



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Votes and Proceedings **of the Assembly**

Thursday, 9 October 2014 — No. 30

President of the National Assembly:
Mr. Jacques Chagnon

QUÉBEC

The Assembly was called to order at 9.47 o'clock a.m.

ROUTINE PROCEEDINGS

Statements by Members

Mr. Ouimet (Fabre) made a statement to congratulate the winners of the Prix Leviers awarded by the Regroupement des organismes communautaires autonomes jeunesse du Québec (ROCAJQ) at its gala ceremony.

Mr. Habel (Sainte-Rose) made a statement to underline Multiple Sclerosis Awareness Day.

Mrs. D'Amours (Mirabel) made a statement to pay tribute to Mrs. Francine Allard.

Mrs. Simard (Charlevoix–Côte-de-Beaupré) made a statement to congratulate the winners of the Prix Leviers awarded by the Regroupement des organismes communautaires autonomes jeunesse du Québec (ROCAJQ) at its gala ceremony.

Mrs. Léger (Pointe-aux-Trembles) made a statement to underline the 25th anniversary of the Association de soccer de Pointe-aux-Trembles.

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Mrs. Massé (Sainte-Marie–Saint-Jacques) made a statement to congratulate two Prix Leviers winners, Mr. Antonio De La Cruz and Mr. Robin Hogg.

Mr. Blais (Charlesbourg) made a statement to congratulate the winners of the Prix Leviers awarded by the Regroupement des organismes communautaires autonomes jeunesse du Québec (ROCAJQ) at its gala ceremony.

Mr. Charette (Deux-Montagnes) made a statement to congratulate the Saint-Eustache Knights of Columbus Council 1813 on its upcoming 100th anniversary in 2015.

Mr. Ouimet (Marquette) made a statement to underline the 85th anniversary of Le Messenger de Lachine.

Mr. Bédard (Chicoutimi) made a statement to congratulate Mr. Michael Tibeault, recipient of one of the Prix Leviers.

At 10.00 o'clock a.m., Mr. Gendron, Third Vice-President, suspended the proceedings for a few minutes.

The proceedings resumed at 10.17 o'clock a.m.

Moment of reflection

Mr. President notified the Assembly that he had received, within the prescribed time, a request for an urgent debate from Mr. Gaudreault (Jonquière) concerning the impending resumption (on 16 October 2014) of TransCanada's geotechnical work in Cacouna in an area of high residency of female beluga whales and their calves.

RULING FROM THE CHAIR

To determine whether a request for an urgent debate is receivable, the Chair must examine the criteria stipulated in the Standing Orders and in jurisprudence. The request must concern a specific subject under the Assembly's jurisdiction that cannot, or could not, be otherwise discussed.

In this case, the Official Opposition has asked the Government several questions on this subject. There could have been requests for debates upon adjournment, the matter could have been the subject of an interpellation or Business Standing in the Name of Members in Opposition. The question could have been put before the Assembly on many other occasions before today. As well, the Committee on Transportation and the Environment will be holding a deliberative meeting today to discuss the request for an order of initiative on this very question.

Therefore, the request for an urgent debate by the Member for Jonquière is not receivable.

Introduction of Bills

Mr. Coiteux, Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor, moved that leave be granted to introduce the following bill:

- 15 An Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises

The motion was carried.

Accordingly, Bill 15 was introduced in the Assembly.

Presenting Papers

Mrs. Thériault, Minister of Public Security, tabled the following:

The 2013–2014 annual management report of the Commissaire à la lutte contre la corruption.

