



No. 33

N° 33

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Tuesday
April 3, 2012

Mardi
3 avril 2012

1st Session,
40th Parliament

1^{re} session
40^e législature

PRAYERS
9:00 A.M.

ORDERS OF THE DAY

Second Reading of Bill 13, An Act to amend the Education Act with respect to bullying and other matters.

The debate resumed and, after some time, Mr. Leone moved the adjournment of the debate.

Lost on the following division:-

AYES - 19 NAYS - 42

Debate resumed, during which the Acting Speaker (Mrs. Munro) 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 Economic Development and Innovation directed that the debate should continue.

Debate resumed and after some time the House recessed at 10:17 a.m.

10:30 A.M.

The Speaker delivered the following ruling:-

On Monday, March 26, the Member for Northumberland–Quinte West (Mr. Milligan) raised a point of privilege with respect to restrictions on his movement in the Legislative Building that he claimed he experienced on Thursday, March 22.

The Members for Beaches–East York, Bruce–Grey–Owen Sound, Hamilton East–Stoney Creek, Timmins–James Bay, Renfrew–Nipissing–Pembroke, and the Official Opposition and Government House Leaders also contributed to this point.

The Member for Northumberland–Quinte West recounted how he was making his way along the 2nd floor west hallway to a planned meeting in Room 230. As he came in the vicinity of the Government Caucus Room, Room 247, the Member says that he and the Member for Bruce–Grey–Owen Sound were “physically blocked” by an individual from moving down the hallway, apparently as a result of that person’s mistaken belief that he and the Member for Bruce–Grey–Owen Sound were in that area in order to seek access to an event then taking place in Room 247.

By the Member’s own account, once it was clarified that he and the Member for Bruce–Grey–Owen Sound were actually on their way to Room 230, they were allowed to pass without further difficulty. I will return to this issue in a moment.

PRIÈRES
9 H

ORDRE DU JOUR

Deuxième lecture du projet de loi 13, Loi modifiant la Loi sur l’éducation en ce qui a trait à l’intimidation et à d’autres questions.

Le débat reprend et après quelque temps, M. Leone propose l’ajournement du débat.

Rejetée par le vote suivant :-

POUR - 19 CONTRE - 42

Le débat a repris. La présidente suppléante (M^{me} Munro) 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 Développement économique et de l’Innovation a indiqué que le débat devrait se poursuivre.

Le débat reprend et après quelque temps, à 10 h 17, l’Assemblée a suspendu la séance.

10 H 30

Le Président a rendu la décision suivante :-

During the time I heard this point of privilege last Monday, the Member for Beaches–East York recounted his own experience related to the event in Room 247. Though the Members for Northumberland–Quinte West and Bruce–Grey–Owen Sound were not seeking to enter Room 247, the Member for Beaches–East York was, apparently at around the same time the Member for Northumberland–Quinte West met the obstacle to his movement in that area.

The Member for Beaches–East York explained that, following a ceremony outside of the Legislative Building in commemoration of Greek Independence Day, to which all MPPs were invited, an open invitation was apparently given for all participants to attend a reception related to this event inside the Legislative Building in the Government Caucus Room, Room 247.

As intimated by the experience of the Member for Northumberland–Quinte West, this in fact was not intended to be a fully open event and it is now quite clear that non-government Members of the Assembly were not intended to have access to the event in Room 247, and in fact were not allowed to attend.

This issue is collateral to the point of privilege but I want to deal with it now.

First, I have no problem with the notion that the party caucus rooms are private spaces and that it is entirely up to each caucus to decide which individuals it is prepared to invite into its space. I think this is something all members accept and I don't believe it is in dispute. Indeed, the Member for Beaches–East York is not making the claim that he had the right to enter Room 247 for the Greek Independence Day reception. However, it also does not seem to be contested that a rather open and unconditional invitation seems to have been communicated to those attending the ceremony out front of this Building to attend the reception. This was either a miscommunication or an unfortunate lapse, but the result was a situation that I have no reason to doubt caused the extreme embarrassment to the Member for Beaches–East York that he recounted to this House.

