



No. 124

N° 124

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Monday
March 23, 2009

Sessional Day 132

Lundi
23 mars 2009

Jour de session 132

1st Session,
39th Parliament

1^{re} session
39^e législature

PRAYERS
10:30 A.M.

PRIÈRES
10 H 30

The Speaker addressed the House as follows:-

Le Président s'adresse à l'Assemblée comme suit:-

I beg to inform the House that the Clerk has received from the Chief Electoral Officer and laid upon the Table the following certificate of a by-election:-

ELECTORAL DISTRICT OF HALIBURTON–KAWARTHA LAKES–BROCK – RICK JOHNSON
PROVINCE OF ONTARIO

Mrs. Deborah Deller
Clerk of the Legislative Assembly
Room 104
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A2

Dear Mrs. Deller:

A Writ of Election dated the Fourth day of February, 2009, was issued by the Honourable Lieutenant Governor of the Province of Ontario, and was addressed to Jerry Ford, