



No. 107

N° 107

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Tuesday
April 12, 2011

Mardi
12 avril 2011

2nd Session,
39th Parliament

2^e session
39^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

The Order of the Day for the motion for Third Reading of Bill 141, An Act to amend the Health Protection and Promotion Act having been read,

There being no further debate, the question having been put, the Speaker declared his opinion that the Ayes had it, and a recorded vote having been demanded, the Speaker then addressed the House as follows:-

Pursuant to Standing Order 9(c), the vote on the motion for Third Reading of Bill 141, An Act to amend the Health Protection and Promotion Act is deferred until “Deferred Votes” today.

At 9:04 a.m., the Government House Leader indicated that no further business would be called that morning and therefore the Speaker recessed the House.

10:30 A.M.

10 H 30

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On Thursday, March 31, the Member for Welland (Mr. Kormos) raised a Point of Order concerning Standing Order 23(f), which states:-

In debate, a member shall be called to order by the Speaker if he or she:

Reflects upon any previous vote of the House unless it is the member's intention to move that it be rescinded.

In his Point of Order, the Member took issue with what is in fact quite a common occurrence in this Chamber – reference by one member to a previous vote of another member, or another party. The Member contended that Standing Order 23(f) should be interpreted as representing a prohibition against such references. The House Leader of the Official Opposition (Mr. Yakabuski) supported this proposition and later renewed this same Point of Order when he complained about an oral question on Thursday, April 7, 2011 which again made reference to a previous vote in the House. I reserved my ruling and am now prepared to deliver it.

What gives rise to the Opposition House Leaders’ objections is when members of the government taunt the opposition with statements like “you voted against giving seniors that tax credit”, or “you voted against that support program for farmers.” The nuance here is that these kinds of measures have been included in a bill, which may contain a broad array of measures, that when voted upon, demands a single decision from every member, not a separate decision on each of its parts. Had they been able to vote separately on each part, members might well have voted in favour of that metaphorical seniors tax credit or farmer support program.

ORDRE DU JOUR

À l'appel de l'ordre du jour sur la motion portant troisième lecture du projet de loi 141, Loi modifiant la Loi sur la protection et la promotion de la santé,

Comme il n’y a plus de débat, la motion mise aux voix, le Président, déclare qu’à son avis les voix favorables l'emportent et un vote par appel nominal ayant été demandé, ensuite, le Président s'adresse à l'Assemblée en ces mots :-

Conformément à l'article 9 c) du Règlement, le vote sur la motion portant troisième lecture du projet de loi 141, Loi modifiant la Loi sur la protection et la promotion de la santé est différé jusqu'aux «Votes différés» aujourd'hui.

Preparing this ruling has caused me some degree of difficulty, because I do have to profess some sympathy for the Opposition House Leaders' point – I don't much like this when it happens, either. It almost always provokes disorder, to the extent that the practice has now even given rise to this Point of Order.

But what is the purpose of Standing Order 23(f)?

The rule is designed to protect the integrity of the collective decisions of the House. The process of a decision duly and properly made, whether by majority or unanimously, has to be shielded from criticism or disparagement, otherwise the authority and legitimacy of the Assembly itself and the legislative process is drawn into question. Thus it is out of order to reproach the House as a whole or scornfully criticise it for one of its decisions, for to do so would impugn the reputation of this House.

The Standing Order anticipates that the House may have mistakenly decided a matter; perhaps different or additional information emerges that might have affected the decision, or there was a significant procedural irregularity when the vote was taken, or the House cannot agree with the side the Speaker chose when breaking a tie with his casting vote. In such situations, reflecting on the vote is necessary in order to justify a motion that it be rescinded.

The Point of Order before me focused on criticism by one side of the House of the votes by the other side, or one of the parties, or of another individual member. As I have noted, Standing Order 23(f) works to preserve the integrity of the collective decisions of the House, not to forbid ever referring to how an individual member voted on any given matter before the House. A member's voting history is what it is – it is on the public record, available for all to see and it stands on its own. It is instructive to note that research into this question was not successful in finding a single instance of this Standing Order being exercised to prevent a member from referring to another member's vote, and indeed the very common and longstanding practice to the contrary belies that position.

