



No. 128

N° 128

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Monday
March 30, 2009
Sessional Day 136

Lundi
30 mars 2009
Jour de session 136

1st Session,
39th Parliament

1^{re} session
39^e législature

PRAYERS
10:30 A.M.

PRIÈRES
10 H 30

INTRODUCTION OF VISITORS

PRÉSENTATION DES VISITEURS

Pursuant to Standing Order 36, visitors were introduced.

Conformément à l'article 36, les visiteurs sont présentés.

The Speaker addressed the House as follows:-

Le Président s'adresse à l'Assemblée comme suit:-

On Wednesday, March 25, 2009, the Member for Wellington-Halton Hills (Mr. Arnott), having given proper notice, rose on a question of privilege concerning Budget secrecy and a separate but related question of privilege concerning access to the Legislative Chamber. The Government House Leader (Ms. Smith), the Member for Timmins-James Bay (Mr. Bisson), and the Member for Newmarket-Aurora (Mr. Klees) responded to these concerns.

According to the Member for Wellington-Halton Hills, the government has been deliberately releasing Budget information outside the House in the days leading up to today's Budget, in contravention of the parliamentary convention of Budget secrecy. The Member referred to submissions that were made on a question of privilege concerning Budget secrecy in 1983. In the ensuing May 9, 1983 ruling (at pages 37 to 39 of the *Journals* for that day), Speaker Turner found that "Budget secrecy is a political convention as is the practice that the Treasurer presents his budget in the House before discussing it in any other public forum. It has nothing to do with parliamentary privilege." The Speaker went on to add that "[t]he disclosure of information relating to the Budget has to do with the conduct of a minister of the Crown in the performance of his ministerial duties." The Speaker found that ministerial conduct is addressed through other avenues and remedies, but that parliamentary privilege is not one of these avenues. In his Magna Budget ruling of May 8, 2003 (at page 47 of the *Journals* for that day), Speaker Carr accepted the thrust of Speaker Turner's ruling.

I also note that on March 20, 2008 the Member for Wellington-Halton Hills raised a question of privilege concerning a newspaper article that contained information about the forthcoming Budget. In ruling that the possible disclosure of Budget contents cannot amount to a breach of Members' privileges, I made the following remarks (at page 2 of the *Votes and Proceedings* for March 25, 2008):

A successful question of privilege must convince the Speaker that the peculiar rights that are accorded to members of parliament to permit them to discharge their parliamentary duties have in some way been violated. These rights are extremely narrow and specific – for instance, the right to speak freely in this place; or to attend here without obstruction. They relate to the Member's functions in this Chamber.

The absence of the necessary connection between the incidents in question and a Member's parliamentary duties is as compelling in the case at hand as it was a year ago. For these reasons, a *prima facie* case of privilege has not been established with respect to the matter of Budget secrecy.

However, I do not want Members to be left with the impression that there is nothing to the concern raised by the Member for Wellington-Halton Hills. In my 2008 ruling, I indicated "[i]t is undoubtedly at minimum a matter of courtesy and respect for this institution that all important announcements be made here first..."

To this, let me add that I have heard many Members on both sides of the House lament the erosion of public interest in and consciousness of the work of Members and this Chamber. It behoves the government to give careful reflection as to whether staged pre-Budget media events outside the House contribute to that erosion. Ours is a representative system of democracy. When the Members of this House are treated with indifference, so too are the citizens they represent.

As for the Member's concern about his inability to access the Chamber, and in particular the papers in his Chamber desk, it is clear from the Member's submissions that he was seeking to access the Chamber well after the House had adjourned for the day – not for the purpose of attending a sitting of the House. In other words, this is not a case where the Member was obstructed or interfered with in the performance of his parliamentary duties, or where he was being prevented from physically accessing a sitting of the House.

Moreover, the Chamber has often been the venue of government preparations in advance of Budget day – regardless of which party has formed the government of the day; of course, such non-legislative functions could only be scheduled for times when the House is not actually sitting. In the case at hand, the scheduling of the use of the Chamber for non-legislative purposes on Tuesday evening, after the House was adjourned for the day, was consistent with similar courtesies that the Office of the Assembly has extended in the past to government officials preparing for the Budget. For these reasons, I find that a *prima facie* case of privilege has not been established in the matter of access to the Chamber.

