

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

43RD PARLIAMENT, 1ST SESSION

43E LÉGISLATURE, 1RE SESSION

VOTES AND PROCEEDINGS

PROCÈS-VERBAUX

No. 25

N° 25

Thursday
November 3, 2022

Jeudi
3 novembre 2022

Hon. Ted Arnott
Speaker

L'hon. Ted Arnott
le président

9:00 A.M.

Prayers

9 H

Prières

ORDERS OF THE DAY

Second Reading of **Bill 26**, An Act to amend various Acts in respect of post-secondary education.

Debate resumed and after some time, the debate adjourned at 10:15 a.m.

ORDRES DU JOUR

Deuxième lecture du **projet de loi 26**, Loi modifiant diverses lois en ce qui concerne l'éducation postsecondaire.

Le débat a repris et après quelque temps, à 10 h 15, le débat était ajourné.

10:15 A.M.

With unanimous consent,

With remarks by Jennifer (Jennie) Stevens, John Fraser, Mike Schreiner and Hon. Doug Ford, the House paid tribute in respect of Remembrance Day and observed a moment of silence.

10 H 15

Avec le consentement unanime,

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On Tuesday, November 1, 2022, the Member for Scarborough—Guildwood (Mitzie Hunter) raised a question of privilege relating to comments made by the Minister of Education. The Government House Leader (Paul Calandra), the Official Opposition House Leader (Peggy Sattler), the Member for Ottawa South (John Fraser) and the Member for Guelph (Mike Schreiner) also spoke to the question.

According to the Member for Scarborough—Guildwood, the Minister made statements in the media, as well on his social media account, that presupposed the outcome of proceedings on Bill 28, *An Act to resolve labour disputes involving school board employees represented by the Canadian Union of Public Employees*, which is currently being considered by the House.

I have had the opportunity to review the *Hansard*, the written materials provided by the Member for Scarborough—Guildwood and the Government House Leader, and the relevant precedents and authorities, and I am now prepared to provide a ruling.

Before I address the substance of the matter, I would like to first note that in raising her question of privilege, the Member for Scarborough—Guildwood correctly identified the underlying issues as relating to contempt, rather than to one of the distinct parliamentary privileges enjoyed by the individual Members of this House or possessed by the House as a collective body. Allow me to briefly explain the nature of contempt, which is defined in *Erskine May* (at pages 289, 292 and 295 of the 25th edition) as follows:

“Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of their duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt...

...In the past indignities offered to the House by words spoken or writings published reflecting on its character or proceedings have been punished by both the Lords and the Commons upon the principle that such acts of abuse tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them...

...Other acts, besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority, may constitute contempts.”

In her written submission and the remarks she made in the Chamber, the Member for Scarborough—Guildwood made reference to statements made by the Minister of Education on October 31, 2022, relating to Bill 28. The Member argued that the Minister's comments presumed the passage of Bill 28, which had been introduced earlier that day. At the time that the Minister's comments were made, the Bill had been given First Reading by the House and stood ordered for Second Reading. Along with her written notice, the Member provided copies of stories published in various news outlets as well as videos of the Minister's comments to the media. She highlighted statements that the Minister had made, for example, that “the government is going to pass the Bill” and that “we will pass a law.”

The issue of government statements that presuppose the outcome of House proceedings is not a new one in our legislature - in fact, we have a substantial body of precedents on this subject. In arguing that the Minister's statements amounted to a contempt, the Member referred to a frequently-cited precedent from January 22, 1997, when Speaker Stockwell found that a ministerial pamphlet concerning the amalgamation of the City of Toronto had used definitive, unqualified language which gave the impression that passing the requisite legislation was not necessary or was a foregone conclusion.

I have carefully considered the full statements made by the Minister in the case at hand, and I have noted a number of occasions on which the Minister acknowledged that the Bill had not yet passed through the full legislative process. For example, he referenced the government's “decision to introduce legislation to provide stability”, and further, that “even after the government passes the law, which is the intent ahead of Friday.” These statements do not seem to betray a mindset that questions the role of the Legislature in enacting the necessary law.

