



No. 81

N° 81

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**Votes and Proceedings**

**Procès-verbaux**

Legislative Assembly  
of Ontario

Assemblée législative  
de l'Ontario

**Thursday  
May 7, 2015**

**Jeudi  
7 mai 2015**

**1<sup>st</sup> Session,  
41<sup>st</sup> Parliament**

**1<sup>re</sup> session  
41<sup>e</sup> législature**

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**PRAYERS**  
**9:00 A.M.**

**PRIÈRES**  
**9 H**

**ORDERS OF THE DAY**

**ORDRE DU JOUR**

Motion that this House approves in general the Budgetary Policy of the Government.

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

Le débat a repris et après quelque temps, à 10 h 15, la Chambre a suspendu la séance.

**10:30 A.M.**

**10 H 30**

The Speaker addressed the House:-

Le Président s'adresse à la Chambre :-

Members will be aware that there appear on today's *Orders and Notices Paper*, two notices of an Opposition Day to be debated next week. Under Standing Order 43(c), the Speaker is required to select one of these notices for consideration.

As occurred in November, 2013, once again we have a situation where only 4 out of a possible 5 Opposition Days in the Spring Sessional Period will take place. Each of the opposition parties is entitled to designate another Opposition Day, but only one is available.

Therefore, I will apply the same principle in selecting one of the notices today as I used in 2013. Standing Order 43(a)(iii) provides that five available opposition days in a sessional period are to be allocated between the two opposition parties on the basis of the membership of their caucuses relative to each other. In applying that same formula to a total of 4 Opposition Days, instead of 5, the result is that the Third Party is mathematically closer to being entitled to two of four Opposition Days, than the Official Opposition is to being entitled to three of four.

I therefore decide that the motion standing in the name of Ms. Horwath is the one that will be selected for debate next week.

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On May 5, 2015, the Member for Timmins–James Bay (Mr. Bisson) rose on a question of privilege concerning tentative settlements in labour negotiations between Hydro One and OPG, and a union representing their employees. Relying on media reports and statements by government ministers in the House and to the media, the Member submits that a provision in the settlements would grant Hydro One shares to those employees. The Member indicated that this provision undermines the authority of the House because it anticipates a reorganization of Hydro One and the passage of Bill 91, thereby amounting to a breach of privilege and a contempt of the House. The House Leader of the Official Opposition (Mr. Clark) and the Government House Leader (Mr. Naqvi) also spoke to the matter.

Having reviewed various procedural authorities, our precedents and the oral and written submissions of all three Members, I am now ready to rule.

I will deal first with a threshold issue. The Government House Leader raised a concern about the time lag between giving the requisite notice of the question of privilege and the incident giving rise to the notice. He pointed to my April 21, 2015 ruling where, acting under Standing Order 21(d), I exercised my authority without hearing from any Member because of the unacceptable time lag in giving notice to the Speaker. I do not have concerns about the timeliness of the notice here because, whereas the April 21 situation dealt with a single pre-planned incident, which was complained about only 4 days later, this one deals with a series of interrelated pieces of information in an evolving public policy matter. This is not to give permission to members to delay raising a matter of privilege when they first perceive the possibility one exists, but rather to accept that there may be circumstances when it could validly take some time on an evolving matter before any implications for parliamentary privilege are sensed. I therefore remind Members that if a matter is serious enough to warrant a question of privilege, it should be raised in a timely way, in the manner outlined in Standing Order 21(c).

Turning now to the substance of the Member's claims, I will deal first with the argument based on breach of privilege before turning to the argument based on contempt. With respect to the contention that there has been a breach of privilege, no Member has identified which individual or collective privilege has been violated. For example, there is no indication that any Member's privilege of freedom of speech has been compromised by virtue of anything that has happened - or been said - inside or outside the House with respect to the developments mentioned in the notice and the submissions. In fact, Members have been exercising that privilege, and they may continue to exercise it when they speak in the House about those developments. Therefore, I find that a *prima facie* case of privilege has not been established.

With respect to the contention that there has been a contempt, the Member for Timmins–James Bay referred to a January 22, 1997 ruling in which Speaker Stockwell found that a *prima facie* case of contempt had been established in circumstances where statements in government-sponsored advertising tended to "convey the impression that the passage of the requisite legislation was not necessary or was a foregone conclusion, or that the assembly and the Legislature had a pro forma, tangential, even inferior role in the legislative and lawmaking process, and in doing so, they appear to diminish the respect that is due to this House." However, in a June 16, 1998 ruling, Speaker Stockwell approvingly cited a seminal 1989 ruling by Speaker Edighoffer indicating that "it is perfectly valid for the public service to proceed with plans based on a bill that is already in the system in order to be able to act swiftly once that bill becomes law". In a September 25, 2000 ruling, Speaker Carr reiterated this view, and also indicated that it is "a legitimate and necessary activity" for a government to plan for changes.

