



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 29 October 2009 — No. 67

**President of the National Assembly:
Mr. Yvon Vallières**

QUÉBEC

The Assembly was called to order at 9.44 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mrs. Blais (Saint-Henri–Sainte-Anne) made a statement about the Prix Hommage du Conseil des aînés to Mr. André L. Davignon.

Mrs. Maltais (Taschereau) made a statement about the Fernand-Dumont Award given to Sister Cécile Girard.

Mr. Sklavounos (Laurier-Dorion) made a statement about World Stroke Day.

Mr. Robert (Prévost) made a statement to pay tribute to Mr. Honoré Mercier.

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Mr. Deltell (Chauveau) made a statement about the Grande Mascarade d'Halloween.

Mr. Dubourg (Viau) made a statement about Creole Month.

Mr. Pelletier (Saint-Hyacinthe) made a statement about Expo-Champs 2009.

Mrs. Charlebois (Soulanges) made a statement about Mr. Alexandre Thivierge, a young 18-year-old bowler, winner of two medals at the Americas Championships.

Mr. Tremblay (Masson) made a statement to pay tribute to the former mayor of Mascouche, Gilles Forest.

Mr. Lehouillier (Lévis) made a statement about the feat accomplished by Mr. Denis Sonier, open water swimmer.

At 9.58 o'clock a.m., Mr. Chagnon, Second Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 10.08 o'clock a.m.

Moment of reflection

Presenting Papers

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

The Strategic Plan 2009-2012 of the Bureau du coroner.
(Sessional Paper No. 839-20091029)

Mrs. James, Minister of Immigration and Cultural Communities, tabled the following:

Québec's immigration plan for 2010.
(Sessional Paper No. 840-20091029)

Mr. Dupuis, Government House Leader, tabled the following:

The Government's answer to a petition tabled on 7 October 2009 by Mrs. Doyer (Matapédia), concerning road repair work on Chemin Kempt between Padoue and Saint-Octave-de-Métis, in the riding of Matapédia.
(Sessional Paper No. 841-20091029)

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Mr. President tabled the following:

A letter, dated 28 October 2009, he had received from Mr. Picard, Second Opposition Group House Leader, informing him of the appointment of Mr. François Bonnardel, Member for Shefford, as Leader of the Second Opposition Group, and of the appointment of Mrs. Sylvie Roy, Member for Lotbinière, as House Leader of the Second Opposition Group;

(Sessional Paper No. 842-20091029)

The new seating plan of the National Assembly, dated 29 October 2009.

(Sessional Paper No. 843-20091029)

Presenting Reports from Committees

Mr. Drainville (Marie-Victorin), committee chairman, tabled the following:

A report from the Committee on Institutions, which met on 1, 6, 8, 22 and 27 October 2009 for clause-by-clause consideration of Bill 15, An Act to amend the Courts of Justice Act and the Act respecting municipal courts with regard to court security. The report contains certain amendments to the bill.

(Sessional Paper No. 844-20091029)

Complaints of Breach of Privilege or Contempt and Personal Explanations

Mr. President ruled as follows on the question of privilege raised by the Government House Leader on October 27, 2009, in which it is alleged that the Member for Lotbinière had acted in contempt of Parliament by attacking the conduct of certain members of the Executive Council otherwise than by moving a motion to impugn the conduct in question.

RULING FROM THE CHAIR

Nothing in the facts adduced in the notice allows the Chair to conclude, *prima facie*, that the Member is in contempt of Parliament.

The act of impugning the conduct of a Member of the Assembly otherwise than by means of the procedure envisaged for that purpose may constitute a contempt of Parliament. This fundamental rule is warranted by the fact that no Member is allowed to avail himself of his privilege of freedom of speech in the Assembly to attack the conduct of another Member.

In order to impugn the conduct of a Member of the Assembly, one must explicitly denigrate his work or criticize his conduct. The Chair is unable to reach the conclusion that the words spoken by the Member for Lotbinière have had the effect, in the sense in which this expression is understood in parliamentary law, of impugning the conduct of any Member of the Assembly. She has cited no conduct on the part of any Member that is of the nature of those conducts that must be reproved by means of a motion pursuant to Standing Order 315.

To the extent that a Member's words do not contravene the rules which govern parliamentary debate, the Chair may not intervene in the exercise of a Member's freedom of speech. The Chair may express no opinion on the substance of Members' remarks.

Each Member must assume responsibility for the substance of any words he may speak in the Assembly. A Member alone can determine the content of his remarks and evaluate the leeway he disposes of at the Assembly.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

At the request of Mr. President, Mr. Bonnardel, Leader of the Second Opposition Group, withdrew certain words deemed unparliamentary.

Deferred Divisions

The Assembly took the division, which had been deferred during Business Standing in the Name of Members in Opposition, on the motion moved by Mr. Curzi (Borduas).

