



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Votes and Proceedings **of the Assembly**

Wednesday, 24 April 2013 — No. 43

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

Mr. Gaudreault (Jonquière) made a statement to underline the presentation of a Hommage bénévolat-Québec award to two fellow citizens of Jonquière.

Mrs. Charlebois (Soulanges) made a statement about the 40th anniversary of the FADOQ Les Coteaux.

Mrs. Gadoury-Hamelin (Masson) made a statement about World Meningitis Day.

Mr. Drolet (Jean-Lesage) made a statement about Relais d'Espérance.

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Mr. Spénard (Beauce-Nord) made a statement to pay homage to an artist from the Beauce region, Mrs. Monique Cliche-Spénard.

Mr. Khadir (Mercier) made a statement about the fifth Journée culturelle de la Relance des loisirs tout 9, creator of unforgettable memories.

Mrs. de Santis (Bourassa-Sauvé) made a statement to congratulate Éco-quartier Montréal-Nord on the Earth Day bee.

Mr. Marsan (Robert-Baldwin) made a statement about the 20th anniversary of the Centre d'intégration multi-services de l'ouest de l'île (CIMOI).

Mrs. Proulx (Sainte-Rose) made a statement about the commemoration of the Armenian genocide.

At 9.56 o'clock a.m., Mr. Ouimet, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.16 o'clock a.m.

Moment of reflection

Mr. President communicated to the Assembly and tabled the following:

A letter, dated 24 April 2013, he had received from Mr. Bédard, Government House Leader, concerning a request for a directive on the possibility for a committee to summon the appearance before it of any Member having held ministerial duties.

(Sessional Paper No. 594-20130424)

Mr. President then took the matter under advisement.

Introduction of Bills

Mrs. Zakaïb, Minister for Industrial Policy and the Banque de développement économique du Québec, moved that leave be granted to introduce the following Bill:

36 An Act respecting the Banque de développement économique du Québec

The motion was carried.

Accordingly, Bill 36 was introduced in the Assembly.

Presenting Reports from Committees

Mrs. Richard (Duplessis), committee chairman, tabled the following:

The report from the Committee on Culture and Education, which, on 23 April 2013, held public hearings within the framework of special consultations on Bill 24, An Act to amend the Act respecting school elections.

(Sessional Paper No. 595-20130424)

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Mr. Leclair (Beauharnois), committee vice-chairman, tabled the following:

The report from the Committee on Labour and the Economy, which, on 11 April 2013, held public hearings within the framework of special consultations to examine the petitions concerning the increase in welfare assistance benefits given to disabled persons. The Committee also held deliberative meetings on 19 March and 11 April 2013. The report contains two recommendations.

(Sessional Paper No. 596-20130424)

Mr. Ferland (Ungava), committee chairman, tabled the following:

The report from the Committee on Institutions, which, on 9, 10, 11 and 23 April 2013, held public hearings within the framework of a general consultation on the report of the Commission d'accès à l'information entitled "Technologies et vie privée à l'heure des choix de société"

(Sessional Paper No. 597-20130424)

Presenting Petitions

Mrs. Charlebois (Soulanges) tabled the following:

The abstract of a petition respecting the installation of a sound barrier wall on Highway 20 in Coteau-du-Lac, and signed by 117 citizens of Coteau-du-Lac.

(Sessional Paper No. 598-20130424)

Mr. Billette (Huntingdon) tabled the following:

The abstract of a petition respecting the maintaining of the emergency ward and of the critical care beds at night at Barrie Memorial Hospital, and signed by 1241 citizens of Québec.

