



No. 77

N° 77

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Tuesday
September 11, 2012

Mardi
11 septembre 2012

1st Session,
40th Parliament

1^{re} session
40^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

Third Reading of Bill 2, An Act to amend the Taxation Act, 2007 to implement a healthy homes renovation tax credit.

Debate resumed and after some time the House recessed at 10:14 a.m.

ORDRE DU JOUR

Troisième lecture du projet de loi 2, Loi modifiant la Loi de 2007 sur les impôts en vue de mettre en œuvre le crédit d'impôt pour l'aménagement du logement axé sur le bien-être.

Le débat reprend et après quelque temps, à 10 h 14, 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 :-

On Monday, August 27, 2012 the Member for Newmarket—Aurora (Mr. Klees), rose on a point of privilege concerning an anonymous document that had been distributed to Members of this House, the Queen's Park Press Gallery and an undetermined number of other individuals.

In his point of privilege, the Member claimed that the document, entitled "The Frank Klees Report", impugned his integrity and that it was clearly intended to intimidate and obstruct him from carrying out his duties as they relate to the Standing Committee on Public Accounts and the committee's review of the Auditor General's Report on Ornge Air Ambulance.

After reviewing the Member's written submission and the Hansard from August 27, I am now prepared to give my ruling.

Parliamentary privilege is defined in Erskine May's Parliamentary Practice as "the sum of the peculiar rights enjoyed by each House collectively ... and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals."

Included in these rights, as enumerated in House of Commons Procedure and Practice, is a Member's freedom from obstruction, interference, intimidation and molestation. This text notes that "the unjust damaging of a Member's good name might be seen as constituting an obstruction if the Member is prevented from performing his or her parliamentary functions."

The document in question raised by Mr. Klees, which is undated, contains 7 pages of 'résumé style' information about the Member's educational background and purported involvement in a number of business ventures.

In making his point of privilege, the Member for Newmarket-Aurora drew a parallel between the existence of this document affecting him, and the posting of videos on YouTube earlier this year that directly targeted the Canadian Minister of Public Safety, the Hon. Vic Toews.

After reviewing the document of which the Member complains, I have to say that I am not able to find any realistic threat, specific or general, against the Member for Newmarket—Aurora. This is an important consideration when considering the relevance of the Toews matter to the case at hand.

A key aspect of House of Commons Speaker Scheer's finding of a *prima facie* case of privilege in support of Mr. Toews was his conclusion that "when duly elected members are personally threatened for their work in Parliament, whether introducing a bill, making a statement or casting a vote, this House must take the matter very seriously." Speaker Scheer went on to say, "I have carefully reviewed the online videos in which the language used does indeed constitute a direct threat to the minister in particular, as well as other members. These threats demonstrate a flagrant disregard of our traditions and a subversive attack on the most fundamental privileges of this House."

The Klees document, while sinister and disturbing in its own right, does not rise to the level of the obvious threat directed to Minister Toews last February.

In further considering how to address this point of privilege, I have found the following passage from *Parliamentary Privilege in Canada* by Joseph Maingot to be helpful.

Maingot states,

Whether a parliamentary privilege is violated depends on the nature and extent of any particular privilege claimed by Parliament in relation to the circumstances of the time, the underlying test in all cases being whether the right claimed as a privilege is one which is absolutely necessary for the due execution of the powers of Parliament. Therefore, all interferences with members' privileges of freedom of speech, such as editorial and other public comment, are not breaches of privilege even though they influence the conduct of members in their parliamentary work. Accordingly, not every action by an outside body which may influence the conduct of a member of Parliament as such could now be regarded as a breach of privilege, even if it were calculated and intended to bring pressure on the member to take or to refrain from taking a particular course. But any attempt by improper means to influence a member in his parliamentary conduct is a breach of privilege. What constitutes an improper means of interfering with members' parliamentary work is always a question depending on the facts of the case. Finally, there must be some connection between the material alleged to contain the interference and the parliamentary proceeding.

