



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Votes and Proceedings

of the Assembly

Monday, 9 December 1996 — No. 65

**President of the National Assembly:
Mr. Jean-Pierre Charbonneau**

QUÉBEC



The Assembly was called to order at 10.07 o'clock a.m.



Moment of reflection

ROUTINE PROCEEDINGS

Presenting Papers

Mr. Rioux, Minister of Labour, tabled the following:

An agreement, dated 6 December 1996, between the Governments of Ontario and of Québec on labour mobility and recognition of qualifications, skills and work experience in the construction industry.

(Sessional Paper No. 550-961209)

Presenting Reports from Committees

Mrs. Blackburn (Chicoutimi) tabled the following:

The final report from the Committee on Education, which held public hearings on 27, 28 and

29 August 1996 and held deliberative meetings on 28 March, on 11 and 18 September, on 23 October and on 13 and 27 November 1996 within the framework of the order of initiative regarding the conditions surrounding success at the high school level. The report contains recommendations.

(Sessional Paper No. 551-961209)

Complaints of Breach of Privilege or Contempt and Personal Explanations

Mr. President rendered the following decision regarding the request he had received from Mr. Bergman (D'Arcy-McGee), who, pursuant to Standing Order 71, wished to give explanations on a matter involving him as a Member of the National Assembly following certain comments made by Mr. Bélanger, Government House Leader, at the sitting of Thursday, 5 December 1996:

RULING FROM THE CHAIR

The request made by the Member for D'Arcy-McGee is not receivable. The facts in question do not correspond to the criteria stipulated in Standing Order 71. If the Member felt that the words were abusive or offensive, he should immediately have invoked Standing Order 35(7).

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

Notices of Proceedings in Committees

Mr. Bélanger, Government House Leader, convened the following Committees:

- X the Committee on Institutions, to continue its clause-by-clause consideration of Bill 77, An Act to amend the Police Act and other legislative provisions;
- X the Committee on Planning and Infrastructures, to continue its clause-by-clause consideration of Bill 30, An Act to amend the Act respecting the Société

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d'habitation du Québec, and to give clause-by-clause consideration to Bill 59, An Act to amend the Act respecting the conservation and development of wildlife;

- X the Committee on the Budget and Administration, to give clause-by-clause consideration to Bill 66, An Act to establish a departure incentive management fund.

ORDERS OF THE DAY

Government Motions

The Assembly resumed the debate on the motion moved by Mr. Bélanger, Government House Leader, at the sitting of 28 November 1996. This motion reads as follows:

THAT the Committee on Institutions, to which Bill 130, An Act respecting administrative justice, has been referred for clause-by-clause consideration, conclude its proceedings with respect to this order of reference as soon as the present motion is adopted and report to the Assembly at the time appointed for this purpose during Routine Proceedings at the next sitting thereafter.

Mr. Brouillet, Vice-President, gave the following directive on certain comments that were attributed to Mr. Bégin, Minister of Justice, by Mr. Mulcair (Chomedey) at the sitting of 6 December 1996 and which were denied by the Minister:

DIRECTIVE FROM THE CHAIR

It is inadmissible for any person to reaffirm the words in question since this is contrary to the provisions of Standing Order 35(6) which states that no Member shall refuse to take another Member at his word. It is equally inadmissible for any person to affirm that the Minister uttered to the Member for Chomedey the words that the latter attributed to him, and this on the same grounds.

Mr. Paradis, Official Opposition House Leader, moved the adjournment of the debate.

And debate arising;

At the request of Mr. Brouillet, Vice-President, Mr. Mulcair (Chomedey) withdrew certain words deemed unparliamentary.

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

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The motion to adjourn the debate was negated on the following vote:

(Division No. 79 in Appendix)

Yeas: **25** Nays: **48** Abstentions: **0**

And debate continuing on the closure motion moved by Mr. Bélanger, Government House Leader;

At 1.05 o'clock p.m., Mr. Brouillet, Vice-President, having left the Chair, the proceedings were suspended until 3.00 o'clock p.m.

The proceedings resumed at 3.05 o'clock p.m.

