



No. 134

N° 134

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Wednesday
April 30, 2014

Mercredi
30 avril 2014

2nd Session,
40th Parliament

2^e session
40^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

Second Reading of Bill 51, 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, 2013.

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

ORDRE DU JOUR

Deuxième lecture du projet de loi 51, 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 2013 sur la sécurité des centrales électriques et des installations nucléaires.

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 informed the House,
That the following document was tabled:-

Le Président a informé la Chambre,
Que le document suivant a été déposé :-

Investigation into how the Ministry of Transportation administers the process for obtaining and assessing information about drivers who may have uncontrolled hypoglycemia from the Ombudsman (Sessional Paper No. 350) (Tabled April 30, 2014).

ORAL QUESTIONS

QUESTIONS ORALES

The House recessed at 11:43 a.m.

À 11 h 43, l'Assemblée a suspendu la séance.

3:00 P.M.

15 H

INTRODUCTION OF BILLS

DÉPÔT DES PROJETS DE LOI

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

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

Bill 193, An Act to require the disclosure of the country of origin of motor vehicles and their components sold in Ontario. Mr. Ouellette.

Projet de loi 193, Loi exigeant la divulgation du pays d'origine des véhicules automobiles vendus en Ontario et de leurs pièces. M. Ouellette.

The following Bill was introduced, read the first time and referred to the Standing Committee on Regulations and Private Bills:-

Le projet de loi suivant est présenté, lu une première fois et renvoyé au Comité permanent des règlements et des projets de loi d'intérêt privé :-

Bill Pr32, An Act to revive 1474486 Ontario Limited. Ms. Sattler.

PETITIONS

PET scans (Sessional Paper No. P-29) M^{me} Gélinas.

Ombudsman oversight of Long Term Care Homes (Sessional Paper No. P-46) M^{me} Gélinas.

ServiceOntario counters in Northern Ontario (Sessional Paper No. P-72) Mr. Mantha.

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

Amend Section 27 of the Environmental Protection Act (Sessional Paper No. P-188) Mr. Hardeman.

Rent control guidelines (Sessional Paper No. P-189) Ms. Fife.

Price volatility and regional price differences of gasoline. (Sessional Paper No. P-216) M^{me} Gélinas.

Post Stroke physiotherapy (Sessional Paper No. P-223) Mr. O'Toole and Mr. Ouellette.

Bill 165, Fair Minimum Wage Act, 2014 (Sessional Paper No. P-236) Ms. Wong.

Credit Unions (Sessional Paper No. P-265) Ms. Fife, Mr. Pettapiece and Ms. Thompson.

The Infant and Child Development Program for Northumberland County (Sessional Paper No. P-266) Mr. Milligan.

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

Earlier today, the Member for Timmins–James Bay (Mr. Bisson) submitted a notice of his intention to raise a point of privilege. The notice alleges that answers made in Monday's Question Period by the Minister of Transportation to a question about a construction project were deliberately misleading and therefore a contempt of the House. After serious consideration, I am now prepared to rule on the matter without hearing further from the Member, as Standing Order 21(d) permits me to do.

In his notice, the Member contends that part of the Minister's answer was at variance with Ministry documents in the Member's possession which were released pursuant to a freedom of information request.

The so-called McGee test for determining whether a statement by a Member has deliberately misled the House was set out in a ruling I made yesterday. In yesterday's ruling, I also made reference to a ruling by Speaker Carr on June 17, 2002, which I think bears on this matter:

The threshold for finding a *prima facie* case of contempt against a Member of the Legislature, on the basis of deliberately misleading the House, is therefore set quite high and is very uncommon. It must involve a proved finding of an overt attempt to intentionally mislead the Legislature. In the absence of an admission from the Member accused of the conduct, or of tangible confirmation of the conduct, independently proved, a Speaker must assume that no honourable Members would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake.

Because he is not relying on the McGee test to make his case, the Member for Timmins–James Bay is instead effectively asserting that the documents he provided me represent, as Speaker Carr put it, "tangible confirmation of the conduct, independently proved".

