



No.6

N° 6

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Thursday
November 27, 2003

Jeudi
27 novembre 2003

Daytime Meeting - Sessional Day 9
Evening Meeting - Sessional Day 10

Séance de l'après-midi - jour de session 9
Séance du soir - jour de session 10

1st Session,
38th Parliament

1^{re} session
38^e législature

PRAYERS
1:30 P.M.

PRIÈRES
13H30

The Speaker addressed the House as follows:-

I beg to inform the House that I have today laid up on the Table the 2002-2003 Annual Report of the Environmental Commissioner of Ontario (Sessional Paper No. 13).

The Speaker delivered the following ruling:-

On November 24, 2003, the member for Niagara Centre (Mr. Kormos) rose on a point of order concerning the seating arrangements in the Chamber. The member objected that the seating plan places the Rump -- that is, the group of government members who cannot be accommodated in the seats to the Speaker's right -- to the Speaker's left, between the members of the Official Opposition and the 7 members who are not affiliated with a recognized party. According to the member, the Rump should have been placed at either end of the left side of the Chamber, with a view to ensuring that all Opposition members were seated as a bloc as opposed to being physically separated by the Rump. The Opposition House Leader (Mr. Runciman) and the Government House Leader (Mr. Duncan) also spoke to this matter.

On November 25, 2003, the member for Niagara Centre rose on a separate, but related point of order. He objected to the characterization of himself and 60 other members not affiliated with a recognized party as Independents, and asked that the group be referred to as members of the New Democratic Party. The Government House Leader and the member for Nepean-Carleton (Mr. Baird) also spoke to this matter.

I have had an opportunity to reflect on what members said, and to review the parliamentary precedents and authorities in Ontario and other parliamentary jurisdictions.

In response to the first point of order, let me say that, for many decades in this Chamber and in most other parliamentary jurisdictions, the Whips of the recognized parties have made the initial seating assignments for members of their respective parties shortly before the commencement of the first session of a new Parliament; the Speaker has then assigned the seats for any other members. As the member for Niagara Centre rightly points out, however, the Speaker has the final say over the seating plan.

In the case at hand, it should be noted that shortly before the commencement of the first session of this Parliament, the Speaker approved the current seating plan, after following the normal consultative process. The question before me now is whether there is a valid reason why that plan should be altered.

At this point in my ruling, I want to make the following observations:-

- First, in light of what I have already indicated about how seating assignments in this Chamber and the Chambers of other parliamentary jurisdictions are traditionally made, the issue is less the placement of the Rump than the placement of members who are not members of a recognized party.
- Second, even if the issue was the placement of the Rump, it is not at all self-evident that a Rump can never physically divide Opposition members. In fact, right now, there are three Canadian parliamentary jurisdictions -- the Senate of Canada, the Legislative Assembly of British Columbia, and the National Assembly of Quebec -- where members not affiliated with a recognized party are not assigned seats that are physically adjacent to other Opposition members: in each case, the Rump physically separates such members from other Opposition members.

- Third, references to historical seating arrangements in this Chamber have limited relevance to today's circumstances because they pre-date amendments made to the Standing Orders and the *Legislative Assembly Act* since the 1970s. Those amendments have had the effect of enhancing the role of parties of a certain size in House procedures and House administration. In previous Parliaments, the member for Niagara Centre and his colleagues have benefited from those amendments. In the current Parliament, they do not benefit from these provisions. Ultimately, this state of affairs was not dictated by any member of this House, but rather by the outcome of the most recent general election.
- Fourth, before the current seating plan was approved by the Speaker, members not affiliated with any of the recognized parties were allowed to be seated together in one bloc of seats; they were allowed to decide among themselves where in that bloc they wanted to sit; and they requested and were allowed some seats in the front row as opposed to being placed in the back row.
- Fifth, no member is disadvantaged by virtue of the seat that the member has in this Chamber. In other words, every seat in this Chamber is a good seat.
- And finally, the current seating plan does not prevent any Opposition member from collaborating with and consulting with another Opposition member.

In light of these observations, I am ruling that the current seating plan appears to be a fair and reasonable accommodation between the rights of the majority and the rights of the minority.

As for the second point of order, the member for Niagara Centre and his 6 colleagues object to being referred to as "Independents", the traditional parliamentary moniker for members not affiliated with a recognized party. According to the member, they should be referred to as members of the "New Democratic Party".

I do not take issue with the member that he and 6 other members of this House are members of the same political party. However, they are not members of a "recognized party" within the meaning of the *Legislative Assembly Act* and the Standing Orders. It takes at least 8 members to be a recognized party, and they are only 7. The Speaker did not create that requirement; the Legislature and the House (as the case may be) did, and only they can change it.

