

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

43RD PARLIAMENT, 1ST SESSION

43^E LÉGISLATURE, 1^{RE} SESSION

VOTES AND PROCEEDINGS

PROCÈS-VERBAUX

No. 6

N° 6

Thursday
August 18, 2022

Jeudi
18 août 2022

Hon. Ted Arnott
Speaker

L'hon. Ted Arnott
le président

9:00 A.M.

Prayers

ORDERS OF THE DAY

Second Reading of **Bill 2**, An Act to implement Budget measures and to enact and amend various statutes.

Debated resumed, and after some time, the debate adjourned at 10:16 a.m.

The Speaker informed the House,

That pursuant to Standing Order 9(h), the Clerk received written notice from the Government House Leader indicating that a temporary change in the weekly meeting schedule of the House is required, and therefore, the House shall convene at 9:00 a.m. on Monday, August 22, 2022 with the proceeding Orders of the Day (Sessional Paper No. 10).

DEFERRED VOTES

Motion for closure on Second Reading of **Bill 3**, An Act to amend various statutes with respect to special powers and duties of heads of council.

Carried on the following division:-

Ayes/Pour (72)

Anand	Babikian	Bailey	Barnes
Bethlenfalvy	Bouma	Bresee	Byers
Calandra	Cho (Scarborough North)	Cho (Willowdale)	Clark
Coe	Crawford	Cuzzetto	Dixon
Dowie	Downey	Dunlop	Fedeli
Flack	Ford (Etobicoke North)	Fullerton	Gallagher Murphy
Ghamari	Grewal	Hardeman	Harris
Hogarth	Jones (Chatham-Kent—Leamington)	Jones (Dufferin—Caledon)	Jordan

9 H

Prières

ORDRES DU JOUR

Deuxième lecture de **projet de loi 2**, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter et à modifier diverses lois.

Le débat a repris et après quelque temps, à 10 h 16, le débat était ajourné.

Le Président a informé l'Assemblée,

Que, conformément à l'article 9 h) du Règlement, le greffier a reçu un avis écrit du leader parlementaire du gouvernement indiquant qu'une modification temporaire doit être apportée à l'horaire hebdomadaire des séances de l'Assemblée et, par conséquent, l'Assemblée se convoquée à 9 heures le lundi 22 août 2022 avec l'ordre du jour (Document parlementaire no 10).

VOTES DIFFÉRÉS

Motion de clôture sur la motion portant deuxième lecture du **projet de loi 3**, Loi modifiant diverses lois en ce qui concerne les pouvoirs et fonctions spéciaux des présidents du conseil.

Adoptée par le vote suivant :-

Kanapathi	Ke	Kerzner	Khanjin
Kusendova	Leardi	Lecce	Lumsden
Martin	McCarthy	McGregor	Mulroney
Oosterhoff	Pang	Parsa	Piccini
Pirie	Quinn	Rae	Rasheed
Rickford	Riddell	Romano	Sabawy
Sandhu	Sarkaria	Saunderson	Scott
Skelly	Smith (Peterborough— Kawartha)	Smith (Scarborough Centre)	Smith (Thornhill)
Surma	Thanigasalam	Thompson	Tibollo
Triantafilopoulos	Wai	Williams	Yakabuski

Nays/Contre (22)

Andrew	Armstrong	Begum	Bell
Bowman	Fraser	French	Gates
Gélinas	Kernaghan	Mantha	Pasma
Rakocevic	Schreiner	Shaw	Stevens
Tabuns	Taylor	Vanthof	Vaugeois
West	Wong-Tam		

The question was then put.

La question a ensuite été mise aux voix.

Second Reading of **Bill 3**, An Act to amend various statutes with respect to special powers and duties of heads of council.

Deuxième lecture du **projet de loi 3**, Loi modifiant diverses lois en ce qui concerne les pouvoirs et fonctions spéciaux des présidents du conseil.