(Sessional Paper No. 599-20130424)

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By leave of the Assembly to set aside Standing Order 63, the abstracts of three petitions respecting the financing of independent community organizations were tabled:

- the first, being the abstract of a petition signed by 258 citizens of Beauce-Sud, by Mr. Dutil (Beauce-Sud);
(Sessional Paper No. 600-20130424)
 - the second, being the abstract of a petition signed by 411 citizens of the riding of Marquette and of the riding of Notre-Dame-de-Grâce by Mrs. Weil (Notre-Dame-de-Grâce);
(Sessional Paper No. 601-20130424)
 - the third, being the abstract of a petition signed by 522 citizens of the riding of Crémazie, by Mr. Turcotte (Saint-Jean).
(Sessional Paper No. 602-20130424)
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By leave of the Assembly to set aside Standing Order 63, Mr. Billette (Huntingdon) tabled the following:

The abstract of a petition respecting the maintaining of the emergency ward and of the critical care beds at night at Barrie Memorial Hospital, and signed by 10,146 citizens of Québec.

(Sessional Paper No. 603-20130424)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

At the request of Mr. President, Mr. Fournier, Leader of the Official Opposition, withdrew certain words deemed unparliamentary.

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mrs. St-Pierre (Acadie), together with Mrs. Proulx (Sainte-Rose), Mr. Le Bouyonnec (La Prairie) and Mr. Khadir (Mercier), moved:

THAT the National Assembly mark the Armenian Genocide Memorial Day;

THAT on this 98th anniversary it solemnly remember the 1.5 million victims, men, women and children, of this tragic massacre;

THAT it share with the fellow citizens of Armenian origin the memory of the events that took place in 1915.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

At the invitation of Mr. Ouimet, Third Vice-President, the Assembly observed a minute of silence.

Mr. Bédard, Government House Leader, moved a motion concerning the budgetary balance; this motion could not be debated for want of unanimous consent.

Mrs. David (Gouin) moved a motion concerning a mandate to the Committee on Public Finance; this motion could not be debated for want of unanimous consent.

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By leave of the Assembly to set aside Standing Orders 84.1 and 185, Mr. St-Arnaud, Minister of Justice, together with Mr. Ouimet (Fabre), Mr. Duchesneau (Saint-Jérôme) and Mrs. David (Gouin), moved:

THAT the National Assembly underline the 10th anniversary of Lawyers Without Borders, a non-governmental organization based in Québec City, whose mission is to support the defence of human rights for the most vulnerable groups and individuals, through the reinforcement of access to justice and legal representation in over 15 countries, including Afghanistan, Colombia, Guatemala, Haiti, Mali, Nigeria and Peru;

And that it applaud its concrete actions to achieve justice in the world by nationally and internationally promoting our justice system, our legal community, our institutions and our values.

By leave of the Assembly, the motion was carried.

By leave of the Assembly to set aside Standing Orders 84.1 and 185, Mr. Bergeron, Minister of Public Security, together with Mr. Poëti (Marguerite-Bourgeoys), Mr. Duchesneau (Saint-Jérôme) and Mr. Khadir (Mercier), moved:

THAT the National Assembly underline the 150th anniversary of the Service de sécurité incendie de Montréal, and take the opportunity to recognize the outstanding work carried out by the firefighters who have contributed to ensuring the safety of Montréal's population since 1863.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

Mr. President gave a directive concerning the possibility of summoning a Member who has held ministerial duties in reply to a request made by the Government House Leader. This request was made within the context of the ruling rendered by the President, on 21 November 2012, on the motion moved by the Member for Nelligan for the National Assembly to instruct the Committee on Transportation and the Environment to shed light on the action taken by the Minister of Sustainable Development, Environment, Wildlife and Parks with regard to the BAPE.

DIRECTIVE FROM THE CHAIR

There is no question that a committee given an order of the Assembly to shed light on some matter shall have all the powers required to carry out its mandate for parliamentary control of the Government's activities.

In this regard, section 51 of the *Act respecting the National Assembly* provides that "the Assembly or a committee may summon and compel the appearance before it of any person, either to answer questions put to him or to produce such papers and things as it may deem necessary for its acts, inquiries or proceedings." There is therefore no limit to a committee's ability to hear persons within the framework of a mandate, including former Ministers.

In practice, however, there have been no recent cases in Québec in which a former Minister was summoned to appear before a committee to testify regarding actions that he may have taken while holding a ministerial office, which is not the case at the House of Commons of Canada where there are recent precedents involving the summoning of former Ministers.