(Sessional Paper No. 430-20141009)

Mr. Leitão, Minister of Finance, tabled the following:

The 2013–2014 annual report on the surveys carried out within the framework of the 2012–2015 three-year survey plan of Revenu Québec, accompanied by the opinion of the Commission d'accès à l'information du Québec;

(Sessional Paper No. 431-20141009)

The 2013–2014 annual report of the Bureau de décision et de révision;

(Sessional Paper No. 432-20141009)

The 2013–2014 annual management report of the Institut de la statistique du Québec;

(Sessional Paper No. 433-20141009)

The 2013–2014 activity report of Revenu Québec stemming from the comparison, pairing and cross-matching of information files contained in its utilization plan, including the opinion from the Commission d'accès à l'information.

(Sessional Paper No. 434-20141009)

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

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The 2013–2014 annual management report of the Centre de services partagés du Québec.

(Sessional Paper No. 435-20141009)

Mr. Moreau, Minister of Municipal Affairs and Land Occupancy, tabled the following:

The 2013–2014 annual management report of the Commission municipale du Québec.

(Sessional Paper No. 436-20141009)

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

The 2013–2014 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. 437-20141009)

The 2013–2014 annual management report of the Centre régional de santé et de services sociaux de la Baie-James.

(Sessional Paper No. 438-20141009)

Mr. Fournier, Government House Leader, moved:

THAT, pursuant to section 392 of the *Act respecting health services and social services*, the 2013–2014 annual management report of the Centre régional de santé et de services sociaux de la Baie-James be referred to the Committee on Health and Social Services for consideration;

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

The motion was carried.

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Mr. Blais, Minister of Employment and Social Solidarity, tabled the following:

The 2013–2014 activity report of the Comité de lutte à la pauvreté et à l'exclusion sociale.

(Sessional Paper No. 439-20141009)

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

The reply from the Government to the petitions tabled on 18 September 2014 by Mrs. Boulet (Laviolette), respecting the maintenance of the Parent sawmill's activities;

(Sessional Paper No. 440-20141009)

The reply from the Government to the petition tabled on 23 September 2014 by Mrs. Lavallée (Repentigny), on obtaining a vacant lot for the construction of an elementary school in the Valmont sector of Repentigny.

(Sessional Paper No. 441-20141009)

Presenting Petitions

Mr. President gave a directive on a question raised on 30 September 2014 by the Member for La Peltrie concerning the receivability of a petition dealing with the situation of the Minister of Education, Recreation and Sports. The petition touches on ethics and the premiums the Minister received from the Régie de l'assurance maladie du Québec for having practiced medicine during his term as a Member of the Opposition and asks that the Premier remove him from his ministerial office.

DIRECTIVE FROM THE CHAIR

The question on which a directive is sought by the Member for La Peltrie raises important issues concerning how citizens' right to petition is implemented through Members of the National Assembly. The questions to be decided are the following: "Can a petition attack the conduct of a Member or a minister?" and "Can a petition request the dismissal of a minister?".

The Chair endorses the comments made by all those Members who recognized that the right to petition is a fundamental right and that it should in no way be unduly limited. The right to present a petition to the Crown or to Parliament for redress of a grievance is a fundamental constitutional principle, which has long been recognized. Moreover, this right is enshrined in the Charter of human rights and freedoms.

However, even though this right is featured in the Charter, it is the Assembly's responsibility to determine the procedure for its exercise. As the Charter is silent on how this right can be exercised during our debates, it falls on the Members to establish the procedure within the rules of parliamentary debate. This is the expression of the Assembly's exclusive jurisdiction stemming from its constitutional parliamentary privileges. The procedure governing petitions is therefore set out in the Standing Orders of the National Assembly, in Standing Orders 62 to 64.12, as well as in sections 42 to 46 of the Rules for the Conduct of Proceedings in the National Assembly.

These provisions set the boundaries indicating which subjects can be addressed through a petition and prescribe the form a petition should take. They specify that a petition's aim is to obtain redress of a grievance and that it must fall within the jurisdiction of the Québec State. The provisions further specify that a petition is non-receivable, or out of order, if it violates Standing Order 35, which provides that one cannot cast reflections on the conduct of a Member, unless it is by a motion impugning the conduct in question.

A special procedure is set out in Standing Orders 315 and following to call a Member's conduct into question. These provisions deal with grave matters and are not to be taken lightly. This is why the Standing Orders prohibit making such accusations other than by means of this formal procedure.

This principle also applies to petitions. Thus, one cannot, by way of a petition, attack the conduct of a Member. The criticisms raised against the present Minister of Education, Recreation and Sports indirectly do that which may not be done directly. The fact that he is now a minister does not change the situation. The petition refers to acts committed by the Member for Jean-Talon while he was in the Opposition. It also implies that these acts are unethical. From that standpoint, it seems that the redress sought through the petition, namely the loss of the Member's status as minister, is, rather, a sanction for past conduct that occurred while he held office as a Member.

The role of the Assembly is to monitor the Executive and hold the ministers that form it accountable for their actions. This is done daily during Oral Questions and Answers and through other means of parliamentary control, such as the want of confidence motion. These control mechanisms demonstrate how much latitude is given to Members within the framework of parliamentary debates. However, it is well established that the standard that applies to Members may be different from that which applies to petitions.

As for the receivability of a petition asking for a minister's resignation, the Chair notes that it is a relatively recent phenomenon, which coincides with the advent of e-petitions. In 2010–2011, two petitions asking for the resignation of ministers began on the Assembly's website. At the time, it was deemed that nothing prevented them from being put online and both petitions were later tabled in the Assembly.

This approach to the receivability of petitions is also in keeping with that of jurisdictions such as Australia and the United Kingdom. As things stand at present and in accordance with the wording of our Standing Orders, a petition seeking the dismissal or destitution of a minister is not out of order per se.

However, the wording and the subject of such a petition must comply with the other conditions set out in our rules. A petition must therefore meet certain criteria set out in Standing Order 35. In addition, in matters involving redress of a grievance, there must be a connection between the facts invoked and the intervention sought. For example, if a petition demands a minister's resignation, the allegations must concern the conduct or decisions made while exercising ministerial duties. As such, the petitions addressed in the past to the Premier and to a given minister met these conditions since they concerned ministers in the context of their ministerial duties.

For all these reasons, the petition in question here must be declared non-receivable; not because it asks the Premier to dismiss a minister from his ministerial office, but because it attacks a Member's conduct and because there is no connection between the facts reproached and the redress sought.

Mr. President then expressed a few thoughts on the impact the Code of Ethics might have in such a case.

The Chair recalls that, before the Code of Ethics was passed, any questions regarding the incompatibility of duties and conflicts of interest were an integral part of the *Act respecting the National Assembly*. Standing Orders 315 and following were provided to deal with accusations made concerning a Member's alleged offences. However, when the Code of Ethics was passed, all the provisions dealing with these issues in the *Act respecting the National Assembly* were repealed and new provisions were set out in the Code of Ethics.

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To enact these amendments, the Assembly amended its Standing Orders and provided, in Standing Order 316, that one could not call into question a Member of Parliament's conduct if it was a situation envisaged in the Code of Ethics.

In doing so, the Members unanimously decided to entrust ethical questions and situations of conflict of interest or of incompatibility of duties to the Ethics Commissioner. The Commissioner may report to the Assembly after having conducted an inquiry and, if he considers that a sanction is warranted, may recommend that the Assembly impose one.

Within this framework, the Assembly has given itself a precise course of action. As concerns the powers of the Assembly, the Code of Ethics provides that it cannot change the sanction recommended by the Commissioner. The Assembly's choice is limited to adopting or rejecting the proposed sanction.

This clearly illustrates the choice made by Members when they laid down these provisions. Because the provisions are so explicit, it would be difficult to draw any other conclusion concerning the Assembly's intent.