Let me add, however, that there is no reason why the Member could not have requested the Assembly's security staff to retrieve papers from his desk in the circumstances he described. To this end, I have confirmed with the Sergeant-at-Arms that his staff can and will, upon request by a Member, retrieve a Member's papers from his or her Chamber desk as expeditiously as circumstances permit, even when the Chamber has been properly scheduled for an after-hours event. I believe the Security Officer in this circumstance acted according to that protocol.

I thank the Member for Wellington-Halton Hills for raising and speaking to both matters, and the Government House Leader, the Member for Timmins-James Bay, and the Member for Newmarket-Aurora for their helpful submissions.

ORAL QUESTIONS

Pursuant to Standing Order 37, the House proceeded to Oral Questions.

QUESTIONS ORALES

Conformément à l'article 37, la chambre passe aux questions orales.

Pursuant to Standing Order 9(a), the Speaker recessed the House at 11:43 a.m. until 1:00 p.m.

Conformément à l'article 9 a), le Président ordonne une pause à l'Assemblée à 11 h 43 jusqu'à 13 h.

1:00 P.M.

13 H

INTRODUCTION OF VISITORS

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PRÉSENTATION DES VISITEURS

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MEMBERS' STATEMENTS

Pursuant to Standing Order 31, Members made statements.

DÉCLARATIONS DES DÉPUTÉS

Conformément à l'article 31, des députés font des déclarations.

REPORTS BY COMMITTEES

Mr. Sterling from the Standing Committee on Public Accounts presented the Committee's Report on Hazardous Waste Management, (Section 3.08, 2007 Annual Report of the Auditor General of Ontario) and moved the adoption of its recommendations (Sessional Paper No. 388).

On motion by Mr. Sterling,

Ordered, That the debate be adjourned.

RAPPORTS DES COMITÉS

M. Sterling du Comité permanent des comptes publics présente le rapport du comité concernant la Gestion des déchets dangereux (rapport annuel 2007 du vérificateur général de l'Ontario, section 3.08) et propose l'adoption de ses recommandations (document parlementaire n° 388).

Sur la motion de M. Sterling,

Il est ordonné que le débat soit ajourné.

INTRODUCTION OF BILLS

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

Bill 163, An Act to amend the Greater Toronto Transportation Authority Act, 2006. Hon. Mr. Bradley.

DÉPÔT DES PROJETS DE LOI

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

Projet de loi 163, Loi modifiant la Loi de 2006 sur la Régie des transports du grand Toronto. L'hon. M. Bradley.

STATEMENTS BY THE MINISTRY AND RESPONSES

Pursuant to Standing Order 35, Ministers made statements and Opposition Members responded.

DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES

Conformément à l'article 35, des ministres font des déclarations et des députés de l'opposition y répondent.

The Speaker addressed the House as follows:-

Le Président s'adresse à l'Assemblée comme suit:-

I beg to inform the House that, pursuant to Standing Order 98(c), changes have been made to the Order of Precedence on the ballot list for Private Members' Public Business, such that:-

Mrs. Mitchell assumes ballot item number 10 and Mr. Dhillon assumes ballot item number 54 and; Mr. Brown assumes ballot item number 15 and Mr. Crozier assumes ballot item number 57 on the list drawn on January 28, 2009.

PETITIONS

Petition relating to the Wye Marsh Wildlife Centre (Sessional Paper No. P-53) Mr. Dunlop.

Petition relating to asking the Federal Government to reform the Employment Insurance program (Sessional Paper No. P-57) Mr. Colle.

Petition relating to unlawful firearms in vehicles (Sessional Paper No. P-75) Mr. Colle.

Petition relating to requesting an amendment to the Children's Law Reform Act (Sessional Paper No. P-95) Mr. Brownell.

Petition relating to recognizing Tom Longboat Day on June 4 (Sessional Paper No. P-167) Mr. Colle.

PÉTITIONS

Petition relating to Temporary Care Assistance program for grandparents raising their grandchildren (Sessional Paper No. P-168) Ms. Jones.

Petition relating to Burk's Falls Health Centre (Sessional Paper No. P-198) Mr. Miller (Parry Sound–Muskoka).

