



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Votes and Proceedings

of the Assembly

Thursday, 16 May 2013 — No. 53

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. Kotto (Bourget) made a statement to underline the 50th anniversary of Éditions du Boréal.

Mr. Diamond (Maskinongé) made a statement about the 40th anniversary of the founding of the Club de l'âge d'or de Saint-Barnabé.

Mr. Spénard (Beauce-Nord) made a statement to congratulate Mrs. Alexandra Champagne for her volunteer work.

Mrs. de Santis (Bourassa-Sauvé) made a statement about World Telecommunication and Information Society Day.

Mr. Gaudreault (Jonquière) made a statement about the honorary chairman of the Coupe des nations Saguenay.

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Mrs. Poirier (Hochelaga-Maisonneuve) made a statement about the 25th anniversary of the Fondation de la Visite.

Mrs. Charlebois (Soulanges) made a statement about the 30th anniversary of the Club de l'âge d'or de Pointe-Fortune.

Mr. Claveau (Dubuc) made a statement to pay tribute to Mr. Vincent Gauthier.

Mrs. Vallières (Richmond) made a statement about the 125th anniversary of Saint-François-Xavier-de-Brompton.

Mrs. Beaudoin (Mirabel) made a statement about an artist of the riding of Mirabel dreams of seeing his work, a snowy owl, mounted on top of the Parliament Building.

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

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

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Moment of reflection

Presenting Papers

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

The 2012-2017 strategic plan of the Commissaire à la santé et au bien-être.
(Sessional Paper No. 686-20130516)

Mr. President tabled the following decisions from the Office of the National Assembly, dated 2 May 2013:

Decision 1705 concerning the Regulation to amend the Regulation respecting financial and administrative management;
(Sessional Paper No. 687-20130516)

Decision 1707 concerning the Regulation to amend the Regulation respecting allowances to Members and parliamentary office holders and respecting the amounts granted for research and support;
(Sessional Paper No. 688-20130516)

Decision 1709 concerning the Regulation to amend the Regulation respecting financial and administrative management.
(Sessional Paper No. 689-20130516)

By leave of the Assembly to set aside Standing Order 64.10, Mr. St-Arnaud, Minister of Justice, tabled the following:

Reply to petition no. 472-20130319 concerning the legal status of pets, presented by Mrs. Richard (Îles-de-la-Madeleine) on 19 March 2013.
(Sessional Paper No. 690-20130516)

Presenting Petitions

Mr. Bonnardel (Granby) tabled the following:

The abstract of a petition respecting financial assistance to caregivers of dependent adults with multiple disabilities aged 21 years and over, and signed by 2295 citizens of Québec.

(Sessional Paper No. 691-20130516)

Mr. Khadir (Mercier) tabled the following:

The abstract of a petition respecting the reform of the high school history curriculum to include the history of Aboriginal peoples, and signed by 4411 citizens of Québec.

(Sessional Paper No. 692-20130516)

By leave of the Assembly to set aside Standing Order 63, Mr. Bergman (D'Arcy-McGee) tabled the following:

The abstract of a petition respecting the financing of independent community organizations, and signed by 407 citizens of the riding of D'Arcy-McGee.

(Sessional Paper No. 693-20130516)

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

The abstract of a petition respecting financial assistance to caregivers of dependent adults with multiple disabilities aged 21 years and over, and signed by 89 citizens of Québec.

(Sessional Paper No. 694-20130516)

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Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

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

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

A calendar of the month of May 2013 entitled "Position de la CAQ sur l'Agence des transports".

(Sessional Paper No. 695-20130516)

By leave of the Assembly to set aside Standing Orders 53 and 59, Mrs. Trudel (Charlesbourg), tabled the following:

A copy of excerpts from a document entitled "Registre du domaine de l'État" of the Ministère des Ressources naturelles et de la Faune – 2004.

(Sessional Paper No. 696-20130516)

By leave of the Assembly to set aside Standing Orders 53 and 59, Mr. Bergman (D'Arcy-McGee) tabled the following:

Bill 77, An Act to Amend various legislation respecting the professions and other legislative provisions in the field of applied sciences.

(Sessional Paper No. 697-20130516)

By leave of the Assembly to set aside Standing Orders 53 and 59, Mrs. Vallée (Gatineau) tabled the following:

Bill 81, An Act to amend the Civil Code and other legislative provisions as regards adoption and parental authority.

