



No.8

N° 8

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**Votes and Proceedings**

**Procès-verbaux**

Legislative Assembly  
of Ontario

Assemblée législative  
de l'Ontario

**Tuesday  
December 2, 2003**

Daytime Meeting - Sessional Day 13  
Evening Meeting - Sessional Day 14

**Mardi  
2 décembre 2003**

Séance de l'après-midi - jour de session 13  
Séance du soir - jour de session 14

**1<sup>st</sup> Session,  
38<sup>th</sup> Parliament**

**1<sup>re</sup> session  
38<sup>e</sup> législature**

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

**PRIÈRES**  
**13H30**

Mr. Phillips delivered to the Speaker a message from his own hand, and the said message was read by the Speaker

His Honour the Lieutenant Governor signed by his hand and is as follows:-

JAMES K.B ARTLEMAN

The Lieutenant Governor transmits Estimates of certain sums required for the services of the Province for the year ending 31<sup>st</sup> March 2004 and recommends them to the Legislative Assembly.

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 2004 et les recommande à l'Assemblée législative.

Toronto, 2<sup>nd</sup> December 2003

Toronto, le 2<sup>e</sup> décembre 2003

(Sessional Paper No. 3, Agriculture and Food; Attorney General; Cabinet Office; Citizenship; Community, Family and Children's Services; Consumer and Business Services; Culture; Education; Energy; Enterprise, Opportunity and Innovation; Environment; 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).

(Document parlementaire n<sup>o</sup> 3, 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; Énergie; Entreprise, Débouchés et Innovation; Environnement; 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 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 deemed to be referred to the Standing Committee on

together with the Estimates accompanying same be Estimates pursuant to Standing Order 58.

The Speaker addressed the House as follows:-

I beg to inform the House that I have laid upon the Osborne, Integrity Commissioner for Ontario, response for Sarnia-Lambton, regarding Mr. Ernie Eves, Mr. T. Coburn. (No. 16) (Tabled November 28, 2003).

Table the Report of the Honourable Coulter A. Ding to the complaint of Caroline Di Cocco, M.P.P. ony Clement, Mr. James Flaherty and Mr. Brian

I further beg to inform the House that I have laid upon the Provincial Auditor. (Sessional Paper No. 1).

upon the Table the 2003 Annual Report of the

I further beg to inform the House that I have laid upon the Table a copy of an Order-in-Council appointing the following Members as Commissioners to the Board of Internal Economy:-

upon the Table a copy of an Order-in-Council

The Speaker, who shall be Chair;

The Honourable Rick Bartolucci, appointed by the Lieutenant Governor in Council from among the members of the Executive Council;

the Lieutenant Governor in Council from among the

The Honourable David Caplan, appointed by the Lieutenant Governor in Council from among the members of the Executive Council;

the Lieutenant Governor in Council from among the

The Honourable Dwight Duncan, appointed by the Lieutenant Governor in Council from among the members of the Executive Council;

Monique Smith, M.P.P., appointed by the Caucus of the Government;

John Baird, M.P.P., appointed by the Caucus of the Official Opposition;

Gilles Bisson, M.P.P., appointed by the Caucus of the New Democratic Party. (Sessional Paper No. 17)

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**MOTIONS**

On motion by Mr. Duncan,

Ordered, That the membership of the Standing Committee

**MOTIONS**

sur la motion de M. Duncan,

le comité permanent de ce parlement sera composé de :

**Standing Committee on Estimates:-**

Mr. Arthurs  
 Mr. Chudleigh  
 Mr. Craitor  
 Ms. DiCocco  
 Mr. Jackson  
 Mr. Kular  
 Ms. Martel  
 Mr. McNeely  
 Mr. Milloy  
 Mrs. Witmer

**Standing Committee on Finance and Economic Affairs: -**

Mr. Barrett  
 Mr. Colle  
 Mr. Crozier  
 Mr. Hoy  
 Ms. Marsales  
 Mr. Oraziotti  
 Mr. O'Toole  
 Mr. Peterson  
 Mr. Prue  
 Mr. Wilkinson

**Standing Committee on General Government:-**

Ms. Churley  
 Mr. Dhillon  
 Mr. Lalonde  
 Mr. Leal  
 Mr. Ouellette  
 Mr. Parsons  
 Mr. Rinaldi  
 Ms. Van Bommel  
 Ms. Wynne  
 Mr. Yakabuski

