



No. 21

N° 21

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Monday
June 17, 2002

Daytime Meeting - Sessional Day 33
Evening Meeting - Sessional Day 34

Lundi
17 juin 2002

Séance de l'après-midi - jour de session 33
Séance du soir - jour de session 34

3rd Session,
37th Parliament

3^e session
37^e législature

PRAYERS**1:30 P.M.****PRIÈRES****13 H 30**

Mr. Tsubouchi delivered to the Speaker a message from His Honour the Lieutenant Governor signed by his own hand, and the said message was read by the Speaker and is as follows:-

JAMES K. BARTLEMAN

The Lieutenant Governor transmits Estimates of certain sums required for the services of the Province for the year ending 31st March 2003 and recommends them to the Legislative Assembly.

Toronto, 17th June 2002

(Sessional Paper No. 3, Agriculture and Food; Attorney General; Cabinet Office; Citizenship; Community, Family and Children's Services; Consumer and Business Services; Culture; Education; Enterprise, Opportunity and Innovation; Environment and Energy; Finance; Office of Francophone Affairs; Health and Long-Term Care; Intergovernmental Affairs; Labour; Office of the Lieutenant Governor; Management Board Secretariat; Municipal Affairs and Housing; Ontario Native Affairs Secretariat; Natural Resources; Northern Development and Mines; Office of the Premier; Public Safety and Security; Tourism and Recreation; Training, Colleges and Universities; Transportation).

Le lieutenant-gouverneur transmet les prévisions de certains montants nécessaires pour assurer les services de la province pour l'exercice se terminant le 31 mars 2003 et les recommande à l'Assemblée législative.

Toronto, le 17 juin 2002

Agriculture et Alimentation; Procureur général; Bureau du Conseil des ministres; Affaires civiles; Services à la collectivité, à la famille et à l'enfance; Services aux consommateurs et aux entreprises; Culture; Éducation; Entreprise, Débouchés et Innovation; Environnement et Énergie; Finances; Offices des affaires francophones; Santé et Soins de longue durée; Affaires intergouvernementales; Travail; Bureau du Lieutenant-gouverneur; Secrétariat du Conseil de gestion; Affaires municipales et Logement; Secrétariat des affaires autochtones de l'Ontario; Richesses naturelles; Développement du Nord et des Mines; Cabinet du Premier ministre; Sûreté et Sécurité publique; Tourisme et Loisirs; Formation, Collèges et Universités; Transports).

Ordered, That the message of the Lieutenant Governor together with the Estimates accompanying same be deemed to be referred to the Standing Committee on Estimates pursuant to Standing Order 58.

INTRODUCTION OF BILLS

The following Bill was introduced, read the first time and referred to the Standing Committee on Regulations and Private Bills:-

Bill Pr8, An Act to revive 1397399 Ontario Inc. Mr. O'Toole.

DÉPÔT DES PROJETS DE LOI

Le projet de loi suivant est présenté, lu une première fois et déferé au Comité permanent des règlements et des projets de loi d'intérêt privé:-

The Speaker delivered the following ruling:-

On Monday, June 10, the Member for Niagara Centre (Mr. Kormos) raised a point of privilege concerning statements made to the press by the Premier, and to the press and in this House by the Minister of Energy, relating to executive compensation at Hydro One Inc.

The Member contended that apparent contradictions between statements on this subject by the Premier and by the Minister, and other apparent contradictions between statements made by the Minister on different occasions, left room for one to draw the conclusion that the Minister had exhibited a lack of forthrightness when addressing the House. As a result, the Member invited me to find the Minister to be, *prima facie*, in contempt of the Legislature.

The Minister of Energy also briefly addressed the point of privilege, and insistently discounted the validity of the Member's contentions.

I have reviewed the material supplied by the Member for Niagara Centre, together with the relevant authorities and precedents and am prepared to deliver my ruling.