It results from the above that any person may be summoned to appear before a committee, including a former Minister. Nonetheless, when a mandate of parliamentary control is involved, such as is the case here, the committee must adhere to its mandate of control without putting into question the conduct of a Member summoned to appear before it.

Notices of Proceedings in Committees

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

- the Committee on Planning and the Public Domain, to continue its clause-by-clause consideration of Bill 26, An Act to amend the Act respecting elections and referendums in municipalities with respect to financing;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 12, An Act to amend the Police Act as concerns independent investigations;
- the Committee on Health and Social Services to hold public hearings within the framework of special consultations on Bill 30, An Act to amend the Civil Code and other legislative provisions with respect to research;
- Committee on Transportation and the Environment to hold public hearings within the framework of the order given by the National Assembly aiming to shed light on the events of last 24 October concerning the action taken by the Minister of Sustainable Development, Environment, Wildlife and Parks with regard to the independent public body known as the Bureau d'audiences publiques sur l'environnement (BAPE).

And, by leave of the Assembly and to undertake clause-by-clause consideration before the tabling of the consultation report, he then convened the following Committee:

- the Committee on Public Finance, to hold public hearings within the framework of special consultations on Bill 32, An Act to amend the Act respecting the Pension Plan of Peace Officers in Correctional Services and other legislative provisions; and then to give clause-by-clause consideration to this bill.

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

- the Committee on Public Administration shall hold a deliberative meeting to prepare the hearing on the management of the fund for the development of sports and physical activity; it shall then hold a public meeting to hear the Ministère de l'Éducation, du Loisir et du Sport; and finally, it shall hold a deliberative meeting to discuss the observations, conclusions and recommendations, if any, following these hearings.

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ORDERS OF THE DAY

Government Bills

Passage in Principle

By leave of the Assembly to set aside Standing Order 236, Mrs. Malavoy, Minister of Education, Recreation and Sports, moved, —That Bill 24, An Act to amend the Act respecting school elections, do now pass in principle.

A debate arose thereon.

At 1.00 o'clock p.m., Mr. Ouimet, Third Vice-President, suspended the proceedings until 3.00 o'clock p.m.

Accordingly, in pursuance of Standing Order 97, the debate on the motion by Mrs. Malavoy, Minister of Education, Recreation and Sports, was adjourned.

The proceedings resumed at 3.02 o'clock p.m.

Business Standing in the Name of Members in Opposition

Mr. Gauthrin (Verdun) moved:

THAT the National Assembly demand that the Parti Québécois Government act expeditiously with regard to pension plans;

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THAT for this purpose, beginning on 3 June 2013, the Committee on Public Finance hold special consultations on the report entitled "Innovating for a Sustainable Retirement System" (D'Amours Report) tabled in the National Assembly last 18 April by the Minister of Employment and Social Solidarity;

THAT the Committee hear Mr. Alban D'Amours as well as any person or group it deems necessary to summon;

THAT the presentation of each of the groups last no longer than 10 minutes and the exchange with the Committee members last no longer than 50 minutes;

THAT the Minister of Employment and Social Solidarity be a member of the said Committee during its proceedings with respect to this order of reference;

THAT the Committee report to the National Assembly on Tuesday, 17 September 2013;

THAT this motion become an order of the National Assembly.

Mrs. Poirier, First 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 her reply; approximately 46 minutes shall be allotted to the parliamentary group forming the Government; approximately 42 minutes shall be allotted to the parliamentary group forming the Official Opposition; approximately 16 minutes shall be allotted to the Second Opposition Group; and 5 minutes shall be allotted to the independent Members. Within this framework, any time not used by the independent Members or by any of the parliamentary groups shall be redistributed among the parliamentary groups in proportion to their representation in the Assembly. Lastly, individual addresses shall not be limited.

The debate arose thereon.

During her address, Mrs. Maltais, Minister of Employment and Social Solidarity, moved the following amendment motion:

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In the second line of the second paragraph, replace the word "3" by "10";

Remove the fourth paragraph and replace it by the following paragraph: "THAT the organization of the mandate be entrusted to the Committee members."

