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Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

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Jeudi
9 décembre 2010

2nd Session,
39th Parliament

2^e session
39^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

ORDRE DU JOUR

Debate was resumed on the motion for Second Reading of Bill 140, An Act to enact the Housing Services Act, 2010, repeal the Social Housing Reform Act, 2000 and make complementary and other amendments to other Acts.

Le débat reprend sur la motion portant deuxième lecture du projet de loi 140, Loi édictant la Loi de 2010 sur les services de logement, abrogeant la Loi de 2000 sur la réforme du logement social et apportant des modifications corrélatives et autres à d'autres lois.

After some time, the House recessed at 10:15 a.m.

Après quelque temps, à 10 h 15, l'Assemblée a suspendu la séance.

10:30 A.M.

10 H 30

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

I am in receipt of notice of a point of privilege from the Member for Simcoe Grey (Mr. Wilson) on the same subject as I ruled on yesterday. Without hearing further from the Member, I am prepared to make my ruling now as Standing Order 21 allows me to do.

Given that the nature of the Member's point is substantially the same as the one ruled upon yesterday, I do not believe I have much further to add. However, for the benefit of all members, let me repeat a portion of that ruling:

"The Members have characterized the staffer's videotaping of elected members in the hallways of this place as "reprehensible". I myself find the practice distasteful at best. In this technological age, when video and photographic devices are so common, I can see that it is tempting to use them for political purposes. Unfortunately, that temptation is succumbed to all too frequently. ... I am not surprised the practice has given rise to complaint.... I would prefer if the political process rose to the level of dignity our surroundings here suggest it deserves."

As I indicated yesterday, while I have serious concerns about this activity occurring and strongly suggest that it should not continue, it does not amount to a *prima facie* case of privilege.

I might add here that in that same ruling yesterday, I made reference to activities that I consider to be unworthy of this place. I note that at the very moment I was making that statement, such an activity was underway outside these chamber doors. I trust greater forethought will take place before any of these kinds of behaviours are repeated.

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

Yesterday, the Member for Thornhill (Mr. Shurman) raised a point of privilege with respect to statements made in the House by the Minister of Tourism and Culture (Mr. Chan) that the Member for Thornhill alleges were at variance with the facts. The Government House Leader (Ms. Smith) also made representations on this point.

The remarks in question stem from Question Period on December 2, when the Minister responded to two different questions, one from the Member for Wellington-Halton Hills and the other from the Member for Thornhill, relating to matters concerning the Niagara Parks Commission. The Member for Thornhill alleges that the response to his question contained incorrect information. The Member further points out that the Minister's error has been drawn to his attention on several occasions in the House, but that the Minister has not explicitly corrected his statement. In the view of the Member for Thornhill, the Minister's willingness to knowingly let incorrect information remain on the record amounts to a contempt of the House.

The Member raised, as one of the authorities for his case, a 2002 incident in the House of Commons of Canada involving then-minister Art Eggleton. This very case has previously been raised in this House to support a similar point of privilege involving alleged incorrect statements by a Minister. At that time, Speaker Carr had this to say, "I am deeply reluctant to accord applicability of that ruling to this case. Firstly, in that case Mr. Eggleton concurred that contradictory statements had been made and that clarification of the reasons for this, in a suitable forum, was required. Secondly, I see no precedential value to Speaker Milliken's ruling - within the ambit of parliamentary privilege - since, if the ruling is carefully read, it becomes apparent that a *prima facie* case of privilege was not explicitly found."

I agree with Speaker Carr, and do not consider the Milliken ruling to offer any meaningful support to the contentions by the Member for Thornhill.

The Member for Thornhill also drew my attention to a ruling this past May by Speaker Toth in the Saskatchewan Legislative Assembly. There are two things about the Toth ruling that also mitigate its applicability to this current case. First, that matter concerned a denial by an Officer of the Saskatchewan Legislative Assembly, the Information and Privacy Commissioner, that he had been consulted by the Minister of Health on a regulation. While the Minister told the House he had done so, the Privacy Commissioner corresponded to all Members of the Saskatchewan Assembly to advise them otherwise. That obvious and serious conflict between a Minister and an Officer of the Assembly simply could not be allowed to stand, and needed to be considered by the House and resolved. For this reason, Speaker Toth found a *prima facie* case of privilege had been made out. But that fact situation is quite a bit different than the one raised by the Member for Thornhill.

The second issue with the Saskatchewan ruling is that Speaker Toth found a *prima facie* case of privilege on the issue of misleading statements allegedly being made to the House, in the absence of an admission by the Member making the remarks that this was so. Speaker Toth was guided by precedents of his Assembly which established that -- unlike in the Ontario Assembly and others -- "in Saskatchewan, the threshold of proof of an offence is not restricted to an admission of guilt. Contempt has been found on the basis of evidence." In this situation, Speaker Toth continued, "the minister has not admitted to have misled the Assembly so the case must be reviewed on the documentary evidence provided by the Opposition House Leader."

