



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Votes and Proceedings

of the Assembly

Wednesday, 16 May 2012 — No. 107

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

QUÉBEC

The Assembly was called to order at 9.45 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mrs. Blais (Saint-Henri–Sainte-Anne) made a statement about Friendship is Ageless Week.

Mr. Kotto (Bourget) made a statement to underline the 75th anniversary of the Union des artistes.

Mr. Drainville (Marie-Victorin) made a statement to salute the work of those who prepare the Bulletin de l'Amicale des anciens parlementaires.

Mrs. James (Nelligan) made a statement about the International Day of Families.

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Mr. Bérubé (Matane) made a statement about the 100th anniversary of the municipality of Saint-Léandre.

Mr. Curzi (Borduas) made a statement to underline the 15th anniversary of the Choeur de la montagne.

Mr. Chevarie (Îles-de-la-Madeleine) made a statement to underline the acts of courage carried out by Messrs. Alexandre Lavallée and Lawrence Olivier Brossard in the Magdalen Islands.

Mr. Villeneuve (Berthier) made a statement about the creation of an intergenerational park in Val-Paradis in honour of Member François Gendron.

Mr. Morin (Montmagny-L'Islet) made a statement to congratulate the winners of the Concours québécois en entrepreneuriat en Chaudière-Appalaches.

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

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The proceedings resumed at 10.11 o'clock a.m.

Moment of reflection

Presenting Papers

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

The 2011 activity report of the Agence métropolitaine de transport.
(Sessional Paper No. 1316-20120516)

Presenting Petitions

Mr. Villeneuve (Berthier) tabled the following:

The abstract of a petition respecting the financing of the health and social services network of Lanaudière, and signed by 823 citizens of Québec.
(Sessional Paper No. 1317-20120516)

By leave of the Assembly to set aside Standing Order 63, Mr. Morin (Montmagny-L'Islet) tabled the following:

The abstract of a petition respecting access to a physician in Saint-Éphrem-de-Beauce, and signed by 1137 citizens of Saint-Éphrem-de-Beauce and the vicinity;
(Sessional Paper No. 1318-20120516)

The abstract of a petition respecting the renovation of low-cost housing, and signed by 126 citizens of Québec.
(Sessional Paper No. 1319-20120516)

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By leave of the Assembly to set aside Standing Order 63, the abstracts of three petitions respecting the financing of the health and social services network of Lanaudière were tabled:

- the first, being the abstract of a petition signed by 4221 citizens of the Lanaudière region, by Mr. McKay (L'Assomption);
(Sessional Paper No. 1320-20120516)
- the second, being the abstract of a petition signed by 4258 citizens of the Lanaudière region, by Mr. Villeneuve (Berthier);
(Sessional Paper No. 1321-20120516)
- the third, being the abstract of a petition signed by 4380 citizens of the Lanaudière region, by Mrs. Hivon (Joliette).
(Sessional Paper No. 1322-20120516)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

By leave of the Assembly to set aside Standing Orders 52 and 59, Mr. Curzi (Borduas) tabled the following:

Copies of e-mail exchanges concerning data on the Ministère de l'Éducation, du Loisir et du Sport.

(Sessional Paper No. 1323-20120516)

Motions Without Notice

Mr. Kotto (Bourget), together with Mr. Khadir (Mercier), moved a motion concerning Québec artefacts; this motion could not be debated for want of unanimous consent.

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By leave of the Assembly to set aside Standing Order 185, Mr. Corbeil, Minister of Agriculture, Fisheries and Food, together with Mr. Bérubé (Matane), Mr. Grondin (Beauce-Nord) and Mr. Khadir (Mercier), moved:

THAT the National Assembly ask the Minister of Fisheries and Oceans Canada to maintain the owner-operator and fleet separation policies, and that the Federal Government, in an exercise to modernize Canada's commercial fisheries, work closely with the representatives of the fishing industry and of the Government of Québec.

By leave of the Assembly, the motion was carried.

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Mr. Khadir (Mercier), together with Mr. Curzi (Borduas), moved a motion concerning the Nakba; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

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

- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to continue its public hearings within the framework of a general consultation on the green paper for an agrifood policy entitled "Donner le goût du Québec";
- the Committee on Transportation and the Environment, to continue its clause-by-clause consideration of Bill 57, An Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions;
- the Committee on Planning and the Public Domain, to continue its clause-by-clause consideration of Bill 69, An Act to amend various legislative provisions concerning municipal affairs.

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ORDERS OF THE DAY

Government Bills

Report Stage

The Assembly took into consideration the report from the Committee on Institutions on its clause-by-clause consideration of Bill 31, An Act to amend various provisions concerning the organization of police services, together with the amendment handed in by Mr. Dutil, Minister of Public Security.

The amendment was declared in order.

After debate thereon, the amendment was carried.

The report, as amended, was concurred in.

