



No. 14

N° 14

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Tuesday
June 4, 2002

Daytime Meeting - Sessional Day 20
Evening Meeting - Sessional Day 21

Mardi
4 juin 2002

Séance de l'après-midi - jour de session 20
Séance du soir - jour de session 21

3rd Session,
37th Parliament

3^e session
37^e législature

**PRAYERS
1:30 P.M.**

**PRIÈRES
13 H 30**

REPORTS BY COMMITTEES

Mr. Gilchrist from the Standing Committee on General Government presented the Committee's report as follows and moved its adoption:-

Your Committee begs to report the following Bill without amendment:-

Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other Acts.

The motion having been put, was carried on the following division:-

AYES / POUR - 51

Arnott	Ecker	Johns	Munro	Stewart
Baird	Elliott	Johnson	Mushinski	Stockwell
Barrett	Eves	Klees	Newman	Tascona
Beaubien	Galt	Marland	O'Toole	Tsubouchi
Chudleigh	Gilchrist	Martiniuk	Ouellette	Turnbull
Clark	Gill	Maves	Runciman	Wettlaufer
Clement	Hardeman	Mazzilli	Sampson	Wilson
Coburn	Hodgson	McDonald	Snobelen	Witmer
Cunningham	Hudak	Miller	Spina	Wood
DeFaria	Jackson	Molinari	Sterling	Young
Dunlop				

NAYS / CONTRE - 39

Agostino	Christopherson	Dombrowsky	Levac	Phillips
Bartolucci	Cleary	Duncan	Marchese	Prue
Bisson	Colle	Gerretsen	Martel	Pupatello
Bountrogianni	Conway	Gravelle	McLeod	Ramsay
Boyer	Cordiano	Hampton	McMeekin	Ruprecht
Bradley	Crozier	Hoy	Parsons	Sergio
Brown	Curling	Kormos	Patten	Sorbara
Bryant	Di Cocco	Lalonde	Peters	

And the Bill was accordingly Ordered for Third Reading.

En conséquence, le projet de loi est ordonné pour la troisième lecture.

INTRODUCTION OF BILLS

The following Bills were introduced and read the first time:-

Bill 80, An Act respecting directors and officers of Hydro One Inc. and its subsidiaries. Hon. Mr. Stockwell.

Bill 82, An Act respecting the compensation of

DÉPÔT DES PROJETS DE LOI

Les projets de loi suivants sont présentés et lus une première fois:-

Projet de loi 80, Loi concernant les administrateurs et les dirigeants de Hydro One Inc. et de ses filiales. L'hon. M. Stockwell.

Projet de loi 82, Loi traitant de la rétribution

Hydro One Inc. executives and sponsorships and political contributions by Hydro One Inc. and other entities. Mr. Hampton.

des cadres de Hydro One Inc. ainsi que des activités de parrainage et des contributions politiques de Hydro One Inc. et d'autres entités. M. Hampton.

With unanimous consent, the House observed a moment of silence in respect of the tragic deaths of Constable Terry Ryan from Durham Police Service and Detective-Sergeant Steve McAteer from Toronto Police Service.

At 4:00 p.m., pursuant to Standing Order 30(b), the Speaker interrupted the proceedings and called Orders of the Day.

À 16 heures, conformément à l'article 30(b) du Règlement, le Président interrompt les délibérations et passe à l'ordre du jour.

PETITIONS

Petitions relating to Stopping the deregulation and privatization of Ontario's electricity system (Sessional Paper No. P-8) Mr. Caplan and Mr. Cleary.

Petition relating to Funding of Ontario's universities and colleges (Sessional Paper No. P-33) Mr. Bartolucci.

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

PÉTITIONS

ORDERS OF THE DAY

Opposition Day

Mr. McGuinty moved,

That, the Legislative Assembly of Ontario offer its unequivocal support to the people in Ottawa and London in their efforts to convince the Eves government to reconsider its decision to remove life-saving children's heart surgery programs from their communities

A debate arising, after some time, the motion was lost on the following division:-

ORDRE DU JOUR

Jour de l'opposition

M. McGuinty propose,

Un débat s'ensuit et après quelque temps, la motion est rejetée par le vote suivant:-

AYES / POUR - 31

Agostino	Cleary	Dombrowsky	Marchese	Phillips
Bartolucci	Colle	Duncan	McGuinty	Pupatello
Bountrogianni	Conway	Gerretsen	McLeod	Ramsay
Boyer	Crozier	Gravelle	Parsons	Ruprecht
Bryant	Curling	Hoy	Patten	Sergio
Caplan	Di Cocco	Lalonde	Peters	Smitherman
Christopherson				

NAYS / CONTRE - 53

Arnott	Ecker	Johns	Munro	Stewart
Baird	Elliott	Johnson	Mushinski	Stockwell
Barrett	Eves	Kells	Newman	Tasca
Beaubien	Galt	Klees	O'Toole	Tsubouchi
Chudleigh	Gilchrist	Marland	Ouellette	Turnbull
Clark	Gill	Martiniuk	Runciman	Wettlaufer
Clement	Hardeman	Maves	Sampson	Wilson
Coburn	Hastings	Mazzilli	Snobelen	Witmer
Cunningham	Hodgson	McDonald	Spina	Wood
DeFaria	Hudak	Miller	Sterling	Young
Dunlop	Jackson	Molinari		

The House then adjourned at 6:00 p.m.

