

# NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

# **Votes and Proceedings**

of the Assembly

Wednesday, 1 October 2014 — No. 26

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. Polo (Laval-des-Rapides) made a statement to underline the members of the Centre des femmes de Laval's visit to the National Assembly.
Mr. Bérubé (Matane-Matapédia) made a statement about the Petit-Matane gymnasium.
Mr. Birnbaum (D'Arcy-McGee) made a statement to underline the 80th birthday of Mr. Leonard Cohen.
Mrs. Massé (Sainte-Marie-Saint-Jacques) made a statement about the Centre des femmes de Laval, a driving force for change.

Mrs. Simard (Charlevoix-Côte-de-Beaupré) made a statement to congratulate Mr. David Savard-Gagnon on his performance in the Montréal Oasis Marathon.

Mr. Iracà (Papineau) made a statement to underline Public Schools Week.
Mrs. Gaudreault (Hull) made a statement to pay tribute to Mr. Paul Surprenant, a big-hearted man.
Mrs. Charbonneau (Mille-Îles) made a statement about the International Day of Older Persons.
Mrs. Ouellet (Vachon) made a statement about the Longueuil police department's youth ambassador program.
At 9.55 o'clock a.m., Mr. Ouimet, First Vice-President, suspended the proceedings for a few minutes.
The proceedings resumed at 10.14 o'clock a.m.
Moment of reflection

#### **Introduction of Bills**

Mr. Charette (Deux-Montagnes) moved that leave be granted to introduce the following bill:

An Act to amend the Public Protector Act

The motion was carried.

Accordingly, Bill 196 was introduced in the Assembly.

#### **Presenting Papers**

Mr. Coiteux, Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor, tabled the following:

The 2012–2014 report of the Chair of the Conseil du trésor and Minister responsible for Government Administration and Ongoing Program Review on the application of the Public Administration Act.

(Sessional Paper No. 348-20141001)

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

The reply from the Government to the petition tabled on 22 May 2014 by Mrs. David (Gouin) concerning the Mental Health Action Plan;

(Sessional Paper No. 349-20141001)

The reply from the Government to the petition tabled on 27 May 2014 by Mrs. David (Gouin) concerning recognition of the college teacher job category; (Sessional Paper No. 350-20141001)

The reply from the Government to the petition tabled on 29 May 2014 by Mr. Carrière (Chapleau) concerning retention of the Outaouais Health Communication Centre staff within the Coopérative des paramédics de l'Outaouais:

(Sessional Paper No. 351-20141001)

The reply from the Government to the petitions tabled on 6 June 2014 by Mr. Cousineau (Bertrand) concerning Hydro-Québec's radio-frequency emitting meters and the installation of Hydro-Québec's next-generation meters;

(Sessional Paper No. 352-20141001)

The reply from the Government to the petition tabled on 13 June 2014 by Mrs. Ouellet (Vachon) concerning changes to the Highway Safety Code with respect to reserved lanes;

(Sessional Paper No. 353-20141001)

The reply from the Government to the petition tabled on 16 September 2014 by Mr. Bonnardel (Granby) concerning a ban on the use of trans fats in restaurants; (Sessional Paper No. 354-20141001)

The reply from the Government to the petition tabled on 16 September 2014 by Mrs. Massé (Sainte-Marie-Saint-Jacques) concerning repair work to the yard of the CPE Lafontaine in Montréal;

(Sessional Paper No. 355-20141001)

The reply from the Government to the written question by Mr. Lisée (Rosemont) concerning the National Strategy for Labour Market Integration and Maintenance of Handicapped Persons – Question No. 7, *Order Paper and Notices* of 16 September 2014.

