

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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Votes and Proceedings

No. 105

Procès-verbaux

N° 105

1<sup>st</sup> Session  
42<sup>nd</sup> Parliament

Monday  
May 13, 2019

1<sup>re</sup> session  
42<sup>e</sup> législature

Lundi  
13 mai 2019

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**10:30 A.M.**  
**PRAYERS**

**10 H 30**  
**PRIÈRES**

With unanimous consent,

Avec le consentement unanime,

On motion by M<sup>me</sup> Des Rosiers,

Sur la motion de M<sup>me</sup> Des Rosiers,

Ordered, That notwithstanding Standing Order 43(a)(iii), the Member for Ottawa—Vanier (M<sup>me</sup> Des Rosiers) shall be permitted to speak for up to five minutes during the time allotted for the Opposition Day scheduled for May 13, 2019.

With unanimous consent,

Avec le consentement unanime,

On motion by Mr. Schreiner,

Sur la motion de M. Schreiner,

Ordered, That notwithstanding Standing Order 43(a)(iii), the Member for Guelph (Mr. Schreiner) shall be permitted to speak for up to five minutes during the time allotted for the Opposition Day scheduled for May 13, 2019.

The House expressed its condolence on the death of Peter Adams, Member for the Electoral District of Peterborough from September 10, 1987 to September 5, 1990.

**ORAL QUESTIONS**

**QUESTIONS ORALES**

The House recessed at 12:02 p.m.

À 12 h 02, la Chambre a suspendu la séance.

**1:00 P.M.**

**13 H**

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On May 13, 2019, the Member from Don Valley East (Mr. Coteau) submitted a notice of his intention to raise a question of privilege. I am now prepared to rule on the matter without hearing further from the Member, as Standing Order 21(d) permits me to do.

The notice alleges that the Minister of Children, Community and Social Services provided false information to the House regarding the government's funding for services for children with autism. The Member points to incongruences between the program funding published in the Ministry's *Expenditure Estimates*, and numbers cited by the Minister in the House, as evidence that the Minister deliberately misled the House. The Member alleges that this amounts to a contempt of the House.

The Member references the McGee test for determining whether a Member has deliberately misled the House, which has been cited by previous Speakers of this House. The McGee test (as set out on page 775, Fourth Edition) is as follows:

“There are three elements to be established when an allegation is made against a member regarding the member's statement: the statement must, in fact, have been misleading; the member must have known that the statement was inaccurate at the time the statement was made; and the member must have intended to mislead the House.”

As Speaker Carr elaborated on June 17, 2002 (at page 102 of the *Journals*), and as I reiterated in a ruling on March 28 of this year:

“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 behavior or that, at most, inconsistent statements were the result of inadvertence or honest mistake.”

McGee (on page 776, Fourth Edition) elaborates on the high threshold required for a finding of misleading the House:

“The serious nature of the allegation demands that it be properly established. Recklessness in the use of words in debate, although reprehensible and deserving of censure, falls short of the standard required to hold that a member deliberately misled the House ... For a misleading of the House to be deliberate, there must be an indication of an intention to mislead. Remarks made off the cuff in debate can rarely fall into this category, nor can matters of which the member can be aware only in an official capacity.”

In making his case, the Member for Don Valley East cites numbers taken from the 2017-2018 Public Accounts and compares them to the Estimates for the coming year, which I believe the Member inadvertently referred to in his submission as “the government’s recently released public accounts”. However, the difference in these documents is crucial to his accusation. The Public Accounts are an audited statement of the Province’s actual expenditures. The Estimates are simply a forecast of the Government’s proposed spending at a moment in time. They are open to fluctuations and amendments as circumstances change. These two documents report financial information in different ways from each other and are not cross-referential.

It is for this reason I cannot find that the requirements for a finding of misleading the House have been met, and a *prima facie* case of contempt has not been established. I thank the Member from Don Valley East for his submission.

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### INTRODUCTION OF BILLS

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

Bill 113, An Act to amend the Ministry of Correctional Services Act with respect to solitary confinement. M<sup>me</sup> Des Rosiers.

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### DÉPÔT DES PROJETS DE LOI

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

Projet de loi 113, Loi modifiant la Loi sur le ministère des Services correctionnels en ce qui concerne l’isolement cellulaire. M<sup>me</sup> Des Rosiers.

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### MOTIONS

Mr. Lecce moved,

That pursuant to Standing Order 6(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, May 13, 2019 for the purpose of considering government business.

Carried on division.

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### MOTIONS

M. Lecce propose,

Adoptée au vote.

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**PETITIONS**

The Long-Term Care Homes Act (Sessional Paper No. P-13) M<sup>me</sup> Gélinas.

Climate action plan and carbon pricing mechanisms (Sessional Paper No. P-59) Ms. Andrew, M<sup>me</sup> Des Rosiers, Ms. Karpoche and Mr. Schreiner.

Memorial honouring war veterans (Sessional Paper No. P-68) Mr. Barrett.

Highway of Heroes tree campaign (Sessional Paper No. P-110) Mr. Hatfield.

Town of Oakville (Sessional Paper No. P-115) Mr. Crawford and Ms. Triantafilopoulos.