**Standing Committee on Government Agencies:-**

Mr. Agostino  
Mr. Berardinetti  
Mr. Bisson  
Mr. Brown  
Ms. Matthews  
Mr. Parsons  
Mr. Qaadri  
Ms. Scott  
Ms. Smith  
Mr. Tascona

**Standing Committee on Justice and Social Policy:-**

Mr. Brownell  
Mr. Craiton  
Mr. Duguid  
Mr. Flynn  
Mr. Gravelle  
Mr. Klees  
Mr. Kormos  
Mr. Patten  
Mr. Wilson  
Ms. Wynne

**Standing Committee on the Legislative Assembly:-**

Ms. Cansfield  
Mr. Hardeman  
Ms. Jeffrey  
Mr. Leal  
Mr. Marchese  
Mr. Mauro  
Mr. Miller  
Mr. Oraziotti  
Mr. Racco  
Mr. Sergio

**Standing Committee on Public Accounts:-**

Ms. Broten  
Mr. Flaherty  
Mr. Fonseca  
Ms. Martel  
Mr. Mauro  
Ms. Munro  
Ms. Sandals  
Ms. Smith  
Mr. Sterling  
Mr. Zimmer

**Standing Committee on Regulations and Private Bills :-**

Mr. Delaney  
 Mr. Marchese  
 Mr. Martiniuk  
 Mr. McMeekin  
 Mr. McNeely  
 Ms. Mitchell  
 Mr. Murdoch  
 Mr. Ramal  
 Mr. Ruprecht  
 Mr. Wong.

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Mr. Duncan moved,	M. Duncan propose,
That the following schedule for committee meetings	be established for this Parliament:-
The Standing Committee on Justice and Social Policy	may meet on:-
Monday and Tuesday afternoons following Routine Pro	ceedings.
The Standing Committee on General Government may meet on:-	
Monday and Wednesday afternoons following Routine P	roceedings.
The Standing Committee on Estimates may meet on:-	
Tuesday and Wednesday afternoons following Routine	Proceedings.
The Standing Committee on Government Agencies may meet on:-	
Wednesday mornings.	
The Standing Committee on Regulations and Private Bills may meet on:-	
Wednesday mornings.	
The Standing Committee on Finance and Economic Affairs may meet on:-	
Thursday mornings and Thursday afternoons following	Routine Proceedings.
The Standing Committee on Public Accounts may meet on:-	
Thursday mornings.	
The Standing Committee on the Legislative Assembly may meet on:-	
Thursday afternoons following Routine Proceedings.	
A debate arose and, after some time, with unanimous	consent,

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The House expressed its condolence on the death of	Vernon Milton Singer, Member for the Electoral
District of York Centre from June 11, 1959 to Septe	mber 24, 1963; Member for the Electoral District of
Downsview from September 25, 1963 to September 17,	1975 and Member for the Electoral District of
Wilson Heights from September 18, 1975 to June 8, 1	977.

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The debate continued and, at 4:00 p.m., pursuant to Standing Order 30(b), the Speaker interrupted the proceedings and put the question on the motion, which was carried on the following division:-

Le débat se poursuit et, à 16 heures, conformément à l'article 30(b) du Règlement, le Président interrompt les délibérations et met la motion aux voix immédiatement, et cette motion est adoptée par le vote suivant:-

## AYES/POUR-61

Agostino	Colle	Gravelle	McMeekin	Ruprecht
Arthurs	Cordiano	Hoy	Meilleur	Sandals
Bartolucci	Craiton	Jeffrey	Milloy	Sergio
Bentley	Crozier	Kennedy	Mossop	Smith
Berardinetti	Delaney	Kular	Patten	Smitherman
Bountrogianni	DiCocco	Kwinter	Peterson	Sorbara
Bradley	Dombrowsky	Lalonde	Phillips	Takhar
Brotten	Duguid	Leal	Pupatello	VanBommel
Brownell	Duncan	Levac	Qaadri	Watson
Bryant	Flynn	Marsales	Racco	Wilkinson
Cansfield	Fonseca	Matthews	Ramal	Wong
Caplan	Gerretsen	Mauro	Rinaldi	Wynne
Chambers				

## NAYS/CONTRE-20

Arnott	Dunlop	Hudak	Martel	Prue
Baird	Flaherty	Jackson	Munro	Runciman
Bisson	Hampton	Kormos	Murdoch	Scott
Churley	Hardeman	Marchese	Ouellette	Yakabuski

**ORDERS OF THE DAY**

Debate was resumed on the motion for Second Reading of 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.

