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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

## **Votes and Proceedings**

**of the Assembly**

**Monday, 21 February 2011 — No. 175**

*(Extraordinary Sitting)*

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

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**QUÉBEC**



*Extraordinary Sitting*

The Assembly was called to order at 9.06 o'clock a.m.

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Moment of reflection

Mr. President tabled the following:

A letter, dated 19 February 2011, he had received from Mr. Jean Charest, Premier, asking that he take the necessary measures for the National Assembly to meet as a matter of urgency beginning at 9.00 o'clock a.m. on Monday, 21 February 2011, according to the calendar and timetable that will be established by the Assembly, to introduce a bill to ensure the continuity of the provision of legal services within the Government and certain public bodies as well as to carry out all of the stages of its consideration.

(Sessional Paper No. 2086-20110221)

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**ROUTINE PROCEEDINGS**

**Statements by Members**

Mr. Blanchet (Drummond) made a statement about "Montreal High Lights".

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Mr. Tremblay (Masson) made a statement to pay homage to Mr. Bernard Patenaude.

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Mr. Turcotte (Saint-Jean) made a statement about Adult Education Week.

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Mr. Boucher (Johnson) made a statement about the Youth Parliament.

### **Presenting Petitions**

Mr. Pagé (Labelle) tabled the following:

The abstract of a petition respecting shale gas exploration and development, and signed by 173 citizens of Québec.

(Sessional Paper No. 2087-20110221)

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Mr. Turcotte (Saint-Jean) tabled the following:

The abstract of a petition respecting shale gas exploration and development, and signed by 186 citizens of Québec.

(Sessional Paper No. 2088-20110221)

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By leave of the Assembly to set aside Standing Order 63, Mrs. Maltais (Taschereau) tabled the following:

The abstract of a petition respecting shale gas exploration and development, and signed by 177 citizens of Québec.

(Sessional Paper No. 2089-20110221)

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By leave of the Assembly to set aside Standing Order 63, Mr. Gaudreault (Jonquière) tabled the following:

The abstract of a petition respecting shale gas exploration and development, and signed by 250 citizens of Québec.

(Sessional Paper No. 2090-20110221)

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By leave of the Assembly to set aside Standing Order 63, Mr. Charette (Deux-Montagnes) tabled the following:

The abstract of a petition respecting shale gas exploration and development, and signed by 188 citizens of Québec.

(Sessional Paper No. 2091-20110221)

### **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, Mr. Bergeron (Verchères) tabled the following:

Copy of a statement by members of the Association des procureurs aux poursuites criminelles et pénales, concerning the new permanent anti-corruption unit.

(Sessional Paper No. 2092-20110221)

### **Motions Without Notice**

Pursuant to Standing Order 26.1, Mr. Fournier, Government House Leader, moved:

THAT in order to introduce and to consider Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies, the Assembly fix the following hours of meeting:

THAT the Assembly shall be permitted to sit every day beginning at 9.00 o'clock a.m. until it has completed the examination of the matter for which it was summoned or until it decides to adjourn its proceedings.

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Mr. Fournier, Government House Leader, moved:

THAT, in order to introduce and complete the consideration of Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies, the Assembly establish the exceptional legislative procedure as provided for in Standing Orders 182 to 184.2 and 257.1 to 257.10;

The President shall be permitted to suspend the proceedings at any time during the sitting, at the request of a Minister or a Deputy Government House Leader.

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At 10.11 o'clock a.m., Mr. President suspended the proceedings to allow the Members to examine the texts of the motions presented by Mr. Fournier, Government House Leader.

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The proceedings resumed at 10.38 o'clock a.m.

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Mr. Bédard, Official Opposition House Leader, and Mrs. Roy, Second Opposition Group House Leader, raised arguments regarding the motions moved by Mr. Fournier, Government House Leader.

By leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Bédard, Official Opposition House Leader, tabled the following:

A letter, dated 21 February 2011, addressed to Mr. Yvon Vallières, President of the National Assembly of Québec, signed by Mr. Marc Lajoie, President of the Association des juristes de l'État, concerning the bill respecting the return to work of Government lawyers and Crown prosecutors.

(Sessional Paper No. 2093-20110221)

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At 10.56 o'clock a.m., Mr. President suspended the proceedings to take the matter under advisement.

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The proceedings resumed at 12.35 o'clock p.m.

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Mr. President ruled as follows on the receivability of the motion to appoint the hours during which the Assembly may meet and of the motion to introduce an exceptional procedure:

**RULING FROM THE CHAIR**

The motion to appoint the hours during which the Assembly shall meet and the motion to introduce an exceptional procedure are receivable. The Assembly having adjourned its proceedings until 22 February 2011, it cannot hold an ordinary sitting today. It can, however, hold an extraordinary sitting, pursuant to Standing Order 23.

As is provided for in the motion to appoint the hours of meeting, a new extraordinary sitting could begin at 9.00 o'clock a.m., tomorrow. This second sitting would begin with Routine Proceedings followed by, during Orders of the Day, the examination of the matter for which the Assembly has been summoned.

The limited debate on the motion to appoint the hours of meeting and on the motion to introduce an exceptional procedure continues irrespectively of the hours set aside for suspension and adjournment in Standing Orders 20 and 21. Upon the conclusion of this debate, the Assembly puts the question to both motions. The hours of meeting provided for in the motion only take effect once the motion has been carried and, consequently, do not have a retroactive effect.

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At 12.43 o'clock p.m., Mr. President suspended the proceedings to allow the Members to examine Bill 135.

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The proceedings resumed at 2.21 o'clock p.m.

**Limited Debate**

Mrs. Houda-Pepin, First Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this limited debate on the causes for which the Assembly has been summoned for extraordinary sittings and on both motions moved by the Government House Leader, namely the motion to appoint the times during which the Assembly shall meet and the motion to introduce an exceptional procedure: 5 minutes shall be allotted to the Member for Mercier; 1 minute 45 seconds shall be allotted to each of the other independent Members; 8 minutes 30 seconds shall be allotted to the Members from the Second Opposition Group; the rest of the time allotted for this debate shall be shared equally by the parliamentary group forming the Government and the parliamentary group forming the Official Opposition, to wit 51 minutes 30 seconds for each of the two groups. Within this framework, any time not used by an independent Member or by the Members of the Second Opposition Group shall be redistributed equally among 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 to the parliamentary group forming the Official Opposition and vice versa. Lastly, individual addresses shall not be limited.

The debate arose thereon.

The debate being concluded, the question was put on the motion to appoint the hours during which the Assembly shall meet; a recorded division was thereupon demanded.

The motion was carried on the following vote:

(Division No. **140** in Appendix)

Yeas: **61**   Nays: **50**   Abstentions: **0**

The question was then put on the motion to introduce an exceptional procedure; a recorded division was thereupon demanded.

The motion was carried on the following vote:

(Division No. **141** in Appendix)

Yeas: **61**   Nays: **50**   Abstentions: **0**

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## ORDERS OF THE DAY

### Introduction of Bills

Mrs. Courchesne, Minister responsible for Government Administration and Chair of the Conseil du trésor, moved that leave be granted to introduce the following Bill:

135 An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies

The motion was carried.

Accordingly, Bill 135 was introduced in the Assembly.

### Government Bills

#### *Passage in Principle*

Mrs. Courchesne, Minister responsible for Government Administration and Chair of the Conseil du trésor, moved, —That Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies, do now pass in principle.

