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Votes and Proceedings

Legislative Assembly
of Ontario

Procès-verbaux

Assemblée législative
de l'Ontario

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Sessional Day 182

Lundi
19 octobre 2009

Jour de session 182

1st Session,
39th Parliament

1^{re} session
39^e législature

PRAYERS**10:30 A.M.****INTRODUCTION OF VISITORS**

Pursuant to Standing Order 36, visitors were introduced.

PRIÈRES**10 H 30****PRÉSENTATION DES VISITEURS**

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

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante:-

On Tuesday, September 29, 2009 the House Leader of the Official Opposition (Mr. Runciman) raised a point of order concerning the conduct of Oral Question Period, and specifically my interpretation of Standing Orders 23(h), 23(i) and 37(a). Both the Third Party and Government House Leaders (Mr. Kormos and Ms. Smith, respectively) also contributed to this point.

At the outset, let me repeat what I have already said to the House: my ruling with respect to the previous day's supplementary question by the Member for Nepean-Carleton (Ms. MacLeod), which prompted this point of order, stands. I considered it to be out of order at the time and, having reviewed our precedents and the relevant authorities, I reaffirm that view.

I also accept the Opposition House Leader's assurance that he accepts this ruling and that his point of order is not a challenge to the Chair, but rather a request for clarification. In fact, I am grateful for the opportunity this has given me to clarify our rules and practices, and my approach to the use of language in Question Period.

With respect to the question of the Member for Nepean-Carleton, which I ruled out of order, I have dealt with this theme in previous Question Periods. The Member alleged that the granting of contracts by the present government to a specific firm was, quote, "a quid pro quo," unquote, for donations by that firm to the Ontario Liberal Party. I am hard-pressed to find a more blatant example of a breach of Standing Orders 23(h) and 23(i) in Hansard. The question makes an overt and unseemly allegation, and directly ascribes motive to the alleged behaviour.

At this point, let me address what was an important part of the two Opposition House Leaders' arguments, being that Standing Orders 23(h) and 23(i) refer to "another member", in the singular. Indeed, to quote the Member for Leeds-Grenville, "the wording is quite specific." It is, but the specific wording of the Standing Order is not the full extent of what informs the Speaker's decisions.

The Standing Orders are the first-line guide to the conduct of proceedings in the House. However, the Standing Orders do not exist in a vacuum; they are also informed by practice and precedent. In the current case, there is no dearth of authority for the proposition that an allegation against the government, or the Cabinet, or a Party – pick the formulation of your choice – often equates, in all meaningful respects, to an allegation against a member of the Assembly.

Various parliamentary authorities speak to this proposition. In *House of Commons Procedure and Practice*, at page 526, it is noted that,

Expressions which are considered unparliamentary when applied to an individual member have not always been considered so when applied "in a generic sense" or to a party.

This of course is the same as saying, as I am, that depending upon the context and specific situation, sometimes such expressions have been considered unparliamentary.

This matter is discussed in *Australia House of Representatives Practice*, commencing at page 500 of the 5th Edition. A Speaker's ruling in that House set out their practice, as follows,

I think that if an accusation is made against members of the House which, if made against any

one of them, would be unparliamentary and offensive, it is in the interests of the comity of this House that it should not be made against all as it could not be made against one.

Finally, David McGee in *Parliamentary Practice in New Zealand* notes that,

[a]llegations of corruption on the part of the Government or a party and offensive terms applied to a party are just as disorderly as allegations against or an offensive term applied to an individual member.

Quite a quick canvas of our own Hansard has revealed numerous examples to support this. Let me share just one to make my point: on October 16, 1996 the Speaker repeatedly called the Leader of the Third Party to order for alleging that the government was “prepared to climb in bed with”, “to dance with”, and to “have a cozy relationship with organized crime.” The member was required to withdraw the language before being allowed to proceed. Other broadly similar examples are not difficult to find.

It is certainly possible to identify from the record numerous instances when a specific allegation or imputation of motive – whether toward a single member, or certain members collectively – passed without comment from the Speaker or another Member; in other seemingly identical or largely similar instances, the Speaker or another member objected to the comment. This is less inconsistency on the part of the presiding officer than evidence of the “cut-and-thrust” of Question Period to which Mr. Kormos referred. Oral Question Period is often emotional, extemporaneous, inelegant and raucous.

In that cut-and-thrust, in the heat and speed, of Question Period, it is sometimes a genuine challenge for a Speaker to find the correct balance between a legitimately aggressive opposition (or equally aggressive government front bench) on the one hand, and the need to maintain a minimally orderly forum on the other hand. And depending upon the context, the manner of delivery, and the general tenor of the House, what may be out of order on one day will pass without comment or reaction on another.

The Opposition House Leaders raised this point of order in the context of Standing Orders 23(h) and 23(i), but it is equally important to keep in mind Standing Order 23(k), which provides that a member shall be called to order if he or she “uses abusive or insulting language of a nature likely to create disorder.”

