



No. 42

N° 42

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Thursday
May 8, 2008

Sessional Day 50

Jeudi
8 mai 2008

Jour de session 50

1st Session
39th Parliament

1^{re} session
39^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

ORDRE DU JOUR

Mr. Milloy moved,

M. Milloy propose,

That pursuant to Standing Order 47 and notwithstanding any other Standing Order or Special Order of the House relating to Bill 12, An Act to amend the Vital Statistics Act in relation to adoption information and to make consequential amendments to the Child and Family Services Act, when Bill 12 is next called as a government Order, the Speaker shall put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That, except pursuant to Standing Order 9(d), there shall be no deferral of the third reading vote; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

A debate arising, after some time, pursuant to Standing Order 9(c), the motion for the adjournment of the debate was deemed to have been made and carried.

Un débat s'ensuit et après quelque temps, conformément à l'article 9 c) du Règlement, la motion d'ajournement du débat est réputée avoir été proposée et adoptée.

10:45 A.M.

10 H 45

INTRODUCTION OF VISITORS

PRÉSENTATION DES VISITEURS

Pursuant to Standing Order 36, the Speaker introduced visitors.

Conformément à l'article 36, le Président présente les visiteurs.

The Speaker addressed the House as follows:-

Given the number of interjections yesterday, I sense that some clarification around the *sub judice* rule might be helpful.

Sub judice in brief, is a voluntary restriction on the part of a legislative body to refrain from discussing matters that are before a judicial or quasi-judicial body. In other words, it is a self-imposed restriction that the Legislative Assembly places upon itself so as to avoid prejudice to a judicial case. At its core is the principle that the separation between legislative and judicial bodies is to be respected.

The *sub judice* convention is intended to apply to statements, debate and Question Period.

As, quite apparently, Members are well aware, in Ontario we have codified the *sub judice* convention in Standing Order 23(g).

However, until 1970, Ontario did not have a *sub judice* rule; instead practices and customs at Ottawa and Westminster served as the basis for a Speaker's decision.

In 1966, Speaker Morrow delivered two rulings which a) set out more precisely the interpretation to be given to the *sub judice* rule, and b) gave some leeway for debate on civil matters not yet set down for trial thus loosening a stricter prohibition on debate by way of a 1964 ruling by the same Speaker.

Then, in 1977, Speaker Rowe cited and endorsed several principles enunciated by a committee of the Canadian House of Commons which implied an even less restrictive interpretation of the rule.

These rulings formed the basis for a new *sub judice* rule which was adopted in 1978 and remains today.

Notwithstanding that Ontario has a Standing Order on *sub judice*, historically the voluntary nature of the convention makes it difficult to outline the jurisdiction of the Speaker.

With respect to Question Period particularly, Speakers here and in most other jurisdictions have adopted the practice of minimal responsibility with respect to the *sub judice* convention, principally leaving it up to the Member who asks the question and the Minister to whom it is addressed. (This is largely borne out in the Ontario precedents, with Speakers rarely interfering; the last time on record that a Speaker ruled a question out of order based on *sub judice* was Speaker Turner in 1982.)

The reason for this approach is that it is impossible for the Speaker to know which cases are at which stage in every instance and that the Minister involved is in a better position to judge whether engaging in the discussion has a danger of causing prejudice.

The Minister has the option of refusing to answer the question on grounds of *sub judice* as has been done most often in these situations.

Additionally, the problem facing a Speaker is that for him/her the determination when a comment will have the tendency to be prejudicial is speculative – that is, it cannot be done until after the remarks have been made.

Thus the Speaker will exercise his discretion with respect to the convention only in exceptional circumstances, when it is absolutely clear that doing otherwise would unfairly influence a judicial proceeding.

In 1976, there was a House of Commons special committee set up to review the "rights and immunities of Members..."; the committee considered the *sub judice* convention and recommended that "when there is doubt in the mind of the Chair, a presumption should exist in favour of allowing debate and against the application of the convention."

It is this longstanding practice that I have and will continue to apply in this House, interfering when and only when I am entirely satisfied, as Standing Order 23(g) says, "that further reference would create a real and substantial danger of prejudice to the proceeding".

Having said that, I would caution all Members to be mindful of the rule, its history and its purpose and to take excessive care that they avoid making comment on judicial cases that might have the effect of being prejudicial to a proceeding before a court of record.