(Sessional Paper No. 698-20130516)

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

Bill 24, An Act mainly to combat consumer debt overload and modernize consumer credit rules.

(Sessional Paper No. 699-20130516)

Motions Without Notice

Mr. Moreau, Official Opposition House Leader, raised a point of privilege concerning comments made by the Minister of Health and Social Services to the Member for Hull.

At 11.16 o'clock a.m., after having comments from both sides, Mr. Cousineau, Second Vice-President, took this matter under advisement and suspended the proceedings for a few minutes.

The proceedings resumed at 11.28 o'clock a.m.

Mr. Hébert, Minister of Health and Social Services, offered his apologies to Mrs. Gaudreault (Hull).

Mr. Cousineau, Second Vice-President, communicated to the Assembly and tabled the following:

A letter, dated 8 May 2013, addressed to Mr. Jacques Chagnon, President of the National Assembly, from Mr. Amir Khadir, Member for Mercier, expressing his desire to become a member of the Committee on Public Finance.

(Sessional Paper No. 700-20130516)

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By leave of the Assembly to set aside Standing Order 127 and pursuant to Standing Order 122, Mr. Ouimet, Third Vice-President, moved:

THAT the Member for Mercier be named a permanent member of the Committee on Public Finance;

THAT this modification be effective immediately.

The motion was carried.

Pursuant to Standing Order 129, Mr. Dufour, Chief Government Whip, moved:

THAT the Member for Saint-Maurice be named a permanent member of the Committee on Public Finance;

THAT this modification be effective immediately.

The motion was carried.

Pursuant to the consent given at the sitting of 15 May 2013, Mr. Bolduc (Jean-Talon), together with Mrs. Daneault (Groulx), moved the motion concerning Québec nurses; this motion could not be debated for want of unanimous consent.

By leave of the Assembly to set aside Standing Order 185, Mr. Hébert, Minister of Health and Social Services, together with Mr. Bolduc (Jean-Talon), Mrs. Daneault (Groulx) and Mr. Khadir (Mercier), moved:

THAT the National Assembly mark Nursing Week, held this year from May 12 to 18, under the theme “Nursing expertise: a solution for more accessible care”;

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THAT the Assembly acknowledge the excellent care nurses provide daily across Québec and salute their professional commitment and their devotion to their patients.

By leave of the Assembly, the motion was carried.

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

THAT the National Assembly highlight the International Day Against Homophobia, held under the theme “Fight the Homophobia Web Virus on the Internet and in the Social Media”;

THAT the National Assembly encourage the people of Québec to show tolerance for differences and speak out against homophobia and cyberhomophobia;

THAT the National Assembly urge municipal and governmental stakeholders to continue working for the rights of homosexuals, lesbians, bisexuals and transgenders, and for a more inclusive society.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

Mrs. David (Gouin) moved a motion concerning the Regulation respecting environmental impact assessment and review; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

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

- the Committee on Culture and Education, to continue its clause-by-clause consideration of Bill 23, An Act to amend the Education Act concerning certain educational services for students under five years of age;
- the Committee on Labour and the Economy, to continue its public hearings within the framework of special consultations on Bill 36, An Act respecting the Banque de développement économique du Québec;
- the Committee on Institutions, to continue its clause-by-clause consideration of Bill 17, An Act to amend the Professional Code with respect to disciplinary justice.

And, by leave of the Assembly to set aside Standing Order 143, he tabled the following Committee:

- the Committee on Planning and the Public Domain, to hold public hearings within the framework of special consultations on Bill 27, Social Economy Act.

Mr. Cousineau, Second Vice-President, gave the following notice:

- the Committee on Public Finance shall hold a deliberative meeting to organize its proceedings within the framework of the special consultations on the report entitled *Innovating for a Sustainable Retirement System* (D'Amours Report).

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Information on the Proceedings of the Assembly

Mr. Cousineau, Second Vice-President, informed the Assembly that on Friday, 24 May 2013, Mr. Caire (La Peltre) would question Mr. Bédard, Minister responsible for Government Administration and Chair of the Conseil du trésor, during an interpellation on "the Government's management of infrastructure projects".

ORDERS OF THE DAY

At 11.50 o'clock a.m., at the request of Mr. Traversy, Deputy Government House Leader, Mr. Cousineau, Second Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 12.51 o'clock p.m.

