



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Votes and Proceedings

of the Assembly

Wednesday, 28 September 2011 — No. 45

**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. Chevarie (Îles-de-la-Madeleine) made a statement about Ovarian Cancer Awareness Month, Men's Cancer Health Awareness Month and Childhood Cancer Awareness Month.

Mrs. Doyer (Matapédia) made a statement about the Site des Marais in Causapscal.

Mr. Traversy (Terrebonne) made a statement about the 15th anniversary of the singing group Éclipse.

Mr. Khadir (Mercier) made a statement about the sale of 5455 avenue de Gaspé - a threat to the cultural vitality of Montréal and Québec.

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Mr. Mamelonet (Gaspé) made a statement to pay homage to Mr. Robert Warren of Val-d'Espoir.

Mr. Turcotte (Saint-Jean) made a statement to underline the death of Mr. Maurice Langlois, former mayor of Saint-Paul-de-l'Île-aux-Noix.

Mr. Lehouillier (Lévis) made a statement about the creation of 200 jobs by the Agence du revenu.

Mrs. Léger (Pointe-aux-Trembles) made a statement to underline the 50th anniversary of the Société Ressources-Loisirs de Pointe-aux-Trembles (Roussin).

Mr. Gauthrin (Verdun) made a statement about the OPERA experience, neutrinos travelling faster than the speed of light.

By leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Gauthrin (Verdun) tabled the following:

A document entitled "Measurement of the neutrino velocity with the OPERA detector in the CNGS beam".

(Sessional Paper No. 474-20110928)

At 9.59 o'clock a.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

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The proceedings resumed at 10.13 o'clock a.m.

Moment of reflection

Presenting Papers

Mr. Bolduc, Minister of Health and Social Services, tabled the following:

The 2010-2011 annual report on the implementation of the complaints examination procedure and the improvement of the quality of services of the Centre régional de santé et de services sociaux de la Baie-James;
(Sessional Paper No. 475-20110928)

The 2010-2011 annual report on the implementation of the complaints examination procedure of the Saguenay–Lac-Saint-Jean Health and Social Services Agency;
(Sessional Paper No. 476-20110928)

The annual management reports, for the fiscal year ended 31 March 2011, of the following health and social services agencies:

Saguenay–Lac-Saint-Jean
(Sessional Paper No. 477-20110928)

Gaspésie–Îles-de-la-Madeleine
(Sessional Paper No. 478-20110928)

The annual management report of the Centre régional de la santé et de services sociaux de la Baie-James, for the fiscal year ended 31 March 2011.
(Sessional Paper No. 479-20110928)

Mr. Fournier, Government House Leader, moved:

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THAT, pursuant to section 392 of the *Act respecting health services and social services*, the 2010-2011 annual management reports of the Saguenay–Lac-Saint-Jean Health and Social Services Agency, the Gaspésie–Îles-de-la-Madeleine Health and Social Services Agency and the Centre régional de la santé et de services sociaux de la Baie-James be referred to the Committee on Health and Social Services for consideration;

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

The motion was carried.

Mr. Moreau, Minister of Transport, tabled the following:

The annual management report of the Commission des transports du Québec, for the fiscal year ended 31 March 2011.

(Sessional Paper No. 480-20110928)

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

The agreement concerning the contribution to the Fonds des nouvelles initiatives de recherche et de sauvetage between the Government of Canada and the Government of Québec;

(Sessional Paper No. 481-20110928)

The agreement concerning a crime prevention project in the community of Kanesatake between the Mohawk Council of Kanesatake and the Government of Québec;

(Sessional Paper No. 482-20110928)

The annual management report of the Régie des alcools, des courses et des jeux, for the fiscal year ended 31 March 2011.

(Sessional Paper No. 483-20110928)

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Mrs. St-Pierre, Minister of Culture, Communications and the Status of Women, tabled the following:

The annual management report of the Conseil supérieur de la langue française, for the fiscal year ended 31 March 2011.

(Sessional Paper No. 484-20110928)

Mr. President tabled the following:

The annual management report of the Auditor General of Québec, for the fiscal year ended 31 March 2011.

(Sessional Paper No. 485-20110928)

Complaints of Breach of Privilege or Contempt and Personal Explanations

Mr. President rendered his decision regarding the request to rise on a point of privilege notified by the Member for Pointe-aux-Trembles and Chief Opposition Whip on 28 September 2011, whereby she alleged that Mrs. Normandeau, when she was a Minister, had acted in contempt of Parliament when she made comments regarding the dismantlement of the Shell refinery in east-end Montréal:

RULING FROM THE CHAIR

The Chief Opposition Whip approaches this matter from two angles, that is, knowingly misleading the House and ridiculing the House.

Concerning the first point, parliamentary jurisprudence has always recalled the fundamental principle provided for in paragraph 6 of Standing Order 35 whereby no Member shall refuse to take another Member at his word. This is a presumption according to which a Member's word must always be accepted. This presumption in favour of a Member cannot be reversed unless the Member, when speaking, misleads the Assembly and, subsequently, recognizes having deliberately misled it, thus acting in contempt of Parliament.

There is nothing to suggest that the former Minister recognized having deliberately misled the House. Even by drawing on the interpretation given by the Chair of the House of Commons, nothing suggests that the former Minister gave two contradictory versions of the same facts. Failing an admission of having misled the House or having given the Assembly two contradictory versions of the same facts, it is not for the Chair to find out why the decision was taken to grant a permit to dismantle the Shell refinery before the committee's report was tabled. That is the Government's prerogative, not the Chair's. In this regard, there is nothing to suggest at first glance that the former Minister acted in contempt of Parliament.

Concerning the second point, the Chair must analyze the matter from the perspective of an offence against the authority or the dignity of the Assembly. The executive branch is not bound by the legislative branch, unless expressly stated in legislation or an order adopted by the Assembly within the limits of its prerogatives and authority. The former Minister therefore was not obliged to wait until the committee had tabled its report to take a decision concerning the granting of a permit to dismantle the Shell refinery. This decision came under the prerogative of the Government. On this basis, there is nothing to suggest at first glance that the former Minister acted in contempt of Parliament.

However, while the Government has the entire prerogative to take decisions within its jurisdiction as regards the government administration, and that, for this reason, there cannot be, in these circumstances, contempt of Parliament at first glance, the Chair hopes that in future a Minister who himself binds his decision to a committee's proceedings will not subsequently act as though the role of the latter was of secondary importance. At a time when, more than ever before, an increasing number of Members question themselves as to how to conduct politics differently, the Chair hopes to raise the awareness of parliamentarians as to the fact that it is above all through their actions that Members will improve the way they are perceived by people.

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Order 53, Mr. Moreau, Minister of Transport, tabled the following:

Copy of a contract, dated 11 August 2011, between the Minister of Transport and École Polytechnique de Montréal, concerning the causes surrounding the collapse of the beam located at the entrance of the Viger tunnel.

(Sessional Paper No. 486-20110928)

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By leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Gaudreault (Jonquière) tabled the following:

A memo, dated 8 June 2007, addressed to Mr. Claude Ouellet, associate directorate general for the budget, sent by Mrs. Jeannine Auger, general and prehospita! medical services directorate, concerning the updating of the policy on the movement of users, elective component.

(Sessional Paper No. 487-20110928)

Motions Without Notice

Mr. Bédard, Official Opposition House Leader, moved a motion concerning the electoral boundaries of Québec; this motion could not be debated for want of unanimous consent.

Mr. Deltell, Leader of the Second Opposition Group, together with Mr. Curzi (Borduas), Mr. Picard (Chutes-de-la-Chaudière), Mr. Charette (Deux-Montagnes), Mr. Gauvreau (Groulx), Mr. Caire (La Peltrie), Mr. Khadir (Mercier), Mr. Aussant (Nicolet-Yamaska) and Mrs. Beaudoin (Rosemont), moved a motion concerning the testimony of Mr. Jacques Duchesneau; this motion could not be debated for want of unanimous consent.

Mr. Gignac, Minister of Natural Resources and Wildlife, moved a motion concerning the Anti-Corruption Unit; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Orders 84.1 and 185, Mrs. Gagnon-Tremblay, Minister of International Relations, together with Mr. Simard (Richelieu), Mr. Deltell, Leader of the Second Opposition Group, Mr. Curzi (Borduas), Mr. Picard (Chutes-de-la-Chaudière), Mrs. Lapointe (Crémazie), Mr. Charette (Deux-Montagnes), Mr. Caire (La Peltrie), Mr. Khadir (Mercier), Mr. Aussant (Nicolet-Yamaska) and Mrs. Beaudoin (Rosemont), moved:

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THAT the National Assembly mark the 50th anniversary of the inauguration, on 5 October 1961, by the Premier of Québec, Mr. Jean Lesage, and the French Republic's Minister of State responsible for Cultural Affairs, Mr. André Malraux, of the Maison du Québec à Paris, which in 1964 became the Délégation générale du Québec;

THAT the Members of the National Assembly express their attachment to this direct and privileged relation between Québec and France, which all of the stakeholders in our societies increasingly take part in.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

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

THAT, within the framework of the examination of Bill 30, An Act to amend various legislative provisions concerning municipal affairs, the Committee on Planning and the Public Domain hold special consultations and public hearings on 3 and 4 October 2011, and that, for this purpose, it hear the following groups:

Union des municipalités du Québec
Fédération québécoise des municipalités
Ville de Montréal
Société des transports de Montréal
Corporation des entrepreneurs généraux du Québec
Rassemblement pour la sauvegarde du 1420 Mont-Royal
Coalition des amis du parc Jarry
Table de concertation Habiter Ville-Marie

A period of 15 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;

The presentation by each group shall last no more than 15 minutes and the exchange with the members of the Committee shall last no more than 45 minutes, which time shall be shared equally among the members of the parliamentary group forming the Government and the Members sitting in opposition;

A period of 15 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 Minister of Municipal Affairs, Regions and Land Occupancy shall be a member of the said Committee during its proceedings with respect to this order of reference.