ORAL QUESTIONS

Pursuant to Standing Order 37, the House proceeded to Oral Questions.

QUESTIONS ORALES

Conformément à l'article 37, l'Assemblée passe aux questions orales.

PETITIONS

Petition relating to Pope John Paul II Day (Sessional Paper No. P-22) Mr. Delaney.

Petition relating to construction of an Ambulatory Surgery Centre to serve the Mississauga Halton area (Sessional Paper No. P-23) Mr. Delaney.

Petitions relating to the Lord's prayer (Sessional Paper No. P-48) Ms. Jones, Mr. Wilson and Mr. Yakabuski.

Petition relating to asking the Federal Government to reform the Employment Insurance program (Sessional Paper No. P-57) Mr. Colle.

Petition relating to the Rouge Valley Health System and the Mental Health Unit at Ajax–Pickering Hospital (Sessional Paper No. P-72) Mr. Dickson.

Petition relating to the Rouge Valley Health System and the Maternity Unit at Ajax–Pickering Hospital (Sessional Paper No. P-73) Mr. Dickson.

Petition relating to unlawful firearms in vehicles (Sessional Paper No. P-75) Ms. Aggelonitis.

Petition relating to the rehabilitation of Mary Fix Park (Sessional Paper No. P-94) Mr. Leal.

Petition relating to passing Bill 50, the Provincial Animal Welfare Act 2008 (Sessional Paper No. P-101) Mr. Colle.

Petition relating to Minimum Care Standards in Nursing Homes (Sessional Paper No. P-102) M^{me} Gélinas.

Pursuant to Standing Order 9(a), the Speaker recessed the House at 12:09 p.m. until 1:00 p.m.

Conformément à l'article 9 a), le Président ordonne une pause à l'Assemblée à 12 h 09 jusqu'à 13 h.

1:00 P.M.

13 H

MEMBERS' STATEMENTS

DÉCLARATIONS DES DÉPUTÉS

Pursuant to Standing Order 31, Members made statements.

Conformément à l'article 31, des députés font des déclarations.

INTRODUCTION OF BILLS

DÉPÔT DES PROJETS DE LOI

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

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

Bill 76, An Act to amend the Consumer Protection Act, 2002, the Environmental Protection Act and the Occupational Health and Safety Act. Mr. Tabuns.

Projet de loi 76, Loi modifiant la Loi de 2002 sur la protection du consommateur, la Loi sur la protection de l'environnement et la Loi sur la santé et la sécurité au travail. M. Tabuns.

PRIVATE MEMBERS' PUBLIC BUSINESS

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Mr. Lalonde moved,

M. Lalonde propose,

Second Reading of Bill 21, An Act to require bilingual signs in provincial parks, parks under the control of the Niagara Parks Commission and at major provincial tourist attractions.

Deuxième lecture du projet de loi 21, Loi exigeant l'érection de panneaux bilingues dans les parcs provinciaux, dans les parcs sous le contrôle de la Commission des parcs du Niagara et à l'emplacement d'importantes attractions touristiques provinciales.

A debate arising, further proceedings were reserved until the end of the time allotted for Private Members' Public Business.

Un débat s'ensuit; la suite de la discussion est renvoyée à la fin du temps imparti pour les affaires d'intérêt public émanant des députés.

Mr. Levac then moved,

Ensuite, M. Levac propose,

Second Reading of Bill 61, An Act to proclaim Holodomor Memorial Day.

Deuxième lecture du projet de loi 61, Loi proclamant le Jour commémoratif de l'Holodomor.

A debate arising, further proceedings were reserved until the end of the time allotted for Private Members' Public Business.

Un débat s'ensuit; la suite de la discussion est renvoyée à la fin du temps imparti pour les affaires d'intérêt public émanant des députés.

Mr. Qaadri then moved,

That, in the opinion of this House, the Government of Ontario use all avenues to help people learn about their vital, medically significant numbers, including blood pressure, cholesterol, blood sugar, waist circumference, height, weight and body mass index.

The question having been put on the motion for Second Reading of Bill 21, An Act to require bilingual signs in provincial parks, parks under the control of the Niagara Parks Commission and at major provincial tourist attractions, it was declared carried and the Bill was accordingly read the second time and Ordered referred to the Standing Committee on General Government.

