



No. 71

N° 71

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Tuesday
April 21, 2015

Mardi
21 avril 2015

1st Session,
41st Parliament

1^{re} session
41^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

Second Reading of Bill 73, An Act to amend the Development Charges Act, 1997 and the Planning Act.

Debate arose and after some time the House recessed at 10:15 a.m.

ORDRE DU JOUR

Deuxième lecture du projet de loi 73, Loi modifiant la Loi de 1997 sur les redevances d'aménagement et la Loi sur l'aménagement du territoire.

Il s'élève un débat et après quelque temps, à 10 h 15, la Chambre a suspendu la séance.

10:30 A.M.

10 H 30

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

The House Leaders for the Official Opposition and the Third Party have each provided me with a written notice of intent to raise a point of privilege, as required by Standing Order 21(c). The Government House Leader also provided me with a written submission on this matter. The notices relate to a decision by several Ministers to attend an April 16, 2015 lock-up and press conference, dealing with a report of the Premier's Advisory Council on Government Assets, in a government building located outside the precincts. These events apparently overlapped with the timing of Question Period, and therefore meant that those Ministers would not be available to answer oral questions on that day.

I would like to thank the Members for giving me sufficient time to carefully review the issues raised in their notices. Given the thrust of our precedents on the issues, together with Speaker Carr's April 23, 2001 decision to rule on the matter of ministerial attendance at Question Period without hearing further from the Member who raised it, I too will be ruling without hearing further from the Members, as Standing Order 21(d) permits the Speaker to do.

Ministerial attendance at Question Period has been the subject of many previous points of order, but no Speaker has ever held that a Member is required to be in this Chamber at any specific time, let alone during Question Period. As Speaker Carr noted in his 2001 ruling,

the many and varied duties of being an elected Member of this House often legitimately demand our attendance elsewhere. Honourable Members are assumed by their honourable colleagues to have valid, defensible and justifiable reasons for being absent from the House when it is meeting. This is one of the principal reasons why it is prohibited by our traditions and practices to draw the attention of the House to the absence of another Member.

With respect specifically to Ministerial attendance at Question Period, as far back as April 19, 1977, Speaker Rowe stated the following:

[I]t is surely the duty of the Executive Council to see that there are sufficient members of the Council in the House during the question period to make it meaningful. Certainly, the Speaker cannot be expected to take on this obligation.

For similar approaches taken by other Speakers, I refer Members to Speaker Turner's November 5, 1984 ruling, Speaker Edighoffer's April 24, 1990 ruling, Speaker Warner's May 13, 1992 ruling, Speaker Stockwell's April 21, 1997 ruling, and Speaker Peters' February 22, 2010 ruling. In short, it is well-established that Ministers cannot be compelled to attend Question Period on any given day, nor is the Speaker in any position to enforce such attendance.

Parenthetically, I will reference here the assertion made by the Member for Leeds-Grenville in his written notice that there was no need for those absent ministers to attend the lock-up.

I am not sure any Member of this House really wants to be in the business of second-guessing the priorities of other honourable members, if they think carefully about the implications of doing so.

On the issue of policy announcements, previous Speakers have indicated that it is preferable for the government of the day to make them in the House before doing so outside the House. I agree with that position. In fact, past Speakers have indicated that Members who object to policy announcements being made outside the House before being made inside the House have a legitimate grievance.

That being said, those same Speakers have also indicated that there is no authority in the Standing Orders that would allow the Speaker to require the government to make such announcements in the House before doing so by other means.

Turning to the privilege arguments in the notices, the Member for Leeds-Grenville contends that the absence of several Ministers meant that Members were deprived of the ability to hold the government to account for its policies and were therefore obstructed and impeded in the discharge of their functions. Accordingly, the Member asserts that the absence of those Ministers was a contempt of the Legislature.

