper No. 1999-20241029)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

At the request of the President, Mr. Legault, Premier, withdrew certain words deemed unparliamentary.

At the request of the President, Mr. Drainville, Minister of Education, withdrew certain words deemed unparliamentary.

Motions Without Notice

Ms. Ghazal (Mercier), together with Mr. Bérubé (Matane-Matapédia) and Mr. Chassin (Saint-Jérôme), moved a motion on the funding of private denominational schools; this motion could not be debated for want of unanimous consent.

29 October 2024

Mr. Paradis (Jean-Talon), together with Mr. Bonnardel, Minister of Public Security, Ms. Maccarone (Westmount–Saint-Louis), Ms. Nichols (Vaudreuil), Mr. Lefebvre (Arthabaska) and Mr. Chassin (Saint-Jérôme), moved a motion on the recent intentional blockade of Jacques Cartier Bridge in Montréal.

Mr. Leduc, House Leader of the Second Opposition Group, raised a point of order on the receivability of this motion under the *sub judice* rule.

At 3:12 p.m., after having heard arguments from all sides, Mr. Benjamin, Third Vice-President, took the matter under advisement and suspended the proceedings.

The proceedings resumed at 4:05 p.m.

Mr. Benjamin, Third Vice-President, ruled on the point of order raised by Mr. Leduc, House Leader of the Second Opposition Group, on the receivability of the motion without notice moved by Mr. Paradis (Jean-Talon).

RULING FROM THE CHAIR

Parliamentary jurisprudence has recognized that the Chair generally does not, on its own initiative, rule on the receivability of a motion without notice. However, once a point of order concerning receivability has been raised, the Chair must hand down a ruling based on the rules of parliamentary law.

The Chair has, in the past, ruled that certain motions without notice were out of order because they did not comply with the Standing Orders. It is also firmly established that the receivability of a motion may be questioned at all times. When this is done, the Chair must take it into account.

The third paragraph of Standing Order 35 states that the Member speaking may not refer to any matter that is under adjudication before a court of law or a quasi-judicial, or that is the subject of an inquiry, where such reference may be prejudicial to the interests of any person or party.

29 October 2024

In the specific case at the source of the motion moved by the Member for Jean-Talon, accusations were made against the activists who blocked the Jacques Cartier Bridge on 22 October 2024. Furthermore, certain sections of the motion directly refer to elements likely to be at the heart of the upcoming trials.

As already mentioned by the Chair, a careful review of parliamentary jurisprudence shows that the application of the *sub judice* rule with regard to criminal and penal matters by the Chairs of the Assembly from 1984 on has been clear, consistent and unambiguous: it has been strictly applied because prejudice is deemed likely to occur.

Members are expected to refrain from discussing matters that are before a criminal court, not only to protect the people who are undergoing trial and stand to be affected whatever its outcome, but also to prevent the trial from being affected by debate in the House. Strict application of the *sub judice* rule with regard to criminal and penal matters ensures that the integrity of the judicial process is respected. There can be no exceptions, as violating the *sub judice* rule could result in a stay of proceedings.

The National Assembly is sovereign, but it must also keep in mind the rights of defendants. In such cases, it falls to the Chair to find balance between allowing the Assembly to debate and respecting defendants' rights.

The facts of the matter mentioned in the motion moved by the Member for Jean-Talon are currently under trial, and it falls to the courts to make a decision.

The Chair recalls that the Assembly asks courts to respect the principle of separation of powers of State and that it sees to it that its privileges and those of its Members are recognized by the courts. In return, the Assembly ensures that the role of the courts in this matter is respected. As such, the Chair aims to maintain the freedom of speech of its Members, to the extent that they express themselves within the limits provided for by the Standing Orders and jurisprudence.

Regarding the argument put forward during the current sitting that an urgent debate was deemed receivable even though it concerned matters related to potentially criminal acts, the Chair recalls that, in that case, the matter pertained to investigations, with no charges laid at the time. If the matter was before the courts, the Assembly would have to take the matter into account. In the case at hand, the situation is not the same.

29 October 2024

Regarding the argument that the facts involved are judicially noticed and are thus not subject to the *sub judice* rule, the Chair recalls that one may not refer, even indirectly, to the statement of a penal offence, and that one may not discuss a public criminal indictment, as referring to such an indictment opens the door to discussing the acts for which charges were laid. In a criminal case, this is the heart of the matter. As such, parliamentary and political discussions should not be allowed, as the hearing on the facts must be held before the courts, not on the National Assembly floor.

As a result, since the motion moved by the Member refers to acts for which criminal charges were laid, as well as the arguments made by the parties, which are the heart of the matter, the Chair must declare the motion out of order.

The Chair recalls that the Assembly may discuss matters that are under consideration by the courts, depending on the method and the language of the motions moved to do so. Accordingly, if the parliamentarians wish to do so, they may move a motion on these matters at a later sitting, in compliance with the aforementioned guidelines.