The motion, as amended, would read as follows:

THAT the National Assembly demand that the Parti Québécois Government act expeditiously with regard to pension plans;

THAT for this purpose, beginning on 10 June 2013, the Committee on Public Finance hold special consultations on the report entitled "Innovating for a Sustainable Retirement System" (D'Amours Report) tabled in the National Assembly last 18 April by the Minister of Employment and Social Solidarity;

THAT the Committee hear Mr. Alban D'Amours as well as any person or group it deems necessary to summon;

THAT the organization of the mandate be entrusted to the Committee members.

THAT the Minister of Employment and Social Solidarity be a member of the said Committee during its proceedings with respect to this order of reference;

THAT the Committee report to the National Assembly on Tuesday, 17 September 2013;

THAT this motion become an order of the National Assembly.

Pursuant to Standing Order 98.1, Mr. Moreau, Official Opposition House Leader, on behalf of Mr. Gauthier (Verdun), accepted the amendment proposed by Mrs. Maltais, Minister of Employment and Social Solidarity.

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The debate continued on the main motion by Mr. Gautrin (Verdun) and on the amendment by Mrs. Maltais, Minister of Employment and Social Solidarity.

During his address, Mr. Khadir (Mercier) moved the following amendment motion:

Add the following paragraph after the 5th paragraph:
"THAT the Member for Mercier be named a member of the committee for the duration of the mandate;".

The motion, as amended, would read as follows:

THAT the National Assembly demand that the Parti Québécois Government act expeditiously with regard to pension plans;

THAT for this purpose, beginning on 3 June 2013, the Committee on Public Finance hold special consultations on the report entitled "Innovating for a Sustainable Retirement System" (D'Amours Report) tabled in the National Assembly last 18 April by the Minister of Employment and Social Solidarity;

THAT the Committee hear Mr. Alban D'Amours as well as any person or group it deems necessary to summon;

THAT the presentation of each of the groups last no longer than 10 minutes and the exchange with the Committee members last no longer than 50 minutes;

THAT the Minister of Employment and Social Solidarity be a member of the said Committee during its proceedings with respect to this order of reference;

THAT the Member for Mercier be named a member of the committee for the duration of the mandate;

THAT the Committee report to the National Assembly on Tuesday, 17 September 2013;

THAT this motion become an order of the National Assembly.

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Pursuant to Standing Order 98.1, Mr. Gauthrin (Verdun) refused the amendment proposed by Mr. Khadir (Mercier).

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

At the request of Mr. Traversy, Deputy Government House Leader, the divisions on the amendment motion by Mrs. Maltais, Minister of Employment and Social Solidarity, and on the main motion by Mr. Gauthrin (Verdun) were deferred until Routine Proceedings on the next sitting day.

Government Bills

Passage in Principle

The Assembly resumed the debate on the motion by Mrs. Malavoy, Minister of Education, Recreation and Sports, for the passage in principle of Bill 24, An Act to amend the Act respecting school elections.

The debate being concluded, the motion was carried and Bill 24 was accordingly passed in principle.

Mr. Traversy, Deputy Government House Leader, moved that Bill 24 be referred for clause-by-clause consideration to the Committee on Culture and Education.

The motion was carried.

Mr. Traversy, Deputy Government House Leader, moved the adjournment of the Assembly until Thursday, 25 April 2013, at 9.45 o'clock a.m.

The motion was carried.

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Accordingly, at 5.13 o'clock p.m., Mrs. Poirier, First Vice-President, adjourned the Assembly until Thursday, 25 April 2013, at 9.45 o'clock a.m.

ROYAL ASSENT

On Wednesday, 24 April 2013, at 4.38 o'clock p.m., in the Office of the Lieutenant-Governor, in the presence 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 Bill:

- 13 An Act to amend the Election Act with regard to on-campus voting by students in vocational training centres and post-secondary educational institutions (*modified title*)

JACQUES CHAGNON

President