The question having been put on the motion for Second Reading of Bill 61, An Act to proclaim Holodomor Memorial Day, it was declared carried and the Bill was accordingly read the second time and Ordered referred to the Standing Committee on Regulations and Private Bills.

The question having been put on Mr. Qaadri's Resolution Number 33, it was declared carried.

Ensuite, M. Qaadri propose,

La motion portant deuxième lecture du projet de loi 21, Loi exigeant l'érection de panneaux bilingues dans les parcs provinciaux, dans les parcs sous le contrôle de la Commission des parcs du Niagara et à l'emplacement d'importantes attractions touristiques provinciales, mise aux voix, est déclarée adoptée et le projet de loi est en conséquence lu une deuxième fois et renvoyé au Comité permanent des affaires gouvernementales.

La motion portant deuxième lecture du projet de loi 61, Loi proclamant le Jour commémoratif de l'Holodomor, mise aux voix, est déclarée adoptée et le projet de loi est en conséquence lu une deuxième fois et renvoyé au Comité permanent des règlements et des projets de loi d'intérêt privé.

La motion, mise aux voix, sur la résolution numéro 33 de M. Qaadri est déclarée adoptée.

ORDERS OF THE DAY

Debate was resumed on the motion for Third Reading of Bill 35, An Act to authorize the Minister of Finance to make payments to eligible recipients out of money appropriated by the Legislature and to amend the Fiscal Transparency and Accountability Act, 2004, the Ministry of Treasury and Economics Act and the Treasury Board Act, 1991.

After some time, pursuant to the Order of the House of April 22, 2008, the Acting Speaker (Mr. Wilson) interrupted the proceedings and put the question, and declared his opinion that the ayes had it, and a recorded vote having been demanded,

The Acting Speaker directed that the Members be called in, for which purpose the division bells were rung.

During the ringing of the bells, the Acting Speaker addressed the House as follows:-

ORDRE DU JOUR

Le débat reprend sur la motion portant troisième lecture du projet de loi 35, Loi autorisant le ministre des Finances à faire des versements aux bénéficiaires admissibles sur les crédits affectés par la Législature et modifiant la Loi de 2004 sur la transparence et la responsabilité financières, la Loi sur le ministère du Trésor et de l'Économie et la Loi de 1991 sur le Conseil du Trésor.

Après quelque temps, conformément à l'ordre adopté par l'Assemblée le 22 avril 2008, le président par intérim, M. Wilson interrompt les délibérations, met la motion aux voix, et déclare qu'à son avis les voix favorables l'emportent et un vote par appel nominal ayant été demandé,

Le Président par intérim donne des directives pour convoquer les députés et la sonnerie d'appel se fait entendre.

Pendant la sonnerie d'appel, le Président par intérim s'adresse à l'Assemblée en ces mots:-

I have received a request from the Chief Government Whip, under Standing Order 28(h), that the vote on the motion for Third Reading of Bill 35, An Act to authorize the Minister of Finance to make payments to eligible recipients out of money appropriated by the Legislature and to amend the Fiscal Transparency and Accountability Act, 2004, the Ministry of Treasury and Economics Act and the Treasury Board Act, 1991 be deferred until Monday, May 12, 2008.

Therefore the vote is accordingly deferred.

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

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

The House then adjourned at 4:00 p.m.

J'ai reçu une requête du Whip en chef du gouvernement, conformément à l'article 28 h) du Règlement, que le vote sur la motion portant troisième lecture du projet de loi 35, Loi autorisant le ministre des Finances à faire des versements aux bénéficiaires admissibles sur les crédits affectés par la Législature et modifiant la Loi de 2004 sur la transparence et la responsabilité financières, la Loi sur le ministère du Trésor et de l'Économie et la Loi de 1991 sur le Conseil du Trésor, soit différé jusqu'au lundi 12 mai 2008.

En conséquence, le vote est différé.

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

Cette motion, mise aux voix, est déclarée adoptée.

À 16 h, la chambre a ensuite ajourné ses travaux.

le président

STEVE PETERS

Speaker

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

RESPONSES TO PETITIONS

Petition relating to gypsy moth infestation (Sessional Paper No. P-38):
(Tabled April 9, 2008) Mr. Barrett.

Petition relating to the Wye Marsh Wildlife Centre (Sessional Paper No. P-53):
(Tabled March 18, 2008) Mr. Dunlop.

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

RÉPONSES AUX PÉTITIONS