



No. 109

N° 109

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## Votes and Proceedings

## Procès-verbaux

Legislative Assembly  
of Ontario

Assemblée législative  
de l'Ontario

**Tuesday**  
**February 22, 2005**

**Mardi**  
**22 février 2005**

Daytime Meeting - Sessional Day 158  
Evening Meeting - Sessional Day 159

Séance de l'après-midi - jour de session 158  
Séance du soir - jour de session 159

**1<sup>st</sup> Session,**  
**38<sup>th</sup> Parliament**

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

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**PRAYERS**  
**1:30 P.M.**

**PRIÈRES**  
**13 H 30**

The Speaker delivered the following ruling:-

On February 15, 2005, the Member for Oak Ridges (Mr. Klees) rose on a question of privilege concerning letters written to school boards and teachers' federations by the Minister of Education (Mr. Kennedy). The letters, together with a related press release, contained Ministry initiatives on education funding and on the length of collective bargaining agreements for teachers. According to the Member, the documents amounted to a matter of contempt in that they anticipated the passage of legislation and budgetary approval by the House, and they reflected adversely on the parliamentary process because they presumed that the House would pass a bill and approve a budgetary measure.

The Government House Leader (Mr. Duncan) and the Minister of Education responded to the allegations.

I have had an opportunity to review the written materials supplied by the Member for Oak Ridges, the Hansard for February 15, the Assembly's precedents, and the relevant parliamentary authorities.

Let me say several things about the Member's allegations. First, my reading of the documents suggests that the Minister was taking pro-active measures dealing with matters touching on his Ministry. There is a line of Ontario rulings to the effect that civil servants can take reasonable planning measures in advance of the passage of requisite legislation. So too can the minister.

Second, the facts in a 1989 ruling by Speaker Fraser of the Canadian House of Commons, a 1994 ruling by Speaker Warner of our own House, and a 1997 ruling by Speaker Stockwell were different than the facts raised by the Member for Oak Ridges. Those three cases dealt with government advertising to a broader public audience in circumstances where there was already a bill before the House; in the case at hand, the letters and press release were not advertising, they were primarily addressed to interested stakeholders, and there was no bill before the House.

The Minister appears to have made an announcement (outside the House) that anticipates a bill and a budgetary measure. But there is nothing wrong with anticipation *per se* – it happens a lot; the issue is whether the announcement goes further and reflects adversely on the parliamentary process.

In my opinion, the wording and the tone of the documents are not dismissive of the legislative role of the House. On the contrary, they indicate that the government had plans and proposals that require not only negotiation, but also the introduction and passage of legislation. In particular, the board letter and press release contain conditional phrases such as “intends to introduce legislation”, “we are proposing”, and “Legislation that, if passed.”

With respect to the word “guaranteed” in the documents, I note that it is not used in the sense that passage of enabling legislation was a foregone conclusion, but rather in reference to proposed payments to transfer partners and a proposed provision in future collective bargaining agreements.

For these reasons, I find that a *prima facie* case of contempt has not been established.

I want to thank the Member for Oak Ridges, the Government House Leader, and the Minister of Education for their thoughtful submissions on this matter. Each of them has done a service to the House by reminding Members of the importance of showing respect for the parliamentary process.

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#### **INTRODUCTION OF BILLS**

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

#### **DÉPÔT DES PROJETS DE LOI**

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

Bill 171, An Act to amend various statutes in respect of spousal relationships. Hon. Mr. Bryant.

Bill 172, An Act to amend the Education Act to remove political interference in collective bargaining and ensure flexibility at the local level. Mr. Klees.

Projet de loi 171, Loi modifiant diverses lois en ce qui concerne les unions conjugales. L'hon. M. Bryant.

Projet de loi 172, Loi modifiant la Loi sur l'éducation pour éliminer toute ingérence politique lors des négociations collectives et assurer une flexibilité à l'échelon local. M. Klees.

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**MOTIONS**

Mr. Duncan moved,

That pursuant to Standing Order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, February 22, 2005, and Wednesday, February 23, 2005 for the purpose of considering government business.