The matter arises from time-to-time as to difficulties MPPs sometimes have in attending or participating in events around the Legislative Assembly, events that are ostensibly either non-partisan or multi-partisan in nature. A recent example occurred in October of 2010, raised by the then-Member for Carleton–Mississippi Mills, with respect to an event in the Legislative Dining Room. The circumstances were not the same as those in this case, but the general principle is the same - the overall desire on the part of the Speaker for members from all parties to participate to the fullest extent possible in the various stakeholder events that occur on a regular basis at Queen's Park.

As Speaker Peters said in his ruling at that time, “the overall success of such events is surely more likely to be achieved with good attendance by many members from all Parties”. Indeed, it was Speaker Peters' action as a result of that incident that resulted in the placement of monitors in each of the Chamber lobbies that advise members of the various meetings, receptions and other events taking place at the Legislature.

In the face of a written apology subsequently received from the Government House Leader, I am prepared to accept that the embarrassing difficulty encountered by the Member for Beaches–East York was the result of a regrettable communication problem. However, I want to echo Speaker Peters' sentiment from his ruling of 2010 and to strongly urge the organizers of such events in the future to avoid these situations. We are all members of this Legislative Assembly, representative of many diverse communities across the province. One would hope that whatever partisan sentiments exist could be overcome in the interests of properly welcoming guests and dignitaries to this place, particularly when it is in celebration of something as universal as Greek Independence Day.

Now, I will return to the point of privilege raised by the Member for Northumberland–Quinte West that is centered around these same events. I cannot find that a *prima facie* case of privilege has been made out, for two reasons.

First, by the Member's own version of the events, he was not obstructed in his movements in the Building so much as he was briefly delayed due to what was, as has been established with respect to the Member for Beaches–East York, and as confirmed in a letter from the Government House Leader, a misunderstanding. This delay was short and I believe it was the result of a genuine mix-up and not a deliberate effort to interfere with a Member of the Assembly.

Second, the Member was not making his way to a parliamentary proceeding. The Member's written submission makes reference to a 2010 ruling by Speaker Peters concerning the 2010 Budget lock-up, in which it was stated,

For a *prima facie* case of privilege to be established, it is enough to ascertain that members wanted to attend the House and were at least for a time, and against their will, prevented from doing so. It is of no significance where such an obstruction occurred or what parliamentary proceeding members were prevented from attending.

The reference to "parliamentary proceeding" is important, and elsewhere in this 2010 ruling Speaker Peters explained why:

The second consideration on this matter is the issue of whether the alleged interference prevented members from attending to their parliamentary work. According to the procedural authorities and many previous Speakers' rulings, parliamentary privilege protects members in the execution of their strictly parliamentary duties - not the constituency or other duties that may fairly be said to be part of their job descriptions. On this point, the 2nd edition of Maingot's Parliamentary Privilege in Canada states the following (at pages 222 and 223):

"The interference, however, must not only obstruct the Member in his capacity as a Member, it must obstruct or allege to obstruct the Member in his parliamentary work."

While I cannot find a *prima facie* case of privilege has been established, I do not want to leave the impression that I don't take this matter seriously, or that it is somehow acceptable to impede or delay a member of the Legislative Assembly, so long as he or she is not headed to the Chamber or a committee meeting. No one has any business interfering with an MPP's movement around the public areas of this Building except, perhaps, in the case of a safety or security issue, and even then only by authorized personnel acting under my authority. It is otherwise not acceptable and I was unhappy to learn that the events that gave rise to this point of privilege occurred.

I thank the Member for Northumberland–Quinte West for raising this matter as it has given me the opportunity to issue this caution.

ORAL QUESTIONS

The House recessed at 11:45 a.m.

3:00 P.M.

INTRODUCTION OF BILLS

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

Bill 60, An Act to amend the Municipal Act, 2001 to provide that the head of council of The Regional Municipality of York must be elected. Mr. Moridi.

QUESTIONS ORALES

À 11 h 45, l'Assemblée a suspendu la séance.

15 H

DÉPÔT DES PROJETS DE LOI

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

Projet de loi 60, Loi modifiant la Loi de 2001 sur les municipalités pour prévoir que le président du conseil de la municipalité régionale de York doit être élu. M. Moridi.