I note that, on that same day, in this Chamber, the Minister also spoke about Bill 28 when it was introduced. In his brief comments after the Bill received First Reading, the Minister explicitly recognized the role of the Legislature, saying the Bill, and I quote from *Hansard*, “would, if passed, keep kids learning in school without disruption” and “(t)his legislation would, if passed, ensure students remain in class with a refocus on learning.” During his lead-off speech on the motion for Second Reading of the Bill on Tuesday, the Minister also used similar language. This is the type of conditional language that the 1997 Stockwell precedent has consistently encouraged and tends to lead to a conclusion that the Minister's mindset around this time was not one of contempt for the Legislature.

Let me be clear, the use of conditional language would not, in and of itself, extinguish any charge of contempt if it occurred in tandem with utterances or the publication of the type of material that was found to constitute a contempt in the 1997 precedent, being a ministry pamphlet that was produced to advertise the government's plan to the public. In that case, where the impugned statement was contained in a government publication, Speaker Stockwell found that a *prima facie* case for contempt was established because “a reader of that document could be left with an incorrect impression about how parliamentary democracy works in Ontario, an impression that undermines respect for our parliamentary institutions” (*Journals*, January 22, 1997, at page 458). Speaker Stockwell did not have to inquire beyond the pamphlet because he found it to be obviously contemptuous. Additionally, pamphlets require more thought, consideration and preparation than oral remarks.

This is distinguishable from the case at hand, where we are dealing with oral remarks of the Minister made in the Chamber and others made extemporaneously to the news media.

Finally, I would like to briefly address a document submitted by the Member for Scarborough—Guildwood, which included a copy of a tweet from the account of the Minister of Education, posted on October 30, 2022. In the tweet, the Minister referenced the planned introduction of the Bill along with the statement “Kids will be in class. Enough is enough.” However, the tweet also included a picture which includes the statement “Because CUPE refuses to withdraw their intent to strike, in order to avoid shutting down classes we will have no other choice but to introduce legislation tomorrow, which will ensure that students remain in class to catch up on their learning.”

Taken as a whole, one statement in the tweet is tempered by another, which does acknowledge the necessary role of the Legislature. As with the Minister's oral statements, I am not persuaded that the broader picture supports the case put forward by the Member for Scarborough—Guildwood.

For all of these reasons, I am unable to find that a *prima facie* case of contempt has been established.

I thank the Member for Scarborough—Guildwood for raising the question and the other Members who contributed to the discussion.

DEFERRED VOTES

Motion for allocation of time on **Bill 28**, An Act to resolve labour disputes involving school board employees represented by the Canadian Union of Public Employees.

Carried on the following division:-

Ayes/pour (78)

Anand	Babikian	Bailey	Barnes
Bethlenfalvy	Bouma	Byers	Calandra
Cho (Scarborough North)	Cho (Willowdale)	Clark	Coe
Crawford	Cuzzetto	Dixon	Dowie
Downey	Dunlop	Fedeli	Flack
Ford (Etobicoke North)	Ford (York South—	Fullerton	Gallagher Murphy

VOTES DIFFÉRÉS

Motion d'attribution de temps du **projet de loi 28**, Loi visant à résoudre les conflits de travail concernant les employés des conseils scolaires représentés par le Syndicat canadien de la fonction publique.

Adoptée par le vote suivant :-

	Weston)		
Ghamari	Gill	Grewal	Hardeman
Hogarth	Holland	Jones (Chatham-Kent— Leamington)	Jones (Dufferin— Caledon)
Jordan	Kanapathi	Ke	Kerzner
Khanjin	Kusendova-Bashta	Leardi	Lecce
Lumsden	MacLeod	Martin	McCarthy
McGregor	McNaughton	Mulroney	Oosterhoff
Pang	Parsa	Piccini	Pierre
Pirie	Quinn	Rae	Rasheed
Rickford	Riddell	Romano	Sabawy
Sandhu	Sarkaria	Saunderson	Scott
Skelly	Smith (Parry Sound— Muskoka)	Smith (Peterborough— Kawartha)	Smith (Scarborough Centre)
Smith (Thornhill)	Surma	Tangri	Thanigasalam
Thompson	Tibollo	Triantafilopoulos	Wai
Williams	Yakabuski		