Mr. Chagnon, Second Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this debate: 5 minutes shall be allotted to the Member for Mercier; 4 minutes 30 seconds shall be allotted to each of the other independent Members; 21 minutes shall be allotted to the Members from the Second Opposition Group; the rest of the time allotted for this debate shall be shared equally by the parliamentary group forming the Government and the parliamentary group forming the Official Opposition, to wit 2 hours 12 minutes 30 seconds for each of the two groups. Within this framework, any time not used by an independent Member or by the Members of the Second Opposition Group shall be redistributed equally among 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 to the parliamentary group forming the Official Opposition and vice versa. Lastly, individual addresses shall not be limited.

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The debate arose thereon.

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

The motion was carried on the following vote:

(Division No. **142** in Appendix)

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

Accordingly, Bill 135 was passed in principle.

*Committee of the Whole*

Pursuant to the order adopted previously, the Assembly resolved itself into a Committee of the Whole for the clause-by-clause consideration of Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies.

**Tuesday, 22 February 2011**

Bill 135 was considered in Committee of the Whole and thereupon reported.

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At 3.24 o'clock a.m., Mrs. Houda-Pepin, First Vice-President, suspended the proceedings.

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The proceedings resumed at 5.37 o'clock a.m.

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*Report Stage*

The Assembly took into consideration the report from the Committee of the Whole on its clause-by-clause consideration of Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies, together with the amendments handed in by Mr. St-Arnaud (Chambly).

Of the four amendments handed in by Mr. St-Arnaud (Chambly), one was declared out of order.

Mr. Chagnon, Second Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this debate: 2 minutes shall be allotted to the Member for Mercier; 38 seconds shall be allotted to each of the other independent Members; 4 minutes 12 seconds shall be allotted to the members from the Second Opposition Group; the rest of the time available for this debate shall be shared equally between the parliamentary group forming the Government and the parliamentary group forming the Official Opposition. Within this framework, any time not used by an independent Member or by the Members of the Second Opposition Group shall be redistributed equally among 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 to the parliamentary group forming the Official Opposition and vice versa. Lastly, individual addresses shall not be limited.

The debate arose thereon.

The debate being concluded, the amendments, on questions severally put thereon, were negatived.

The sections of the Bill that the Committee of the Whole had not disposed of as well as the other components of Bill 135, on questions severally put thereon, were adopted on division.

The question was put on the report; a recorded division was thereupon demanded.

The report was concurred in on the following vote:

(Division No. **143** in Appendix)

Yeas: **60**   Nays: **48**   Abstentions: **0**

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*Passage*

Mrs. Courchesne, Minister responsible for Government Administration and Chair of the Conseil du trésor, moved the passage of Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies.

Mr. Chagnon, Second Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this debate: 2 minutes shall be allotted to the Member for Mercier; 38 seconds shall be allotted to each of the other independent Members; 4 minutes 12 seconds shall be allotted to the members from the Second Opposition Group; the rest of the time available for this debate shall be shared equally between the parliamentary group forming the Government and the parliamentary group forming the Official Opposition. Within this framework, any time not used by an independent Member or by the Members of the Second Opposition Group shall be redistributed equally among 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 to the parliamentary group forming the Official Opposition and vice versa. Lastly, individual addresses shall not be limited.

The debate arose thereon.

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. **144** in Appendix)

Yeas: **61**    Nays: **50**    Abstentions: **0**

Accordingly, Bill 135 was passed.

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At 8.00 o'clock a.m., the Assembly having completed the examination of the matter for which it was summoned, Mr. Chagnon, Second Vice-President, adjourned the Assembly until Tuesday, 22 February 2011, at 1.45 o'clock p.m.