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

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

**6:45 P.M.**

**ORDERS OF THE DAY**

Mr. Duncan moved,

That notwithstanding any Standing Order or special consideration of certain business of the House

**ORDRE DU JOUR**

Le débat reprend sur la motion portant deuxième lecture du projet de loi 5, 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.

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

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

**18H45**

**ORDRE DU JOUR**

M. Duncan propose,

order of the House, there be a timetable applied to as follows:

## (A) Bill 2, An Act respecting fiscal responsibility:

1. At 10 minutes before the normal hour of adjournment as the first government order, the Speaker shall put the bill on the day on which the bill is next called for Second Reading stage of the bill without further debate or amendment; every question necessary to dispose of the bill shall be put;
2. Upon receiving Second Reading, the bill shall be ordered referred to the Standing Committee on Finance and Economic Affairs;
3. The Standing Committee on Finance and Economic Affairs shall meet for two consecutive sitting days commencing on the first sitting day following the passage of Second Reading for the purpose of public hearings and clause-by-clause consideration of the bill;
4. The Committee may meet from 10 a.m. to 12:00 noon and again following routine proceedings until 6:00 p.m. on each of the two days;
5. At 4:00 p.m. on the second day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the Committee shall interrupt the proceedings and shall cause there to be one final 20-minute waiting period for the purpose of calling in the members, and shall then immediately without further debate or amendment, put every question necessary to dispose of clause-by-clause consideration of the bill;
6. The Committee shall report the bill to the House no later than the first sessional day that reports from committees may be received following the second day of the Committee's consideration of the bill;
7. In the event that the Committee fails to report the bill as provided in paragraph 6, the bill shall be deemed to have been passed by the Committee and reported to and received by the House;
8. Upon being reported to the House, the bill shall be ordered for Third Reading, which order may be called on the same sessional day;
9. There shall be 2 sessional days of Third Reading debate on the bill;
10. At 10 minutes before the normal hour of adjournment on the second day, the Speaker shall put every question necessary to dispose of the Third Reading stage of the bill;
11. No deferral of any votes shall be permitted.

## (B) Bill 4, An Act to amend the Ontario Energy Board Act, 1998 with respect to electricity pricing:

1. At 10 minutes before the normal hour of adjournment as the first government order, the Speaker shall put the bill on the day on which the bill is next called for Second Reading stage of the bill without further debate or amendment; the vote on Second Reading may not be deferred; every question necessary to dispose of the bill shall be put;
2. Upon receiving Second Reading, the bill shall be ordered referred to the Standing Committee on Justice and Social Policy;
3. The Standing Committee on Justice and Social Policy shall meet at the call of the Chair for 2 days for the purpose of public hearings and clause-by-clause consideration of the bill;
4. The Committee may meet from 10 a.m. to 12:00 noon and again following routine proceedings until 6:00 p.m. on each of the two days;
5. At 4:00 p.m. on the second day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the Committee shall interrupt the proceedings and shall cause there to be one final 20-minute waiting period for the purpose of calling in the members, and shall then immediately without further debate or amendment, put every question necessary to dispose of clause-by-clause consideration of the bill;

6. The Committee shall report the bill to the House no later than the first sessional day that reports from committees may be received following the Committee's second day of consideration of the bill;
7. In the event that the Committee fails to report the bill as provided in paragraph 6, the bill shall be deemed to have been passed by the Committee and reported to and received by the House;
8. Upon being reported to the House, the bill shall be ordered for Third Reading, which order may be called on the same sessional day;
9. There shall be 1 sessional day of Third Reading debate on the bill;
10. At 10 minutes before the normal hour of adjournment on that day the Speaker shall put every question necessary to dispose of the Third Reading stage of the bill.
11. The vote on Third Reading may be deferred.

