



No. 182

N° 182

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Monday
November 2, 2009

Sessional Day 190

Lundi
2 novembre 2009

Jour de session 190

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 du Règlement, les visiteurs sont présentés.

The Speaker addressed the House as follows:-

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

On Tuesday, October 27, the Member for Leeds-Grenville (Mr. Runciman) raised a point of order respecting an announcement made outside of this House by the Premier.

In doing so, the Member brought to the House an issue that has arisen all too frequently over the years, that being the tendency of governments of the day to make announcements of significant public policy outside of the Legislative Assembly.

The Government House Leader (Ms. Smith) responded to the point of order by saying that she was unclear about the announcement being referred to. I would say to the Government House Leader that I am not sure this should realistically have been the subject of confusion, given the scope and prominence of the Premier's announcement earlier that day. In any event, the Member for Leeds-Grenville rose again the next day to further clarify his point of order, making it clear that his specific complaint related to the Premier's announcement on October 26 respecting further significant details of the government's previously announced plan to implement all-day kindergarten. I note that the Minister of Education felt these details important enough that she echoed the Premier's announcement last Thursday during Ministerial Statements.

The Government House Leader also responded, rather unconstructively, that there was a time when a previous government presented an entire budget offsite. The Minister would do well to remind herself of the response to that event by the Speaker of the day.

As I intimated at the outset, nothing about this point of order is new. It is but the latest in a long litany of similar points of order raised over the years by members sincerely frustrated by the ongoing tendency of governments to make announcements outside of the Legislative Assembly in advance of, or instead of, informing the House.

My predecessors and I have repeatedly conveyed our deep concern about how these types of extra-parliamentary announcements erode the stature of parliament. Speakers have repeatedly implored governments to consider the impact of this erosion, and how it damages the reputation of the foundation institution of the Province. These pleas repeatedly go unheard and unheeded.

The point of order raised by the Member for Leeds-Grenville has merit. In an ideal world where the legitimate and historical role of the Legislative Assembly, and specifically of the loyal opposition, were given first consideration, I expect that what a previous Speaker referred to as these types of "administrative discourtesies" would not arise.

However, Speakers have consistently conceded that they possess no authority to compel ministers to first make their announcements in the Legislative Assembly. I am in no different position today than my predecessors. Earlier I suggested the Government House Leader should consider the then-Speaker's 2003 response to the so-called 'Magna Budget'. I might also suggest the Member for Leeds-Grenville likewise consider the response of the House to that Speaker's finding of a *prima facie* contempt of the Legislature: quite simply, it did not agree. The House, or more precisely a majority of its members, defeated a motion that was eloquent in its simplicity, being the proposition that the House ought to be first in line to receive an announcement as significant as the Budget. What could be more relevant to the Member's point of order? But the precedent set by the House disagreeing with this certainly leaves the Speaker with little authority, beyond moral suasion, to require anything different.

Though in no position to do anything about it, like my predecessors I am sympathetic to the grievance these types of activities raise. Nothing about this is new, and similar complaints have arisen from all three parties in this House over the years as their roles have changed from government to opposition. The Speaker can only suggest that it falls to the players to heal this syndrome of casual diminishment of the legitimate and key role of the opposition and of this House. In reality, only the government of the day is in a position to lead change on this.

I believe that a strong opposition makes for a strong government. Holding the executive to account is central to our system of government, but this cannot fully take place when the ability to respond to and criticize announcements of government policy is not available because the announcement did not occur during Statements by the Ministry and Responses. Once again, I ask those in positions of influence to seriously consider the legitimate and rightful role of the opposition parties in our parliamentary system.

On Wednesday, October 28, the Member for Oshawa (Mr. Ouellete) raised a point of order respecting the content of an answer by the Minister of Training, Colleges and Universities to a question in Oral Questions. The Member for Oshawa alleged, as he has on past occasions, that the question-and-answer sequence amounted to a set-up for the announcement of government policy, without the opposition parties being afforded the right to reply to such an announcement as would be the case during Statements by the Ministry and Responses. I took that point of order under advisement and, having reviewed the Hansard of the exchange in question, I am now ready to rule.