As the Member for Niagara Centre pointed out, Erskine May, at page 111 of the 22nd Edition under the title "Misconduct of Members or Officers" states "The Commons may treat the making of a deliberately misleading statement as a contempt." This citation however goes on further than the Member quoted to provide reference to one of the most famous such cases in parliamentary history, that of British Cabinet Minister John Dennis Profumo, who knowingly avowed one thing to the House of Commons which was later proved conclusively, and admitted by Profumo, to be untrue. An essential component of this case is that Profumo deliberately set out, in a prepared statement, to purposely mislead the House, and then did so.

The threshold for finding a *prima facie* case of contempt against a Member of the Legislature, on the basis of deliberately misleading the House, is therefore set quite high and is very uncommon. It must involve a proved finding of an overt attempt to intentionally mislead the Legislature. In the absence of an admission from the Member accused of the conduct, or of tangible confirmation of the conduct, independently proved, a Speaker must assume that no honourable Members would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake.

On this point, I would ask all Members to be extremely vigilant about the statements they make in this House. Despite the cut-and-thrust and understandable emotion of Question Periods and debates, those statements are held up to the highest possible scrutiny by all observers of this place and, as their statements represent the personal integrity of each Member, they must withstand inspection.

I now want to address the Member for Niagara Centre's citation of a recent ruling by Speaker Milliken in the House of Commons of Canada regarding statements made by then-Minister of National Defence, Art Eggleton.

I am deeply reluctant to accord applicability of that ruling to this case. Firstly, in that case Mr. Eggleton concurred that contradictory statements had been made and that clarification of the reasons for this, in a suitable forum, was required. Secondly, I see no precedential value to Speaker Milliken's ruling - within the ambit of parliamentary privilege - since, if the ruling is carefully read, it becomes apparent that a *prima facie* case of privilege was not explicitly found. Rather, Speaker Milliken seems to have stopped himself short in that regard and chose instead a novel approach, finding ultimately - without mentioning privilege - that the matter deserved consideration by a committee, and inviting a motion to give effect to this result.

I would generally be hesitant to appropriate for myself such an original, informal approach since the precedents, traditions and customs of this House around questions of privilege reveal a more definitive tendency. In my view, there are no shades of grey when it comes to parliamentary privilege and I would not like to promote such a view by delivering a ruling that failed to address, squarely and solely on its procedural merits, the question raised.

In the case at hand raised by the Member for Niagara Centre, I can only find that I am left with what amounts to a genuine disagreement between 2 honourable Members. As a result, I am unable to find that a *prima facie* case of contempt has been made out.

Finally, I want to thank the Member for Niagara Centre for the respect and careful choice of words he exhibited when he addressed this matter.

Mr. Stockwell moved,

M. Stockwell propose,

That pursuant to Standing Order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, June 17, Tuesday, June 18, Wednesday, June 19 and Thursday, June 20, 2002, for the purpose of considering government business.

The question being put on the motion, it was carried on the following division:-

La motion, mise aux voix, est adoptée par le vote suivant:-

AYES / POUR - 71

| | | | | |
|----------------|------------|-----------|-----------|------------|
| Agostino | Colle | Hodgson | McMeekin | Sampson |
| Arnott | Crozier | Hoy | Miller | Sergio |
| Baird | Cunningham | Hudak | Molinari | Smitherman |
| Barrett | Curling | Johns | Munro | Spina |
| Bartolucci | DeFaria | Johnson | Mushinski | Sterling |
| Beaubien | Di Cocco | Kells | Newman | Stockwell |
| Bountrogianni | Dombrowsky | Klees | O'Toole | Tascona |
| Boyer | Elliott | Kwinter | Ouellette | Tsubouchi |
| Bradley | Flaherty | Lalonde | Parsons | Turnbull |
| Caplan | Galt | Levac | Peters | Wettlaufer |
| Christopherson | Gill | Martiniuk | Pupatello | Wilson |
| Chudleigh | Gravelle | Mazzilli | Ramsay | Witmer |
| Clark | Hardeman | McDonald | Runciman | Wood |
| Clement | Hastings | McLeod | Ruprecht | Young |
| Coburn | | | | |

NAYS / CONTRE - 6

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|---------|--------|----------|--------|------|
| Bisson | Kormos | Marchese | Martin | Prue |
| Churley | | | | |

PETITIONS

PÉTITIONS

Petition relating to Fair rent increases (Sessional Paper No. P-4) Mr. Caplan.