The motion was carried.

Notices of Proceedings in Committees

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

- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 94, An Act to establish guidelines governing accommodation requests within the Administration and certain institutions;
- the Committee on Citizen Relations, to give clause-by-clause consideration to Bill 25, An Act to prohibit the resale of tickets at a price above that announced by the authorized vendor;
- the Committee on Culture and Education, to continue its clause-by-clause consideration of Bill 82, Cultural Heritage Act.

Mrs. Houda-Pepin, First Vice-President, gave the following notices:

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- the Committee on Transportation and the Environment shall hold a public meeting to hold special consultations and public hearings within the framework of the order concerning the evaluation report on the pilot project with regard to photo radar devices and red light camera systems; it shall then hold a deliberative meeting to discuss the follow up to be given to this order;
- the Committee on Public Administration shall hold a deliberative meeting to determine, if need be, the Committee's observations, conclusions and recommendations following the hearing with Mr. Jacques Duchesneau.

ORDERS OF THE DAY

Statutory Debates

The Assembly resumed the debate, which had been adjourned on 27 September 2011, on the report of the Commission de la représentation électorale tabled in the Assembly by Mr. President on 20 September 2011, concerning the electoral boundaries of Québec.

The debate expired and no question was put.

Government Bills

Passage in Principle

Mr. Dutil, Minister of Public Security, moved, —That Bill 9, An Act to enhance the regulation of the verification carried out for licence purposes and otherwise amend the Private Security Act, do now pass in principle.

After debate thereon, the motion was carried and Bill 9 was accordingly passed in principle.

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Mr. Gauthrin, Deputy Government House Leader, moved that Bill 9 be referred for clause-by-clause consideration to the Committee on Institutions.

The motion was carried.

The Assembly resumed the debate, which had been adjourned on 22 September 2011, on the motion by Mr. Simard, Minister for Natural Resources and Wildlife, for the passage in principle of Bill 14, An Act respecting the development of mineral resources in keeping with the principles of sustainable development.

At 1.00 o'clock p.m., Mrs. Houda-Pepin, First Vice-President, suspended the proceedings until 3.00 o'clock p.m.

Consequently, in pursuance of Standing Order 97, the debate on the motion by Mr. Simard, Minister for Natural Resources and Wildlife, was adjourned in the name of Mrs. Ouellet (Vachon).

The proceedings resumed at 3.03 o'clock p.m.

Business Standing in the Name of Members in Opposition

Mr. Drainville (Marie-Victorin) moved:

THAT the National Assembly authorize the Auditor General of Québec to freely conduct, without further authorization, a value-for-money audit of Hydro-Québec.

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Mr. Ouimet, Second Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this motion: 10 minutes shall be allotted to the mover of the motion for his reply; 7 minutes 42 seconds shall be allotted to the Members of the Second Opposition Group; 10 minutes shall be granted to the independent Members; the rest of the time set aside 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 the independent Members 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 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; a recorded division was thereupon demanded.

The motion was negated on the following vote:

(Division No. **46** in Appendix)

Yeas: **46** Nays: **58** Abstentions: **0**

Government Bills

Passage in Principle

The Assembly resumed the debate on the motion by Mr. Simard, Minister for Natural Resources and Wildlife, for the passage in principle of Bill 14, An Act respecting the development of mineral resources in keeping with the principles of sustainable development.

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At 6.01 o'clock p.m., Mrs. Houda-Pepin, First Vice-President, adjourned the Assembly until Thursday, 29 September 2011, at 9.45 o'clock a.m.

JACQUES CHAGNON

President

APPENDIX

Recorded Divisions

On the motion moved by Mr. Drainville (Marie-Victorin):

(Division No. 46)

YEAS - 46

Beaudoin	Girard	Pelletier	St-Arnaud
(<i>Mirabel</i>)	Hivon	(<i>Saint-Hyacinthe</i>)	Traversy
Bergeron	Khadir	Pinard	Tremblay
Bérubé	Kotto	Poirier	Trottier
Bonnardel	Lapointe	Rathé	Turcotte
Boucher	Leclair	Rebello	Villeneuve
Bouillé	Léger	Richard	
Champagne	Malavoy	(<i>Marguerite-D'Youville</i>)	
Curzi	Maltais	Richard	
Deltell	Marceau	(<i>Duplessis</i>)	
Doyer	Marois	Robert	
Drainville	McKay	Roy	
Dufour	Ouellet	Simard	
Ferland	Pagé	(<i>Kamouraska-Témiscouata</i>)	
Gaudreault	Pelletier	Simard	
(<i>Jonquière</i>)	(<i>Rimouski</i>)	(<i>Richelieu</i>)	

NAYS - 58

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