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This motion reads as follows:

THAT the National Assembly of Québec reiterate the position defended by every government of Québec since the unanimous passage of Bill 104 in 2002, and that it denounce the decision rendered by the Supreme Court of Canada invalidating the provisions of this act.

The motion was negated on the following vote:

(Division No. **49** in Appendix)

Yeas: **53** Nays: **59** Abstentions: **0**

Motions Without Notice

Mrs. St-Pierre, Minister of Culture, Communications and the Status of Women, moved a motion concerning the decision rendered by the Supreme Court of Canada with regard to Bill 104; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mrs. Blais, Minister responsible for Seniors, Mrs. Lapointe (Crémazie), Mr. Grondin (Beauce-Nord) and Mr. Khadir (Mercier) jointly moved:

THAT the National Assembly mark Annual Caregiver Week, which is being held this year from 1 to 7 November, and that, on the same occasion, it recognize the invaluable contribution of these persons who devote part of their lives to care for a loved one.

By leave of the Assembly, the motion was carried.

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Pursuant to Standing Order 129, Mrs. Léger, Chief Opposition Whip, moved:

THAT the Member for Rousseau be named a permanent member of the Committee on Public Finance in replacement of the Member for Blainville;

THAT this change take effect immediately.

The motion was carried.

Pursuant to Standing Order 129, Mrs. Roy, Second Opposition Group House Leader, moved:

THAT the Member for Chutes-de-la-Chaudière be named a permanent member of the Committee on Public Administration in replacement of the Member for Shefford;

THAT this change take effect immediately.

The motion was carried.

Notices of Proceedings in Committees

Mr. Gauthrin, Deputy Government House Leader, convened the following Committees:

- the Committee on Transportation and the Environment, to give clause-by-clause consideration to Bill 41, An Act to amend the Act respecting transport infrastructure partnerships and other legislative provisions, and to continue its public hearings within the framework of special consultations with reference to the document entitled "Le Québec et les changements climatiques : Quelle cible de réduction d'émissions de gaz à effet de serre à l'horizon 2020?";

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- the Committee on Health and Social Services, to give clause-by-clause consideration to Bill 56, An Act to amend the Act respecting health services and social services with regard to the certification of certain resources offering lodging;
- the Committee on Public Finance, to hold public hearings within the framework of special consultations on Bill 63, Business Corporations Act.

Mr. Chagnon, Second Vice-President, gave the following notices:

- the Committee on Public Administration shall hold a deliberative meeting with the Canadian Comprehensive Auditing Foundation;
- the Committee on Institutions shall hold a deliberative meeting for the purpose of organizing its proceedings.

Information on the Proceedings of the Assembly

Mr. Chagnon, Second Vice-President, informed the Assembly that on Friday, 6 November 2009, Mr. Marceau (Rousseau) would question Mr. Bachand, Minister of Finance, during an interpellation on "The legacy of the current Premier of Québec: the debt load of Quebecers since 2003".

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ORDERS OF THE DAY

Business Having Precedence

Want of Confidence Motion

Mrs. Marois, Leader of the Official Opposition, moved:

THAT the National Assembly of Québec withdraw its confidence in the Liberal Government for having refused to order a public and independent inquiry concerning all of the allegations that shook the construction industry in recent months..

Following a meeting with the House leaders, Mr. Chagnon, Second Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this want of confidence motion: 20 minutes shall be allotted for a reply by its mover; 5 minutes shall be allotted for the independent Member and 22 minutes shall be allotted to the Members of the Second Opposition Group; the remaining time shall be distributed equally between the parliamentary group forming the Government and the parliamentary group forming the Official Opposition. Within this framework, any time not used by the independent Member or by the Members of the Second Opposition Group shall be redistributed equally between the parliamentary group forming the Government and the parliamentary group forming the Official Opposition; and any time not used by the parliamentary group forming the Government shall go the parliamentary group forming the Official Opposition and vice versa. Lastly, individual addresses shall not be limited.

The debate arose on the motion by Mrs. Marois, Leader of the Official Opposition.

During his address, by leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Khadir (Mercier) tabled the following:

An excerpt from the Global Corruption Report 2009: Corruption and the Private Sector, published by Transparency International, accompanied by the French translation of its summary.

(Sessional Paper No. 845-20091029)

The debate continued.

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At 1.00 o'clock p.m., Mr. Chagnon, Second Vice-President, suspended the proceedings until 3.00 o'clock p.m.

The proceedings resumed at 3.01 o'clock p.m.

Want of Confidence Motion

The Assembly continued the debate on the want of confidence motion by Mrs. Marois, Leader of the Official Opposition.

At the request of Mrs. Houda-Pepin, First Vice-President, Mr. Cloutier (Lac-Saint-Jean) withdrew certain words deemed unparliamentary.