(C) 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:

1. At 10 minutes before the normal hour of adjournment on the day on which the bill is next called as the first government order, the Speaker shall put every question necessary to dispose of the Second Reading stage of the bill without further debate or amendment;
2. Upon receiving Second Reading, the bill shall be ordered referred to the Standing Committee on Finance and Economic Affairs;
3. The Standing Committee on Finance and Economic Affairs shall meet for 2 days at the call of the Chair for the purpose of public hearings and clause-by-clause consideration of the bill;
4. The Committee may meet from 10 a.m. to 12:00 noon and again following routine proceedings until 6:00 p.m. on each of the two days;
5. The Committee's second day of consideration of the bill shall be completed on or before Tuesday, December 16, 2003;
6. At 4:00 p.m. on the second day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the Committee shall interrupt the proceedings and shall cause there to be one final 20-minute waiting period for the purpose of calling in the members, and shall then immediately without further debate or amendment, put every question necessary to dispose of clause-by-clause consideration of the bill;
7. The Committee shall report the bill to the House no later than the first sessional day that reports from committees may be received following the Committee's second day of consideration of the bill;
8. In the event that the Committee fails to report the bill as provided in paragraph 7, the bill shall be deemed to have been passed by the Committee and reported to and received by the House;
9. Upon being reported to the House, the bill shall be ordered for Third Reading, which order may be called on the same sessional day;
10. There shall be 1 sessional day of Third Reading debate on the bill;
11. At 10 minutes before the normal hour of adjournment on that day the Speaker shall put every question necessary to dispose of the Third Reading stage of the bill;
12. No deferral of any votes shall be permitted.



## (D) Opposition Day:

1. The Official Opposition shall be entitled to give notice of a motion for consideration pursuant to Standing Order 42;
2. The date for consideration of such motions shall be Wednesday, December 10, 2003.

## (E) Government Notice of Motion #10, motion to appoint Presiding Officers:

1. When Government Notice of Motion #10 is called, one sessional day shall be allocated to the debate;
2. At 10 minutes before the normal hour of adjournment on that day, the Speaker shall put every question necessary to dispose of the motion without further debate or amendment; the vote on this motion may be deferred.

## (F) Government Order # 2, motion to take the Speech of His Honour the Lieutenant Governor into consideration:

1. When Government Order #2 is next called on sessional days shall be allocated to the debate;
2. At 10 minutes before the normal hour of adjournment on that day, the Speaker shall put every question necessary to dispose of the motion without further debate or amendment; the vote on this motion may be deferred.

In the case of any division relating to any proceedings through F, the division bell shall be limited to 10 minutes.

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On a point of order being raised, the Speaker recessed the House for 20 minutes.

On his return, the Speaker delivered the following ruling:-

I would like to thank the Member for Niagara Centre, the Member for Nepean-Carleton and the Government House Leader for their submissions with respect to the orderliness of Government Notice of Motion number 13.

Let me say at the outset that the motion in question cannot be styled as a time allocation motion with the meaning of our Standing Orders. Standing Order 46 sets out the criteria under which an item of business is eligible to be subject to a time allocation motion, and not all of the items being dealt with in the Government notice of motion meet those criteria.

In any case, the motion on the Order Paper does not purport to be a time allocation motion at all under our rules as it is not to be moved under Standing Order 46. However, a question to be decided is whether the only vehicle that exists to order House business.

When faced with a similar situation in which no Standing Order existed to provide for the timetabling of House business, Speaker Edighoffer ruled as follows on January 23, 1989, as the Member for Nepean-Carleton pointed out in his submission: “[t]he House has adopted the Standing Orders which are the permanent rules for the guiding and the control of the House in the conduct of its business. The Standing Orders do not form a complete code of procedure for the House to discharge its functions. They may be supplemented from time to time by Sessional Orders or special resolutions to facilitate the progress of business through the House. The Standing Orders are not safeguarded by any special procedure against amendment, repeal or suspension. They are passed by the House by a simple majority and may be altered, supplemented or deleted by a simple resolution in the same way.”

Speaker Edighoffer went on to note that, in 1988 in the Canadian House of Commons, Speaker Fraser ruled that it is always in order for such a motion seeking to set out a special procedure to be introduced as it is always in order for the House to make the appropriate decisions relating to its procedures.

I concur with Speakers Edighoffer and Fraser. I do not consider it fatal to the orderliness of a motion that it sets out a novel procedure for which no specific Standing Order provision exists.

