



No. 123

N° 123

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

**Wednesday
May 18, 2011**

**Mercredi
18 mai 2011**

**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

The Speaker addressed the House as follows:-

I beg to inform the House that, pursuant to Standing Order 71(b), the Member for Wellington–Halton Hills has notified the Clerk of his intention to file notice of a reasoned amendment to the motion for Second Reading of Bill 196, An Act to amend the Election Act with respect to certain electoral practices. (Sessional Paper No. 471).

The Order for Second Reading of Bill 196 may therefore not be called today.

At 9:02 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

ORAL QUESTIONS

QUESTIONS ORALES

DEFERRED VOTES

VOTES DIFFÉRÉS

The deferred vote on the motion for Second Reading of Bill 186, An Act to amend the Tobacco Tax Act was carried on the following division:-

La motion portant deuxième lecture du projet de loi 186, Loi modifiant la Loi de la taxe sur le tabac, mise aux voix sur le vote différé, est adoptée par le vote suivant :-

AYES / POUR - 75

Aggelonitis	DiNovo	Kwinter	Prue
Albanese	Dombrowsky	Lalonde	Pupatello
Arnott	Duguid	Levac	Ramal
Arthurs	Duncan	MacLeod	Ramsay
Balkissoon	Flynn	Marchese	Rinaldi
Barrett	Gélinas	Matthews	Ruprecht
Bartolucci	Gerretsen	Mauro	Sandals
Berardinetti	Gravelle	Meilleur	Savoline
Bradley	Hardeman	Miller (Parry Sound-Muskoka)	Smith
Brotten	Horwath	Mitchell	Sousa
Brownell	Hoskins	Moridi	Sterling
Caplan	Hoy	Munro	Tabuns
Carroll	Hudak	Murray	Takhar
Chudleigh	Jaczek	Naqvi	Wilkinson
Clark	Jeffrey	Oraziotti	Wilson
Colle	Johnson	O'Toole	Witmer
Craitor	Jones	Ouellette	Wynne
Delaney	Klees	Pendergast	Zimmer
Dickson	Kormos	Phillips	

NAYS / CONTRE – 0

And the Bill was accordingly read the second time and, pursuant to the Order of the House dated May 17, 2011, Ordered referred to the Standing Committee on Finance and Economic Affairs.

En conséquence, ce projet de loi est lu une deuxième fois et conformément à l'ordre adopté par l'Assemblée le 17 mai 2011, renvoyé au Comité permanent des finances et des affaires économiques.

The deferred vote on Government Order Number 57, on the allocation of time on the amendment to the amendment to the motion by Ms. Smith on Ontario's Tax Plan for Jobs and Growth, was carried on the following division:-

AYES / POUR - 50

Aggelonitis	Dickson	Lalonde	Pupatello
Albanese	Dombrowsky	Levac	Ramal
Arthurs	Duguid	Matthews	Ramsay
Balkissoon	Duncan	Mauro	Rinaldi
Bartolucci	Flynn	Meilleur	Ruprecht
Berardinetti	Gerretsen	Mitchell	Sandals
Bradley	Gravelle	Moridi	Smith
Broten	Hoskins	Murray	Sousa
Brownell	Hoy	Naqvi	Takhar
Carroll	Jaczek	Oraziotti	Wilkinson
Colle	Jeffrey	Pendergast	Wynne
Craitor	Johnson	Phillips	Zimmer
Delaney	Kwinter		

NAYS / CONTRE - 28

Arnott	Hampton	Kormos	O'Toole
Barrett	Hardeman	MacLeod	Ouellette
Bisson	Hillier	Marchese	Prue
Chudleigh	Horwath	Miller (Hamilton East-Stoney Creek)	Savoline
Clark	Hudak	Miller (Parry Sound-Muskoka)	Tabuns
DiNovo	Jones	Munro	Wilson
Gélinas	Klees	Murdoch	Witmer

And it was,

Ordered, That, pursuant to Standing Order 47 and notwithstanding any other Standing Order or Special Order of the House, when the Order of the Day is called for resuming the adjourned debate on Government Order Number 56, the Speaker shall put every question necessary to dispose of the motion and any amendments thereto, which questions shall be decided without further debate or amendment; and

That the vote on Government Order Number 56 may be deferred pursuant to Standing Order 28(h); and

That, in the case of any division relating to any proceedings on Government Order Number 56, the division bell shall be limited to 5 minutes.

