



No. 108

N° 108

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**Votes and Proceedings**

**Procès-verbaux**

Legislative Assembly  
of Ontario

Assemblée législative  
de l'Ontario

**Monday**  
**March 3, 2014**

**Lundi**  
**3 mars 2014**

**2<sup>nd</sup> Session,**  
**40<sup>th</sup> Parliament**

**2<sup>e</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 Elgin-Middlesex-London has given me notice of his intention to raise a point of privilege. His point relates to the legislation establishing the Eastern and Southwestern Ontario Development Funds, and a provision in it that states "If a public announcement is to be made about the provision of financial assistance or incentives within eastern Ontario or southwestern Ontario, as the case may be, the MPP who represents the affected area within the region must be given the opportunity to participate in the announcement."

The Member for Elgin-Middlesex-London states that such a public announcement was recently made in his riding, but that he was given no notice, nor the opportunity to participate as required by the legislation.

I am prepared to rule on this point of privilege without hearing further from the Member for Elgin-Middlesex-London, as Standing Order 21(d) permits me to do. It is well established in parliamentary procedure that the application of privilege is confined to proceedings in parliament, and to the activities of members in their parliamentary roles. Speakers of this Legislature and elsewhere have consistently ruled that a member's work outside of the Legislature, and specifically constituency-related matters, do not give rise to the protection of privilege.

As stated at page 117 of *House of Commons Procedure and Practice*, "In instances where Members have claimed that they have been obstructed or harassed, not directly in their roles as elected representatives but while being involved in matters of a political or constituency-related nature, Speakers have consistently ruled that this does not constitute privilege."

This position has been taken by Speakers of this Legislature as well. For instance, an April 26, 2001 ruling by Speaker Carr noted that "Speakers have consistently found – supported by the procedural authorities and a multitude of precedents – that privilege attaches only to a Member's parliamentary duties, and not to subsidiary duties away from Parliament."

On May 4, 2010, Speaker Peters noted in a ruling that:

(a)ccording 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."

I appreciate that the Member for Elgin-Middlesex-London feels that he has been deprived of his ability to do part of his job, but it is that part of the job that is the important consideration in the case at hand: simply put, parliamentary privilege is not applicable to the constituency-related work of an MPP. The Member may have a valid grievance, however, and I would note that complying with the law is always a good policy. However, I cannot find that a *prima facie* case of privilege has been made out.

The House recessed at 11:49 a.m.

À 11 h 49, l'Assemblée a suspendu la séance.

1:00 P.M.

13 H

**PETITIONS****PÉTITIONS**

Acute and Chronic Lyme Disease diagnosis (Sessional Paper No. P-4) Mr. Ouellette.

Disbanding the College of Trades (Sessional Paper No. P-10) Mr. Walker.

Grant Ombudsman power to investigate Children's Aid Societies (Sessional Paper No. P-32) Miss Taylor.

Phasing out of the Drive Clean Program (Sessional Paper No. P-33) Mr. McNaughton.

The use of Utility Transportation Vehicles on Class 2 Highways in Northern Ontario (Sessional Paper No. P-100) Mr. Hatfield and Mr. Vanthof.

Eligibility for blood sugar test strips covered by OHIP (Sessional Paper No. P-186) Mr. McDonell.

Funding the drug Esbriet (Sessional Paper No. P-196) Mr. Natyshak.

Soluble Reactive Phosphorus and Lake Ontario (Sessional Paper No. P-205) Mr. Dickson.

Funding the drug Kalydeco for cystic fibrosis (Sessional Paper No. P-213) Mr. Clark and Mr. Wilson.

**ORDERS OF THE DAY****ORDRE DU JOUR**

Second Reading of Bill 165, An Act to amend the Employment Standards Act, 2000 with respect to the minimum wage.

Deuxième lecture du projet de loi 165, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne le salaire minimum.

Debate resumed and after some time,

Le débat reprend et après quelque temps,

The Acting Speaker (Mr. Arnott) 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 bill in his office on March 3, 2014.

Le président suppléant (M. Arnott) avise l'Assemblée qu'au nom de Sa Majesté la Reine, Son Honneur le lieutenant-gouverneur a eu le plaisir de sanctionner le projet de loi suivant dans son cabinet le 3 mars 2014.

Bill 164, An Act to authorize the expenditure of certain amounts for the fiscal year ending March 31, 2014.

Projet de loi 164, Loi autorisant l'utilisation de certaines sommes pour l'exercice se terminant le 31 mars 2014.

Debate resumed and after some time the House adjourned at 5:58 p.m.

Le débat reprend et après quelque temps, à 17 h 58, la chambre a ajourné ses travaux.

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le président

**DAVE LEVAC**

Speaker

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

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

Abortion funding (Sessional Paper No. P-50) (Tabled March 3, 2014) Mr. Walker.

The funding of dental care (Sessional Paper No. P-179) (Tabled March 3, 2014) Mr. Tabuns.

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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 February 28, 2014 (No. 310) (Tabled February 28, 2014).

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**RESPONSES TO PETITIONS**

**RÉPONSES AUX PÉTITIONS**

The use of Utility Transportation Vehicles on Class 2 Highways in Northern Ontario (Sessional Paper No. P-100):

(Tabled December 9, 2013) Mr. Vanthof.

Line 9 oil pipeline (Sessional Paper No. P-116):

(Tabled November 20, 2013) Ms. Fife.

The Darlington Generating Station (Sessional Paper No. P-181):

(Tabled November 18, 19, 20, 21, 26, 27; December 10, 2013) Mr. O'Toole.

Ontario's Spring Bear Hunt (Sessional Paper No. P-182):

(Tabled December 12, 2013) Mr. Mauro.

The drug Avastin and Kimm Fletcher (Sessional Paper No. P-191):

(Tabled November 7, 25, 28; December 2, 9, 2013) Mr. Chudleigh.

(Tabled November 28, 2013) Mr. Clark.

(Tabled November 28, 2013) Ms. Thompson.

(Tabled December 9, 2013) Mr. Walker.

(Tabled November 25, 28, 2013) Mr. Wilson.

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