



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 26 May 2011 — No. 32

**President of the National Assembly:
Mr. Jacques Chagnon**

QUÉBEC

The Assembly was called to order at 9.46 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. Bérubé (Matane) made a statement about Partagence.

Mrs. Rotiroti (Jeanne-Mance–Viger) made a statement to underline the 150th anniversary of Italy.

Mr. Drainville (Marie-Victorin) made a statement to thank Mrs. Danielle Tessier, Director of Hubert-Perron school in Longueuil.

Mr. Bolduc (Jean-Talon) made a statement about Residents' Day.

Mr. Drolet (Jean-Lesage) made a statement about the 15th anniversary of La Marée des Mots.

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Mrs. Léger (Pointe-aux-Trembles) made a statement about Cystic Fibrosis Awareness Month.

Mr. Pigeon (Charlesbourg) made a statement to underline the holding of Journée Bon départ on 28 May 2011.

Mr. Gendron (Abitibi-Ouest) made a statement about the IGA Boyer supermarket, of La Sarre, which received the Ordre du mérite du commerce de détail.

At 9.58 o'clock a.m., Mrs. Houda-Pepin, First Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.10 o'clock a.m.

Moment of reflection

Introduction of Bills

Mr. President gave the following ruling on the questions raised following the introduction of Bill 19, An Act to establish a temporary electoral representation regime and to suspend certain provisions of the Election Act:

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RULING FROM THE CHAIR

Québec has the possibility of enacting laws on any matter concerning the organization and operation of its institutions. The *Election Act*, which is the very foundation of the composition of the Assembly, is a basic law, particularly as it relates to the rights and privileges of the Assembly. By delegating its electoral powers with regard to electoral matters and by creating the institution of the Chief Electoral Officer and the Commission de la représentation électorale (CRÉ), the Parliament has changed the way in which it exercises the privilege of laying down its own constitution, but it has by no means lost its interest in preserving the integrity of the electoral system.

The President is the guardian of the rights and privileges of the Assembly and of its Members. However, he cannot, in our legal system, go beyond his jurisdiction. The Chair must not replace the courts in analyzing the constitutionality of bills that are submitted to the Assembly. The Chair may only interpret the rules of law that concern parliamentary procedure. It may in no way prevent a Member from introducing a motion or a bill to the Assembly and, accordingly, prevent the Assembly from debating this motion or this bill. Only the Assembly may decide whether, in its sovereignty, it is desirable to introduce a bill, examine it and assess its content. The role of the Chair is to ensure that debates may take place.

In addition, it is upon its introduction that a bill becomes public and that everyone may take note of it and give an informed opinion on its content. To refuse to debate a matter because of a lack of unanimous consent from the start seems to be contrary to the very reason why a deliberative assembly exists. It would be difficult to demand a consensus even before a bill is introduced in the Assembly.

It is not for the Chair to impose the electoral boundary process. But let us recall the reasons that, in 1979, led to the creation of the Commission de la représentation électorale. Parliamentarians wanted an independent authority to establish Québec's electoral map. Moreover, on 22 March 2011, the Assembly unanimously carried a motion, which had been moved on 16 March 2011, concerning the legitimacy of this process.

Despite the fact that the Assembly's legislative process requires a simply majority vote, the Members of the Assembly have indicated that a broad consensus is desirable as regards amending the *Election Act*. However, no precise or mathematical formula allows us to establish a set number of Members in advance and in future to meet this requirement. Several elements may influence the answer according to the context, starting with the composition of the Assembly.

The Chair well appreciates the wish expressed by the Members to have a broad consensus when it is time to modify the *Election Act*, particularly as regards electoral representation. It is for this reason that it sincerely hopes that Members consider themselves bound by the comments made in the House and the resolution that the Assembly carried on 22 March 2011.

By taking into consideration all of the statements made and by analogy with the concept of constitutional convention, the Chair believes that we have here a form of parliamentary convention, since there exists a strong feeling of political necessity to obtain the broadest possible consensus in matters concerning electoral representation.

In conclusion, it is for the National Assembly to examine all of these factors to ensure that no person in Québec has any doubts as to the legitimacy of our system of representation.

Mr. President communicated to the Assembly and then tabled the report from the Law Clerk on the following Private Bill:

204 An Act concerning the proposed multi-functional amphitheatre of Ville de Québec

The report states that the notices were not drafted and published in accordance with the Rules for the Conduct of Proceedings Respecting Private Bills.

(Sessional Paper No. 283-20110526)

By leave of the Assembly to set aside sections 36 and 37 of the Rules for the Conduct of Proceedings respecting Private Bills, Mrs. Maltais (Taschereau) then moved that leave be granted to introduce Private Bill 204, An Act concerning the proposed multi-functional amphitheatre of Ville de Québec.