The deferred vote on the motion for Third Reading of Bill 160, An Act to amend the Occupational Health and Safety Act and the Workplace Safety and Insurance Act, 1997 with respect to occupational health and safety and other matters was carried on the following division:-

La motion portant troisième lecture du projet de loi 160, Loi modifiant la Loi sur la santé et la sécurité au travail et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail en ce qui concerne la santé et la sécurité au travail et d'autres questions, mise aux voix sur le vote différé, est adoptée par le vote suivant :-

AYES / POUR - 79

Aggelonitis	DiNovo	Kormos	Pendergast
Albanese	Dombrowsky	Kwinter	Phillips
Arnott	Duguid	Lalonde	Prue
Arthurs	Duncan	Levac	Pupatello
Balkissoon	Flynn	MacLeod	Ramal
Barrett	Gélinas	Marchese	Ramsay
Bartolucci	Gerretsen	Matthews	Rinaldi
Berardinetti	Gravelle	Mauro	Ruprecht
Bisson	Hampton	Meilleur	Sandals
Bradley	Hardeman	Miller (Hamilton East-Stoney Creek)	Savoline
Broten	Hillier	Miller (Parry Sound-Muskoka)	Smith
Brownell	Horwath	Mitchell	Sousa
Caplan	Hoskins	Moridi	Tabuns
Carroll	Hoy	Munro	Takhar
Chudleigh	Hudak	Murdoch	Wilkinson
Clark	Jaczek	Murray	Wilson
Colle	Jeffrey	Naqvi	Witmer
Craitor	Johnson	Oraziotti	Wynne
Delaney	Jones	O'Toole	Zimmer
Dickson	Klees	Ouellette	

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

Mr. Prue from the Standing Committee on Regulations and Private Bills presented the Committee's Report which was read as follows and adopted:

M. Prue du Comité permanent des règlements et des projets de loi d'intérêt privé présente le rapport du comité qui est lu comme suit et adopté:-

Your Committee begs to report the following Bill without amendment:-

Votre comité propose qu'il soit permis de faire rapport sur le projet de loi suivant sans amendement :-

Bill Pr48, An Act to revive 917866 Ontario Inc.

Ordered for Second Reading.

Ordonné pour la deuxième lecture.

Mr. Sterling from the Standing Committee on Public Accounts presented the Committee's Report on the Commercial Vehicle Safety and Enforcement Program (Section 4.05, 2010 Annual Report of the Auditor General of Ontario) (Sessional Paper No. 472).

M. Sterling du Comité permanent des comptes publics présente le rapport du comité sur le Programme de sécurité des véhicules utilitaires et d'application des lois (Rapport annuel 2010 du vérificateur général de l'Ontario, section 4.05) (document parlementaire n° 472).

Mr. Sterling from the Standing Committee on Public Accounts presented the Committee's Report on Infrastructure Stimulus Spending (Section 3.07, 2010 Annual Report of the Auditor General of Ontario) (Sessional Paper No. 473).

M. Sterling du Comité permanent des comptes publics présente le rapport du comité sur les Dépenses de stimulation de l'infrastructure (Rapport annuel 2010 du vérificateur général de l'Ontario, section 3.07) (document parlementaire n° 473).

Mr. Sterling from the Standing Committee on Public Accounts presented the Committee's Report on Hospital Board Governance (Section 4.11, 2010 Annual Report of the Auditor General of Ontario) (Sessional Paper No. 474).