Passage

Mr. Fournier, Minister responsible for the administration of legislation respecting the professions, moved the passage of Bill 61, Chartered Professional Accountants Act.

After debate thereon, the motion was carried and, accordingly, Bill 61 was passed.

Report Stage

The Assembly took into consideration the report from the Committee on Transportation and the Environment on its clause-by-clause consideration of Bill 71, An Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water.

After debate thereon, the report was concurred in.

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At 12.01 o'clock p.m., at the request of Mr. Gauthrin, Deputy Government House Leader, Mr. Gendron, Third Vice-President, suspended the proceedings until 3.00 o'clock p.m.

The proceedings resumed at 3.00 o'clock p.m.

Business Standing in the Name of Members in Opposition

Mr. Bergeron (Verchères) moved:

THAT the National Assembly of Québec call upon the Government to intervene in order that the mayor of Mascouche resign from city council immediately, following the charges of breach of trust by a public officer, municipal corruption, fraud on the government and conspiracy brought against him.

Following a meeting with the House leaders, Mr. Gendron, Third Vice-President, informed the Assembly of the allocation of speaking time for the proceedings with respect to this motion: 10 minutes shall be set aside for the reply by the mover of this motion; 15 minutes shall be granted to the independent Members who wish to be heard, with no more than 5 minutes being allotted per Member; the rest of the time 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 shall be redistributed equally between the parliamentary group forming the Government and the parliamentary group forming the Official Opposition. Any time not used by the parliamentary group forming the Government will be transferred to the parliamentary group forming the Official Opposition, and vice versa. Finally, individual addresses shall not be limited.

The debate arose thereon.

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At the request of Mr. Gauthrin, Deputy Government House Leader, Mr. Gendron, Third Vice-President, gave a directive on the application of the sub judice rule within the context of the debate on this motion.

DIRECTIVE FROM THE CHAIR

Members must respect the sub judice rule provided for in Standing Order 35. This rule provides that no Member speaking may refer to any matter that is under adjudication before a court of law where such reference may be prejudicial to the interests of any person or party.

It is clear from this Standing Order that Members must at all times refrain from making any remarks that may be prejudicial to any person or party. The Chair has previously stated that, in penal and criminal matters, such as this one, prejudice is presumed. In such a context, the rule is strictly applied.

However, Standing Order 35 constitutes an exception to the parliamentary privilege of the freedom of speech of Members, to the effect that no Member of the Assembly may hinder or interfere with the right of another Member to openly and freely speak on any matter that is before the Assembly. Hence, Members must have the possibility of questioning the Government's actions.

Members are therefore invited to be very cautious when making remarks so as to not cause prejudice to any person or party.

The debate continued.

At the end of his address, Mr. Ratthé (Blainville) moved:

THAT the motion by the Member for Verchères be amended as follows: by replacing the words "to intervene in order that " by the words "to impress upon";

By adding, after the word "Mascouche" the words "that it would be advisable that he".

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The motion, as amended, would read as follows:

THAT the National Assembly of Québec call upon the Government to impress upon the mayor of Mascouche that it would be advisable that he resign from city council immediately, following the charges of breach of trust by a public officer, municipal corruption, fraud on the government and conspiracy brought against him.

The debate continued on the main motion by Mr. Bergeron (Verchères) and on the amendment by Mr. Ratthé (Blainville), subject to the permission of its author.

Mr. Bergeron (Verchères) refused the amendment proposed by Mr. Ratthé (Blainville).

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. 92 in Appendix)

Yeas: **42** Nays: **66** Abstentions: **0**

Government Bills

Passage in Principle

The Assembly resumed the debate, which had been adjourned on 2 May 2012, on the motion by Mr. Lessard, Minister of Municipal Affairs, Regions and Land Occupancy, for the passage in principle of Bill 4, An Act to allow municipalities to grant a tax credit to certain owners of residential immovables affected by a significantly higher than average increase in value.

The debate was adjourned in the name of Mr. Pagé (Labelle).

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At 6.00 o'clock p.m., Mr. Ouimet, Second Vice-President, adjourned the Assembly until Thursday, 17 May 2012, at 9.45 o'clock a.m.

ROYAL ASSENT

On Wednesday, 16 May 2012, at 4.15 o'clock p.m., in the Office of the Lieutenant-Governor, in the presence of Mr. Dubourg (Viau), the Delegate of Premier, and of Mr. Arsenault, Director of Parliamentary Proceedings and Delegate of the Secretary General, the Honourable Pierre Duchesne, Lieutenant-Governor of Québec, was pleased to assent to the following Bills:

- 53 An Act to dissolve the Société de gestion informatique SOGIQUE
- 55 An Act respecting the professional recognition of medical electrophysiology technologists
- 61 Chartered Professional Accountants Act

JACQUES CHAGNON

President

APPENDIX

Recorded Divisions

On the motion moved by Mr. Bergeron (Verchères):

(Division No. 92)

YEAS - 42

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

NAYS - 66

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