(Sessional Paper No. 356-20141001)

The reply from the Government to the written question by Mr. LeBel (Rimouski) concerning the beneficiaries of the Social Solidarity Program – Question No. 10, *Order Paper and Notices* of 16 September 2014;

(Sessional Paper No. 357-20141001)

The reply from the Government to the written question by Mr. Traversy (Terrebonne) concerning the Québec Parental Insurance Plan – Question No. 11, *Order Paper and Notices* of 17 September 2014;

(Sessional Paper No. 358-20141001)

Mr. President tabled the following:

Copy of a letter, dated 1 October 2014, he had received from Mr. Stéphane Billette, Chief Government Whip, concerning a request to hold a sitting of the Office of the National Assembly on the review of the Assembly's expenditure budget, including Members' conditions of employment and pension plan.

(Sessional Paper No. 359-20141001)

#### **Presenting Petitions**

By leave of the Assembly to set aside Standing Order 63, Mrs. Boulet (Laviolette) tabled the following:

The abstract of a petition respecting improvement of ambulance response time in La Tuque, signed by 1,148 citizens of Québec.

(Sessional Paper No. 360-20141001)

#### **Oral Questions and Answers**

The Assembly proceeded to Oral Question Period.

#### **Deferred Divisions**

The Assembly took the division, which had been deferred during the sitting of 30 September 2014, on the motion moved by Mr. Moreau, Minister of Municipal Affairs and Land Occupancy, for the passage in principle of Bill 3, An Act to foster the financial health and sustainability of municipal defined benefit pension plans.

The motion was carried on the following vote:

(Division No. **35** in Appendix)

Yeas: 105 Nays: 3 Abstentions: 0

Accordingly, Bill 3 was passed in principle.

Mr. Fournier, Government House Leader, moved that Bill 3 be referred for clause-by-clause consideration to the Committee on Planning and the Public Domain.

The motion was carried.

#### **Motions Without Notice**

Mr. Gaudreault (Jonquière), together with Mr. Martel (Nicolet-Bécancour) and Mr. Khadir (Mercier), moved a motion concerning the issue of a certificate of authorization for offshore geotechnical drilling at Cacouna; this motion could not be debated for want of unanimous consent.

Mr. Martel (Nicolet-Bécancour), together with Mr. Gaudreault (Jonquière) and Mrs. Massé (Sainte-Marie-Saint-Jacques), moved a motion concerning the issue of a certificate of authorization for offshore geotechnical drilling at Cacouna; 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, Mrs. Charbonneau, Minister of Families and Minister responsible for Anti-Bullying, together with Mr. Traversy (Terrebonne), Mrs. Lavallée (Repentigny) and Mrs. Massé (Sainte-Marie–Saint-Jacques), moved:

THAT the National Assembly underline the International Day of Non-Violence to be held tomorrow, October 2:

THAT on that occasion, it recognize the commitment of the persons participating in the forum on the fight against bullying to be presided over by the Premier and to be held in Québec City this Thursday, and that it encourage them to unite their efforts to prevent and fight bullying;

THAT it encourage all citizens, regardless of their age, role or status, to adopt civic behaviour based on respect and openness to diversity, so that Québec becomes a society where everyone, without exception, can grow up and live in a society with dignity and integrity.

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 185, Mrs. Massé (Sainte-Marie-Saint-Jacques), together with Mrs. Poirier (Hochelaga-Maisonneuve), moved:

THAT the National Assembly recognize the importance of community education centres, which will be evicted from their offices in May 2015 if nothing is done;

THAT it ask the Government to find solutions rapidly to ensure the continuation of Montréal's six community education centres and of the 21 groups they house as tenants.

By leave of the Assembly, the motion was carried.

By leave of the Assembly to set aside Standing Orders 84.1 and 185, Mrs. St-Pierre, Minister of International Relations and La Francophonie, together with Mr. Bergeron (Verchères), Mr. Bonnardel (Granby) and Mr. Khadir (Mercier), moved:

THAT the National Assembly reiterate the special place occupied by Bavaria in Québec's international relations;

THAT, on the occasion of the 25th anniversary of their bilateral co-operation, the Assembly express the importance of this relationship, which generates many positive benefits for our businesses, creators, researchers and young people.