Nays/contre (33)

Andrew	Armstrong	Begum	Bell
Bowman	Burch	Collard	Fife
Fraser	French	Gates	Gélinas
Glover	Gretzky	Harden	Hsu
Hunter	Karpoche	Kernaghan	Mamakwa
Mantha	McMahon	Pasma	Sattler
Schreiner	Shamji	Stevens	Stiles
Tabuns	Vanthof	Vaugeois	West
Wong-Tam			

Ordered, That pursuant to Standing Order 50 and notwithstanding any other Standing Order or special Order of the House relating to **Bill 28**, An Act to resolve labour disputes involving school board employees represented by the Canadian Union of Public Employees;

That 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

That the Bill shall be ordered for Third Reading, which order may be called the same day; and

That when the Order for Third Reading of the Bill is called, two hours shall be allotted to debate with 50 minutes for Members of His Majesty's Government, 50 minutes for Members of His Majesty's Loyal Opposition, and 20 minutes for the independent Members as a group; and

That 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

That no deferral of the Second or Third Reading votes on the Bill shall be permitted.

The House recessed at 12:25 p.m.

À 12 h 25, l'Assemblée a suspendu la séance.

1:00 P.M.

13 H

INTRODUCTION OF BILLS

DÉPÔT DE PROJETS DE LOI

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

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

Bill Pr8, An Act to revive 1748317 Ontario Inc. Andrea Khanjin.

Bill Pr9, An Act to revive 933834 Ontario Limited. Andrea Khanjin.

Bill 30, An Act to proclaim Menstrual Health Day. Bhutila Karpoche.

Projet de loi 30, Loi proclamant la Journée de la santé menstruelle. Bhutila Karpoche.

Bill 31, An Act to provide for an award for exceptional cadets. Dave Smith.

Projet de loi 31, Loi prévoyant la remise d'un prix aux cadets exceptionnels. Dave Smith.

Bill 32, An Act to proclaim Black Mental Health Day and to raise awareness of related issues. Bhutila Karpoche; Jill Andrew; Laura Mae Lindo.

Projet de loi 32, Loi visant à proclamer la Journée de la santé mentale des Noirs et à sensibiliser la population aux questions connexes. Bhutila Karpoche; Jill Andrew; Laura Mae Lindo.

Bill 33, An Act to proclaim Maternal Mental Health Day. Bhutila Karpoche.

Projet de loi 33, Loi proclamant le Jour de la santé mentale maternelle. Bhutila Karpoche.

Bill 34, An Act to amend the Health Protection and Promotion Act with respect to pandemic preparedness. Bhutila Karpoche; Doly Begum.

Projet de loi 34, Loi modifiant la Loi sur la protection et la promotion de la santé en ce qui concerne la préparation aux pandémies. Bhutila Karpoche; Doly Begum.

PETITIONS

PÉTITIONS

No./N°	Petition title/Titre de la pétition	Presented by/Présentée par
P-13	Home and community care system	Andrew Dowie
P-45	Education workers and withdrawal of Bill 28	Bhutila Karpoche

P-45	Les travailleuses et travailleurs en éducation et retrait du projet de loi 28	Marit Stiles
P-47	Murray Whetung Community Service Award	Lorne Coe
P-47	Murray Whetung Community Service Award	Graham McGregor
P-47	Murray Whetung Community Service Award	Dave Smith
P-48	Sexual assault evidence collection	Adil Shamji
P-49	Declawing of cats	Mitzie Hunter
P-50	Changes to education funding	Joel Harden

ORDERS OF THE DAY

Second Reading of **Bill 26**, An Act to amend various Acts in respect of post-secondary education.