À 18 h, la chambre a ensuite ajourné ses travaux.

6:45 P.M.

18 H 45

ORDERS OF THE DAY

ORDRE DU JOUR

The Acting Speaker (Mr. Brown) delivered the following ruling:-

Earlier today, the member for Niagara Centre (Mr. Kormos) rose on a point of order respecting the orderliness of Bill 58, An Act to amend certain statutes in relation to the energy sector. His submissions on this point referred to the *sub judice* rule making reference to a current notice of appeal before the courts respecting Hydro One. He also argued that the bill could be ruled out of order due to its omnibus nature. The Government House Leader (Mr. Stockwell) also made submissions on these points.

Let me start with that which was put last, namely the omnibus argument. As Members will know, omnibus bills have been the subject of procedural scrutiny in many Parliamentary jurisdictions as governments have increasingly used them as vehicles for submitting related proposals for consideration of the House.

However, to date, I know of no Speaker in any jurisdiction who has, on his or her own initiative ruled a bill out of order because of its omnibus nature. While it is possible to envision a circumstance where a Speaker might find no alternative but to break with that practice, it is my opinion that this would occur only if that Speaker were faced with a piece of legislation that has gone beyond what has to date been procedurally acceptable.

Given previous examples of omnibus bills considered by this House and the fact that upon careful consideration of the bill I cannot find that its parts are so disparate as to have no tangible connection I find I am unable to rule Bill 58 out of order on the basis of its omnibus nature.

The member for Niagara Centre also made submissions respecting the applicability of Standing Order 23(g), the Assembly's *sub judice* rule.

The member for Niagara Centre noted that a former Speaker of this House indicated in a 1966 ruling that the *sub judice* rule can apply to civil proceedings. The Government House Leader stated otherwise. Let me clarify that point. *Sub judice* according to *Beauschesne* has been applied consistently in criminal cases but there is no settled practice in relation to civil cases. This does not mean it can never be applied in a civil case, but *Beauschesne* goes on to say that the House would never allow "the *sub judice* convention to stand in the way of its consideration of a matter vital to the public interest or to the effective operation of the House".

On the point of the applicability of the rule to a bill let me refer to the following ruling of Speaker Hipel, which can be found at page 22 of our Journals for January 29, 1937:

“Instances of the passing of Bills affecting particular actions or other proceedings before the courts are not uncommon in the history of this Legislature....”

In my opinion, it is clear that ... Erskine May ... goes no further than to state that during the course of a debate Members should not refer to matters awaiting the adjudication of a court of law, such matters being *sub judice*. It is not intended to interfere with the right of legislative bodies to alter existing laws, even though such alteration may affect a matter before the courts.

I hold that it would be a stultification of the powers of this Assembly to rule that an Act may not be introduced to remedy a condition in an Act and to make clear the will of the Assembly even though the Act to be remedied is under consideration by a Court of Law.

Accordingly, it is my ruling that an Act may be introduced and considered by the Assembly, notwithstanding that such Act may interfere with actions pending before the courts.

Let me add that ever since our sub judice rule was created in 1970 and then amended to its current form in 1978 -- its invocation has become infrequent. I appreciate that the member for Niagara Centre may find this situation unfortunate, but he and other members should remember that the less frequently the rule is invoked, the greater the vindication of the single most important parliamentary privilege that members of this House enjoy, namely their right to freedom of speech in this House.

I find that Bill 58 is in order.

In closing, I thank the member for Niagara Centre for his thoughtful submissions.

A debate arose on the motion for Second Reading of Bill 58, An Act to amend certain statutes in relation to the energy sector.

Il s'élève un débat sur la motion portant deuxième lecture du projet de loi 58, Loi modifiant certaines lois en ce qui concerne le secteur de l'énergie.

After some time, pursuant to Standing Order 9(a), the motion for the 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

PETITIONS TABLED PURSUANT TO STANDING ORDER 38 (A)

Petition relating to funding of Secondary Education (Sessional Paper No. P-26) Mr. Duncan.

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

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

COMPENDIA:

Bill 80, An Act respecting directors and officers of Hydro One Inc. and its subsidiaries (No. 17).