Speaker Toth was correct that his approach was at odds with the practice of other parliaments, including ours. Perhaps the most decisive declaration and confirmation of this was made by Speaker Carr in his ruling to this Assembly on June 17, 2002. Speaker Carr examined both the Eggleton case and the famous Profumo case in the United Kingdom. He fully accepted the essential factors of the Profumo incident and stated that "The threshold for finding a *prima facie* case of contempt against a Member of the Legislature, on the basis of deliberately misleading the House, is therefore set quite high and is very uncommon. It must involve a proved finding of an overt attempt to intentionally mislead the Legislature. In the absence of an admission from the Member accused of the conduct, or of tangible confirmation of the conduct, independently proved, a Speaker must assume that no honourable Members would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake."

Yesterday morning, the Minister of Tourism and Culture rose on a point of order to clarify the remarks he made on December 2 – presumably the same ones with which the Member for Thornhill takes issue. The fact that even following that clarification the Member for Thornhill still raised his point of privilege is perhaps an indication that the clarification didn't clarify quite enough to remove the Member's doubt.

Nevertheless, the Minister is presumably content with where the matter stands and feels his clarification yesterday removes confusion. I can discern nothing about any of his statements nor do I have any proved finding that would indicate a deliberate desire to mislead the House. Indeed, the Member for Thornhill has not made that case. He himself admits that he is unable to say whether the alleged inaccuracy is "an error of commission or omission".

I am of the view that the threshold set out by Speaker Carr in 2002 to support a finding of *prima facie* contempt of the House, on an allegation that a member has deliberately misled the Assembly, has not been met in the case before me.

As was Speaker Carr's finding in 2002, "I can only find that I am left with what amounts to a genuine disagreement between two honourable Members. As a result, I am unable to find that a *prima facie* case of contempt has been made out."

ORAL QUESTIONS

During "Oral Questions", the Member for Lanark–Frontenac–Lennox and Addington (Mr. Hillier), having disregarded the authority of the Chair, was named by the Speaker and directed to withdraw from the service of the House for the balance of the sessional day.

The House recessed at 11:50 a.m.

1:00 P.M.

INTRODUCTION OF BILLS

The following Bills were introduced, read the first time and referred to the Standing Committee on Regulations and Private Bills:-

Bill Pr43, An Act respecting the Ursuline Religious of the Diocese of London in Ontario. Mr. Hoy.

Bill Pr45, An Act to revive 1312510 Ontario Ltd. Mr. Dickson.

PETITIONS

Petition relating to making PET scans available through the Sudbury Regional Hospital (Sessional Paper No. P-14) M^{me} Gélinas.

Petition relating to the Georgetown South Rail corridor and rail expansion (Sessional Paper No. P-53) Mr. Klees and Mr. Ruprecht.

QUESTIONS ORALES

Pendant la période des « Questions orales », le député de Lanark–Frontenac–Lennox and Addington, M. Hillier, ayant passé outre à l'autorité du Président, celui-ci l'a désigné par son nom et lui a ordonné de se retirer du service de l'Assemblée pour le reste de ce jour de session.

À 11 h 50, l'Assemblée a suspendu la séance.

13 H

DÉPÔT DES PROJETS DE LOI

Les projets de loi suivants sont présentés, lus une première fois et renvoyés au Comité permanent des règlements et des projets de loi d'intérêt privé:-

Petition relating to banning the use of replacement workers during a strike (Sessional Paper No. P-72) M^{me} Gélinas.

Petition relating to the Ontario New Home Warranties Plan Act to modify the Ombudsman Act (Sessional Paper No. P-116) Mr. Tabuns.

Petition relating to the government resigning and calling an election (Sessional Paper No. P-136) Mr. Barrett.

Petition relating to saving medical laboratory services in Stayner (Sessional Paper No. P-139) Mr. Wilson.

Petition relating to clinical trials of the venoplasty treatment (Sessional Paper No. P-140) Mr. Clark.

Petition relating to picketing of supported group living residences (Sessional Paper No. P-149) Mr. Hardeman.

Petition relating to minimum allowances for caregivers (Sessional Paper No. P-153) Mr. Ruprecht.

Petition relating to exempting electricity from the HST (Sessional Paper No. P-159) Ms. DiNovo and M^{me} Gélinas.

Petition relating to access to medical laboratories (Sessional Paper No. P-165) Mr. Wilson.

Petition relating to Special Services At Home (SSAH) (Sessional Paper No. P-168) Mr. Prue.

Petition relating to revising the Green Energy Act (Sessional Paper No. P-172) Mr. O'Toole.

**PRIVATE MEMBERS' PUBLIC
BUSINESS**

Mr. Sterling moved,

Second Reading of Bill 146, An Act to ban organic waste from landfill sites.

A debate arising, further proceedings were reserved until the end of the time allotted for Private Members' Public Business.

Mr. Tabuns then moved,

Second Reading of Bill 137, An Act to regulate labour relations in the industries of film, television, radio and new media.

A debate arising, further proceedings were reserved until the end of the time allotted for Private Members' Public Business.

Mr. Lalonde then moved,

Second Reading of Bill 134, An Act to amend the Building Code Act, 1992, the City of Toronto Act, 2006 and the Municipal Act, 2001 with respect to surge protectors in new residential and commercial buildings.