The takeaway from these and subsequent rulings is that, compared to a broad publicly-directed advertising scenario that anticipates the passage of legislation, a targeted or internal planning scenario that prudently prepares for the enactment of legislation is less likely to raise a matter of contempt; such plans are part and parcel of the function of government. Although a Speaker could be convinced that a *prima facie* case of contempt has been established in either scenario, the prerequisite of establishing either a motive to, or the effect of, undermining the Legislature's role in the latter scenario is considerably more unlikely, as both common sense and procedural precedent confirm.

Let me now apply this to the case at hand. The Member for Timmins–James Bay points to statements by the government to the effect that the tentative settlements between Hydro One and OPG and the union representing their employees provide for the distribution of shares to union members, a distribution that, according to the Member, is contingent on the passage of Bill 91. The Member indicates that the presence of the share provision in the settlements was premature, did not show sufficient respect for the role of the House and has pre-empted the legislative process on Bill 91.

In comparing the current matter with that faced by Speaker Stockwell in 1997, the very important difference is that Speaker Stockwell had in his hands a publicly-directed advertising piece, authored by the government of the day, which in his finding explicitly diminished the role of the Legislature and presumed that the outcome of its consideration of legislation was a foregone conclusion. In the present case, there is no similar concrete evidence of that nature. The material presented to me and relied upon by the Member for Timmins–James Bay is not in that same vein. I simply have not been presented with any document or communication authored by the government that inarguably presents the arrangements complained about as a *fait accompli*.

These arrangements described appear to be in the nature of normal planning the affected organizations would be expected to engage in. Presumably if the legislation does not pass these arrangements will not be implemented.

For the foregoing reasons, I find that there is no *prima facie* case of contempt.

In closing, I thank the Member for Timmins–James Bay, the House Leader of the Official Opposition and the Government House Leader for their oral and written submissions on this matter.

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### ORAL QUESTIONS

The House recessed at 11:47 a.m.

**1:00 P.M.**

### INTRODUCTION OF BILLS

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

Bill 98, An Act to amend the Workplace Safety and Insurance Act, 1997 with respect to loss of earnings and survivor benefits. Ms. French.

### MOTIONS

With unanimous consent,

On motion by Mr. Bradley,

Ordered, That the requirement for notice be waived for ballot item numbers 54, 55, 58 and 59 in the Order of Precedence for Private Members' Public Business.

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### QUESTIONS ORALES

À 11 h 47, la Chambre a suspendu la séance.

**13 H**

### DÉPÔT DES PROJETS DE LOI

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

Projet de loi 98, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail en ce qui concerne les prestations de survivant. M<sup>me</sup> French.

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### MOTIONS

Avec le consentement unanime,

Sur la motion de M. Bradley,

Il est ordonné que l'obligation de donner avis fasse l'objet d'une exemption pour les billets de députés numéro 54, 55, 58 et 59 dans l'ordre de priorité des affaires d'intérêt public émanant des députés.

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**PETITIONS**

Price volatility and regional price differences of gasoline (Sessional Paper No. P-4) M<sup>me</sup> Gélinas.  
 Affordable and reliable electricity (Sessional Paper No. P-11) Ms. Jones.  
 Restoring the Heart Rehab Program at the Seaway Valley Health Centre (Sessional Paper No. P-46) Mr. McDonell.  
 Emergency Response Workers (Sessional Paper No. P-86) Mr. Natyshak.  
 Not implementing the Ontario Retirement Pension Plan (Sessional Paper No. P-101) Mrs. Munro.  
 French secondary school in East Toronto (Sessional Paper No. P-104) Mr. Milczyn.  
 Fluoridation of drinking water (Sessional Paper No. P-114) Mrs. McGarry.  
 CPR training for school employees and volunteers (Sessional Paper No. P-139) Mrs. Martins.  
 Health Sciences North (Sessional Paper No. P-161) M<sup>me</sup> Gélinas.  
 John McGivney Children's Centre Preschool Program (Sessional Paper No. P-176) Mrs. Gretzky.  
 Rallies for Al Quds Day (Sessional Paper No. P-188) Mrs. Martow.  
 GO Train extension to Courtice and Bowmanville (Sessional Paper No. P-189) Mr. Anderson.

**PÉTITIONS****PRIVATE MEMBERS' PUBLIC  
BUSINESS**

Ms. Armstrong moved,  
 Second Reading of Bill 95, An Act to continue the Mental Health and Addictions Leadership Advisory Council and to amend the Ombudsman Act in respect of providers of mental health and addictions services.  
 Debate arose.  
 Carried.  
 Referred to the Standing Committee on Justice Policy.

Mr. Fedeli moved,  
 Second Reading of Bill 33, An Act to reduce the abuse of fentanyl patches.  
 Debate arose.  
 Carried.  
 Referred to the Standing Committee on Finance and Economic Affairs.

**AFFAIRES D'INTÉRÊT PUBLIC  
ÉMANANT DES DÉPUTÉS**

M<sup>me</sup> Armstrong propose,  
 Deuxième lecture du projet de loi 95, Loi visant à proroger le Conseil consultatif pour le leadership en santé mentale et en lutte contre les dépendances et à modifier la Loi sur l'ombudsman à l'égard des fournisseurs de services de santé mentale et de lutte contre les dépendances.  
 Il s'élève un débat.  
 Adoptée.  
 Renvoyé au Comité permanent de la justice.

M. Fedeli propose,  
 Deuxième lecture du projet de loi 33, Loi visant à réduire l'abus de timbres de fentanyl.  
 Il s'élève un débat.  
 Adoptée.  
 Renvoyé au Comité permanent des finances et des affaires économiques.

Mr. Tabuns moved,

Second Reading of Bill 82, An Act to amend the Oil, Gas and Salt Resources Act to prohibit hydraulic fracturing and related activities.

Debate arose.

Carried on the following division:-

M. Tabuns propose,

Deuxième lecture du projet de loi 82, Loi modifiant la Loi sur les ressources en pétrole, en gaz et en sel en vue d'interdire la fracturation hydraulique et les activités connexes.

Il s'élève un débat.

Adoptée par le vote suivant :-

#### AYES / POUR - 29

Albanese	Flynn	Mantha	Natyshak
Anderson	Forster	Martins	Potts
Armstrong	Gélinas	McMahon	Qaadri
Chan	Gretzky	Milczyn	Sattler
Chiarelli	Hatfield	Moridi	Tabuns
Damerla	Jaczek	Murray	Vernile
DiNovo	Malhi	Naidoo-Harris	Wong
Dong			

#### NAYS / CONTRE - 18

Arnott	Fedeli	Martow	Scott
Bailey	Hardeman	McDonell	Smith
Clark	Hillier	Munro	Thompson
Delaney	Hudak	Nicholls	Yakabuski
Dunlop	MacLaren		

Referred to the Standing Committee on General Government.

Renvoyé au Comité permanent des affaires gouvernementales.

#### ORDERS OF THE DAY

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.

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

#### ORDRE DU JOUR

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.

Le débat a repris et après quelque temps, à 18 h, la Chambre a ajourné ses travaux.

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le président

**DAVE LEVAC**

Speaker

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**SESSIONAL PAPERS PRESENTED  
PURSUANT TO STANDING ORDER 40**

**DOCUMENTS PARLEMENTAIRES  
DÉPOSÉS CONFORMÉMENT À  
L'ARTICLE 40 DU RÈGLEMENT**

Adjudicative Tribunals, Child and Family Services Review Board / Commission de révision des services à l'enfance et à la famille; Custody Review Board / Commission de révision des placements sous garde; Human Rights Tribunal of Ontario / Tribunal des droits de la personne de l'Ontario; Landlord and Tenant Board / Commission de la location immobilière; Ontario Special Education (English) Tribunal / Tribunal de l'enfance en difficulté de l'Ontario (anglais); Ontario Special Education (French) Tribunal / Tribunal de l'enfance en difficulté de l'Ontario (français); Social Benefits Tribunal / Tribunal de l'aide sociale, 2013-2014 Annual Report [Social Justice Tribunals of Ontario] (No. 323) (Tabled May 7, 2015).

Adjudicative Tribunals, Ontario Review Board, 2013-2014 Annual Report (No. 325) (Tabled May 7, 2015).

Legal Aid Ontario / Aide Juridique Ontario, 2013-2014 Annual Report (No. 324) (Tabled May 7, 2015).

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**RESPONSES TO WRITTEN QUESTIONS**

**RÉPONSES AUX QUESTIONS ÉCRITES**

Final Answers to Question Numbers: 256, 258, 259, 260, 261, 262, 263, 264 and 265.

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**RESPONSES TO PETITIONS**

**RÉPONSES AUX PÉTITIONS**

Regulation 316/03 (Sessional Paper No. P-37):  
(Tabled March 23, 2015) Mr. Clark.

Unpaid internships in Ontario (Sessional Paper No. P-50):  
(Tabled March 23, 2015) Ms. Sattler.

Emergency Response Workers (Sessional Paper No. P-86):  
(Tabled March 23, 2015) Ms. Armstrong.

Community Start-up and Maintenance Benefit (Sessional Paper No. P-109):  
(Tabled March 23, 2015) Miss Taylor.

Winter road maintenance (Sessional Paper No. P-124):  
(Tabled March 25, 2015) Mr. Fedeli.  
(Tabled March 23, 30, 2015) Mr. Miller (Parry Sound–Muskoka).

Muskoka Algonquin Healthcare (Sessional Paper No. P-157):  
(Tabled March 23, 2015) Mr. Miller (Parry Sound–Muskoka).

Re-evaluating and amending the Municipal Act and the Ombudsman Act (Sessional Paper No. P-158):  
(Tabled March 23, 2015) Ms. Sattler.

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