Carried on the following division:-

Adoptée par le vote suivant :-

Ayes/Pour (72)

Anand	Babikian	Bailey	Barnes
Bethlenfalvy	Bouma	Bresee	Byers
Calandra	Cho (Scarborough North)	Cho (Willowdale)	Clark
Coe	Crawford	Cuzzetto	Dixon
Dowie	Downey	Dunlop	Fedeli
Flack	Ford (Etobicoke North)	Fullerton	Gallagher Murphy
Ghamari	Grewal	Hardeman	Harris
Hogarth	Jones (Chatham-Kent— Leamington)	Jones (Dufferin— Caledon)	Jordan
Kanapathi	Ke	Kerzner	Khanjin
Kusendova	Leardi	Lecce	Lumsden
Martin	McCarthy	McGregor	Mulroney

Oosterhoff	Pang	Parsa	Piccini
Pirie	Quinn	Rae	Rasheed
Rickford	Riddell	Romano	Sabawy
Sandhu	Sarkaria	Saunderson	Scott
Skelly	Smith (Peterborough— Kawartha)	Smith (Scarborough Centre)	Smith (Thornhill)
Surma	Thanigasalam	Thompson	Tibollo
Triantafilopoulos	Wai	Williams	Yakabuski

Nays/Contre (25)

Andrew	Armstrong	Begum	Bell
Bowman	Collard	Fraser	French
Gates	Gélinas	Hsu	Hunter
Kernaghan	Mantha	Pasma	Rakocevic
Schreiner	Shaw	Stevens	Tabuns
Taylor	Vanthof	Vaugeois	West
Wong-Tam			

Referred to the Standing Committee on
Heritage, Infrastructure and Cultural Policy.

Renvoyé au Comité permanent du patrimoine,
de l'infrastructure et de la culture.

The House recessed at 11:48 a.m.

À 11 h 48, l'Assemblée a suspendu la séance.

1:00 P.M.

13 H

**INTRODUCTION OF
GOVERNMENT BILLS**

**DÉPÔT DE PROJETS DE LOI DU
GOUVERNEMENT**

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

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

Bill 7, An Act to amend the Fixing Long-
Term Care Act, 2021 with respect to patients
requiring an alternate level of care and other
matters and to make a consequential
amendment to the Health Care Consent Act,
1996. Hon. Paul Calandra (Minister of Long-
Term Care).

Projet de loi 7, Loi modifiant la Loi de 2021
sur le redressement des soins de longue durée
en ce qui concerne les patients ayant besoin
d'un niveau de soins différent et d'autres
questions et apportant une modification
corrélative à la Loi de 1996 sur le
consentement aux soins de santé. L'hon. Paul
Calandra (Ministre des Soins de longue
durée).

INTRODUCTION OF BILLS

The following bills were introduced and read the first time:-

Bill 8, An Act to enact the Anti-Money Laundering in Housing Act, 2022. Jessica Bell; Bhutila Karpoche.

Bill 9, An Act to amend the Health Insurance Act and the Health Protection and Promotion Act in respect of addressing gun violence and its impacts. Mitzie Hunter.

DÉPÔT DE PROJETS DE LOI

Les projets de loi suivants sont présentés et lus une première fois :-

Projet de loi 8, Loi édictant la Loi de 2022 sur la lutte contre le blanchiment d'argent dans le secteur du logement. Jessica Bell; Bhutila Karpoche.

Projet de loi 9, Loi modifiant la Loi sur l'assurance-santé et la Loi sur la protection et la promotion de la santé en ce qui concerne la violence armée et ses répercussions. Mitzie Hunter.

PETITIONS

No./N°	Petition title/Titre de la pétition	Presented by/Présentée par
P-2	Social assistance rates	Jessica Bell
P-2	Social assistance rates	Monique Taylor
P-4	Government infrastructure projects	Dave Smith (Peterborough—Kawartha)
P-5	Gas prices	France Gélinas
P-11	Recruitment of health care workers	Deepak Anand
P-11	Recruitment of health care workers	Dave Smith (Peterborough—Kawartha)
P-12	Bradford Bypass	Jill Andrew
P-13	Home and community care system	Dave Smith (Peterborough—Kawartha)
P-14	Paid sick days	Jill Andrew

PÉTITIONS

ORDERS OF THE DAY

Second Reading of **Bill 2**, An Act to implement Budget measures and to enact and amend various statutes.

Debate resumed, during which the Speaker interrupted the proceedings and announced that there had been six and one-half hours of debate and that the debate was deemed adjourned.

Andrea Khanjin moved,

That Donna Skelly, Member for the Electoral District of Flamborough—Glanbrook, be appointed Deputy Speaker and Chair of the Committee of the Whole House;
That Bhutila Karpoche, Member for the Electoral District of Parkdale—High Park, be appointed

ORDRES DU JOUR

Deuxième lecture de **projet de loi 2**, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter et à modifier diverses lois.

Le débat a repris. Le Président a interrompu les travaux et a annoncé qu'il y avait eu six heures et demie de débat et que le débat était réputé ajourné.