Having said this, I note that Speaker Parent of the Canadian House of Commons, in his June 16, 1994 ruling, accommodated those members who were not affiliated with a recognized party by allowing the members of one political group to be seated near each other and to be identified by their group's traditional name, by allowing the members of another political group to be seated near each other and to be identified by their group's traditional name, and by then assigning other Independent members the remaining seats according to their seniority. In keeping with the thrust of that ruling, I too am able to make some accommodation, and so I am ruling that, in this Chamber, the member for Niagara Centre and the other 6 members not affiliated with a recognized party may collectively be referred to as the "Third Party". Further, since party identification is permissible in certain Assembly print and electronic publications, such as *Hansard* and *ONT-PARL*, they may be referred to as the "New Democratic Party" in those publications in accordance with usual practice and policy.

However, I want to be absolutely clear that this accommodation does not confer any substantive rights-- administrative, financial, procedural, or otherwise -- beyond those rights that an Independent member already has. (For example, this ruling does not confer on any member of the Third Party any status as Leader, House Leader or Whip.) In other words, the Third Party is still not a recognized party within the meaning of the Standing Orders and the *Legislative Assembly Act*. As I have said, only the House and the Legislature has the authority to alter the threshold needed for recognized party status.

I thank the member for Niagara Centre, the Government member for Nepean-Carleton for their thoughtful

House leader, the Opposition House Leader, and helpful submissions.

INTRODUCTION OF BILLS

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

Bill 7, An Act to authorize a group of manufacturers of Ontario wines to sell Vintners Quality Alliance wines. Mr. Hudak.

Bill 8, An Act to establish the Ontario Health Quality Council, to enact new legislation concerning health service accessibility and repeal the Health Care Accessibility Act, to provide for accountability in the health service sector, and to amend the Health Insurance Act. Hon. Mr. Smitherman.

Bill 9, An Act to amend the Environmental Protection Act to regulate industrial facilities that use, store or treat hazardous materials. Mr. Levac

DÉPÔT DES PROJETS DE LOI

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

Projet de loi 7, Loi autorisant un groupe de fabricants de vins de l'Ontario à vendre des vins de la Vintners Quality Alliance. M. Hudak.

Projet de loi 8, Loi créant le Conseil ontarien de la qualité des services de santé, édictant une nouvelle loi relative à l'accessibilité aux services de santé et abrogeant la Loi sur l'accessibilité aux services de santé, prévoyant l'imputabilité du secteur des services de santé et modifiant la Loi sur l'assurance-santé. L'hon. M. Smitherman.

Projet de loi 9, Loi modifiant la Loi sur la protection de l'environnement pour réglementer les installations industrielles où sont utilisés, entreposés ou traités des matériaux dangereux. M. Levac

PETITIONS

Petition relating to the Ontario home property tax relief for seniors program (Sessional Paper No. P-4)
Mr. Barrett.

Petition relating to maintaining the scheduled tax reductions for job-creating businesses (Sessional Paper No. P-5) Mr. Barrett.

PÉTITIONS

ORDERS OF THE DAY

The Order of the Day for resuming the adjourned debate on the motion for Second Reading of Bill 4, An Act to amend the Ontario Energy Board Act, 1998 with respect to electricity pricing having been called,

With unanimous consent, the Speaker recessed the House for 5 minutes.

Debate was resumed on the motion for Second Reading of Bill 4, An Act to amend the Ontario Energy Board Act, 1998 with respect to electricity pricing.

ORDRE DU JOUR

À l'appel de l'ordre du jour concernant la suite du débat ajourné sur la motion portant deuxième lecture du projet de loi 4, Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario à l'égard de l'établissement du coût de l'électricité,

Avec le consentement unanime, le Président donne des directives à la Chambre pour une pause de cinq minutes.

Le débat reprend sur la motion portant deuxième lecture du projet de loi 4, Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario à l'égard de l'établissement du coût de l'électricité.

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 6:00 p.m.

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

6:45 P.M.

18H45

ORDERS OF THE DAY

Debate was resumed on the motion for Second Reading of Bill 2, An Act respecting fiscal responsibility.

After some time, Mr. Bisson moved the adjournment of the debate, which motion was lost on the following division:-

AYES-6N AYS-28

The debate continued and after some time, Mr. Bisson moved the adjournment of the House, which motion was lost on the following division:-

AYES-6N AYS-27

The debate continued and 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.

ORDRE DU JOUR

Le débat reprend sur la motion portant deuxième lecture du projet de loi 2, Loi concernant la gestion responsable des finances.