Mr. Roberge, Minister Responsible for Laicity, together with Mr. Bérubé (Matane-Matapédia), moved a motion on the *Act respecting the laicity of the State*; this motion could not be debated for want of unanimous consent.

Ms. Garceau (Robert-Baldwin), together with Mr. Cliche-Rivard (Saint-Henri-Sainte-Anne), Mr. Arseneau (Îles-de-la-Madeleine) and Ms. Nichols (Vaudreuil), moved a motion on youth protection; this motion could not be debated for want of unanimous consent.

29 October 2024

By leave of the Assembly to set aside Standing Order 84.1 and pursuant to Standing Order 146, Mr. Lévesque, Deputy Government House Leader, moved:

THAT the National Assembly give effect to the order of reference given to the Committee on Citizen Relations within the framework of the consideration of Bill 74, An Act mainly to improve the regulatory scheme governing international students, to hold special consultations and public hearings on Tuesday, 5 November 2024 from 9:45 a.m. to 12:25 p.m. and after Notices of Proceedings in Committees from approximately 3:15 p.m. to 7:20 p.m.; and on Wednesday, 6 November 2024 after Notices of Proceedings in Committees from approximately 11:15 a.m. to 12:50 p.m. and from 3:00 p.m. to 6:15 p.m.;

THAT, for this purpose, the Committee hear the following individuals and organizations:

French Language Commissioner
Université du Québec
Université de Montréal, together with Université de Sherbrooke,
Université Laval and McGill University
Quebec Student Union
Fédération des cégeps
Fédération des Centres de services scolaires
Bishop's University, together with Concordia University
Fédération de l'enseignement collégial – CSQ
Fédération étudiante collégiale
École de technologique supérieure
Chamber of Commerce of Metropolitan Montreal
Association des collèges privés du Québec
Fédération des chambres de commerce du Québec
Fédération nationale des enseignantes et des enseignants du Québec – CSN;

THAT a period of 12 minutes be set aside for opening statements, allocated as follows: 6 minutes to the parliamentary group forming the Government, 3 minutes 36 seconds to the Official Opposition, 1 minute 12 seconds to the Second Opposition Group and 1 minute 12 seconds to the independent Member;

29 October 2024

THAT the presentation by each 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, 10 minutes 30 seconds to the Official Opposition, 3 minutes 30 seconds to the Second Opposition Group and 3 minutes 30 seconds to the independent Member;

THAT a 5-minute interval be scheduled between discussions with each individual or organization;

THAT the Minister of Immigration, Francization and Integration be a member of the said Committee during its proceedings with respect to this order of reference.

By leave of the Assembly, the motion was carried.

Notices of Proceedings in Committees

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

- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to continue its clause-by-clause consideration of Bill 63, An Act to amend the Mining Act and other provisions;
- the Committee on Public Finance, to continue its clause-by-clause consideration of Bill 77, An Act amending mainly Acts establishing public sector pension plans;
- the Committee on Labour and the Economy, to continue its clause-by-clause consideration of Bill 71, An Act to improve support for persons and to simplify the social assistance regime.

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

- the Committee on Institutions, to continue its public hearings within the framework of special consultations on Bill 73, An Act to counter non-consensual sharing of intimate images and to improve protection and support in civil matters for persons who are victims of violence.

29 October 2024

Information on the Proceedings of the Assembly

Mr. Benjamin, Third Vice-President, informed the Assembly that on Wednesday, 30 October 2024, during Business Standing in the Name of Members in Opposition, a debate would be held on the motion moved by Mr. Cliche-Rivard (Saint-Henri–Sainte-Anne).

This motion reads as follows:

THAT the National Assembly note the closure of dozens of francization classes throughout Québec;

THAT it ask the Québec government to commit to restoring in-school francization services that were cancelled in recent weeks and to take the necessary measures to avoid new service closures in that sector.

ORDERS OF THE DAY

Urgent Debates

Before entering upon the urgent debate on the allegations of sexual misconduct on children and young minors in foster families and youth centres involving the youth protection office, Mr. Benjamin, Third Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate: 57 minutes to the parliamentary group forming the Government; 31 minutes 4 seconds to the parliamentary group forming the Official Opposition; 20 minutes 34 seconds to the Second Opposition Group; 6 minutes 51 seconds to the Third Opposition Group; and 1 minute 30 seconds to each independent Member. 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.

29 October 2024

The urgent debate arose thereon.

At the request of Mr. Benjamin, Third Vice-President, Ms. Garceau (Robert-Baldwin) withdrew certain words deemed unparliamentary.

The debate continued.

The debate expired and, pursuant to Standing Order 91, no question was put.

Mr. Lévesque, Deputy Government House Leader, moved the adjournment of the Assembly until Wednesday, 30 October 2024 at 9:40 a.m.

The motion was carried.

Accordingly, at 6:22 p.m., Mr. Benjamin, Third Vice-President, adjourned the Assembly until Wednesday, 30 October 2024 at 9:40 a.m.

NATHALIE ROY

President