Ban on plastic bags and polystyrene packaging (Sessional Paper No. P-122) M<sup>me</sup> Des Rosiers.

Post secondary education (Sessional Paper No. P-130) Mr. Glover.

Library funding (Sessional Paper No. P-134) Mr. Vanthof.

**PÉTITIONS****ORDERS OF THE DAY**

Opposition Day

Ms. Horwath moved,

Whereas climate change is currently harming human populations in Ontario through tornadoes, floods, forest fires and other environmental disasters, generating threats to human life through illness, injury and displacement; and

Whereas marginalized people, including working-class people, Indigenous, Black and other racialized peoples, young people, and women have suffered the most, and benefitted the least from the conditions that have led to the climate crisis; and

Whereas climate change is currently endangering the survival of many species of plants and animals in Ontario, as well as jeopardizing the health of our natural environment; and

Whereas climate change is currently contributing to massive property and infrastructure damage across Ontario through tornadoes, floods, forest fires and other environmental disasters; and

Whereas the increasing frequency of 100-year storm events have threatened the insurability of properties across Ontario; and

Whereas the cost of inaction is projected to be far higher than the cost of action, and credible research indicates the need for immediate, decisive action on climate change in order to avoid harmful impacts on our society, environment and economy;

Therefore, the Legislative Assembly calls on the Government of Ontario to declare a climate emergency in order to officially recognize climate change as a real threat to our environment, our people and our economy, and develop provincial strategies and an action plan that will mitigate these threats and preserve our province for future generations.

Debate arose and after some time,

The question was then put.

Lost on the following division:-

**ORDRE DU JOUR**

Jour de l'opposition

M<sup>me</sup> Horwath propose,

Il s'élève un débat et après quelque temps,

La question a ensuite été mise aux voix.

Rejetée par le vote suivant :-

## AYES / POUR - 39

Andrew	French	Lindo	Singh (Brampton Centre)
Armstrong	Gates	Mamakwa	Stevens
Arthur	Gélinas	Mantha	Stiles
Bell	Glover	Miller (Hamilton East—Stoney Creek)	Tabuns
Berns-McGown	Harden	Monteith-Farrell	Taylor
Bisson	Hassan	Morrison	Vanhof
Burch	Hatfield	Natyshak	West
Des Rosiers	Horwath	Rakocevic	Wynne
Fife	Hunter	Schreiner	Yarde
Fraser	Karpoche	Shaw	

## NAYS / CONTRE - 68

Anand	Fedeli	Martin	Roberts
Baber	Fee	Martow	Romano
Babikian	Ford	McDonell	Sabawy
Bailey	Fullerton	McKenna	Sandhu
Barrett	Ghamari	McNaughton	Scott
Bethlenfalvy	Gill	Miller (Parry Sound—Muskoka)	Skelly
Bouma	Hardeman	Mulroney	Smith (Bay of Quinte)
Calandra	Harris	Nicholls	Smith (Peterborough—Kawartha)
Cho (Scarborough North)	Hogarth	Oosterhoff	Surma
Cho (Willowdale)	Jones	Pang	Tangri
Clark	Kanapathi	Park	Thanigasalam
Coe	Karahalios	Parsa	Thompson
Crawford	Ke	Pettapiece	Tibollo
Cuzzetto	Khanjin	Phillips	Triantafilopoulos
Downey	Kramp	Piccini	Wai
Dunlop	Kusendova	Rasheed	Walker
Elliott	Lecce	Rickford	Yakabuski

Second Reading of Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters.

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

Deuxième lecture du projet de loi 107, Loi modifiant le Code de la route et diverses autres lois à l'égard de questions relatives au transport.

Le débat a repris et après quelque temps, à 18 h, la Chambre a suspendu la séance.

**6:45 P.M.**

**ORDERS OF THE DAY**

Second Reading of Bill 107, An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters.

**18 H 45**

**ORDRE DU JOUR**

Deuxième lecture du projet de loi 107, Loi modifiant le Code de la route et diverses autres lois à l'égard de questions relatives au transport.

Debate resumed, during which the Acting Speaker (Ms. French) 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.

Le débat a repris. La présidente suppléante (M<sup>me</sup> French) 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.

Second Reading of Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters.

Deuxième lecture du projet de loi 108, Loi modifiant diverses lois en ce qui concerne le logement, les autres aménagements et d'autres questions.

Debate resumed and after some time the House adjourned at 9:30 p.m.

Le débat a repris et après quelque temps, à 21 h 30, la Chambre a ajourné ses travaux.

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le président

**TED ARNOTT**

Speaker

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

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

Changes to the Ontario Autism Program (Sessional Paper No. P-94) (Tabled May 13, 2019) Mr. Wilson.

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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 May 10, 2019 (No. 226) (Tabled May 10, 2019).

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**RESPONSES TO PETITIONS**

**RÉPONSES AUX PÉTITIONS**

Sanctions for any person convicted under any of sections 83.18 to 83.221 of the Criminal Code of Canada (Sessional Paper No. P-62):

(Tabled March 27, 2019) Mr. Anand.

Ontario Society for the Prevention of Cruelty to Animals (Sessional Paper No. P-79):

(Tabled March 26, 2019) Ms. Karpoche.

(Tabled March 27, 2019) Mr. Piccini.

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