This is not the first time the Assembly has chosen to delegate some of its prerogatives. The Assembly acted in the same way when it delegated powers that it initially held in electoral matters to the Chief Electoral Officer and to the courts. When the Members collectively make such a choice, the Chair must acknowledge it. Concerning the right to petition, the Speaker of the House of Commons of Canada has, in the past, declared a petition to be out of order, stating that it was clear to him that the grievance concerned an issue for which the Parliament had delegated its authority.

Lastly, if certain Members want the rules concerning the right to petition to be reviewed, these deliberations could take place within the discussion group that will soon be formed to study the various rules of procedure, in accordance with the wish expressed by each of the political groups in the agreement reached for the duration of the present legislature.

As regards the Chair, its role is to maintain parliamentary jurisprudence and not change receivability criteria in any way that unduly limits the right to petition. Petitions asking for a minister's resignation for conduct that occurred within the context of a minister's duties of office will continue to be allowed. However, the other long-standing criteria applied by the Chair to judge whether a petition is receivable are also maintained. Therefore, petitions attacking the conduct of a Member, using rude or disrespectful language or concerning a matter that is before the courts, will continue to be considered out of order.

He then tabled the following:

The abstract of a document entitled “Commonwealth of Australia Parliamentary Debates – House of Representatives Official Hansard, Monday, 6 November 2000 – Thirty-ninth Parliament, First Session–Seventh Period” and abstracts of e-petitions hosted on a United Kingdom Government website set up for that purpose;

(Sessional Paper No. 442-20141009)

The abstract of a document entitled “Standing Orders of the House of Representatives, as at 14 November 2013 – Department of the House of Representatives, Canberra”.

(Sessional Paper No. 443-20141009)

Mr. Traversy (Terrebonne) tabled the following:

The abstract of a petition concerning the safeguarding of the Domaine Garth in Lorraine, signed by 464 citizens of Québec.

(Sessional Paper No. 444-20141009)

Mr. LeBel (Rimouski) tabled the following:

The abstract of a petition concerning the financial health of municipal pension plans, signed by 6,101 citizens of Québec.

(Sessional Paper No. 445-20141009)

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

The abstract of a petition concerning the safeguarding of the Domaine Garth in Lorraine, signed by 857 citizens of Québec.

(Sessional Paper No. 446-20141009)

Oral Questions and Answers

The Assembly proceeded to Oral Question Period.

Deferred Divisions

The Assembly took the division, which had been deferred during Business Standing in the Name of Members in Opposition at the sitting of 8 October 2014, on the motion moved by Mr. Bonnardel (Granby).

This motion reads as follows:

THAT the National Assembly ask that the Government extend the provisions of the *Code of ethics and conduct of the Members of the National Assembly* and provide that no Member, or member of his or her immediate family, be able, in any way to hold, directly or indirectly, the majority of shares or a controlling interest in a media company.

The motion was carried on the following vote:

(Division No. 38 in Appendix)

Yeas: **84** Nays: **22** Abstentions: **0**

Motions Without Notice

By leave of the Assembly to set aside Standing Order 185, Mr. Lemay (Masson), together with Mrs. Simard (Côte-du-Sud), Mr. Turcotte (Saint-Jean) and Mrs. David (Gouin), moved:

THAT the National Assembly congratulate the 23 winners to be honoured at the 2014 Prix Leviers gala;

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THAT it recognize the involvement and perseverance of these young people in their community.

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. Thériault, Minister of Public Security, together with Mr. Bérubé (Matane-Matapédia), Mr. Picard (Chutes-de-la-Chaudière) and Mr. Khadir (Mercier), moved:

THAT the National Assembly underline International Day for Natural Disaster Reduction, which is held on 13 October 2014;

THAT it recall that this day is designed to raise people's awareness of how to adopt preventive measures and prepare properly to reduce risks in case of a disaster.

By leave of the Assembly, the motion was carried.

Mrs. Hivon (Joliette), together with Mr. Khadir (Mercier), moved a motion concerning the organization Point Québec; this motion could not be debated for want of unanimous consent.