M. Sterling du Comité permanent des comptes publics présente le rapport du comité sur la Gouvernance des conseils d'administration des hôpitaux (Rapport annuel 2010 du vérificateur général de l'Ontario, section 4.11) (document parlementaire n° 474).

Mr. Sterling from the Standing Committee on Public Accounts presented the Committee's Report on the Assistive Devices Program (Section 3.01, 2009 Annual Report of the Auditor General of Ontario) and moved the adoption of its recommendations (Sessional Paper No. 475).

M. Sterling du Comité permanent des comptes publics présente le rapport du comité sur le Programme d'appareils et accessoires fonctionnels (Rapport annuel 2009 du vérificateur général de l'Ontario, section 3.01) et propose l'adoption de ses recommandations (document parlementaire n° 475).

On motion by Mr. Sterling,

Sur la motion de M. Sterling,

Ordered, That the debate be adjourned.

Il est ordonné que le débat soit ajourné.

INTRODUCTION OF BILLS

The following Bills were introduced and read the first time:-

Bill 199, An Act to amend the Human Rights Code with respect to genetic characteristics.
Mr. Colle.

DÉPÔT DES PROJETS DE LOI

Les projets de loi suivants sont présentés et lus une première fois :-

Projet de loi 199, Loi modifiant le Code des droits de la personne en ce qui a trait aux caractéristiques génétiques. M. Colle.

Bill 200, An Act to proclaim Pregnancy and Infant Loss Awareness Day. Mr. Miller (Hamilton East–Stoney Creek), Mrs. Elliott and Mr. Flynn.

Projet de loi 200, Loi proclamant la Journée de sensibilisation à la perte d'une grossesse ou d'un bébé. M. Miller (Hamilton-Est–Stoney Creek), M^{me} Elliott and M. Flynn.

MOTIONS

With unanimous consent,

On motion by Mr. Phillips,

Ordered, That the late show standing in the name of the Member for Nepean–Carleton be deferred until Tuesday, May 31, 2011.

MOTIONS

Sur la motion de M. Phillips,

PETITIONS

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

Petition relating to development of a rural school policy (Sessional Paper No. P-177) Mr. Dunlop.

Petition relating to enacting Bill 115, Ontario Award for Paramedic Bravery Act, 2010 (Sessional Paper No. P-179) Mr. Dickson, Ms. Jaczek, Mr. Leal and Mr. Naqvi.

Petition relating to aggressive dogs (Sessional Paper No. P-203) Mrs. Munro.

Petition relating to traffic lights in Orillia (Sessional Paper No. P-209) Mr. Dunlop.

Petition relating to photo identification (Sessional Paper No. P-218) Mr. Delaney.

Petition relating to HST and transportation infrastructure (Sessional Paper No. P-228) Mr. O'Toole.

Pétition concernant des écoles publiques françaises adéquates (document parlementaire n° P-234) M. Prue.

Petition relating to cellular communications towers (Sessional Paper No. P-236) Mr. Flynn.

Petition relating to magazine displays (Sessional Paper No. P-238) Mr. O'Toole.

ORDERS OF THE DAY

Government Notice of Motion Number 77 having been called, a point of order was raised regarding the orderliness of the motion.

The Speaker recessed the House, and upon his return, delivered the following ruling:-

The Member for Welland (Mr. Kormos) has risen on a point of order to the effect that the calling of Government Notice of Motion Number 77, which was filed yesterday, anticipates consideration of Bill 196, which was introduced earlier in the day yesterday and which now awaits second reading consideration. The Member for Nepean–Carleton (Ms. MacLeod) and the Government House Leader (Ms. Smith) also made submissions on the matter.

I have had an opportunity to reflect on the submissions, and to review our precedents and authorities on anticipation.

Standing Order 23(e) provides as follows: “In debate, a member shall be called to order by the Speaker if he or she ... [a]nticipates any matter already on the *Orders and Notices Paper* for consideration.”