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

The motion was negatived on the following vote:

(Division No. **50** in Appendix)

Yeas: **51** Nays: **60** Abstentions: **0**

At 5.58 o'clock p.m., Mrs. Houda-Pepin, First Vice-President, adjourned the Assembly until Tuesday, 3 November 2009, at 1.45 o'clock p.m.

YVON VALLIÈRES

President

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APPENDIX

Recorded Divisions

On the motion moved by Mr. Curzi (Borduas) during Business Standing in the Name of Members in Opposition, concerning the passage of Bill 104 in 2002 and the decision rendered by the Supreme Court of Canada invalidating the provisions of this act:

(Division No. 49)

YEAS - 53

Aussant	Cloutier	Lapointe	Poirier
Beaudoin	Cousineau	Leclair	Rathé
<i>[Rosemont]</i>	Curzi	Léger	Rebello
Beaudoin	Deltell	Lemay	Richard
<i>[Mirabel]</i>	Doyer	Malavoy	<i>[Marguerite-D'Youville]</i>
Bédard	Drainville	Maltais	Richard
Bergeron	Dufour	Marceau	<i>[Duplessis]</i>
Bérubé	Ferland	Marois	Robert
Blanchet	Gaudreault	McKay	Roy
Bonnardel	<i>[Jonquière]</i>	Pagé	St-Arnaud
Bouchard	Gauvreau	Pelletier	Traversy
Boucher	Grondin	<i>[Rimouski]</i>	Tremblay
Bouillé	Hivon	Pelletier	Trottier
Champagne	Khadir	<i>[Saint-Hyacinthe]</i>	Turcotte
Charette	Kotto	Pinard	Villeneuve

NAYS - 59

Arcand	Charlebois	Huot	Paquet
Auclair	Chevarie	James	Paradis
Bachand	Courchesne	Kelley	Pigeon
<i>[Outremont]</i>	D'Amour	L'Écuyer	Reid
Bachand	Diamond	Lehouillier	Rotiroti
<i>[Arthabaska]</i>	Drolet	Lessard	Simard
Béchar	Dubourg	MacMillan	<i>[Dubuc]</i>
Bergman	Dupuis	Mamelonet	Sklavounos
Bernard	Dutil	Marcoux	St-Amand
Bernier	Gagnon-Tremblay	Marsan	St-Pierre
Billette	Gaudreault	Matte	Thériault
Blais	<i>[Hull]</i>	Ménard	Tomassi
Bolduc	Gautrin	Moreau	Vallée
Boulet	Gignac	Morin	Vien
Carrière	Gonthier	Ouellette	Weil
Charbonneau	Hamad	Ouimet	

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On the want of confidence motion by Mrs. Marois, Leader of the Official Opposition:

(Division No. 50)

YEAS - 51

Beaudoin <i>[Rosemont]</i>	Cousineau	Léger	Rebello
Beaudoin <i>[Mirabel]</i>	Curzi	Lemay	Richard
Bédard	Deltell	Malavoy	<i>[Duplessis]</i>
	Drainville	Maltais	Richard
	Dufour	Marceau	<i>[Marguerite-D'Youville]</i>
Bergeron	Ferland	Marois	Robert
Bérubé	Gaudreault	McKay	Roy
Blanchet	<i>[Jonquière]</i>	Pagé	St-Arnaud
Bonnardel	Gauvreau	Pelletier	Traversy
Bouchard	Grondin	<i>[Rimouski]</i>	Tremblay
Boucher	Hivon	Pelletier	Trottier
Bouillé	Khadir	<i>[Saint-Hyacinthe]</i>	Turcotte
Champagne	Kotto	Pinard	Villeneuve
Charette	Lapointe	Poirier	
Cloutier	Leclair	Ratthé	

NAYS - 60

Arcand	Charest	Huot	Ouimet
Auclair	Charlebois	James	Paquet
Bachand <i>[Arthabaska]</i>	Chevarie	Kelley	Pigeon
Bachand <i>[Outremont]</i>	Courchesne	L'Écuyer	Reid
Béchar	D'Amour	Lehouillier	Rotiroti
Bergman	Diamond	Lessard	Simard
Bernard	Drolet	MacMillan	<i>[Dubuc]</i>
Bernier	Dubourg	Mamelonet	Sklavounos
Billette	Dupuis	Marcoux	St-Amand
Blais	Dutil	Marsan	St-Pierre
Bolduc	Gaudreault	Matte	Thériault
Boulet	<i>[Hull]</i>	Ménard	Tomassi
Carrière	Gautrin	Moreau	Vallée
Charbonneau	Gignac	Morin	Vien
	Gonthier	Normandeau	Weil
	Hamad	Ouellette	Whissell