**AFFAIRES D'INTÉRÊT PUBLIC
ÉMANANT DES DÉPUTÉS**

M. Sterling propose,

Deuxième lecture du projet de loi 146, Loi visant à interdire l'enfouissement des déchets organiques.

Un débat s'ensuit; la suite de la discussion est renvoyée à la fin du temps imparti pour les affaires d'intérêt public émanant des députés.

Ensuite, M. Tabuns propose,

Deuxième lecture du projet de loi 137, Loi réglementant les relations de travail dans les industries du film, de la télévision, de la radio et des nouveaux médias.

Un débat s'ensuit; la suite de la discussion est renvoyée à la fin du temps imparti pour les affaires d'intérêt public émanant des députés.

Ensuite, M. Lalonde propose,

Deuxième lecture du projet de loi 134, Loi modifiant la Loi de 1992 sur le code du bâtiment, la Loi de 2006 sur la cité de Toronto et la Loi de 2001 sur les municipalités à l'égard de l'installation de parasurtenseurs dans les nouveaux immeubles d'habitation et les nouveaux immeubles commerciaux.

A debate arising and the time allotted for consideration of Private Members' Public Business having expired, the Acting Speaker (Mr. Wilson) proceeded to put all questions.

The question having been put on the motion for Second Reading of Bill 146, An Act to ban organic waste from landfill sites, it was declared carried and the Bill was accordingly read the second time and Ordered referred to the Standing Committee on General Government.

The question having been put on the motion for Second Reading of Bill 137, An Act to regulate labour relations in the industries of film, television, radio and new media, it was declared carried and the Bill was accordingly read the second time and Ordered referred to the Standing Committee on Regulations and Private Bills.

The question having been put on the motion for Second Reading of Bill 134, An Act to amend the Building Code Act, 1992, the City of Toronto Act, 2006 and the Municipal Act, 2001 with respect to surge protectors in new residential and commercial buildings, it was declared carried and the Bill was accordingly read the second time and Ordered referred to the Standing Committee on General Government.

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

The question, having been put on the motion, was declared carried.

The House then adjourned at 4:12 p.m.

Un débat s'ensuit; comme le temps réservé à l'étude des affaires d'intérêt public émanant des députés est expiré, le président par intérim, M. Wilson procède aux mises aux voix.

La motion portant deuxième lecture du projet de loi 146, Loi visant à interdire l'enfouissement des déchets organiques, mise aux voix, est déclarée adoptée et le projet de loi est en conséquence lu une deuxième fois et renvoyé au Comité permanent des affaires gouvernementales.

La motion portant deuxième lecture du projet de loi 137, Loi réglementant les relations de travail dans les industries du film, de la télévision, de la radio et des nouveaux médias, mise aux voix, est déclarée adoptée et le projet de loi est en conséquence lu une deuxième fois et renvoyé au Comité permanent des règlements et des projets de loi d'intérêt privé.

La motion portant deuxième lecture du projet de loi 134, Loi modifiant la Loi de 1992 sur le code du bâtiment, la Loi de 2006 sur la cité de Toronto et la Loi de 2001 sur les municipalités à l'égard de l'installation de parasurtenseurs dans les nouveaux immeubles d'habitation et les nouveaux immeubles commerciaux, mise aux voix, est déclarée adoptée et le projet de loi est en conséquence lu une deuxième fois et renvoyé au Comité permanent des affaires gouvernementales.

M. Phillips propose que l'Assemblée ajourne les débats maintenant.

Cette motion, mise aux voix, est déclarée adoptée.

À 16 h 12, la chambre a ensuite ajourné ses travaux.

le président

STEVE PETERS

Speaker

PETITIONS TABLED PURSUANT TO STANDING ORDER 39(a)

Petition relating to access to medical laboratories (Sessional Paper No. P-165) (Tabled December 9, 2010) Mr. Wilson.

Petition relating to Special Services At Home (SSAH) (Sessional Paper No. P-168) (Tabled December 9, 2010) Mr. Dhillon.

QUESTIONS ANSWERED (SEE STATUS OF BUSINESS, SECTION 4A):-

Final Answers to Question Numbers: 233, 234, 236 and 237.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Petition relating to the new 13% sales tax (Sessional Paper No. P-4):
(Tabled September 14, 2010) Mr. Murdoch.

Petition relating to HST on the cost of gasoline (Sessional Paper No. P-23):
(Tabled September 14, 2010) Mr. O'Toole.

Petition relating to amending PBA regulations (Sessional Paper No. P-118):
(Tabled November 1, 2010) Mr. Brownell.
(Tabled November 2, 2010) Mrs. Cansfield.
(Tabled October 21, 25; November 4, 2010) Mr. Hardeman.
(Tabled September 15, 2010) Mr. Naqvi.
(Tabled November 23, 2010) Mr. Ramal.
(Tabled October 26, 2010) Mr. Rinaldi.
(Tabled September 15, 2010) Mr. Sousa.
(Tabled October 4, 2010) Mr. Sterling.

Petition relating to the government resigning and calling an election (Sessional Paper No. P-136):
(Tabled October 4, 5; November 30, 2010) Mr. Murdoch.