By leave of the Assembly, a debate arose thereon.

The debate being concluded, the motion was carried.

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

THAT the Member for Joliette be named a member of the Committee on Health and Social Services in substitution for the Member for Jonquière;

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

THAT the Member for Jonquière be named a member of the Committee on Public Administration;

THAT these changes take effect immediately.

The motion was carried.

#### **Notices of Proceedings in Committees**

Mr. Sklavounos, Deputy Government House Leader, convened the following committees:

— the Committee on Labour and the Economy, to give clause-by-clause consideration to Bill 8, An Act to amend the Labour Code with respect to certain employees of farming businesses.

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

— the Committee on Public Administration shall hold a deliberative meeting to prepare the hearing on the governance and management of major infrastructure projects by the Agence métropolitaine de transport; it shall then hold a public meeting to hear the Agence métropolitaine de transport on its governance and management of major infrastructure projects, as well as the Ministère des Transports du Québec; and finally, it shall hold a deliberative meeting to discuss the observations, conclusions and recommendations following these hearings.

#### ORDERS OF THE DAY

#### **Government Bills**

Report Stage

The Assembly took into consideration the report from the Committee on Citizen Relations on its clause-by-clause consideration of Bill 2, An Act to amend the Educational Childcare Act.

After debate thereon, the report was concurred in on division.

At 12.04 o'clock p.m., at the request of Mr. Sklavounos, Deputy Government House Leader, and with the consent of the Assembly to set aside Standing Order 20, Mr. Ouimet, First Vice-President, suspended the proceedings until 3.00 o'clock p.m.

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

#### **Business Standing in the Name of Members in Opposition**

Mr. Bérubé (Matane-Matapédia) moved:

THAT the National Assembly acknowledge the searches conducted by the Sûreté du Québec at Quebec Liberal Party headquarters;

THAT, in the context of the process to appoint the next director of the Sûreté du Québec, the Committee on Institutions hear the three candidates recommended by the selection committee established by the Minister of Public Security;

THAT a period of 12 minutes be set aside for opening statements, allocated as follows: 6 minutes to the parliamentary group forming the Government, 3 minutes 30 seconds to the parliamentary group forming the Official Opposition, and 2 minutes 30 seconds to the Second Opposition Group;

THAT the presentation of each of the candidates last no longer than 15 minutes and the exchange with the committee members last no longer than 90 minutes;

THAT the time set aside for the group forming the Government be 45 minutes, that the time set aside for the Official Opposition be 27 minutes and the time set aside for the Second Opposition Group be 18 minutes;

THAT, after these hearings, the appointment be exceptionally made by a majority of the members of each parliamentary group after having informed the independent Members;

Lastly, that this motion be an order of the National Assembly.

Following a meeting with the House leaders, Mrs. Gaudreault, 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; approximately 52 minutes to the parliamentary group forming the Government; approximately 30 minutes and 10 seconds to the parliamentary group forming the Official Opposition; approximately 21 minutes and 50 seconds to the Second Opposition Group; and 6 minutes 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 the proportions established above. Lastly, individual addresses shall not be limited.

The debate arose thereon.

Mr. Sklavounos, Deputy Government House Leader, raised a point of order regarding the receivability of the motion moved by the Member for Matane-Matapédia and the role of the Chair with regard to analysis of the motions received by it.

Mrs. Gaudreault, Second Vice-President, took the matter under advisement.

The debate continued.

At the end of his address, Mr. Picard (Chutes-de-la-Chaudière) moved:

THAT the motion moved by the Member for Matane-Matapédia be amended as follows: by replacing the words "the appointment be exceptionally made by a majority of the members of each parliamentary group" in the 6th paragraph by "the National Assembly appoint, on proposal of the Minister of Public Security, the Director General of the Sûreté du Québec. To be valid, this appointment must be approved by two-thirds of the Members of the National Assembly".