PETITIONS

Moratorium on industrial wind development (Sessional Paper No. P-12) Mr. McNaughton.
 Eastern Ontario Development Fund extension to Kanata (Sessional Paper No. P-38) Mr. McNeely.
 Contamination of the Greenbelt (Sessional Paper No. P-51) Mr. O'Toole.
 Closing St. John the Evangelist school (Sessional Paper No. P-54) Mrs. Albanese.
 Cellular towers (Sessional Paper No. P-70) Mr. Delaney and Mr. Flynn.
 Horse racing industry (Sessional Paper No. P-71) Ms. Jones and Mr. Miller (Hamilton East–Stoney Creek).
 Bluewater Youth Centre (Sessional Paper No. P-79) Ms. Thompson.
 Sale of the Ontario Northland Transportation Commission (Sessional Paper No. P-93) Mr. Vanthof.
 Small Drinking Water System (Sessional Paper No. P-95) Mr. Clark.

PÉTITIONS**ORDERS OF THE DAY**

Second Reading of Bill 30, An Act to amend the Employment Standards Act, 2000 in respect of family caregiver leave.

Debate resumed, during which the Acting Speaker (Mrs. Munro) 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 Government House Leader directed that the debate should continue.

The debate resumed and, after some time, Ms. Scott moved the adjournment of the debate.

Lost on the following division:-

AYES - 22 NAYS - 42

The debate continued and, after some time, Ms. Scott moved the adjournment of the House.

Lost on the following division:-

AYES - 24 NAYS - 43

The debate resumed and, after some time, Mr. McNaughton moved the adjournment of the debate.

Lost on the following division:-

AYES - 21 NAYS - 37

ORDRE DU JOUR

Deuxième lecture du projet de loi 30, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne le congé familial pour les aidants naturels.

Le débat a repris. La présidente suppléante (M^{me} Munro) 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 leader parlementaire du gouvernement a indiqué que le débat devrait se poursuivre.

Le débat reprend et après quelque temps, M^{me} Scott propose l'ajournement du débat.

Rejetée par le vote suivant :-

POUR - 22 CONTRE - 42

Le débat reprend et après quelque temps, M^{me} Scott propose l'ajournement de la Chambre.

Rejetée par le vote suivant :-

POUR - 24 CONTRE - 43

Le débat reprend et après quelque temps, M. McNaughton propose l'ajournement du débat.

Rejetée par le vote suivant :-

POUR - 21 CONTRE - 37

The debate continued and, after some time, Mr. McNaughton moved the adjournment of the House.

Carried on the following division:-

AYES - 49 NAYS - 1

Le débat reprend et après quelque temps, M. McNaughton propose l'ajournement de la Chambre.

Adoptée par le vote suivant :-

POUR - 49 CONTRE - 1

The House adjourned at 6:10 p.m.

À 18 h 10, la chambre a ajourné ses travaux.

le président

DAVE LEVAC

Speaker

**PETITIONS TABLED PURSUANT TO
STANDING ORDER 39(a)**

**PÉTITIONS DÉPOSÉES
CONFORMÉMENT À L'ARTICLE
39a) DU RÈGLEMENT**

Bill 13, Accepting Schools Act (Sessional Paper No. P-94) (Tabled April 3, 2012) Mr. Moridi.

RESPONSES TO WRITTEN QUESTIONS

RÉPONSES AUX QUESTIONS ÉCRITES

Final Answers to Question Numbers: 15, 16, 17, 18, 19, 20, 21, 22 and 23.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Stopping development of the Melancthon quarry (Sessional Paper No. P-16):

(Tabled November 28; December 6, 2011) Ms. Jones.

(Tabled November 29, 2011) Ms. MacLeod.

(Tabled December 6, 2011) Mrs. Munro.

(Tabled November 29; December 5, 6, 2011; February 27, 2012) Mr. Wilson.

Licensing of electricians (Sessional Paper No. P-27):

(Tabled December 5, 8, 2011) Mr. McDonnell.

(Tabled December 8, 2011) Mr. O'Toole.

Child care programs in Waterloo Region (Sessional Paper No. P-28):

(Tabled December 5, 2011) Mr. Harris.

(Tabled December 7, 2011) Mr. Leone.

Simcoe County Paramedics (Sessional Paper No. P-37):

(Tabled December 8, 2011) Mr. Wilson.

Tuition Fees (Sessional Paper No. P-39):

(Tabled December 8, 2011) Ms. Armstrong.

(Tabled December 8, 2011; February 23; March 7, 2012) Mr. Leone.