Sometimes questions, comments, speeches and interjections contain veiled – or not-so-veiled – innuendo, and just as often are framed in such a way as to invite the listener to infer that which cannot be stated expressly. Aside from being examples of members attempting to accomplish indirectly what they are not permitted to do directly, they are also apt to produce disorder.

I think it is fair to say that the basis for the body of precedents we have that interpret “member”, singular, in the plural, lies in the broader power and responsibility of the Speaker to maintain order and decorum. In that broader context, then, simply put, an allegation or assignment of motive against multiple members, or against any collective that embraces members of this House, is not protected by the singular wording of the Standing Orders.

As Speaker, my goal is always to foster and encourage conditions that permit the opposition to perform its fundamental role of holding the government of the day to account. It is an adversarial system, without a doubt, but it is my view – which I have conveyed on previous occasions – that the maturity of temperate debate produces the best and most respectful environment for this to happen effectively. After all, Ontarians are also watching a government-in-waiting in action.

Let me now turn to the issue of Standing Order 37, which was also raised in the point of order. I have very recently addressed this issue too. On June 4, the last day of the Spring sitting, I stated,

Speakers have traditionally allowed “a fair amount of leeway” in allowing questions to be put. In this I am no different than my predecessors. I have taken the view that members should be given the greatest freedom possible in the putting of questions. Like a hockey referee at playoff time, I am always mindful not to be overly intrusive and, inasmuch as possible, to let the game play on. The Member made a reference to Standing Order 37(a) which refers to the necessity of questions

being of “urgent public importance”.

This particular reference has caused some difficulty for almost all occupants of this chair. Like them, I am reluctant to sit in judgment as to what is or is not a question of urgent public importance....It is a subjective question and as demonstrated yesterday by the response to this point of order by the Government House Leader, there are differing opinions on what is considered to be either urgent or of public importance. One Member’s pothole is another Member’s crater.

That statement continues to reflect my approach in this Chair, especially during Question Period. It was not an invocation of Standing Order 37 that prompted me to move on from Ms. MacLeod’s supplementary question on September 28, but rather my impatience with her remarks in the context of Standing Orders 23(h), 23(i) and 23(k).

I accept that all this leaves much to the judgment of the Speaker, judgment that, during Question Period especially, is often applied in a heated, loud, emotional and adversarial environment. Certainly I won’t always get it right. Indeed, I apologized to the then-Leader of the Official Opposition, on June 9, 2008 for having reacted to something that the record revealed he hadn’t actually said.

When the House Leader of the Official Opposition sought clarification on the ruling given on September 28, he indicated that the consequence of that particular interpretation of Standing Order 23 is that it would “hamstring” his Party’s ability to be “an effective opposition”. I acknowledge that the subject matter of the question posed by the Member for Nepean-Carleton was not trivial and agree that it is the job of the opposition to hold the government to account – and they should do so vigorously and insistently. But I cannot agree that it is necessary to disregard the principles of decorum in order to do so. As I said earlier, my preference is to let the game play on and to permit all reasonable leeway. Only when I feel the line has been crossed, as I did in that instance, would I want to interfere with the free flow of Question Period or debate in general.

ORAL QUESTIONS

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

QUESTIONS ORALES

Conformément à l’article 37 du Règlement, la chambre passe aux questions orales.

Pursuant to Standing Order 9(a), the Speaker recessed the House at 11:49 a.m. until 1:00 p.m.

Conformément à l’article 9 a) du Règlement, le Président, ordonne une pause à l’Assemblée à 11 h 49 jusqu’à 13 h.

1:00 P.M.

MEMBERS’ STATEMENTS

Pursuant to Standing Order 31, Members made statements.

13 H

DÉCLARATIONS DES DÉPUTÉS

Conformément à l’article 31 du Règlement, des députés font des déclarations.

MOTIONS

With unanimous consent, the following motion was moved without notice:-

On motion by Ms. Smith,

Sur la motion de M^{me} Smith,

Ordered, That the following changes be made to the membership of the following Committees:

MOTIONS

On the Standing Committee on General Government:

Mr. Moridi replaces Ms. Broten; and

On the Standing Committee on Justice Policy:

Ms. Pendergast replaces Mr. Moridi.

With unanimous consent, the following motion was moved without notice:-

On motion by Ms. Smith,

Sur la motion de M^{me} Smith,

Ordered, That during Introduction of Visitors, Oral Questions and Statements by the Ministry and Responses on Wednesday, October 21, 2009, sign language interpreters may be present on the floor of the Chamber to interpret the proceedings to guests in the galleries.

**STATEMENTS BY THE MINISTRY AND
RESPONSES**

Pursuant to Standing Order 35, a Minister made a statement and Opposition Members responded.

**DÉCLARATIONS MINISTÉRIELLES ET
RÉPONSES**

Conformément à l'article 35 du Règlement, une ministre fait une déclaration et des députés de l'opposition y répondent.