Debate resumed and after some time,

The Associate Minister of Women's Social and Economic Opportunity moved adjournment of the debate.

Carried on the following division – Ayes 74, Nays 30

Second Reading of **Bill 28**, An Act to resolve labour disputes involving school board employees represented by the Canadian Union of Public Employees.

Pursuant to the Order of the House passed earlier today,

The question was then put.

Carried on the following division:-

Ayes/pour (76)

Anand	Babikian
Bethlenfalvy	Bouma
Cho (Scarborough North)	Cho (Willowdale)

ORDRES DU JOUR

Deuxième lecture du **projet de loi 26**, Loi modifiant diverses lois en ce qui concerne l'éducation postsecondaire.

Le débat a repris et après quelque temps,

La ministre associée des Perspectives sociales et économiques pour les femmes propose l'ajournement du débat.

Adoptée par le vote suivant – pour 74, contre 30

Deuxième lecture du **projet de loi 28**, Loi visant à résoudre les conflits de travail concernant les employés des conseils scolaires représentés par le Syndicat canadien de la fonction publique.

Conformément à l'ordre de l'Assemblée adopté plus tôt aujourd'hui,

La question a ensuite été mise aux voix.

Adoptée par le vote suivant :-

Bailey	Barnes
Byers	Calandra
Clark	Coe

Crawford	Cuzzetto	Dixon	Dowie
Downey	Dunlop	Fedeli	Flack
Ford (Etobicoke North)	Ford (York South— Weston)	Fullerton	Gallagher Murphy
Ghamari	Gill	Grewal	Hardeman
Holland	Jones (Chatham-Kent— Leamington)	Jones (Dufferin— Caledon)	Jordan
Kanapathi	Ke	Kerzner	Khanjin
Kusendova-Bashta	Leari	Lecce	Lumsden
Martin	McCarthy	McGregor	McNaughton
Mulroney	Oosterhoff	Pang	Parsa
Piccini	Pierre	Pirie	Quinn
Rae	Rasheed	Riddell	Romano
Sabawy	Sandhu	Sarkaria	Sarrazin
Saunderson	Scott	Smith (Bay of Quinte)	Smith (Parry Sound— Muskoka)
Smith (Peterborough— Kawartha)	Smith (Scarborough Centre)	Smith (Thornhill)	Surma
Tangri	Thanigasalam	Thompson	Tibollo
Triantafilopoulos	Wai	Williams	Yakabuski
<i>Nays/contre (32)</i>			
Andrew	Armstrong	Begum	Bell
Bowman	Brady	Burch	Fife
Fraser	French	Gates	Gélinas
Glover	Gretzky	Harden	Hsu
Karpoche	Kernaghan	Mamakwa	Mantha
McMahon	Pasma	Sattler	Schreiner
Shamji	Stevens	Stiles	Tabuns
Vanthof	Vaugeois	West	Wong-Tam

Pursuant to the Order of the House passed earlier today,

Ordered for Third Reading.

Third Reading of **Bill 28**, An Act to resolve labour disputes involving school board employees represented by the Canadian Union of Public Employees.

Conformément à l'ordre de l'Assemblée adopté plus tôt aujourd'hui,

Ordonné pour la troisième lecture.

Troisième lecture du **projet de loi 28**, Loi visant à résoudre les conflits de travail concernant les employés des conseils scolaires représentés par le Syndicat canadien de la fonction publique.

Debate arose and after some time,

Pursuant to the Order of the House passed earlier today,

The question was then put.