In reviewing this matter, I also looked at previous rulings, and found that one I made on December 13, 2007 is particularly on point. On that point of order, also raised by the Member for Oshawa, I ruled that,

“While the Speaker is not in a position to make judgements on answers in order to ascertain whether the contents constitute announcements of new public policy, I am nevertheless in agreement with the Member that such announcements should be made during Ministerial Statements and not during Question Period.”

I can say that regarding last Wednesday's Question Period, the matter is a little more definite. In replying both to the main question and the supplementary, the Minister of Training, Colleges and Universities quite specifically used the opportunities to make announcements regarding his Ministry's response to certain problems with private career colleges.

The Member for Oshawa has a valid point of order and was correct that this is an improper use of Question Period. There is ample precedent upholding a prohibition against using Question Period to make announcements of government policy. The proper proceeding for this to occur is during Statements by the Ministry and Responses.

ORAL QUESTIONS

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

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

1:00 P.M.

MEMBERS' STATEMENTS

Pursuant to Standing Order 31, Members made statements.

REPORTS BY COMMITTEES

Mr. Hardeman from the Standing Committee on Government Agencies presented the Committee's Report on Agencies, Boards and Commissions: Ontario Racing Commission and moved the adoption of its recommendations (Sessional Paper No. 532).

On motion by Mr. Hardeman,

Ordered, That the debate be adjourned.

STATEMENTS BY THE MINISTRY AND RESPONSES

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

PETITIONS

Petition relating to enhancing long-term care (Sessional Paper No. P-161) Ms. Jones.

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

Petition relating to supporting The Caregiver and Foreign Worker Recruitment and Protection Act, 2009 (Sessional Paper No. P-215) Mr. Colle.

Petition relating to introducing a population-needs-based funding formula for hospitals and approve the new expansion of Cambridge Memorial Hospital (Sessional Paper No. P-216) Mr. Martiniuk.

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

QUESTIONS ORALES

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

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

13 H

DÉCLARATIONS DES DÉPUTÉS

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

RAPPORTS DES COMITÉS

M. Hardeman du Comité permanent des organismes gouvernementaux présente le rapport du comité sur les organismes, conseils et commissions: Commission des courses de l'Ontario et propose l'adoption de ses recommandations (document parlementaire n° 532).

Sur la motion de M. Hardeman,

Il est ordonné que le débat soit ajourné.

DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES

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

PÉTITIONS

Petition relating to a blended or harmonized sales tax (Sessional Paper No. P-224) Ms. Jones.

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

ORDERS OF THE DAY

A debate arose on the motion for Second Reading of Bill 212, An Act to promote good government by amending or repealing certain Acts and by enacting two new Acts.

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

AYES - 6 NAYS - 32

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.

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 212, Loi visant à promouvoir une saine gestion publique en modifiant ou en abrogeant certaines lois et en édictant deux nouvelles lois.

Après quelque temps, M. Bisson propose l'ajournement du débat et cette motion est rejetée par le vote suivant:-

POUR - 6 CONTRE - 32

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.

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 30, 2009 (No. 531) (Tabled October 30, 2009).

Provincial Judges Pension Board, Twentieth Report for the period April 1, 2007 to March 31, 2008 (No. 533) (Tabled November 2, 2009).

DOCUMENTS PARLEMENTAIRES DÉPOSÉS CONFORMÉMENT À L'ARTICLE 40 DU RÈGLEMENT

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

Final Answers to Question Numbers: 226 and 227.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

RESPONSES TABLED ON OCTOBER 30, 2009

Petition relating to infrastructure funding for Centennial College (Sessional Paper No. P-261):

(Tabled June 2, 4, 2009) Mr. Berardinetti.