Andrea Khanjin propose,

First Deputy Chair of the Committee of the Whole House;
 That Patrice Barnes, Member for the Electoral District of Ajax, be appointed Second Deputy Chair of the Committee of the Whole House; and
 That Lucille Collard, Member for the Electoral District of Ottawa—Vanier, be appointed Third Deputy Chair of the Committee of the Whole House; and

That, notwithstanding Standing Order 115(a), the following changes be made to the membership of the following committees:

On the **Standing Committee on Government Agencies** Mr. Bourgouin be added;
 On the **Standing Committee on Heritage, Infrastructure and Cultural Policy** Ms. Andrew be added;
 On the **Standing Committee on Justice Policy** Mrs. Stevens be added;
 On the **Standing Committee on Procedure and House Affairs** Ms. Bell be added;
 On the **Standing Committee on Public Accounts** Ms. Vaugeois be added; and
 On the **Standing Committee on Social Policy** Mr. Gates be added.

On a point of order being raised at 4:14 p.m, the Speaker recessed the House until 4:32 p.m

Upon his return, the Speaker delivered the following ruling:-

On August 10, 2022, the Government House Leader filed notice of a substantive motion for the appointment of Presiding Officers, which is printed on today's *Orders and Notices Paper* as Government Notice of Motion #3. The Official Opposition Chief Whip, Mr. Vanthof, has raised a point of order relating to this motion. After taking a few minutes to review the submissions of the Member, the Government House Leader, and the Member for Durham (Mr. McCarthy) together with prior research and consideration of the motion after it was placed on the *Orders and Notices Paper* a few days ago, I am now prepared to provide a ruling.

The motion, if adopted, would appoint four Members to the Presiding Officer roles of Deputy Speaker and Chair of the Committee of the Whole House; and First, Second and Third Deputy Chairs of the Committee of the Whole House.

The appointment of these positions is governed by Standing Orders 5(a), 5(c), and 6, which read as follows:

- 5(a) At the commencement of the First Session of a Parliament, or from time to time as may be required, a Member shall be appointed by the House to be Deputy Speaker and Chair of the Committee of the Whole House.
- 5(c) At the commencement of every Parliament, or from time to time as may be required, the House shall appoint 3 Deputy Chairs of the Committee of the Whole House, to be known respectively as the First, Second and Third Deputy Chair of the Committee of the Whole House, any of whom shall, in order of precedence, whenever the Chair of the Committee of the Whole House is absent or otherwise unable to act, be entitled to exercise all the powers vested in the Chair of the Committee of the Whole House, including those powers as Deputy Speaker.
- 6 On the advice of the House Leader of each of the recognized Opposition parties in the House given to the Government House Leader, up to 3 of the 5 Presiding Officers of the House shall be chosen from recognized Opposition parties.

The motion, before the House, proposes the appointment of the following Members to these positions, respectively: Donna Skelly, Member for Flamborough—Glanbrook; Bhutla Karpoche, Member for Parkdale—High Park; Patrice Barnes, Member for Ajax; and Lucille Collard, Member for Ottawa—Vanier.

In his point of order, the Official Opposition Whip flagged the party affiliation of these presiding officer candidates as a potential violation of the rules and practices of this House. Ms. Skelly and Ms. Barnes both belong to the government's caucus, M^{me} Collard is an independent Member, and Ms. Karpoche is a member of the Official Opposition caucus. Mr. Vanthof noted that while the language of Standing Order 6 provides that “up to 3” of the 5 Presiding Officers (a total that includes the Speaker) shall be chosen from recognized Opposition parties, the long-standing practice of this House is that 3 of the 5 Presiding Officers are recognized Opposition party Members.

The current Standing Order 6 dates back to 1989, before which time there was no requirement for the appointment of members of recognized Opposition parties as Presiding Officers, either procedurally or in practice.

The 1989 Standing Orders provided for four Presiding Officers, “up to 2” of which would be chosen from the recognized Opposition parties. The position of Third Deputy Chair of the Committee of the Whole House was subsequently added to the Standing Orders, along with the provision that “up to 3” of the five Presiding Officers “shall be chosen from recognized Opposition parties”.

A review of the history of the appointment of Presiding Officers reveals that from 1989 to 2018, the House has appointed Members of recognized Opposition parties to the maximum allowable number of Presiding Officer positions. Between 1989 and 2008, where the Standing Orders provided that “up to 2” Opposition Members be appointed, the House appointed two; and from 2008-2018, when the Standing Orders provided for “up to 3” Opposition Members to be appointed, the House appointed three.