The motion, as amended, would read as follows:

THAT the National Assembly acknowledge the searches conducted by the Sûreté du Québec at Quebec Liberal Party headquarters;

THAT, in the context of the process to appoint the next director of the Sûreté du Québec, the Committee on Institutions hear the three candidates recommended by the selection committee established by the Minister of Public Security;

THAT a period of 12 minutes be set aside for opening statements, allocated as follows: 6 minutes to the parliamentary group forming the Government, 3 minutes 30 seconds to the parliamentary group forming the Official Opposition, and 2 minutes 30 seconds to the Second Opposition Group;

THAT the presentation of each of the candidates last no longer than 15 minutes and the exchange with the committee members last no longer than 90 minutes;

THAT the time set aside for the group forming the Government be 45 minutes, that the time set aside for the Official Opposition be 27 minutes and that the time set aside for the Second Opposition Group be 18 minutes;

THAT, after these hearings, the National Assembly appoint, on proposal of the Minister of Public Security, the Director General of the Sûreté du Québec. To be valid, this appointment must be approved by two-thirds of the Members of the National Assembly after having informed the independent Members:

Lastly, that this motion be an order of the National Assembly.

The debate continued on the main motion by Mr. Bérubé (Matane-Matapédia) and on the amendment by Mr. Picard (Chutes-de-la-Chaudière), subject to the permission of its author.

Pursuant to Standing Order 98.1, Mr. Bérubé (Matane-Matapédia) refused the amendment proposed by Mr. Picard (Chutes-de-la-Chaudière).

The debate continued.

The debate being concluded, Mrs. Gaudreault, Second Vice-President, gave a ruling on the receivability of the motion moved by the Member for Matane-Matapédia and the role of the Chair with regard to analysis of the motions received by it.

#### DIRECTIVE FROM THE CHAIR

The role of the President is clear where analysis of motions he receives is concerned. He must refuse any notice or motion that is contrary to the Standing Orders. The President may raise the irregularity of a motion on his own initiative if, prima facie, it contains any substantive or formal defects.

Even if the President allows a motion to be placed on the notices of the *Order Paper and Notices*, this in no way prevents a Member from raising grounds for inadmissibility any time before the question is put on the motion.

In this particular case, the motion does not contain any prima facie defects in substance or form that might have caused the President to intervene and prevented the debate from taking place. However, once arguments concerning the motion's admissibility have been raised, the President has no choice but to rule on the question before the motion can be put before the Assembly.

Standing Order 146 states that the Assembly may refer any matter to a committee for examination, notably by means of a motion presented within the framework of Business Standing in the Name of Members in Opposition.

However, parliamentary jurisprudence has established that the motion must have a single object, namely to give a committee a mandate, for the motion to be considered an order of the Assembly. Indeed, a motion can become only an order or a resolution.

In this instance, however, the motion has two objects: the first set out in the first paragraph, which states a principle, and the second set out in the following paragraphs, which give a mandate to a committee. In this case, the motion cannot be an order of the Assembly and should instead be considered a resolution. This does not render the motion inadmissible, but implies that it should be considered a resolution that would not be enforceable, even if carried.

The fact that a motion contains the expression "that this motion become an order of the Assembly" can help make the text clearer, but is not required for a motion to become an order. Conversely, a motion that includes this expression, without its wording being an order in and of itself, will not necessarily become an order.

Moreover, the motion's nature precludes it from becoming an order of the Assembly. The separation of the powers of the State confers distinct and specific roles on both the executive and legislative branches. It ensues that, if an issue is governance-related, it will be up to the executive branch to make its choices. The Assembly cannot substitute itself to the executive branch in its role of administrator of the State, nor does it have the power to impose choices on it. The motion may certainly express the wish that the Assembly review the process for selecting the director of the Sûreté du Québec by hearing the candidates in a parliamentary committee and may even suggest in which manner the hearings should be carried out. However, it cannot impose such a review by means of a motion.

