



No. 20

N° 20

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**Votes and Proceedings**

**Procès-verbaux**

Legislative Assembly  
of Ontario

Assemblée législative  
de l'Ontario

**Monday**  
**March 5, 2012**

**Lundi**  
**5 mars 2012**

**1<sup>st</sup> Session,**  
**40<sup>th</sup> Parliament**

**1<sup>re</sup> session**  
**40<sup>e</sup> législature**

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**PRAYERS**  
**10:30 A.M.**

**PRIÈRES**  
**10 H 30**

**ORAL QUESTIONS**

**QUESTIONS ORALES**

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

The Member for Cambridge has given notice of his intention to raise a point of privilege. The member's point relates to the passage on November 24, 2011, of his private members' motion calling on the government to table a detailed plan relating to hospital expansion projects by March 1, 2012.

The member alleges that, since this plan was not tabled by that date, Thursday of last week, this represents a contempt of the Legislature.

I am prepared to rule on this point of privilege without hearing further from the Member for Cambridge, as Standing Order 21(d) permits me to do.

As is the case with all private members' notices of motion, the one put forward last fall by the Member for Cambridge was preceded by the words, "In the opinion of this House".

As the member noted in his written submission, *House of Commons Procedure and Practice* states that,

Hence, such motions which simply suggest that the government initiate a certain measure are generally phrased as follows: "That, in the opinion of this House, the government should consider ...". The government is not bound to adopt a specific policy or course of action as a result of the adoption of such a resolution since the House is only stating an opinion or making a declaration of purpose. This is in contrast to those motions whose object is to give a direction to committees, Members or officers of the House or to regulate House proceedings and, as such, are considered orders once adopted by the House.

It is settled in the Ontario Legislature that private members' motions may only have the effect of stating an opinion of the House. In an October 24, 2001 ruling, Speaker Carr ruled that,

As members well know, private members' motions are typically framed so that if and when they carry, they constitute expressions of the opinion of the House; in other words, they are said to be non-binding. This same principle has been applied on several occasions during the time allotted to consideration of private member's public business when the Speaker has denied requests for unanimous consent to give third reading to a bill or to alter some later proceeding of the House. When Members are meeting for the purpose of considering private members' business, they cannot bind the House to a final decision on a matter. Were it otherwise, a government could easily take advantage of its majority and a time-limited private members' debate to pass motions which could, for example, amend the Standing Orders. This is clearly not the intended purpose of private members' public business.

The motion of the Member for Cambridge which passed last November was, as mentioned, framed in the typical and acceptable way for private members' motions in this House. It is clear in our practice and precedent that such motions, when passed, serve to express an opinion of the Legislature but are not binding or directive. While one might like or expect requests such as the one embodied in the member's motion to be complied with – and that is all it is, in effect; a request – there is no compulsion to do so.

I therefore find that the Member for Cambridge has not made out a *prima facie* case of privilege.

**DEFERRED VOTES**

Second Reading of Bill 11, An Act respecting the continuation and establishment of development funds in order to promote regional economic development in eastern and southwestern Ontario.

Carried on the following division:-

**VOTES DIFFÉRÉS**

Deuxième lecture du projet de loi 11, Loi concernant la prorogation et la création de fonds de développement pour promouvoir le développement économique régional dans l'Est et le Sud-Ouest de l'Ontario.

Adoptée par le vote suivant :-

**AYES / POUR - 68**

|              |           |                                     |          |
|--------------|-----------|-------------------------------------|----------|
| Albanese     | Craitor   | Kwinter                             | Natyshak |
| Armstrong    | Damerla   | Leal                                | Piruzza  |
| Balkissoon   | Delaney   | MacCharles                          | Prue     |
| Bartolucci   | Dhillon   | Mangat                              | Qaadri   |
| Bentley      | Dickson   | Mantha                              | Sandals  |
| Berardinetti | DiNovo    | Marchese                            | Schein   |
| Best         | Duguid    | Matthews                            | Sergio   |
| Bisson       | Duncan    | Mauro                               | Singh    |
| Bradley      | Flynn     | McGuinty                            | Sorbara  |
| Broten       | Forster   | McMeekin                            | Sousa    |
| Campbell     | Gélinas   | McNeely                             | Tabuns   |
| Cansfield    | Gerretsen | Meilleur                            | Takhar   |
| Chan         | Gravelle  | Miller (Hamilton East–Stoney Creek) | Taylor   |
| Chiarelli    | Horwath   | Milloy                              | Vanthof  |
| Colle        | Hoskins   | Moridi                              | Wong     |
| Coteau       | Jaczek    | Murray                              | Wynne    |
| Crack        | Jeffrey   | Naqvi                               | Zimmer   |