Also on this theme, the 24th Edition of *Erskine May*, at page 263, states,

Written imputations, as affecting a Member of Parliament, may amount to contempt, without, perhaps, being libels at common law, but to constitute a contempt a libel upon a Member must concern the character or conduct of the Member in that capacity.

In reviewing the Klees document I can find no single connection between it and, as the member claims, his work on the Public Accounts Committee, or any other parliamentary proceeding. The member alleges this connection, and claims an attempt to intimidate him as a consequence, but the document itself is completely silent on the member's parliamentary work. Further, the Member for Newmarket—Aurora has made no claim that the document interfered with his ability to perform his normal parliamentary roles, including his work on the Public Accounts Committee.

I am therefore unable to find that a *prima facie* breach of privilege has been made out.

However, I have previously referred to the sinister nature of the document in question. While not expressly stated by its unknown author, this unsigned document can realistically serve no other purpose than to attempt to impugn the integrity of its subject. It was prepared and presented in a manner that invites the reader to accept its innuendo, and its litany of guilt-by-association, as fact.

I therefore join the chorus of condemnation that members from all parties in this House expressed on the day the Member for Newmarket—Aurora raised his point of privilege, and I hope the likes of a document such as this one will not be seen again.

ORAL QUESTIONS

During “Oral Questions”, the Member for Northumberland–Quinte West (Mr. Milligan), 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.

QUESTIONS ORALES

Pendant la période des « Questions orales », le député de Northumberland–Quinte West, M. Milligan, 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.

DEFERRED VOTES

Third Reading of Bill 115, An Act to implement restraint measures in the education sector.

Carried on the following division:-

VOTES DIFFÉRÉS

Troisième lecture du projet de loi 115, Loi mettant en œuvre des mesures de restriction dans le secteur de l'éducation.

Adoptée par le vote suivant :-

AYES / POUR – 82

Arnott	Dickson	MacCharles	O'Toole
Bailey	Duguid	MacLaren	Orazietti
Balkissoon	Duncan	MacLeod	Pettapiece
Barrett	Dunlop	Mangat	Piruzza
Bartolucci	Elliott	Matthews	Qadri
Bentley	Fedeli	Mauro	Sandals
Berardinetti	Flynn	McDonell	Scott
Best	Gerretsen	McGuinty	Sergio
Bradley	Gravelle	McKenna	Shurman
Broten	Hardeman	McMeekin	Smith
Cansfield	Harris	McNaughton	Sousa
Chan	Hoskins	McNeely	Takhar
Chiarelli	Hudak	Meilleur	Thompson
Chudleigh	Jackson	Miller (Parry Sound–Muskoka)	Walker
Clark	Jaczek	Milloy	Wilson
Colle	Jeffrey	Moridi	Wong
Coteau	Jones	Munro	Wynne
Crack	Klees	Murray	Yakabuski
Damerla	Kwinter	Naqvi	Yurek
Delaney	Leal	Nicholls	Zimmer
Dhillon	Leone		

NAYS / CONTRE – 15

Armstrong	Gélinas	Miller (Hamilton East–Stoney Creek)	Tabuns
Bisson	Horwath	Natyshak	Taylor
Campbell	Mantha	Schein	Vanthof
DiNovo	Marchese	Singh	

The Bill passed.

Le projet de loi est adopté.

The House recessed at 12:03 p.m.

À 12 h 03, l'Assemblée a suspendu la séance.

3:00 P.M.**15 H**

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

Le Président a informé la Chambre des changements suivants dans l'ordre de priorité pour les affaires émanant des députés :-

Mr. Schein assumes ballot item number 66,
Ms. Campbell assumes ballot item number 79,
Mr. Harris assumes ballot item number 55,
Mr. Wilson assumes ballot item number 65, and
Mr. Walker assumes ballot item number 80.

MOTIONS

MOTIONS

With unanimous consent, on motion by Mr. Bradley, it was Ordered,

Avec le consentement unanime, sur la motion de M. Bradley, il est ordonné,

That the requirement for notice be waived for ballot item number 55 in the Order of Precedence for Private Members' Public Business.