For these reasons the motion is receivable. However, if the National Assembly decides to carry the motion, it must be considered the expression of a wish of the Assembly.

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. 36 in Appendix)

Yeas: 43 Nays: 59 Abstentions: 0

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Mr. Sklavounos, Deputy Government House Leader, moved the adjournment of the Assembly until Thursday, 2 October 2014, at 9.45 o'clock a.m.

The motion was carried.

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Accordingly, at 5.30 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Thursday, 2 October 2014, at 9.45 o'clock a.m.

## **JACQUES CHAGNON**

President

## APPENDIX

# **Recorded Divisions**

On the motion moved by Mr. Moreau, Minister of Municipal Affairs and Land Occupancy:

# (Division No. 35)

# **YEAS - 105**

Arcand (QLP)	de Santis (QLP)	Leclair (PQ)	Rotiroti (QLP)			
Auger $(\widetilde{QLP})$	Deltell $(\widetilde{CAQ})$	Legault $(\widetilde{CAQ})$	Rousselle (QLP)			
Barrette (QLP)	Drainville $(PQ)$	Léger (PQ)	Roy(PQ)			
Bédard (PQ)	Drolet ( <i>QLP</i> )	Leitão (QLP)	(Bonaventure)			
Bergeron $(PQ)$	$\widetilde{\text{Dufour}(PQ)}$	Lelièvre (PQ)	Roy (CAQ)			
Bérubé ( <i>PQ</i> )	Dutil (QLP)	Lemay $(CAQ)$	(Montarville)			
Billette ( <i>QLP</i> )	Fortin (QLP)	Lessard (QLP)	Samson (CAQ)			
Birnbaum (QLP)	(Pontiac)	Lisée (PQ)	Schneeberger (CAQ)			
Blais (QLP)	Fortin (QLP)	Maltais (PQ)	Simard (QLP)			
(Charlesbourg)	(Sherbrooke)	Marceau (PQ)	(Dubuc)			
Blanchette (QLP)	Fournier (QLP)	Martel (CAQ)	Simard (QLP)			
Bolduc (QLP)	Gaudreault (PQ)	Ménard (QLP)	(Charlevoix–Côte-de-Beaupré)			
(Jean-Talon)	(Jonquière)	Merlini (QLP)	Sklavounos (QLP)			
Bolduc (QLP)	Giguère (QLP)	Montpetit (QLP)	Soucy (CAQ)			
(Mégantic)	Girard (QLP)	Moreau (QLP)	Spénard (CAQ)			
Bonnardel (CAQ)	Habel (QLP)	Morin (QLP)	St-Denis (QLP)			
Boucher (QLP)	Hamad (QLP)	Nichols (QLP)	St-Pierre ( <i>QLP</i> )			
Boulet (QLP)	Hardy (QLP)	Ouellet $(PQ)$	Surprenant (CAQ)			
Bourgeois (QLP)	Heurtel (QLP)	Ouellette (QLP)	Tanguay (QLP)			
Caire (CAQ)	Hivon $(PQ)$	Ouimet (QLP)	Thériault (QLP)			
Charbonneau (QLP)	Huot ( <i>QLP</i> )	(Fabre)	Therrien $(PQ)$			
Charette (CAQ)	Iracà (QLP)	Pagé (PQ)	Traversy $(PQ)$			
Cloutier $(PQ)$	Jolin-Barrette (CAQ)	Paradis (QLP)	Turcotte (PQ)			
Coiteux (QLP)	Kelley (QLP)	Péladeau (PQ)	Vallée ( <i>QLP</i> )			
Couillard (QLP)	Kotto $(PQ)$	Picard (CAQ)	Vien (QLP)			
Cousineau (PQ)	Laframboise (CAQ)	Plante (QLP)	Villeneuve ( <i>PQ</i> )			
D'Amour (QLP)	Lamarre (PQ)	Poirier $(PQ)$	Weil (QLP)			
D'Amours (CAQ)	Lamontagne (CAQ)	Polo (QLP)				
David (QLP)	Lavallée (CAQ)	Reid (QLP)				
(Outremont)	LeBel $(PQ)$	Roberge (CAQ)				
NAYS - 3						
David (IND)	Khadir (IND)	Massé (IND)				
(0 : )	/					