The question being put on the motion, it was carried on the following division:-

**MOTIONS**

M. Duncan propose,

La motion, mise aux voix, est adoptée par le vote suivant:-

**AYES / POUR - 67**

Arnott	Chambers	Hoy	McNeely	Runciman
Arthurs	Craitor	Hudak	Meilleur	Ruprecht
Baird	Crozier	Jackson	Miller	Sandals
Barrett	Delaney	Jeffrey	Mitchell	Smith
Bartolucci	Dhillon	Klees	Mossop	Smitherman
Bentley	Di Cocco	Kular	Munro	Sorbara
Berardinetti	Dombrowsky	Kwinter	Oraziotti	Takhar
Bountrogianni	Duguid	Lalonde	Parsons	Watson
Bradley	Duncan	Leal	Phillips	Wilkinson
Brotten	Flaherty	Levac	Pupatello	Wilson
Brown	Flynn	Marsales	Qaadri	Wong
Brownell	Fonseca	Matthews	Racco	Wynne
Bryant	Gerretsen	McMeekin	Ramal	Zimmer
Cansfield	Gravelle			

**NAYS / CONTRE - 13**

Bisson	Hardeman	Marchese	O'Toole	Prue
Chudleigh	Horwath	Martel	Ouellette	Yakabuski
Churley	Kormos	Murdoch		

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**PETITIONS**

Petition relating to TTC Right-of-Way on St. Clair Avenue West (Sessional Paper No. P-111) Mr. Ruprecht.

Petition relating to restoring funding for eye exams, chiropractic and physiotherapy services (Sessional Paper No. P-127) Mr. O'Toole.

Petition relating to protecting the right of fire fighters to volunteer in their home communities on their own free time (Sessional Paper No. P-175) Mr. Arnott.

Petitions relating to passing Bill 3, An Act to protect anaphylactic students (Sessional Paper No. P-180) Mr. Craitor and Mr. Levac

**PÉTITIONS**

Petition relating to placing restrictions on the eligibility of persons who act as volunteers in schools (Sessional Paper No. P-183) Mr. Flaherty.

Petition relating to ensuring that the Banting Homestead is kept in good repair and preserved (Sessional Paper No. P-189) Mr. Wilson.

Petition relating to keeping open Huronia Regional Centre, home to people with developmental disabilities (Sessional Paper No. 227) Mr. Dunlop.

Petition relating to supporting the Smoke-Free Ontario Act (Sessional Paper No. 228) Mr. McNeely.

Petition relating to supporting the amendment to the Optometry Act (Sessional Paper No. 235) Ms. Martel.

Petition relating to the Women's Health Care Centre in Peterborough (Sessional Paper No. 236) Mr. Leal.

Petition relating to providing free TTC passes to seniors (Sessional Paper No. 237) Mr. Ruprecht.

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### ORDERS OF THE DAY

A debate arose on the motion for Second Reading of Bill 167, An Act to amend the Education Act.

At 6:00 p.m., the question "That this House do now adjourn" was deemed to have been proposed pursuant to Standing Order 37(b).

After one matter was considered, the question was deemed to have been adopted.

The House then adjourned at 6:10 p.m.

**6:45 P.M.**

### ORDERS OF THE DAY

A debate arose on the motion for Second Reading of Bill 163, An Act to amend the City of Ottawa Act, 1999.

After some time, it was agreed, that the debate be adjourned and that the evening's debate on Second Reading of Bill 163 be considered one full sessional day for the purpose of Standing Order 46.

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### ORDRE DU JOUR

Il s'élève un débat sur la motion portant deuxième lecture du projet de loi 167, Loi modifiant la Loi sur l'éducation.

À 18 h, la motion portant «Que la présente Assemblée ajourne les débats maintenant» est réputée avoir été proposée conformément à l'article 37(b) du Règlement.

Après l'étude d'une question, la motion d'ajournement des débats est réputée avoir été adoptée.

À 18 h 10, la chambre a ensuite ajourné ses travaux.

**18 H 45**

### ORDRE DU JOUR

Il s'élève un débat sur la motion portant deuxième lecture du projet de loi 163, Loi modifiant la Loi de 1999 sur la ville d'Ottawa.

Mr. Duncan moved, That the House do now adjourn.

The question, having been put on the motion, was declared carried.

M. Duncan propose que l'Assemblée ajourne les débats maintenant.

Cette motion, mise aux voix, est déclarée adoptée.

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The House then adjourned at 7:30 p.m.

À 19 h 30, la chambre a ensuite ajourné ses travaux.

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le président

**ALVIN CURLING**

Speaker

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**PETITIONS TABLED PURSUANT TO STANDING ORDER 38(a)**

Petition relating to restoring funding for treatment program at Holmes House (Sessional Paper No. 234)

Mr. Levac.

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**SESSIONAL PAPERS PRESENTED  
PURSUANT TO STANDING ORDER 39(a)**

**DOCUMENTS PARLEMENTAIRES  
DÉPOSÉS CONFORMÉMENT À L'ARTICLE  
39(a) DU RÈGLEMENT**

COMPENDIA:

Bill 171, An Act to amend various statutes in respect of spousal relationships (No. 373).

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