Where such a motion is brought before the House, it must be considered as a substantive motion and subject to the rules which govern such motions. Standing Order 2 sets out these requirements in the definition of “substantive motion”, as follows: “Substantive motion means a motion that is not incidental or supplementary to any other business of the House, but is a self-contained proposal capable of expressing a decision of the House. Examples of such motions are: the motion for an Address in Reply to the Speech from the Throne, the Budget motion, want of confidence motions on allotted days, resolutions and motions for returns or addresses. Such motions require notice and must be submitted to the Speaker in writing when moved, before being put to the House in order for debate. No motions shall be prefaced by recitals or preambles.”

I am of the view that the motion meets the procedural requirements of Standing Order 2. The motion before us is therefore a substantive government motion, not governed by debate under Standing Order 46.

Is the motion otherwise, though, abusive of the rights of members? I have considered the following issues in arriving at a decision:-

Debate on this motion is not ‘artificially’ limited and may continue for quite some length of time, until either (a) all members wishing to speak have done so; (b) the motion itself is time-allocated under Standing Order 46, or (c) a motion for closure is moved and permitted by the Speaker. Therefore, the threshold for debate time on this motion may be more extensive than a pure time allocation motion.

Further, in reviewing the provision for debate time on the 6 items, I note they are at least as generous as what recent history in this Legislature, under its current rules, suggests would occur separately on a motion or other procedures to shorten debate. If time allocation under Standing Order 46 is somehow the standard, or threshold, or limit must testify you will, then this motion is not lacking in that regard.

The motion provides one sessional day of debate on an Opposition Day motion, exactly what would occur otherwise under Standing Order 42 (indeed, the motion is making provision for an Opposition Day debate to occur when the Standing Orders otherwise proscribe such an event).

The motion also provides for one day of debate on other motions - one providing for the appointment of the Deputy Speaker and the other presiding officers of the House, and one simply providing for an Order to be placed on the Orders and Notices Paper to provide for a debate on an Address in Reply to the Speech from the Throne. In my experience, and as the records indicate, these motions have typically been seen as pro forma housekeeping matters that have been agreed to without any debate at all. The time tabling motion therefore provides for more debate time on these 2 motions than has historically been used.

Finally, the representations made on this point of order convinced me that there is obvious support among the vast majority of members of this House for proceeding this way, this time. The 2 recognized Parties have indicated support for proceeding this way, and the fact that this support comes from both sides of the House is a very significant element in helping me to arrive at a decision in this matter. While I must take into account the rights and the will of the majority, some must bear the rights and will of the majority bear at least equal weight in my consideration.

Therefore, in the circumstances before us at this time, and for the reasons stated above, I find the motion to be in order.

A debate arose and after some time, Mr. Kormos moved the adjournment of the debate, which motion was lost on the following division:-

AYES-6N AYS-29

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

AYES-6N AYS-30

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

AYES-5N AYS-29

The debate continued and, after some time, Mr. Marchese 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, Mr. Dunlop moved under Standing Order 47 "That this question be now put".

The Acting Speaker (Mr. Lalonde) did not allow the motion to be put and directed the debate to continue.

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

AYES-6N AYS-13

The House then adjourned at 12:00 p.m.

Il s'élève un débat et après quelque temps, M. Kormos propose l'ajournement du débat et cette motion est rejetée par le vote suivant:-

P OUR-6C CONTRE-29

Le débat se poursuit et après quelque temps, M. Kormos propose l'ajournement des débats de l'Assemblée et cette motion est rejetée par le vote suivant:-

P OUR-6C CONTRE-30

Le débat se poursuit et après quelque temps, M. Marchese propose l'ajournement du débat et cette motion est rejetée par le vote suivant:-

P OUR-5C CONTRE-29

Le débat se poursuit et après quelque temps, M. Marchese propose l'ajournement des débats de l'Assemblée et cette motion est rejetée par le vote suivant:-

P OUR-6C CONTRE-27

Le débat se poursuit et après quelque temps, M. Dunlop propose «Que cette question soit maintenant mise aux voix» conformément à l'article 47 du Règlement.

Le Président par intérim, M. Lalonde refuse de mettre la motion aux voix et ordonne que le débat se poursuive.

Le débat se poursuit et après quelque temps, M. Prue propose l'ajournement du débat et cette motion est rejetée par le vote suivant:-

P OUR-6C CONTRE-13

À minuit, la chambre a ensuite ajourné ses travaux.

le président

**ALVIN CURLING**

Speaker

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

Report of a Judicial Inquiry regarding His Worship

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

G. Leonard Obokata, A Justice of the Peace (No. 18)

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