Even setting aside the procedural realities of this issue, though, I am still left to address the practicality and reasonableness of the requested remedy to this grievance, that is, a prohibition against referring to previous votes of another member. I think such a limit would very quickly prove to be unenforceable and regularly offended. How can it be reasonable that it would be perpetually off limits ever to mention how another member has voted on issues in the past? Surely no one genuinely expects the Speaker to shield an individual member, or certain members, or one of the parties in the House, from attention to, or comment about, their vote on any matter. This happens all the time and I see it as a natural part of the political process of which this place is the heart. It has simply never been a part of our culture that making an observation about a member's voting record has been out of order.

For all the reasons just given, I cannot find that Standing Order 23(f) works to exclude the types of references complained about in the Point of Order.

ORAL QUESTIONS

QUESTIONS ORALES

DEFERRED VOTES

VOTES DIFFÉRÉS

The deferred vote on the motion for Third Reading of Bill 141, An Act to amend the Health Protection and Promotion Act was carried on the following division:-

La motion portant troisième lecture du projet de loi 141, Loi modifiant la Loi sur la protection et la promotion de la santé, mise aux voix sur le vote différé, est adoptée par le vote suivant :-

AYES / POUR - 69

Albanese	Duguid	Kormos	Ouellette
Arthurs	Duncan	Kwinter	Phillips
Bartolucci	Dunlop	Leal	Prue
Bentley	Elliott	Levac	Pupatello
Berardinetti	Flynn	MacLeod	Qaadri
Bisson	Gélinas	Martiniuk	Ramal
Bradley	Gerretsen	Matthews	Rinaldi
Brotten	Hampton	Mauro	Sandals
Brown	Hardeman	McMeekin	Savoline
Caplan	Hoskins	Miller (Parry Sound-Muskoka)	Smith
Carroll	Hoy	Milloy	Sousa
Clark	Hudak	Mitchell	Takhar
Colle	Jaczek	Moridi	Van Bommel
Craitor	Jeffrey	Munro	Wilkinson
Crozier	Johnson	Murray	Witmer
Delaney	Jones	Oraziotti	Wynne
Dickson	Klees	O'Toole	Yakabuski
Dombrowsky			

NAYS / CONTRE - 0

And the Bill was accordingly read the third time and was passed.

En conséquence, ce projet de loi est lu une troisième fois et adopté.

The House recessed at 11:55 a.m.

À 11 h 55, l'Assemblée a suspendu la séance.

3:00 P.M.

15 H

REPORTS BY COMMITTEES

RAPPORTS DES COMITÉS

The Speaker addressed the House as follows:-

I beg to inform the House that today the Clerk received the Report on Intended Appointments dated April 12, 2011 of the Standing Committee on Government Agencies. Pursuant to Standing Order 108(f)(9), the Report is deemed to be adopted by the House (Sessional Paper No. 429).

INTRODUCTION OF BILLS

DÉPÔT DES PROJETS DE LOI

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

Le projet de loi suivant est présenté, lu une première fois et renvoyé au Comité permanent des règlements et des projets de loi d'intérêt privé :-

Bill Pr39, An Act to revive Faradale Farms Ltd. Mr. Martiniuk.

PETITIONS

PÉTITIONS

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

Petition relating to tax credits for farmers (Sessional Paper No. P-146) Mr. Clark.

Petition relating to smart meters (Sessional Paper No. P-147) Mr. Clark.

Petition relating to scholarships for foreign students (Sessional Paper No. P-163) Mr. Barrett.

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

Petition relating to recalling the government (Sessional Paper No. P-190) Mr. Barrett.