This motion represents the first time that less than the maximum number of Members from recognized Opposition parties has been proposed to fill Presiding Officer roles; the first time that an independent Member has been included in the motion; and the first time that the Speaker has been asked to interpret this Standing Order.

As noted, since the inception of this Standing Order, the House has always appointed the maximum number of Presiding Officers from among Members of recognized Opposition parties, indicating an established practice. But while practice and precedent are often persuasive in determining the course of parliamentary procedure, they do not override clear rules of the House when such rules are asserted in place of practice.

As noted in *Parliamentary Practice in British Columbia*, 5th Edition at page 32, “(w)hen a question of procedure needs to be decided, the Speaker’s first resort is to the Standing Orders. An express rule or order adopted by the Legislative Assembly, whether Standing, Special or Sessional, supersedes every mere practice or precedent.” A similar discussion along these lines is set out in *House of Commons Procedure and Practice*, 3rd Edition at pages 273 and 274.

The fact that Standing Order 6 uses the term “up to 3” clearly suggests that fewer than 3 is both a contemplated scenario, and one permitted by the Standing Order; in which case, if fewer than 3 of the 5 Presiding Officers are to be drawn from the recognized Opposition party or parties, and if indeed the House is to appoint the full complement of 5 Presiding Officers, then the remaining number must come from other parts of the House. Again, it is clear that the Standing Order contemplates this scenario, because it does not say “3 of the 5 shall”, it says “up to 3 of the 5 shall”.

I therefore find that the motion is not out of order on the basis that its passage would result in fewer than 3 of 5 Presiding Officers being Members of recognized Opposition parties. With respect to the fact that the motion provides for an independent Member to be appointed as one of the Presiding Officers, I see nothing that prohibits it. The Standing Order is silent on this matter, suggesting the House is entirely at liberty to appoint from among its membership to these positions as it sees fit.

The Opposition Whip has asserted that Standing Order 6 provides the Opposition House Leader the right to designate members of the Opposition to fulfill Presiding Officer roles. With respect, the right is effectively limited to the provision of the names of recommended candidates, not the right to require their appointment. Advice can guide and inform decisions, but as such its acceptance is not mandatory.

If the House in its wisdom proceeds with Government Notice of Motion 3, it is my ruling that it will be acting within the authority of the Standing Orders. I find this motion to be in order.

Debate resumed and after some time, the debate adjourned.

Le débat a repris et après quelque temps, le débat était ajourné.

The House adjourned at 6:00 p.m.

À 18 h, l'Assemblée a ajourné ses travaux.

**CHANGES TO THE ORDER OF
PRECEDENCE PURSUANT TO
STANDING ORDER 100(C)**

**CHANGEMENTS DANS L'ORDRE
DE PRIORITÉ CONFORMÉMENT À
L'ARTICLE 100 C) DU RÈGLEMENT**

On the ballot list draw of August 8, 2022:

Liste de billets de députées et députés établie le 8 août 2022:

Ballot Assumed by/Assumé par
no./Billet n°

7 Laura Mae Lindo

68 Jill Andrew

**PETITIONS TABLED PURSUANT TO
STANDING ORDER 42(A)**

**PÉTITIONS DÉPOSÉES
CONFORMÉMENT À L'ARTICLE 42
A) DU RÈGLEMENT**

No./N°	Petition title/Titre de la pétition	Presented by/Présentée par
P-1	Optometry	Monique Taylor

**SESSIONAL PAPERS PRESENTED
PURSUANT TO STANDING ORDER
43**

**DOCUMENTS PARLEMENTAIRES
DÉPOSÉES CONFORMÉMENT À
L'ARTICLE 43 DU RÈGLEMENT**

No., Suffix/N°, Suffixe	Title/Titre	Date tabled/Date de dépôt
11	Independent Police Review Director, Office of the, 2021-2022 Annual Report	August 18, 2022
12	Compendia: Hon. Paul Calandra, Bill 7 , An Act to amend the Fixing Long-Term Care Act, 2021 with respect to patients requiring an alternate level of care and other matters and to make a consequential amendment to the Health Care Consent Act, 1996/L'hon. Paul Calandra, Projet de loi 7 , Loi modifiant la Loi de 2021 sur le redressement des soins de longue durée en ce qui concerne les patients ayant besoin d'un niveau de soins différent et d'autres questions et apportant une modification corrélative à la Loi de 1996 sur le consentement aux soins de santé	August 18, 2022
13	Ontario Police Arbitration Commission, 2021-2022 Annual Report/Commission d'arbitrage de la police de l'Ontario, Rapport annuel 2021-2022	August 18, 2022