PETITIONS

PÉTITIONS

Granting additional powers to the Ontario Ombudsman (Sessional Paper No. P-6) Mr. Yurek.

PET scans (Sessional Paper No. P-8) M^{me} Gélinas.

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

Horse racing industry (Sessional Paper No. P-71) Mr. Chudleigh.

Skin cancer prevention (Sessional Paper No. P-109) M^{me} Gélinas.

Cuts to health care (Sessional Paper No. P-151) Mr. Fedeli.

Interprovincial bridge (Sessional Paper No. P-164) Mr. McNeely.

Hospital parking fees for seniors (Sessional Paper No. P-167) Mr. Smith.

Replacing diesel buses on Dufferin Street (Sessional Paper No. P-171) Mr. Colle.

Supporting Bill 106, Prevention of Electoral Fraud Act, 2012 (Sessional Paper No. P-172) Mr. Balkissoon and Mrs. Cansfield.

Stopping hospital bed and service cuts and provide adequate funding in health care (Sessional Paper No. P-173) M^{me} Gélinas.

ORDERS OF THE DAY

ORDRE DU JOUR

Second Reading of Bill 75, An Act to amend the Electricity Act, 1998 to amalgamate the Independent Electricity System Operator and the Ontario Power Authority, to amend the Ontario Energy Board Act, 1998 and to make complementary amendments to other Acts.

Deuxième lecture du projet de loi 75, Loi modifiant la Loi de 1998 sur l'électricité pour fusionner la Société indépendante d'exploitation du réseau d'électricité et l'Office de l'électricité de l'Ontario, modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario et apportant des modifications complémentaires à d'autres lois.

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 Deputy Government House Leader directed that the debate should continue.

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 était réputé ajourné.

Le leader parlementaire adjoint du gouvernement a indiqué que le débat devrait se poursuivre.

With unanimous consent,

On motion by Mr. Bradley,

Ordered, That, notwithstanding Standing Order 6(a), when the House adjourns on Thursday, September 13, 2012, it shall stand adjourned until Wednesday, September 19, 2012.

Avec le consentement unanime,

Sur la motion de M. Bradley,

The Acting Speaker (Mrs. Munro) informed the House that, in the name of Her Majesty the Queen, His Honour the Lieutenant Governor had been pleased to assent to the following bills in his office on September 11, 2012.

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

Bill 115, An Act to implement restraint measures in the education sector.

Bill 116, An Act to amend the Legislative Assembly Act with respect to the Board of Internal Economy.

La présidente suppléante (M^{me} Munro) avise l'Assemblée qu'au nom de Sa Majesté la Reine, Son Honneur le lieutenant-gouverneur a eu le plaisir de sanctionner les projets de loi suivants dans son cabinet le 11 septembre 2012.

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.

Projet de loi 115, Loi mettant en œuvre des mesures de restriction dans le secteur de l'éducation.

Projet de loi 116, Loi modifiant la Loi sur l'Assemblée législative relativement à la Commission de régie interne.

At 5:57 p.m., the House suspended until 6:00 p.m.

At 6:00 p.m., the following matter was considered in an adjournment debate.

Member for London–Fanshawe (Ms. Armstrong) to the Minister of Training, Colleges and Universities – Post-secondary education.

The House adjourned at 6:10 p.m.

À 18 h, la question suivante a été examinée dans un débat d'ajournement.

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

le président
DAVE LEVAC
Speaker

RESPONSES TO WRITTEN QUESTIONS

RÉPONSES AUX QUESTIONS ÉCRITES

Final Answers to Question Numbers: 337, 342, 343 and 344.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Corporate tax rate (Sessional Paper No. P-128):

(Tabled May 15, 2012) Ms. Forster.

(Tabled May 30, 2012) Mr. Naqvi.

(Tabled May 31, 2012) Mr. Ouellette.

Auto insurance reform (Sessional Paper No. P-133):

(Tabled May 28, 29, 30, 31; June 4, 5, 11, 12, 13, 2012) Mr. Singh.