As a corollary to the McGee test, this information would have to be of a quality at least as high as that required to meet the McGee test itself. That is, it would have to be completely unambiguous, irrefutable proof of an overt attempt to intentionally mislead the Legislature. I accept that the Member holds the strong view that the freedom of information documents do achieve this, but even he states in his submission that the documentation “suggests” certain discussions occurred, a suggestion is not proof. For my part, in order to concur, I would have to make many large assumptions and inferences about what was discussed under certain agenda items at the meetings referred to in some of the documents provided to me, and even who was at those meetings. None of the material in any of the documents points to an intentional and direct contradiction of what the Minister of Transportation has said in this House.

With respect to the Member for Timmins–James Bay, I must conclude that the case at hand amounts to a disagreement as to fact, something the Speaker cannot resolve. I appreciate that Members often hold divergent views and interpretations on issues that are the subject of questions or debate. If so, the matter can be pursued, as has occurred in this case, in Question Period and other parliamentary proceedings; it is not a matter of contempt.

For the reasons indicated, a *prima facie* case of contempt has not been established. I thank the Member for Timmins–James Bay for his notice.

ORDERS OF THE DAY

Second Reading of Bill 131, An Act to amend the Smoke-Free Ontario Act.

Debate resumed, during which the Acting Speaker (Mr. Miller (Hamilton East–Stoney Creek)) interrupted the proceedings and announced that there had been more than six and one-half hours of debate and that the debate was deemed adjourned.

Second Reading of Bill 143, An Act to enact the Child Care and Early Years Act, 2013, to repeal the Day Nurseries Act, to amend the Early Childhood Educators Act, 2007 and the Education Act and to make consequential amendments to other Acts.

Debate resumed and after some time the House adjourned at 5:57 p.m.

ORDRE DU JOUR

Deuxième lecture du projet de loi 131, Loi modifiant la Loi favorisant un Ontario sans fumée.

Le débat a repris. Le président suppléant (M. Miller (Hamilton-Est–Stoney Creek)) 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.

Deuxième lecture du projet de loi 143, Loi édictant la Loi de 2013 sur la garde d'enfants et la petite enfance, abrogeant la Loi sur les garderies, modifiant la Loi de 2007 sur les éducatrices et les éducateurs de la petite enfance et la Loi sur l'éducation et apportant des modifications corrélatives à d'autres lois.

Le débat reprend et après quelque temps, à 17 h 57, 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**

Acute and Chronic Lyme Disease diagnosis (Sessional Paper No. P-4) (Tabled April 30, 2014) Mr. Clark and Ms. Thompson.

Physiotherapy services (Sessional Paper No. P-108) (Tabled April 30, 2014) Ms. Thompson.

Cancelling the Feed-in-Tariff (FIT) subsidies (Sessional Paper No. P-135) (Tabled April 30, 2014) Mr. Clark.

Funding the drug Esbriet (Sessional Paper No. P-196) (Tabled April 30, 2014) Ms. Thompson.

Time extensions for FIT contracts (Sessional Paper No. P-208) (Tabled April 30, 2014) Ms. Scott.

Closure of Kemptville and Alfred campuses (Sessional Paper No. P-237) (Tabled April 30, 2014) Mr. Clark.

Lowering the cost of electricity (Sessional Paper No. P-241) (Tabled April 30, 2014) Mr. Clark.

RESPONSES TO WRITTEN QUESTIONS

RÉPONSES AUX QUESTIONS ÉCRITES

Final Answers to Question Numbers: 492, 498 and 499.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Increase the minimum wage (Sessional Paper No. P-187):
(Tabled April 1, 2014) Mr. Smith.

Occupational diseases related to firefighting (Sessional Paper No. P-214):
(Tabled March 31; April 8, 2014) M^{me} Gélinas.

Bill 165, Fair Minimum Wage Act, 2014 (Sessional Paper No. P-236):
(Tabled March 27; April 1, 3, 8, 2014) Ms. Wong.