And debate continuing on the closure motion moved by Mr. Bélanger, Government House Leader;

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

The motion was carried on the following vote:

(Division No. 80 in Appendix)

Yeas: **43** Nays: **27** Abstentions: **0**

Government Bills

Passage in Principle

The Assembly resumed the debate on the motion Mr. Bégin, Minister of Justice, XThat Bill 65, An Act to institute, under the Code of Civil Procedure, pre-hearing mediation in family law cases and to amend other provisions of the Code, do now pass in principle.

At the end of his speech, Mr. Chagnon (Westmount—Saint-Louis) moved the following hoist motion:

THAT the motion under debate be amended by striking out the word "now" and by adding at the end thereof the words "this day three months hence".

Having suspended the proceedings to meet with the House Leaders, Mr. Brouillet, Vice-President, announced the allocation of speaking time for the limited debate on this motion: ten minutes shall be set aside for the independent Members; the two parliamentary groups shall equally share the rest of the time allotted for this debate; any time not used by a parliamentary group or by the independent Members may be redistributed, and individual addresses shall not otherwise be limited.

The Assembly entered upon the debate on the hoist motion moved by Mr. Chagnon.

At 6.00 o'clock p.m., Mr. Brouillet, Vice-President, having left the Chair, the proceedings were suspended until 8.00 o'clock p.m.

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The proceedings resumed at 8.09 o'clock p.m.

The Assembly continued the debate on the hoist motion moved by Mr. Chagnon (Westmount—Saint-Louis) with regard to the passage in principle of Bill 65, An Act to institute, under the Code of Civil Procedure, pre-hearing mediation in family law cases and to amend other provisions of the Code.

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. 81 in Appendix)

Yeas: **21** Nays: **44** Abstentions: **0**

And debate continuing on the motion by Mr. Bégin, Minister of Justice, —That Bill 65, An Act to institute, under the Code of Civil Procedure, pre-hearing mediation in family law cases and to amend other provisions of the Code, do now pass in principle;

The debate being concluded, the motion was carried on division and Bill 65 was accordingly passed in principle.

On the motion by Mr. Brassard, Deputy Government House Leader, Bill 65 was referred for clause-by-clause consideration to the Committee on Institutions.

By leave of the Assembly to set aside Standing Orders 188 and 244, Mr. Brassard, Deputy Government House Leader, moved:

THAT the Committee on Institutions hold special consultations and public hearings on Bill 65, An Act to institute, under the Code of Civil Procedure, pre-hearing mediation in family law cases and to amend other provisions of the Code, beginning on 28 January 1997, and, for this purpose, hear the following groups:

- the Conseil du statut de la femme
- the Regroupement provincial des maisons d'hébergement et de transition pour femmes victimes de violence

- the Fédération des ressources d'hébergement pour femmes violentées et en difficulté du Québec
- the Fédération des associations de familles monoparentales et recomposées du Québec inc.
- the Fédération des femmes du Québec
- the Conseil de la famille
- the Organisation pour la sauvegarde des droits des enfants
- the Groupe d'action des pères pour le maintien des liens familiaux
- the Chambre des notaires du Québec
- the Barreau du Québec
- the Ordre des psychologues du Québec
- the Ordre professionnel des travailleurs sociaux du Québec
- the Ordre professionnel des conseillers et conseillères d'orientation du Québec
- the Association des centres jeunesse du Québec
- the Comité des organismes accréditeurs en médiation familiale
- the Association de médiation familiale du Québec
- the Centre jeunesse de Laval
- the Centre jeunesse de Québec
- the Centre jeunesse de Montréal
- the Comité de pratique privée

THAT a period of thirty minutes shall be allotted for the opening statements, which time shall be shared equally among the members of the parliamentary group forming the Government and the Members sitting in Opposition;

THAT a period of thirty minutes shall be allotted for the closing statements, which time shall be shared equally among the members of the parliamentary group forming the Government and the Members sitting in Opposition;

The presentation by each group shall not last more than twenty minutes and its exchange with the members of the Committee shall not last more than forty minutes, which time shall be shared equally among the members of the parliamentary group forming the Government and the Members sitting in Opposition;

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The Minister of Justice shall be a member of the said Committee during its proceedings with respect to this order of reference.

The motion was carried.

Resuming the debate on the motion by Mr. Bégin, Minister responsible for the administration of legislation respecting the professions, —That Bill 62, An Act to amend the Professional Code with regard to the committees on discipline of the professional orders, do now pass in principle;

The debate being concluded, the motion was carried on division and Bill 62 was accordingly passed in principle.