PETITIONS

Petition relating to Bill 149, Inactive Cemeteries Protection Act (Sessional Paper No. P-220) Mr. Brownell.

Petition relating to a blended or harmonized sales tax (Sessional Paper No. P-224) Mr. Barrett, Mr. Hardeman, Ms. Jones and Mr. O'Toole.

Petition relating to rejecting the harmonization of GST and RST (Sessional Paper No. P-225) Mr. O'Toole.

Petition relating to stopping the 13% combined sales tax (Sessional Paper No. P-235) Mr. O'Toole.

Petition relating to making positron emission tomography (PET) scanning available through the Sudbury Regional Hospital (Sessional Paper No. P-272) M^{me} Gélinas.

Petition relating to not reducing or eliminating financial incentives that rural communities and small towns need to attract and retain doctors (Sessional Paper No. P-274) Mr. O'Toole.

Petition relating to enacting Ontario's comprehensive tax reform measures (Sessional Paper No. P-282) Mr. Delaney.

Petition relating to passing the Tom Longboat Day Act (Sessional Paper No. P-296) Mr. Brownell.

Petition relating to the negative impact of industrial wind turbines in the area of the Erie Shore Wind Farm (Sessional Paper No. P-299) Mr. Barrett.

ORDERS OF THE DAY

A debate arose on the motion for Second Reading of Bill 204, An Act to protect animal health and to amend and repeal other Acts.

The Deputy Speaker informed the House that, in the name of Her Majesty the Queen, His Honour the Lieutenant Governor had been pleased to assent to the following bill in his office on October 19, 2009.

Bill 201, An Act to provide for review of expenses in the public sector.

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.

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

ORDRE DU JOUR

Il s'élève un débat sur la motion portant deuxième lecture du projet de loi 204, Loi protégeant la santé animale et modifiant et abrogeant d'autres lois.

Le Vice-Président avise l'Assemblée qu'au nom de Sa Majesté la Reine, Son Honneur le lieutenant-gouverneur a eu le plaisir de sanctionner le projet de loi suivant dans son cabinet le 19 octobre 2009.

Projet de loi 201, Loi prévoyant l'examen des dépenses dans le secteur public.

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.

le président

STEVE PETERS

Speaker

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

Certificate pursuant to Standing Order 108(f)(1) re intended appointments dated October 9, 2009 (No. 518) (Tabled October 9, 2009).

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

QUESTIONS ANSWERED (SEE SESSIONAL PAPER NO. 5):-

Final Answers to Question Numbers: 183 and 184.

RESPONSES TO PETITIONS

Petition relating to widening of Highway 17/174 from two to four lanes between Trim Road and Prescott-Russell Road #8 (Sessional Paper No. P-139):

(Tabled September 30; November 5, 2008) Mr. Lalonde.

RÉPONSES AUX PÉTITIONS

Petition relating to Bill 111 and August 1 being formally recognized as Emancipation Day (Sessional Paper No. P-174):

(Tabled December 2, 2008) Mr. Naqvi.

Petition relating to banning the sale of smoke-free tobacco products (Sessional Paper No. P-187):

(Tabled December 9, 2008) Mr. Crozier.

Petition relating to the interprovincial crossing between Ottawa and Gatineau (Sessional Paper No. P-189):

(Tabled December 9, 10, 2008; March 3, 4, 10, 11, 24, 31; April 30, 2009) Mr. Naqvi.

Petition relating to voting against back to work legislation for CUPE 3903 (Sessional Paper No. P-192):

(Tabled January 26, 28, 2009) Mr. Bisson.

(Tabled January 27, 28, 2009) Ms. DiNovo.

(Tabled January 27, 2009) M^{me} Gélinas.

(Tabled January 26, 28, 2009) Ms. Horwath.

(Tabled January 26, 2009) Mr. Miller (Hamilton East–Stoney Creek).

(Tabled January 26, 27, 28, 2009) Mr. Prue.

(Tabled January 26, 28, 2009) Mr. Tabuns.

Petition relating to suspending enforcement and amending Bill 41, the speed limiter law (Sessional Paper No. P-209):

(Tabled May 11, 2009) Mr. Bisson.

(Tabled May 13, 2009) Mr. Kormos.

(Tabled May 13, 2009) Mr. Miller (Hamilton East–Stoney Creek).

(Tabled May 5, 2009) Mr. Murdoch.

(Tabled March 9, 26; April 1, 2, 8, 21, 27, 2009) Mr. O'Toole.

(Tabled April 23; May 11, 2009) Mr. Prue.

Petition relating to ensuring that the Sydenham Campus Hospital remain open as a full Emergency Department (Sessional Paper No. P-212):

(Tabled March 23, 2009) Mr. Bailey.

Petition relating to the Douglas Memorial Hospital (Sessional Paper No. P-238):

(Tabled April 29, 2009) Mr. Craitor.

Petition relating to the new hospital complex in St. Catharines / Thorold (Sessional Paper No. P-239):

(Tabled April 29, 2009) Mr. Craitor.