Après quelque temps, M. Bisson propose l'ajournement du débat et cette motion est rejetée par les votes suivants:-

P OUR-6C CONTRE-28

Le débat se poursuit et après quelque temps, M. Bisson propose l'ajournement des débats de l'Assemblée et cette motion est rejetée par les votes suivants:-

P OUR-6C CONTRE-27

Le débat se poursuit et 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

ALVIN CURLING

Speaker

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

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

COMPENDIA:

Bill 8, An Act to establish the Ontario Health Quality Council, to enact new legislation concerning health service accessibility and repeal the Health Care Accessibility Act, to provide for accountability in the health services sector, and to amend the Health Insurance Act (No. 14).

Order-in-Council revoking the appointment of Mr. Rick C. Romain as a Justice of the Peace (No. 15).

Status of Business

**1st Session,
38th Parliament**

**Section 1
Legislation**

État des Travaux

**1^{re} Session,
38^e Législature**

**Section 1
Projets de loi**

**Public Bills Index
Government and Private Members'**

**Index des Projets de Loi d'Intérêt
Gouvernement et Députés**

Anaphylactic Students Protection. Mr. Levac	Bill-3
Ancient Parliamentary Right. Hon. Mr. McGuinty	Bill-1
Automobile Insurance Rate Stabilization. Hon. Mr. Sorbara	Bill-5
Commitment to the Future of Medicare. Hon. Mr. Smitherman	Bill-8
Environmental Protection (Industrial Facilities). Mr. Levac	Bill-9
Fiscal Responsibility. Hon. Mr. Sorbara	Bill-2
Labour Relations (Replacement Workers). Mr. Kormos	Bill-6
Ontario Energy Board (Electricity Pricing). Hon. Mr. Duncan	Bill-4
VQA Wine Stores. Mr. Hudak	Bill-7

**GOVERNMENT BILLS AND PRIVATE
MEMBERS' PUBLIC BILLS**

**PROJETS DE LOI ÉMANANT DU
GOUVERNEMENT ET PROJETS DE LOI
D'INTÉRÊT PUBLIC ÉMANANT DES
DÉPUTÉS**

Bill 1, An Act to perpetuate an ancient parliamentary right/Loi visant à perpétuer un ancien droit parlementaire. Hon. Mr. McGuinty (Premier). First Reading November 20, 2003.

Bill 2, An Act respecting fiscal responsibility/Loi concernant la gestion responsable des finances. Hon. Mr. Sorbara (Minister of Finance). First Reading on division November 24, 2003. Second Reading debated November 25, 26, 27, 2003.

Bill 3, An Act to protect anaphylactic students/Loi visant à protéger les élèves anaphylactiques. Mr. Levac (Brant). First Reading on division November 24, 2003.

Bill 4, An Act to amend the Ontario Energy Board Act, 1998 with respect to electricity pricing/Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario à l'égard de l'établissement du coût de l'électricité. Hon. Mr. Duncan (Minister of Energy). First Reading on division November 25, 2003. Second Reading debated November 26, 27, 2003.

Bill 5, An Act to temporarily freeze automobile insurance rates for private passenger vehicles and to provide for the review and regulation of risk classification systems and automobile insurance rates for private passenger vehicles/Loi visant à geler temporairement les taux d'assurance-automobile dans le cas des voitures de tourisme et à prévoir l'examen et la réglementation des systèmes de classement des risques et des taux d'assurance-automobile les concernant. Hon. Mr. Sorbara (Minister of Finance). First Reading on division November 26, 2003.

Bill 6, An Act to amend the Labour Relations Act, 1995/Loi modifiant la Loi de 1995 sur les relations de travail. Mr. Kormos (Niagara Centre). First Reading November 26, 2003.

Bill 7, An Act to authorize a group of manufacturer Alliance wines/Loi autorisant un groupe de fabricants de vins de l'Ontario à vendre des vins de la Vintners Quality Alliance. Mr. Hudak (Erie-Lincoln). First Reading November 27, 2003.

Bill 8, An Act to establish the Ontario Health Quality Council, to enact new legislation concerning health service accessibility and repeal the Health Care Accessibility Act, to provide for accountability in the health service sector, and to amend the Health Insurance Act/Loi créant le Conseil ontarien de la qualité des services de santé, édictant une nouvelle loi relative à l'accessibilité aux services de santé, et abrogeant la Loi sur l'accessibilité aux services de santé, prévoyant l'imputabilité du secteur des services de santé et modifiant la Loi sur l'assurance-santé. Hon. Mr. Smitherman (Minister of Health and Long-Term Care). First Reading November 27, 2003.

Bill 9, An Act to amend the Environmental Protection and Control Act to regulate industrial facilities that use, store or treat hazardous materials/Loi modifiant la Loi sur la protection de l'environnement pour réglementer les installations industrielles où sont utilisés, entreposés ou traités des matériaux dangereux. Mr. Levac (Brant). First Reading November 27, 2003.