**NAYS / CONTRE - 35**

|           |          |                              |           |
|-----------|----------|------------------------------|-----------|
| Arnott    | Hudak    | McNaughton                   | Shurman   |
| Bailey    | Jackson  | Miller (Parry Sound–Muskoka) | Smith     |
| Barrett   | Jones    | Milligan                     | Thompson  |
| Chudleigh | Klees    | Munro                        | Walker    |
| Dunlop    | Leone    | Nicholls                     | Wilson    |
| Elliott   | MacLaren | O'Toole                      | Witmer    |
| Fedeli    | MacLeod  | Ouellette                    | Yakabuski |
| Hardeman  | McDonell | Pettapiece                   | Yurek     |
| Harris    | McKenna  | Scott                        |           |

Referred to the Standing Committee on General Government.

Renvoyé au Comité permanent des affaires gouvernementales.

The House recessed at 11:55 a.m.

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

**1:00 P.M.****13 H**

The Speaker informed the House of the following change in the Order of Precedence for Private Members' Public Business:-

Mr. Yakabuski assumes ballot item number 23 and  
Ms. Scott assumes ballot item number 37.

## INTRODUCTION OF BILLS

The following Bill was introduced and read the first time:-

Bill 38, An Act to amend the Highway Traffic Act with respect to safety precautions to take when approaching roadside assistance vehicles. Mr. Dunlop.

## DÉPÔT DES PROJETS DE LOI

Le projet de loi suivant est présenté et lu une première fois:-

Projet de loi 38, Loi modifiant le Code de la route en ce qui concerne les mesures de sécurité à prendre à l'approche de véhicules d'assistance routière. M. Dunlop.

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## PETITIONS

PET scans (Sessional Paper No. P-8) M<sup>me</sup> Gélinas.

Moratorium on industrial wind development (Sessional Paper No. P-12) Mr. O'Toole.

Banning solar farms on agricultural land (Sessional Paper No. P-31) Mr. O'Toole and Mr. Yurek.

Repeal breed-specific legislation (Sessional Paper No. P-52) Ms. DiNovo.

New school in Avalon (Sessional Paper No. P-55) Mr. McNeely.

Live baitfish (Sessional Paper No. P-57) Ms. Campbell.

Moratorium on school closures (Sessional Paper No. P-59) Ms. Thompson.

Debt retirement charge (Sessional Paper No. P-60) Mr. Mantha.

Eye exams (Sessional Paper No. P-61) Mr. Fedeli.

Private Member's motion on wind turbine development (Sessional Paper No. P-62) Mr. Harris and Mr. Walker.

## PÉTITIONS

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## ORDERS OF THE DAY

Second Reading of Bill 34, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012.

Debate resumed, during which the Acting Speaker (Mr. Arnott) interrupted the proceedings and announced that there had been more than six and one-half hours of debate and that the debate would be deemed adjourned.

The Minister of Community Safety and Correctional Services directed that the debate should continue.

## ORDRE DU JOUR

Deuxième lecture du projet de loi 34, Loi abrogeant la Loi sur la protection des ouvrages publics, modifiant la Loi sur les services policiers en ce qui concerne la sécurité des tribunaux et édictant la Loi de 2012 sur la sécurité des centrales électriques et des installations nucléaires.

Le débat a repris. Le président suppléant (M. Arnott) a interrompu les travaux et a annoncé qu'il y avait eu plus de six heures et demie de débat et que le débat est réputé ajourné.

Le Ministre du Sécurité communautaire et Services correctionnels a indiqué que le débat devrait se poursuivre.

The House adjourned at 6:00 p.m.

À 18 h, la chambre a ajourné ses travaux.

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le président  
**DAVE LEVAC**  
Speaker

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

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

Certificate pursuant to Standing Order 108(f)(1) re intended appointments dated March 2, 2012 (No. 39)  
(March 2, 2012).

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