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ROYAL ASSENT

On Tuesday, 22 February 2011, at 8.39 o'clock a.m., in the Office of the Lieutenant-Governor, in the presence of Mr. Gagnon, Director of the Secretariat of the Assembly and Delegate of the Secretary General, Honourable Pierre Duchesne, Lieutenant-Governor of Québec, was pleased to assent to the following Bill:

- 135 An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies

**YVON VALLIÈRES**

*President*

21 February 2011

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**APPENDIX**

**Recorded Divisions**

On the motion by Mr. Fournier, Government House Leader, to appoint the hours during which the Assembly shall meet:

**(Division No. 140)**

**YEAS - 61**

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

**NAYS - 50**

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

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On the motion by Mr. Fournier, Government House Leader, to introduce an exceptional procedure:

**(Division No. 141)**

*(Identical to Division No. 140)*



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On the motion by Mrs. Courchesne, Minister responsible for Government Administration and Chair of the Conseil du trésor, for the passage in principle of Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies:

**(Division No. 142)**

**YEAS - 60**

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

**NAYS - 51**

Aussant	Cousineau	Maltais	Richard
Beaudoin	Deltell	Marceau	<i>(Marguerite-D'Youville)</i>
<i>(Rosemont)</i>	Doyer	Marois	Richard
Beaudoin	Drainville	McKay	<i>(Duplessis)</i>
<i>(Mirabel)</i>	Dufour	Ouellet	Robert
Bédard	Ferland	Pagé	Roy
Bergeron	Gaudreault	Pelletier	Simard
Bérubé	<i>(Jonquière)</i>	<i>(Saint-Hyacinthe)</i>	<i>(Kamouraska-Témiscouata)</i>
Blanchet	Grondin	Pelletier	St-Arnaud
Bonnardel	Khadir	<i>(Rimouski)</i>	Traversy
Boucher	Kotto	Picard	Tremblay
Bouillé	Leclair	Pinard	Trottier
Champagne	Léger	Poirier	Turcotte
Charette	Lemay	Ratthé	Villeneuve
Cloutier	Malavoy	Rebello	

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On the report from the Committee of the Whole:

**(Division No. 143)**

**YEAS - 60**

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

**NAYS - 48**

Aussant	Deltell	Maltais	Rebello
Beaudoin	Doyer	Marceau	Richard
<i>(Mirabel)</i>	Drainville	Marois	<i>(Marguerite-D'Youville)</i>
Bédard	Dufour	McKay	Richard
Bergeron	Ferland	Ouellet	<i>(Duplessis)</i>
Bérubé	Gaudreault	Pagé	Robert
Blanchet	<i>(Jonquière)</i>	Pelletier	Simard
Bonnardel	Grondin	<i>(Rimouski)</i>	<i>(Kamouraska-Témiscouata)</i>
Boucher	Khadir	Pelletier	St-Arnaud
Bouillé	Kotto	<i>(Saint-Hyacinthe)</i>	Tremblay
Champagne	Leclair	Picard	Trottier
Charette	Léger	Pinard	Turcotte
Cloutier	Lemay	Poirier	Villeneuve
Cousineau	Malavoy	Ratthé	

21 February 2011

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On the motion by Mrs. Courchesne, Minister responsible for Government Administration and Chair of the Conseil du trésor, for the passage of Bill 135, An Act to ensure the continuity of the provision of legal services within the Government and certain public bodies:

**(Division No. 144)**

**YEAS - 61**

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

**NAYS - 50**

Aussant	Cousineau	Maltais	Richard
Beaudoin	Deltell	Marceau	<i>(Marguerite-D'Youville)</i>
<i>(Mirabel)</i>	Doyer	Marois	Richard
Beaudoin	Drainville	McKay	<i>(Duplessis)</i>
<i>(Rosemont)</i>	Dufour	Ouellet	Robert
Bédard	Ferland	Pagé	Roy
Bergeron	Gaudreault	Pelletier	Simard
Bérubé	<i>(Jonquière)</i>	<i>(Rimouski)</i>	<i>(Kamouraska-Témiscouata)</i>
Blanchet	Grondin	Pelletier	St-Arnaud
Bonnardel	Khadir	<i>(Saint-Hyacinthe)</i>	Tremblay
Boucher	Kotto	Picard	Trottier
Bouillé	Leclair	Pinard	Turcotte
Champagne	Léger	Poirier	Villeneuve
Charette	Lemay	Ratthé	
Cloutier	Malavoy	Rebello	