Mrs. Poirier, First Vice-President, gave a ruling on the admissibility of three amendments to Bill 22, An Act to amend the Crime Victims Compensation Act, submitted by the Member for Gouin.

RULING FROM THE CHAIR

The two amendments intended to insert two new sections into the bill, that is, sections 1.1 and 5.001, are inadmissible because they introduce new principles, which is contrary to the principle of admissibility.

Regarding the third amendment, intended to replace section 5 of the bill, the Chair must determine whether its object is to commit public funds within the meaning of parliamentary law, in which case the amendment could not be submitted by a Member who is not a minister.

Clearly any bill or amendment is likely to involve the commitment of public funds for its application; however, in parliamentary law, determining whether public funds are committed means determining whether the proposed measure would result in the immediate and direct commitment of public funds in the event of its adoption.

Over the years, parliamentary jurisprudence has established four criteria to determine whether a motion for an amendment would result in the commitment of public funds: Is the motion enforceable? Does it have a direct impact on expenditures? Is it expressed in general terms? Is the expenditure expressed in specific dollar amounts? These criteria help determine whether there would be a direct and immediate impact on public funds.

The amendment moved to replace section 5 in Bill 22 would increase the prescription period from one to three years in certain cases and would abolish it altogether in other cases. Bill 22 is intended to amend the *Crime Victims Compensation Act*. The Act implements a compensation plan the application of which is ensured by moneys that, under section 26 of the Act, are taken directly out of the Consolidated Revenue Fund. The mechanism for granting payments is therefore set out directly in the *Crime Victims Compensation Act* and, as a result, no additional authorization is required from Parliament for that purpose. These are known as statutory appropriations.

It must therefore be determined whether the change in the prescription period proposed by the amendment would have a direct and immediate impact on public funds. Although it is difficult to determine the actual impact of adopting this amendment on public funds and, if applicable, to express the impact in specific amounts, the proposed changes to the crime victims compensation plan would be enforceable the day following their adoption. Since the amendment involves a measure that requires moneys to be taken directly from the Consolidated Revenue Fund, the additional amounts resulting from the changes to the plan would be granted without further legislative authorization.

It is certain that there would be an additional expenditure caused by these changes and the expenditure would have an immediate impact. The simple fact that the expenditure cannot be quantified does not preclude a financial commitment. The key to determining whether or not a measure commits public funds remains the direct and immediate withdrawal of sums from the Consolidated Revenue Fund.

The amendment is thus out of order.

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

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

Government Bills

Passage

Mr. Gaudreault, Minister of Municipal Affairs, Regions and Land Occupancy, moved the passage of Bill 26, An Act to amend the Act respecting elections and referendums in municipalities with respect to financing.

After debate thereon, the motion was carried and, accordingly, Bill 26 was passed.

Passage in Principle

The Assembly resumed the debate, which had been adjourned on 8 May 2013, on the motion by Mrs. De Courcy, Minister responsible for the Charter of the French language, for the passage in principle of Bill 14, An Act to amend the Charter of the French language, the Charter of human rights and freedoms and other legislative provisions.

Debates Upon Adjournment

At 6.00 o'clock p.m., the Assembly held three debates upon adjournment:

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- the first, on a question by Mr. Bolduc (Jean-Talon) to Mr. Hébert, Minister of Health and Social Services, about the new pharmacists' acts whose entry into force is being delayed by the Minister;
- the second, on a question by Mr. Hamad (Louis-Hébert) to Mrs. Zakaïb, Minister for Industrial Policy and the Banque de développement économique du Québec, about the decline in investment caused by the Parti Québécois Government's bungling and uncertainty. Mr. Blanchet, Minister of Sustainable Development, Environment, Wildlife and Parks, replaced the Minister for Industrial Policy and the Banque de développement économique du Québec for this debate;
- the third, on a question by Mr. Lessard (Lotbinière-Frontenac) to Mr. Blanchet, Minister of Sustainable Development, Environment, Wildlife and Parks, about the Minister's bungling and improvisation for which he was rebuffed by the Cabinet.

At 6.35 o'clock p.m., Mr. Ouimet, Third Vice-President, adjourned the Assembly until Tuesday, 21 May 2013, at 1.45 o'clock p.m.

JACQUES CHAGNON

President