Mr. Khadir (Mercier), together with Mr. Roy (Bonaventure), moved a motion concerning the Port of Belledune project in New Brunswick; this motion could not be debated for want of unanimous consent.

Notices of Proceedings in Committees

Mr. Sklavounos, 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 3, An Act to foster the financial health and sustainability of municipal defined benefit pension plans;
- the Committee on Institutions, to give clause-by-clause consideration to Bill 14, An Act to amend the Code of Civil Procedure and other provisions;
- the Committee on Agriculture, Fisheries, Energy and Natural Resources, to hold public hearings within the framework of special consultations on Bill 11, An Act respecting the Société du Plan Nord.

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

- the Committee on Health and Social Services, to hold public hearings within the framework of special consultations on Bill 10, An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies.

Mr. Gendron, Third Vice-President, gave the following notices:

- the Committee on Citizen Relations shall hold a deliberative meeting to discuss the observations, conclusions and recommendations, if any, following hearings on the examination of the activity reports of the Caregiver Support Fund and the Société de gestion L'Appui;

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- the Committee on Transportation and the Environment shall hold a deliberative meeting to discuss the possibility of carrying out an order of initiative;
- the Committee on Culture and Education shall hold a deliberative meeting to hold hearings within the framework of examination of the petition on sex education courses.

Information on the Proceedings of the Assembly

Mr. Gendron, Third Vice-President, informed the Assembly that on Friday, 24 October 2014, Mr. Therrien (Sanguinet) would question Mr. Coiteux, Chair of the Conseil du trésor, during an interpellation on the Liberal Government's objective to reduce Québec's basket of public services to the Canadian average.

ORDERS OF THE DAY

Government Bills

Passage

Mrs. Charbonneau, Minister of Families, moved the passage of Bill 2, An Act to amend the Educational Childcare Act.

After debate thereon, the question was put on this motion; a recorded division was thereupon demanded.

At the request of Mr. Fournier, Government House Leader, the division was deferred until Routine Proceedings on the next sitting day.

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Report Stage

The Assembly took into consideration the report from the Committee on Labour and the Economy on its clause-by-clause consideration of Bill 8, An Act to amend the Labour Code with respect to certain employees of farming businesses, together with the amendments handed in by Mr. Villeneuve (Berthier).

The amendments were declared in order.

After debate thereon, the amendments were negatived.

The report was concurred in on division.

Mr. Fournier, Government House Leader, moved the adjournment of the Assembly until Tuesday, 21 October 2014, at 1.45 o'clock p.m.

The motion was carried.

Accordingly, at 12.53 o'clock p.m., Mr. Gendron, Third Vice-President, adjourned the Assembly until Tuesday, 21 October 2014, at 1.45 o'clock p.m.

JACQUES CHAGNON

President

APPENDIX

Recorded Divisions

On the motion moved by Mr. Bonnardel (Granby):

(Division No. 38)