On motion by Mr. Brassard, Deputy Government House Leader, Bill 62 was referred for clause-by-clause consideration to the Committee on Education.

Report Stage

The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 47, An Act to amend the Act respecting the payment of certain fines.

The report was concurred in.

Passage in Principle

Resuming the debate on the motion by Mr. Rioux, Minister of Labour, —That Bill 78, An Act to amend various legislative provisions relating to the construction industry, do now pass in principle;

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The debate being concluded, the motion was carried and Bill 78 was accordingly passed in principle.

On motion by Mr. Brassard, Deputy Government House Leader, Bill 78 was referred for clause-by-clause consideration to the Committee on Labour and the Economy.

Report Stage

The Assembly took into consideration the report from the Committee on Education on its clause-by-clause consideration of Bill 45, An Act respecting university foundations, together with the amendments handed in by Mrs. Marois, Minister of Education.

After debate thereon, the amendments were carried.

The report, as amended, was concurred in.

The Assembly took into consideration the report from the Committee on the Budget and Administration on its clause-by-clause consideration of Bill 60, An Act to amend the Act respecting insurance, together with the amendment handed in by Mr. Landry, Minister of Finance.

The amendment was carried.

The report, as amended, was concurred in.

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The Assembly took into consideration the report from the Committee on the Budget and Administration on its clause-by-clause consideration of Bill 73, An Act respecting the Commission administrative des régimes de retraite et d'assurances and amending various legislative provisions as regards pension plans, together with the amendment handed in by Mr. Léonard, Minister for Administration and the Public Service, Chairman of the Conseil du Trésor.

After debate thereon, the amendment was carried.

The report, as amended, was concurred in.

Passage

Mr. Brassard, Minister of Transport, on behalf of Mr. Trudel, Minister of Municipal Affairs, moved the passage of Bill 46, An Act respecting certain assessment rolls drawn up under the responsibility of Municipalité régionale de comté de Portneuf.

After debate thereon, the motion was carried and, accordingly, Bill 46 was passed.

Report Stage

The Assembly took into consideration the report from the Committee on Planning and Infrastructures on its clause-by-clause consideration of Bill 72, An Act to amend the constituent Acts of the urban communities and other legislative provisions.

After debate thereon, the report was concurred in.

The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 15, An Act respecting the implementation of the Agreement on Internal Trade.

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After debate thereon, the report was concurred in.

The Assembly took into consideration the report from the Committee on Planning and Infrastructures on its clause-by-clause consideration of Bill 38, An Act to establish the road network preservation and improvement fund.

The report was concurred in.

Passage

Resuming the debate on the motion moved by Mr. Julien, Minister of Agriculture, Fisheries and Food, for the passage of Bill 52, An Act to amend the Agricultural Products, Marine Products and Food Act and the Environment Quality Act;

The debate being concluded, the motion was carried and, accordingly, Bill 52 was passed.

Resuming the debate on the motion moved by Mr. Julien, Minister of Agriculture, Fisheries and Food, for the passage of Bill 53, An Act respecting reserved designations and amending the Act respecting the marketing of agricultural, food and fish products;

The debate being concluded, the motion was carried and, accordingly, Bill 53 was passed.

At 1.56 o'clock a.m., on the motion by Mr. Brassard, Deputy Government House Leader, the Assembly adjourned until 10.00 o'clock a.m., on Tuesday, 10 December 1996.

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ROYAL ASSENT

On Monday, 9 December 1996, at 1.08 o'clock p.m., in the Office of the Lieutenant-Governor, in the presence of Mr. Pinard, Vice-President of the National Assembly, of Mr. Blais (Masson), the Delegate of the Prime Minister, of Mr. Gautrin (Verdun), the Delegate of the Leader of the Official Opposition, and of Mr. Bédard, Director of the Secrétariat of the Assembly, His Excellency the Lieutenant-Governor was pleased to assent to the following Bill:

54 An Act to amend the Act respecting the Québec Pension Plan.

JEAN-PIERRE CHARBONNEAU

President

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APPENDIX

Recorded Divisions

On the motion by Mr. Paradis, Official Opposition House Leader, to adjourn the debate on the closure motion moved by Mr. Bélanger, Government House Leader, at the sitting of 28 November 1996:

(Division No. 79)

YEAS - 25

Bergman	Farrah	Lafrenière	Paradis
Bordeleau	Frulla	Laporte	Poulin
Bourbeau	Gautrin	Lefebvre	Vaive
Brodeur	Gauvin	LeSage	Williams
Cherry	Houda-Pepin	MacMillan	
Copeman	Johnson	Mulcair	
Delisle	Kelley	Ouimet	

NAYS - 48

Barbeau	Brassard	Lachance	Payne
Baril	Brien	Landry	Pelletier
(Arthabaska)	Campeau	(Bonaventure)	Perreault
Beaudoin	Caron	Laprise	Rioux
Beaumier	Charest	Laurin	Rivard
Bégin	Côté	Léonard	Robert
Bélanger	Désilets	Létourneau	Rochon
(Anjou)	Deslières	Marois	Saint-André
Bertrand	Dion	Morin	Signori
(Charlevoix)	Doyer	(Dubuc)	Simard
Blackburn	Gagnon	Morin	(La Prairie)
Blais	Gaulin	(Nicolet-Yamaska)	Trudel
Bouchard	Jolivet	Paquin	Vermette
Boulerice	Julien	Paré	

ABSTENTIONS - 0

On the motion by Mr. Bélanger, Government House Leader, -THAT the Committee on

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Institutions conclude its proceedings with respect to the clause-by-clause consideration of Bill 130, An Act respecting administrative justice:

(Division No. 80)

YEAS - 43

Barbeau	Boulerice	Gaulin	Paré
Baril	Brien	Jolivet	Pelletier
(<i>Arthabaska</i>)	Campeau	Julien	Perreault
Baril	Caron	Lachance	Rioux
(<i>Berthier</i>)	Charest	Landry	Rivard
Beaudoin	Chevrette	(<i>Bonaventure</i>)	Robert
Beaumier	Cliche	Laprise	Saint-André
Bégin	Côté	Laurin	Signori
Bélanger	Désilets	Létourneau	Simard
(<i>Anjou</i>)	Deslières	Ménard	(<i>La Prairie</i>)
Bertrand	Dion	Morin	Vermette
(<i>Charlevoix</i>)	Doyer	(<i>Nicolet-Yamaska</i>)	
Blais	Gagnon	Paquin	

NAYS - 27

Benoit	Copeman	Lafrenière	Paradis
Bergman	Delisle	Laporte	Poulin
Bordeleau	Farrah	Lefebvre	Sirros
Bourbeau	Fournier	LeSage	Thérien
Brodeur	Gautrin	MacMillan	Vaive
Chagnon	Gauvin	Mulcair	Williams
Cherry	Kelley	Ouimet	

ABSTENTIONS - 0

On the hoist motion by Mr. Chagnon (Westmount—Saint-Louis) with respect to the passage in

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principle of Bill 65, An Act to institute, under the Code of Civil Procedure, pre-hearing mediation in family law cases and to amend other provisions of the Code:

(Division No. 81)

YEAS - 21

Benoit	Farrah	Lefebvre	Thérien
Bergman	Frulla	LeSage	Vaive
Bordeleau	Gautrin	MacMillan	Williams
Brodeur	Gauvin	Middlemiss	
Copeman	Kelley	Paradis	
Delisle	Lafrenière	Poulin	

NAYS - 44

Barbeau	Brien	Julien	Paquin
Baril	Campeau	Jutras	Paré
<i>(Arthabaska)</i>	Caron	Lachance	Pelletier
Baril	Charest	Landry	Perreault
<i>(Berthier)</i>	Cliche	<i>(Bonaventure)</i>	Rioux
Beaumier	Côté	Laprise	Rivard
Bégin	Désilets	Laurin	Robert
Bélanger	Deslières	Létourneau	Saint-André
<i>(Anjou)</i>	Dion	Malavoy	Signori
Bertrand	Doyer	Morin	Simard
<i>(Charlevoix)</i>	Gagnon	<i>(Dubuc)</i>	<i>(La Prairie)</i>
Boulerice	Gaulin	Morin	Trudel
Brassard	Jolivet	<i>(Nicolet-Yamaska)</i>	Vermette

ABSTENTIONS - 0