ORDRE DU JOUR

Since there appears to be some confusion, let me begin by explaining what the meaning of the rule of anticipation is. The rule as it exists in parliamentary tradition is intended to prevent a matter that is already set down on the order paper for consideration (in this case Bill 196) from being debated in a different and less effective proceeding (in this case Government Notice of Motion Number 77).

The purpose of the rule is to prevent the time of the House from being wasted and to mitigate the potential for conflicting decisions. The rule goes hand in hand with the rule that prevents a motion from being proposed once the subject has already been decided upon. For example, if a motion that is on a substantially similar subject as a bill set down for future consideration is decided upon, it is possible that the House could not then proceed with the bill.

With respect to the rule of anticipation in this House, the Member for Welland is correct, in that we have codified what in some other jurisdictions is an ancient convention. However, as far as I can determine, no Speaker of this Assembly appears to have rigorously applied Standing Order 23(e) in order to rule consideration of business out of order. I think that the reason for the dearth of Ontario rulings on anticipation is that Speakers prefer to adopt an approach that, to paraphrase Standing Order 1(b), accentuates members' ability to submit motions and bills, and to then debate, speak to and vote on them.

Moreover, if the rule were to be interpreted strictly, the Speaker would have to apply the same principles to all business – be it Government business, Opposition business or Private Members' business. I suspect that some of the business that the House has considered in the past would be out of order under a strict regime.

Further, Members may want to seriously consider the unanticipated ripple effect that could result from the desire to see the rule of anticipation rigorously applied. Doing so could well upset the delicate balance of this House.

That the rule exists there is no question. However, before it can be invoked, the Speaker must determine whether Government Notice of Motion Number 77 calls on the House to decide substantially the same question it will be asked to decide with respect Bill 196.

The motion if passed would express the condemnation of the House for various alleged transgressions that occurred during polling in the May 2 federal election, and it further expresses the determination of the House that similar transgressions do not occur in our own upcoming election.

The bill amends the Election Act to provide penalties for various corrupt practices. There is no question that there is a linkage between these two elements, and that the debate on the motion and the debate on the bill will likely produce similar speeches.

But ultimately, the House will be asked to decide 2 different questions. Though they are thematically similar, they are not the same. In this sense, the motion does not offend the anticipation rule or Standing Order 52.

Finally, let me add that the Government could and should have structured its business differently so as to avoid this procedural issue entirely; after all, what is in play here are two closely related items of government business that emerged within hours of each other. It strikes me that more effective use could be made of the time of the House.

I thank the Member for Welland, the Member for Nepean–Carleton, and the Government House Leader for their submissions on this point of order.

Mr. Phillips moved,

M. Phillips propose,

That the Legislative Assembly of Ontario condemns the alleged corrupt acts that took place during the federal election and condemns acts of election fraud, such as misleading phone calls and other attempts to prevent individuals from voting in elections and confirms its resolve that electors in the upcoming provincial election should be free to cast their ballots without any such interference.

A debate arose and, after some time, the House then adjourned at 5:58 p.m.

Il s'élève un débat et, après quelque temps, à 17 h 58, la chambre a ensuite ajourné ses travaux.

le président

STEVE PETERS

Speaker

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Petition relating to reducing hydro rates (Sessional Paper No. P-169):
(Tabled March 10, 2011) Mr. Bailey.

Petition relating to traffic lights (Sessional Paper No. P-194):
(Tabled March 3, 2011) Mr. Levac.

Petition relating to gas prices (Sessional Paper No. P-196):
(Tabled March 9, 2011) Mr. Martiniuk.

Petition relating to environmental action (Sessional Paper No. P-210):
(Tabled April 5, 2011) Mr. McNeely.

Petition relating to Employment Insurance (Sessional Paper No. P-212):
(Tabled April 11, 2011) Mr. Ruprecht.