YEAS - 84

Arcand (<i>QLP</i>)	D'Amour (<i>QLP</i>)	Kelley (<i>QLP</i>)	Rousselle (<i>QLP</i>)
Auger (<i>QLP</i>)	D'Amours (<i>CAQ</i>)	Khadir (<i>IND</i>)	Roy (<i>CAQ</i>)
Barrette (<i>QLP</i>)	Daoust (<i>QLP</i>)	Laframboise (<i>CAQ</i>)	(<i>Montarville</i>)
Bernier (<i>QLP</i>)	David (<i>IND</i>)	Lamontagne (<i>CAQ</i>)	Samson (<i>CAQ</i>)
Billette (<i>QLP</i>)	(<i>Gouin</i>)	Lavallée (<i>CAQ</i>)	Schneeberger (<i>CAQ</i>)
Birnbaum (<i>QLP</i>)	David (<i>QLP</i>)	Legault (<i>CAQ</i>)	Simard (<i>QLP</i>)
Blais (<i>QLP</i>)	(<i>Outremont</i>)	Leitão (<i>QLP</i>)	(<i>Dubuc</i>)
(<i>Charlesbourg</i>)	de Santis (<i>QLP</i>)	Lemay (<i>CAQ</i>)	Simard (<i>QLP</i>)
Blanchette (<i>QLP</i>)	Deltell (<i>CAQ</i>)	Lessard (<i>QLP</i>)	(<i>Charlevoix-Côte-de-Beaupré</i>)
Bolduc (<i>QLP</i>)	Drolet (<i>QLP</i>)	Martel (<i>CAQ</i>)	Sklavounos (<i>QLP</i>)
(<i>Jean-Talon</i>)	Dutil (<i>QLP</i>)	Massé (<i>IND</i>)	Soucy (<i>CAQ</i>)
Bolduc (<i>QLP</i>)	Fortin (<i>QLP</i>)	Matte (<i>QLP</i>)	Spénard (<i>CAQ</i>)
(<i>Mégantic</i>)	(<i>Pontiac</i>)	Ménard (<i>QLP</i>)	St-Denis (<i>QLP</i>)
Bonnardel (<i>CAQ</i>)	Fortin (<i>QLP</i>)	Merlini (<i>QLP</i>)	St-Pierre (<i>QLP</i>)
Boucher (<i>QLP</i>)	(<i>Sherbrooke</i>)	Moreau (<i>QLP</i>)	Surprenant (<i>CAQ</i>)
Boulet (<i>QLP</i>)	Fournier (<i>QLP</i>)	Morin (<i>QLP</i>)	Thériault (<i>QLP</i>)
Bourgeois (<i>QLP</i>)	Giguère (<i>QLP</i>)	Nichols (<i>QLP</i>)	Vallée (<i>QLP</i>)
Caire (<i>CAQ</i>)	Girard (<i>QLP</i>)	Ouellette (<i>QLP</i>)	Vien (<i>QLP</i>)
Carrière (<i>QLP</i>)	Habel (<i>QLP</i>)	Paradis (<i>QLP</i>)	Weil (<i>QLP</i>)
Charbonneau (<i>QLP</i>)	Hamad (<i>QLP</i>)	Picard (<i>CAQ</i>)	
Charette (<i>CAQ</i>)	Hardy (<i>QLP</i>)	Plante (<i>QLP</i>)	
Charlebois (<i>QLP</i>)	Heurtel (<i>QLP</i>)	Polo (<i>QLP</i>)	
Chevarie (<i>QLP</i>)	Huot (<i>QLP</i>)	Reid (<i>QLP</i>)	
Coiteux (<i>QLP</i>)	Iracà (<i>QLP</i>)	Roberge (<i>CAQ</i>)	
Couillard (<i>QLP</i>)	Jolin-Barrette (<i>CAQ</i>)	Rotiroti (<i>QLP</i>)	

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Bédard (<i>PQ</i>)	Kotto (<i>PQ</i>)	Lisée (<i>PQ</i>)	Roy (<i>PQ</i>)
Cousineau (<i>PQ</i>)	Lamarre (<i>PQ</i>)	Maltais (<i>PQ</i>)	(<i>Bonaventure</i>)
Dufour (<i>PQ</i>)	LeBel (<i>PQ</i>)	Marceau (<i>PQ</i>)	Therrien (<i>PQ</i>)
Gaudreault (<i>PQ</i>)	Leclair (<i>PQ</i>)	Ouellet (<i>PQ</i>)	Traversy (<i>PQ</i>)
(<i>Jonquière</i>)	Léger (<i>PQ</i>)	Pagé (<i>PQ</i>)	Turcotte (<i>PQ</i>)
Hivon (<i>PQ</i>)	Lelièvre (<i>PQ</i>)	Poirier (<i>PQ</i>)	Villeneuve (<i>PQ</i>)