The motion was carried.

By leave of the Assembly to set aside Standing Orders 121, 122 and 132, Mr. Fournier, Government House Leader, moved that Private Bill 204 be referred for consultations and clause-by-clause consideration to the Committee on Planning and the Public Domain and that the Minister of Municipal Affairs, Regions and Land Occupancy, and the Members for Mercier, La Peltrie, Chutes-de-la-Chaudière, Montmorency and Jean-Lesage be members during its deliberations in respect of the said Bill.

The motion was carried.

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By leave of the Assembly to set aside Standing Order 53, the Assembly immediately took Notices of Proceedings in Committees.

Notices of Proceedings in Committees

Mr. Fournier, Government House Leader, convened the following Committee:

- the Committee on Planning and the Public Domain, to hear the interested parties and give clause-by-clause consideration to Private Bill 204, An Act concerning the proposed multi-functional amphitheatre of Ville de Québec.

Presenting Papers

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

The Government's answer to the petitions tabled on 12 and 21 April 2011 by Mr. Gaudreault (Jonquière), concerning Hydro-Québec's call centre in Gatineau.

(Sessional Paper No. 284-20110526)

Presenting Reports from Committees

Mr. Ouellette (Chomedey), committee chairman, tabled the following:

A report from the Committee on Labour and the Economy, which, on 24 and 25 May 2011, held public hearings within the framework of special consultations on Bill 11, An Act to amend the Supplemental Pension Plans Act and to provide for the possibility of opting to receive a pension paid by the Régie des rentes du Québec during the existence of certain plans in the pulp and paper sector.

(Sessional Paper No. 285-20110526)

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Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mr. Arcand, Minister of Sustainable Development, Environment and Parks, tabled the following:

A document by the Ministère du Développement durable, de l'Environnement et des Parcs, entitled "Traitement des demandes d'autorisation des projets dans les milieux humides".

(Sessional Paper No. 286-20110526)

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mrs. Blais, Minister responsible for Seniors, together with Mrs. Lapointe (Crémazie), Mrs. Roy (Lotbinière), Mr. Picard (Chutes-de-la-Chaudière), Mr. Caire (La Peltrie) and Mr. Khadir (Mercier), moved:

THAT the National Assembly underline the 5th edition of the Marche de la Mémoire RONA, which will take place on Sunday, 29 May 2011, for the benefit of the Alzheimer societies of Québec;

THAT it be an occasion for us to come together in support of persons stricken with Alzheimer's Disease and their loved ones, and recall the numerous help and support services available from the Alzheimer societies province-wide.

By leave of the Assembly, the motion was carried.

Notices of Proceedings in Committees

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

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- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to hold public hearings within the framework of special consultations on Bill 18, An Act to limit oil and gas activities;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 15, Anti-Corruption Act;
- the Committee on Transportation and the Environment, to continue its clause-by-clause consideration of Bill 2, An Act respecting the construction of a section of Highway 73 from Beauceville to Saint-Georges;
- the Committee on Health and Social Services, to continue its clause-by-clause consideration of Bill 127, An Act to improve the management of the health and social services network;
- the Committee on Citizen Relations, to hold public hearings within the framework of a general consultation with reference to the document entitled "La planification de l'immigration au Québec pour la période 2012-2015".

Mr. Gendron, Third Vice-President, gave the following notice:

- the Committee on Citizen Relations shall hold a deliberative meeting for the purpose of informing its members and preparing its public hearings within the framework of a general consultation on the document entitled "La planification de l'immigration au Québec pour la période 2012-2015".

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ORDERS OF THE DAY

Government Bills

Passage in Principle

Mr. Kelley, Minister responsible for Aboriginal Affairs, moved, –That Bill 17, An Act to provide for the implementation of a special plan concerning employment injuries and occupational health and safety, do now pass in principle.

A debate arose thereon.

At 12.04 o'clock p.m., at the request of Mr. Fournier, Government House Leader, Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 12.34 o'clock p.m.

The debate continued on the motion by Mr. Kelley, Minister responsible for Aboriginal Affairs, for the passage in principle of Bill 17, An Act to provide for the implementation of a special plan concerning employment injuries and occupational health and safety.

The debate being concluded, the motion was carried and Bill 17 was accordingly passed in principle.

Mr. Gauthrin, Deputy Government House Leader, moved that Bill 17 be referred for clause-by-clause consideration to the Committee on Institutions.

The motion was carried.

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Mr. Gauthrin, Deputy Government House Leader, moved the adjournment of the Assembly until Tuesday, 31 May 2011, at 1.45 o'clock p.m.

The motion was carried.

Accordingly, at 12.44 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Tuesday, 31 May 2011, at 1.45 o'clock p.m.

JACQUES CHAGNON

President