(Gouin)

# 1 October 2014

On the motion moved by Mr. Bérubé (Matane-Matapédia):

# (Division No. 36)

# **YEAS - 43**

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Bédard (PQ)	Hivon $(PQ)$	Lisée (PQ)	Samson $(CAQ)$
Bergeron $(PQ)$	Jolin-Barrette (CAQ)	Maltais $(PQ)$	Schneeberger (CAQ)
Bérubé (PQ)	Kotto (PQ)	Marceau (PQ)	Surprenant (CAQ)
Bonnardel (CAQ)	Laframboise (CAQ)	Martel (CAQ)	Therrien $(PQ)$
Caire (CAQ)	Lamarre (PQ)	Ouellet $(PQ)$	Traversy (PQ)
Charette (CAQ)	Lamontagne (CAQ)	Pagé (PQ)	Turcotte ( $PQ$ )
Cloutier $(PQ)$	Lavallée (CAQ)	Picard (CAQ)	Villeneuve (PQ)
Cousineau (PQ)	LeBel $(PQ)$	Poirier $(PQ)$	
D'Amours ( $CAQ$ )	Leclair (PQ)	Roberge (CAQ)	
Deltell ( $CAQ$ )	Léger (PQ)	Roy(PQ)	
Drainville ( $PQ$ )	Lelièvre (PQ)	(Bonaventure)	
Dufour $(PQ)$	Lemay (CAQ)	Roy(CAQ)	
Gaudreault (PQ)		(Montarville)	
(Jonquière)			
	NAYS -	59	
Arcand (QLP)	Coiteux (QLP)	Hardy (QLP)	Paradis (QLP)
Auger (QLP)	Couillard (QLP)	Heurtel (QLP)	Plante (QLP)
Bernier (QLP)	D'Amour (QLP)	Huot (QLP)	Polo (QLP)
Billette ( <i>QLP</i> )	David (QLP)	Iracà (QLP)	Reid (QLP)
Birnbaum (QLP)	(Outremont)	Kelley ( <i>QLP</i> )	Rotiroti (QLP)
Blais (QLP)	de Santis (QLP)	Leitão (QLP)	Rousselle (QLP)
(Charlesbourg)	Drolet (QLP)	Lessard (QLP)	Simard (QLP)
Blanchette (QLP)	Dutil (QLP)	Matte (QLP)	(Dubuc)
Bolduc (QLP)	Fortin ( <i>QLP</i> )	Ménard (QLP)	Simard (QLP)
(Jean-Talon)	(Pontiac)	Merlini (QLP)	(Charlevoix–Côte-de-
			Beaupré)
Bolduc (QLP)	Fortin ( <i>QLP</i> )	Montpetit (QLP)	Sklavounos (QLP)
(Mégantic)	(Sherbrooke)	Moreau (QLP)	St-Denis (QLP)
Boucher (QLP)	Fournier (QLP)	Morin (QLP)	Tanguay (QLP)
Boulet (QLP)	Giguère (QLP)	Nichols (QLP)	Thériault (QLP)
Bourgeois (QLP)	Girard (QLP)	Ouellette (QLP)	Vallée (QLP)
Charbonneau (QLP)	Habel (QLP)	Ouimet (QLP)	Vien (QLP)
Chevarie (QLP)	Hamad (QLP)	(Fabre)	Weil (QLP)