Carried on the following division:-

Ayes/pour (74)

Anand	Babikian	Bailey	Barnes
Bethlenfalvy	Bouma	Byers	Calandra
Cho (Scarborough North)	Cho (Willowdale)	Clark	Coe
Crawford	Cuzzetto	Dixon	Dowie
Downey	Dunlop	Fedeli	Flack
Ford (York South— Weston)	Fullerton	Gallagher Murphy	Ghamari
Gill	Grewal	Hardeman	Holland
Jones (Chatham-Kent— Leamington)	Jordan	Kanapathi	Ke
Kerzner	Khanjin	Kusendova-Bashta	Leardi
Lecce	Lumsden	MacLeod	Martin
McCarthy	McGregor	McNaughton	Mulroney
Oosterhoff	Pang	Parsa	Piccini
Pierre	Pirie	Quinn	Rae
Rasheed	Riddell	Romano	Sabawy
Sandhu	Sarkaria	Sarrazin	Saunderson
Scott	Smith (Bay of Quinte)	Smith (Parry Sound— Muskoka)	Smith (Peterborough— Kawartha)
Smith (Scarborough Centre)	Smith (Thornhill)	Surma	Tangri
Thanigasalam	Thompson	Triantafilopoulos	Wai
Williams	Yakabuski		

Nays/contre (34)

Andrew	Armstrong	Begum	Bell
Bowman	Brady	Burch	Fife
Fraser	French	Gates	Gélinas
Glover	Gretzky	Harden	Hsu
Hunter	Karpoche	Kernaghan	Mamakwa
Mantha	McMahon	Pasma	Rakocevic

Il s'élève un débat et après quelque temps,

Conformément à l'ordre de l'Assemblée adopté plus tôt aujourd'hui,

La question a ensuite été mise aux voix.

Adoptée par le vote suivant :-

Sattler
Stiles
West

Schreiner
Tabuns
Wong-Tam

Shamji
Vanthof

Stevens
Vaugeois

The Bill passed.

Le projet de loi est adopté.

Pursuant to Standing Order 7(e), the Government House Leader indicated that the evening meeting period was no longer required and therefore cancelled.

Conformément à l'article 7 e) du Règlement, le leader parlementaire du gouvernement a indiqué que la réunion en soirée n'était plus nécessaire et par conséquent était annulée.

With unanimous consent,

Avec le consentement unanime,

Ordered, That notwithstanding Standing Order 9(a), the House agreed to commence Private Members' Public Business before 6:00 p.m. today.

Il est ordonné que nonobstant l'article 9 a) du Règlement, l'Assemblée a accepté de commencer les affaires d'intérêt public émanant des députées et députés avant 18 h aujourd'hui.

PRIVATE MEMBERS' PUBLIC BUSINESS

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉES ET DÉPUTÉS

Andrea Khanjin moved,

Andrea Khanjin propose,

Private Members' Notice of Motion Number 8:-

Avis de motion numéro 8 émanant d'une députée :-

That, in the opinion of this House, the Government of Ontario should continue to build and expand hospitals across the province increasing health care services, providing essential care and creating more jobs in the health care sector as part of its plan to build a stronger, more resilient health care system.

Debate arose and after some time,

Il s'élève un débat et après quelque temps,

The question was then put.

La question a ensuite été mise aux voix.

Vote deferred.

Le vote est différé.

The Deputy Speaker informed the House that, in the name of His Majesty the King, His Honour the Administrator of the Government had been pleased to assent to the following Bill in his office on November 3, 2022.

La Vice-Présidente a informé l'Assemblée qu'au nom de Son Majesté le Roi, Son Honneur l'Administrateur du gouvernement a eu le plaisir de sanctionner le projet de loi suivant dans son bureau le 3 novembre 2022.

Bill 28, An Act to resolve labour disputes involving school board employees represented by the Canadian Union of Public Employees.

Projet de loi 28, Loi visant à résoudre les conflits de travail concernant les employés des conseils scolaires représentés par le Syndicat canadien de

la fonction publique.

The House adjourned at 6:20 p.m.

À 18 h 20, l'Assemblée a ajourné ses travaux.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

No./N°	Petition title/Titre de la pétition	Presented by/Présentée par	Date tabled/Date de dépôt
P-5	Gas prices	France Gélinas	August 11, 2022
			August 18, 2022
			August 23, 2022
P-20	Investments in manufacturing sector	Andrew Dowie	August 31, 2022
		Goldie Ghamari	August 24, 2022
		Billy Pang	August 23, 2022