Petition relating to Cost of living increase to the recipients of benefits through the Ontario Disability Support Program (Sessional Paper No. P-5) Mr. Bisson.

Petitions relating to Amendments to the Ontario Society for the Prevention of Cruelty to Animals Act (Sessional Paper No. P-12) Mr. Bradley and Mr. Curling.

Petition relating to Hamilton's Central Ambulance Communication Centre (Sessional Paper No. P-16) Mr. Bradley.

Petition relating to Closing the cardiac surgery services at Children's Hospital of Eastern Ontario (Sessional Paper No. P-36) Mrs. Boyer.

Petition relating to the Implementation of a safe water action plan (Sessional Paper No. P-49) Mr. Sergio.

Petition relating to Highway 522 (Sessional Paper No. P-51) Mr. O'Toole.

Petition relating to Sexually explicit material exposed to minors (Sessional Paper No. 54) Mr. Wood.

ORDERS OF THE DAY

ORDRE DU JOUR

With unanimous consent, at 3:25 p.m., the sitting was suspended until 4:00 p.m.

Mrs. Ecker moved, seconded by Mr. Eves, That this House approves in general the Budgetary Policy of the Government, and in doing so presented her 2002 Budget and Budget papers / Budget de l'Ontario de 2002 et les Documents budgétaires (Sessional Paper No. 2).

And a debate having ensued, it was,

Un débat s'ensuit et,

On motion by Mr. Duncan,

Sur la motion de M. Duncan,

Ordered, That the debate be adjourned.

Il est ordonné que le débat soit ajourné.

Pursuant to S.O. 57(a), the House reverted to "Introduction of Bills".

Conformément à l'article 57(a), l'Assemblée revient à l'appel de «Dépôt des projets de loi».

The following Bill was introduced and read for the first time:-

Le projet de loi suivant et présenté et lu une première fois:-

Bill 109, An Act to implement the measures contained in the 2002 Ontario Budget and to implement other initiatives of the Government of Ontario. Hon. Mrs. Ecker.

Projet de loi 109, Loi mettant en oeuvre certaines mesures énoncées dans le budget de l'Ontario de 2002 ainsi que d'autres initiatives du gouvernement ontarien. L'hon M^{me} Ecker.

Mr. Stockwell moved, That the House do now adjourn.

M. Stockwell propose que l'Assemblée ajourne les débats maintenant.

The question, having been put on the motion, was declared carried.

Cette motion, mise aux voix, est déclarée adoptée.

The House then adjourned at 5:14 p.m.

À 17 h 14, la chambre a ensuite ajourné ses travaux.

6:45 P.M.

18 H 45

ORDERS OF THE DAY

ORDRE DU JOUR

Debate was resumed on the motion for Second Reading of Bill 80, An Act respecting directors and officers of Hydro One Inc. and its subsidiaries.

Le débat reprend sur la motion portant deuxième lecture du projet de loi 80, Loi concernant les administrateurs et les dirigeants de Hydro One Inc. et de ses filiales.

After some time, pursuant to Standing Order 9(a), the motion for adjournment of the debate was deemed to have been made and carried.

Après quelque temps, conformément à l'article 9(a) du Règlement, la motion d'ajournement du débat est réputée avoir été proposée et adoptée.

The House then adjourned at 9:30 p.m.

À 21 h 30, la chambre a ensuite ajourné ses travaux.

le président

GARY CARR

Speaker

**SESSIONAL PAPERS PRESENTED
PURSUANT TO STANDING ORDER 39(A):-**

**DOCUMENTS PARLEMENTAIRES
DÉPOSÉS CONFORMÉMENT À L'ARTICLE
39(A) DU RÈGLEMENT**

COMPENDIA:

Bill 109, An Act to implement the measures contained in the 2002 Ontario Budget and to implement other initiatives of the Government of Ontario. (No. 22).

Part-time appointments re intended Order-in-Council dated June 12, 2002 (No. 21) (Tabled June 14, 2002).