As previous Speakers have indicated, Question Period is an important part of the parliamentary day because it facilitates the Assembly's accountability function. I accept that it can be frustrating to an Opposition Member, who has an oral question for a specific minister, to find that minister will not be available on a given day. However, nothing prevents the oral question from being placed and answered because the principle of collective Cabinet responsibility means that another minister can either answer the question or undertake to get one. That Member's frustration does not equate to an inability to fulfill his or her parliamentary responsibilities, and it does not rise to a contempt of the House.

As noted at page 509 of the 2nd edition of *House of Commons Procedure and Practice*,

Questions, although customarily addressed to specific Ministers, are directed to the Ministry as a whole. It is the prerogative of the government to designate which Minister responds to which question. The Prime Minister (or the Deputy Prime Minister or any other Minister acting on behalf of the Prime Minister) may respond to any or all questions posed during Question Period. Only one Minister may respond to a question, and it need not be the one to whom the question is addressed who actually answers it. A different Minister may, under certain circumstances, reply to a supplementary question. The Speaker has no authority to compel a particular Minister to respond to a question.

There is no authority for the proposition that a Minister's absence from this Chamber in order to attend to other responsibilities amounts to obstruction of the House or its Members in the exercise of their parliamentary functions.

For his part, the Member for Timmins-James Bay suggests that last Thursday's government announcement equates to a situation that happened in 2003 when the government of the day presented a Budget-type speech outside the House at a time when the Legislature was prorogued. In that case, Speaker Carr had found that a *prima facie* case of contempt had been established because the government of the day might have been purposely circumventing parliamentary processes when it expressly indicated that the presentation was motivated by its desire to have a "direct conversation with the people of Ontario".

Unlike what happened in 2003, there has been no similarly explicit indication by the government relating to the intention of last Thursday's lock-up and press conference. In addition, whereas there is a tradition of making budget presentations in the House, no such tradition attaches to the tabling of a report or an announcement in respect of such.

In this instance, then, the government's policy announcement outside the House was rather similar to announcements that previous governments have often made outside the House.

With respect to the argument that restrictions were placed on the number of Members who could attend the lock-up, the lock-up is not a proceeding in Parliament, and in fact did not even take place in the Parliamentary Precinct, so it is not a matter for the Speaker. The important point is that nothing prevented Members from being in the House, if they so chose, to exercise their privilege of freedom of speech.

For the foregoing reasons, I find the Member for Leeds-Grenville and the Member for Timmins-James Bay have not made out a *prima facie* case of privilege or contempt.

In closing, I thank all parties for providing me with their submissions on this matter.

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

Yesterday, the Member for Leeds-Grenville provided me with an additional written notice of intent to raise a point of privilege, as required by Standing Order 21(c). The notice refers to the release last week of the Report of the Premier's Advisory Council on Government Assets, and principally about the fact this announcement took place outside of the Legislative Assembly and at a time that conflicted with that day's Question Period.

I have to advise the Member that I cannot accept his notice. A point of privilege must be raised at the earliest opportunity after the alleged breach has occurred. Having received the Member's notice only late last night, which relates to events that occurred four days previous, I do not believe the Member has met the timeliness requirement.

However, I think the Member will also see, in the ruling I just delivered, that the matter he sought to raise was fully addressed in my response to the notice provided by his colleague, the Member for Timmins-James Bay.

ORAL QUESTIONS

QUESTIONS ORALES

DEFERRED VOTES

VOTES DIFFÉRÉS

Second Reading of Bill 57, An Act to create a framework for pooled registered pension plans and to make consequential amendments to other Acts.

Deuxième lecture du projet de loi 57, Loi créant un cadre pour les régimes de pension agréés collectifs et apportant des modifications corrélatives à d'autres lois.