Petition relating to supporting The Caregiver and Foreign Worker Recruitment and Protection Act, 2009 (Sessional Paper P-215) Mr. Colle.

Petition relating to Bill 149, Inactive Cemeteries Protection Act (Sessional Paper P-220) Mr. Brownell.

Petition relating to Tay Township grant applications (Sessional Paper P-221) Mr. Dunlop.

ORDERS OF THE DAY

A debate arose on the motion for Second Reading of Bill 161, An Act to authorize the expenditure of certain amounts for the fiscal year ending March 31, 2009.

After some time, the question having been put, on the motion for Second Reading of Bill 161, An Act to authorize the expenditure of certain amounts for the fiscal year ending March 31, 2009, it was declared carried and the Bill was accordingly read the second time and was Ordered for Third Reading.

Pursuant to Standing Order 64, Bill 161, An Act to authorize the expenditure of certain amounts for the fiscal year ending March 31, 2009, was read the third time and was passed.

At 3:28 p.m., with unanimous consent, on motion by Mr. Duguid, the Deputy Speaker recessed the House until 3:35 p.m..

Debate was resumed on the motion that this House approves in general the Budgetary Policy of the Government.

After some time,

Mr. Runciman moved, that the motion moved by the Minister of Finance on March 26, 2009, "that this House approves in general the budgetary policy of the government," be amended by deleting the words after "that this House" and adding the following:

"acknowledges that Budget 2009 brings in the biggest deficit in Ontario's history of \$14 billion, when the McGuinty Liberals had a \$6 billion surplus just last year; and

acknowledges that under this government's watch, nearly 300,000 manufacturing jobs have disappeared, with another 135,000 expected to be lost this year; and

ORDRE DU JOUR

Il s'élève un débat sur la motion portant deuxième lecture du projet de loi 161, Loi autorisant l'utilisation de certaines sommes pour l'exercice se terminant le 31 mars 2009.

La motion portant deuxième lecture du projet de loi 161, Loi autorisant l'utilisation de certaines sommes pour l'exercice se terminant le 31 mars 2009, mise aux voix, est déclarée adoptée et le projet de loi est en conséquence lu une deuxième fois et est ordonné pour la troisième lecture.

Conformément à l'article 64, le projet de loi 161, Loi autorisant l'utilisation de certaines sommes pour l'exercice se terminant le 31 mars 2009, est lu une troisième fois et adopté.

À 15 h 28, avec le consentement unanime, sur la motion de M. Duguid, le vice-président ordonne une pause jusqu'au 15 h 35.

Le débat reprend sur la motion portant que la présente Assemblée adopte en général la politique budgétaire du gouvernement.

Après quelque temps,

acknowledges that the Premier broke his promise not to raise taxes after the 2003 election by imposing a health tax of up to \$900; and

acknowledges that the Premier again broke his promise with this budget by announcing his scheme to create a single sales tax - the biggest tax grab in Ontario's history that will force people to pay taxes on everything from a cup of coffee to funeral services; and

acknowledges that serial promise-breaking on tax increases, coupled with serial spending and mismanagement of public money, will not be tolerated by the people of Ontario.

Therefore, this government has lost the confidence of this House."

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

M. Prue 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 4:07 p.m.

À 16 h 07, la chambre a ensuite ajourné ses travaux.

le président

STEVE PETERS

Speaker

**SESSIONAL PAPERS PRESENTED
PURSUANT TO STANDING ORDER 40**

**DOCUMENTS PARLEMENTAIRES
DÉPOSÉS CONFORMÉMENT À
L'ARTICLE 40 DU RÈGLEMENT**

COMPENDIA:

Bill 163, An Act to amend the Greater Toronto Transportation Authority Act, 2006 (No. 389).

Certificate pursuant to Standing Order 108(f)(1) re intended appointments dated March 27, 2009 (No. 386) (Tabled March 27, 2009).

Child and Family Services Review Board, Custody Review Board / Commission de révision des services à l'enfance et à la famille, Commission de révision des placements sous garde, Annual Report 2007-2008 (No. 385) (Tabled March 27, 2009).

Law Society of Upper Canada / Barreau du Haut-Canada, Implementation of Paralegal Regulation in Ontario Annual Report January 2009 (No. 387) (Tabled March 30, 2009).