ORDERS OF THE DAY

ORDRE DU JOUR

Ms. Smith moved,

M^{me} Smith propose,

That, pursuant to Standing Order 47 and notwithstanding any other Standing Order or Special Order of the House relating to Bill 173, An Act respecting 2011 Budget measures, interim appropriations and other matters, when Bill 173 is next called as a Government Order, the Speaker shall put every question necessary to dispose of the Second Reading stage of the Bill without further debate or amendment and at such time the Bill shall be ordered referred to the Standing Committee on Finance and Economic Affairs; and

That the vote on Second Reading may be deferred pursuant to Standing Order 28(h); and

That the Standing Committee on Finance and Economic Affairs be authorized to meet on Thursday, April 21, 2011 during its regular meeting time for public hearings and be authorized to meet on Thursday, May 5, 2011 during its regular meeting time for the purpose of clause-by-clause consideration of the Bill; and

That the deadline for filing amendments to the Bill with the Clerk of the Committee shall be 5:00 p.m. on Thursday, April 28, 2011. At 5:00 p.m. on Thursday, May 5, 2011, 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, without further debate or amendment, put every question necessary to dispose of all remaining sections of the Bill and any amendments thereto. The Committee shall be authorized to meet beyond the normal hour of adjournment for clause-by-clause consideration on Thursday, May 5, 2011. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to Standing Order 129(a); and

That the Committee shall report the Bill to the House no later than Monday, May 9, 2011. In the event that the Committee fails to report the Bill on that day, the Bill shall be deemed to be passed by the Committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the Standing Committee on Finance and Economic Affairs, the Speaker shall put the question for adoption of the report forthwith, and at such time the Bill shall be Ordered for Third Reading, which Order may be called that same day; and

That, when the Order for Third Reading of the Bill is called, 1 hour shall be allotted to the Third Reading stage of the Bill, apportioned equally among the recognized parties. At the end of this time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the Bill without further debate or amendment; and

That the vote on Third Reading may be deferred pursuant to Standing Order 28(h); and

That, in the case of any division relating to any proceedings on the Bill, the division bell shall be limited to 5 minutes.

A debate arose, and during the debate, the Acting Speaker (Mrs. Munro) repeatedly requested the Member for Haldimand–Norfolk (Mr. Barrett) to withdraw unparliamentary language.

Il s'élève un débat et pendant le débat, la présidente par intérim, M^{me} Munro demande à plusieurs reprises au député de Haldimand–Norfolk, M. Barrett de retirer les propos non-parlementaires.

The Member having refused was named by the Acting Speaker and directed to withdraw from the service of the House for the balance of the sessional day.

Comme le député refuse d'obéir, la Présidente par intérim le désigne par son nom et l'ordonne de se retirer du service de l'Assemblée pour le reste du jour de session.

Debate was resumed and, after some time, the question on the motion having been put, the Acting Speaker declared her opinion that the Ayes had it, and a recorded vote having been demanded,

Le débat reprend et après quelque temps, la motion mise aux voix, la Présidente par intérim déclare qu'à son avis les voix favorables l'emportent et un vote par appel nominal ayant été demandé,

The Acting Speaker directed that the Members be called in, for which purpose the division bells were rung.

La Présidente par intérim donne des directives pour convoquer les députés et la sonnerie d'appel se fait entendre.

During the ringing of the bells, the Acting Speaker addressed the House as follows:-

Pendant la sonnerie d'appel, la Présidente par intérim s'adresse à l'Assemblée en ces mots:-

I have received a request from the Chief Government Whip, under Standing Order 28(h), that the vote on Government Notice of Motion Number 56 be deferred until April 13, 2011.

J'ai reçu une requête du Whip en chef du gouvernement, conformément à l'article 28 h) du Règlement, que le vote sur l'Avis de motion numéro 56 émanant du gouvernement soit différé jusqu'au 13 avril 2011.

Therefore the vote is accordingly deferred.

En conséquence, le vote est différé.

Ms. Pupatello moved, That the House do now adjourn.

M^{me} Pupatello 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 5:20 p.m.

À 17 h 20, 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**

Royal Botanical Gardens, 2008 Annual Report (No. 428) (Tabled April 12, 2011).

Royal Ontario Museum / Musée royal de l'Ontario, Annual Report 2008-2009 (No. 427) (Tabled April 12, 2011).

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

Final Answers to Question Numbers: 271, 272, 273 and 274.