Carried on the following division:-

Adoptée par le vote suivant :-

AYES / POUR - 77

Albanese
Anderson
Arnott
Bailey
Baker
Balkissoon
Ballard
Barrett
Berardinetti
Bradley

Duguid
Dunlop
Fedeli
Flynn
Fraser
Gravelle
Hardeman
Hillier
Hoggarth
Hoskins

Malhi
Mangat
Martins
Martow
Matthews
Mauro
McGarry
McMahon
McMeekin
Meilleur

Potts
Qaadri
Rinaldi
Sandals
Scott
Sergio
Smith
Sousa
Takhar
Thibeault

AYES / POUR - Continued

Chiarelli	Hudak	Milczyn	Thompson
Clark	Hunter	Miller (Parry Sound-Muskoka)	Vernile
Colle	Jaczek	Moridi	Walker
Coteau	Jones	Munro	Wilson
Crack	Kiwala	Murray	Wong
Damerla	Kwinter	Naidoo-Harris	Wynne
Del Duca	Lalonde	Naqvi	Yakabuski
Delaney	MacCharles	Nicholls	Yurek
Dhillon	MacLeod	Pettapiece	Zimmer
Dong			

NAYS / CONTRE - 17

Armstrong	French	Hatfield	Sattler
Bisson	Gates	Horwath	Singh
DiNovo	Gélinas	Mantha	Tabuns
Fife	Gretzky	Miller (Hamilton East-Stoney Creek)	Vanthof
Forster			

Pursuant to the Order of the House dated April 16, 2015, referred to the Standing Committee on Social Policy.

Conformément à l'ordre de l'Assemblée le 16 avril 2015, renvoyé au Comité permanent de la politique sociale.

The House recessed at 11:55 a.m.

À 11 h 55, la Chambre a suspendu la séance.

3:00 P.M.

15 H

REPORTS BY COMMITTEES

RAPPORTS DES COMITÉS

The Speaker informed the House,

Le Président a informé la Chambre,

That the Clerk received the Report on Intended Appointments dated April 21, 2015 of the Standing Committee on Government Agencies. Pursuant to Standing Order 108(f)(9), the Report is deemed to be adopted by the House (Sessional Paper No. 289) (Tabled April 21, 2015).

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 89, An Act to amend the Election Act with respect to the recall of members of the Legislative Assembly. Mr. Hillier.

Projet de loi 89, Loi modifiant la Loi électorale en ce qui concerne la révocation des députés à l'Assemblée législative. M. Hillier.

MOTIONS

With unanimous consent,

On motion by Ms. MacCharles,

Ordered, That the requirement for notice be waived for ballot item number 48 in the Order of Precedence for Private Members' Public Business.

MOTIONS

Avec le consentement unanime,

Sur la motion de M^{me} MacCharles,

Il est ordonné que l'obligation de donner avis fasse l'objet d'une exemption pour le billet de député numéro 48 dans l'ordre de priorité des affaires d'intérêt public émanant des députés.

PETITIONS

Acute and Chronic Lyme Disease diagnosis (Sessional Paper No. P-3) Ms. Thompson.

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

Regulation 316/03 (Sessional Paper No. P-37) Mr. Mantha.

Algoma Power delivery fees (Sessional Paper No. P-40) Mr. Mantha.

Population-based legal services funding (Sessional Paper No. P-45) Ms. Hoggarth.

Moratorium on wind farm development (Sessional Paper No. P-95) Ms. Thompson.

Keeping the Obstetrics Unit open at Leamington District Memorial Hospital (Sessional Paper No. P-117) Mr. Hatfield.

Sexual education curriculum (Sessional Paper No. P-120) Mr. McNaughton.

CPR training for school employees and volunteers (Sessional Paper No. P-139) Mrs. McGarry.

Breed-specific legislation (Sessional Paper No. P-152) Mr. Smith.

Microbeads (Sessional Paper No. P-162) Mr. Milczyn.

The ODSP Work-Related Benefit (Sessional Paper No. P-172) Mr. Hardeman.

Community School Busing (Sessional Paper No. P-174) Mr. Potts.

Ontario Northland Transportation Commission Bus Service (Sessional Paper No. P-175) Mr. Vanthof.

ORDERS OF THE DAY

Mr. Bradley moved,

That, pursuant to Standing Order 47 and notwithstanding any other Standing Order or Special Order of the House relating to Bill 80, An Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act and the Animals for Research Act with respect to the possession and breeding of orcas and administrative requirements for animal care, when the Bill is next called as a Government Order, the Speaker shall put every question necessary to dispose of the Second Reading stage of the Bill without further debate or amendment and at such time the Bill shall be Ordered referred to the Standing Committee on Social Policy; and,

That the Standing Committee on Social Policy be authorized to meet on Monday, May 11, 2015, from 2:00 p.m. to 6:00 p.m., for the purpose of public hearings on the Bill; and

That the Clerk of the Committee, in consultation with the Committee Chair, be authorized to arrange the following with regard to Bill 80:

ORDRE DU JOUR

M. Bradley propose,

- Notice of public hearings on the Ontario Parliamentary Channel, the Legislative Assembly's website and Canada NewsWire; and
- Witnesses are scheduled on a first-come first-served basis; and
- Each witness will receive up to 5 minutes for their presentation followed by 9 minutes for questions from Committee members; and
- The deadline for written submissions is 6:00 p.m. on Monday, May 11, 2015; and

That the deadline for filing amendments to the Bill with the Clerk of the Committee shall be 2:00 p.m. on Thursday, May 14, 2015; and

That the Committee be authorized to meet on Monday, May 25, 2015, from 2:00 p.m. to 6:00 p.m., for the purpose of clause-by-clause consideration of the Bill;

On Monday, May 25, 2015, at 4:00 p.m., those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the Committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the Bill and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to Standing Order 129(a); and

That the Committee shall report the Bill to the House no later than Tuesday, May 26, 2015. In the event that the Committee fails to report the Bill on that day, the Bill shall be deemed to be passed by the Committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the Standing Committee on Social Policy, the Speaker shall put the question for adoption of the report forthwith, and at such time the Bill shall be Ordered for Third Reading, which order may be called that same day; and

That, when the Order for Third Reading of the Bill is called, two hours of debate shall be allotted to the Third Reading stage of the Bill, apportioned equally among the recognized parties. At the end of this time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the Bill without further debate or amendment; and

The votes on Second and Third Reading may be deferred pursuant to Standing Order 28(h); and

That, in the case of any division relating to any proceedings on the Bill, the division bell shall be limited to 5 minutes.

Debate arose and after some time,

Il s'élève un débat et après quelque temps,

Vote deferred on request of the Chief Government Whip.

Le vote est différé par requête du Whip en chef du gouvernement.

Second Reading of Bill 9, An Act to amend the Environmental Protection Act to require the cessation of coal use to generate electricity at generation facilities.

Deuxième lecture du projet de loi 9, Loi modifiant la Loi sur la protection de l'environnement pour exiger la cessation de l'utilisation du charbon pour produire de l'électricité dans les installations de production.

Debate resumed and after some time the House adjourned at 6:00 p.m.

Le débat a repris et après quelque temps, à 18 h, 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**

Fluoridation of drinking water (Sessional Paper No. P-114) (Tabled April 21, 2015) Mr. Hatfield.

RESPONSES TO WRITTEN QUESTIONS

RÉPONSES AUX QUESTIONS ÉCRITES

Final Answers to Question Numbers: 218, 219, 220 and 221.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Soliris (Sessional Paper No. P-94):
(Tabled February 26; March 5, 2015) Mr. Potts.
(Tabled February 25; March 2, 2015) Ms. Thompson.
(Tabled February 25; March 10, 2015) Ms. Wong.

Sudbury by-election (Sessional Paper No. P-143):
(Tabled February 25, 2015) Mr. McDonell.
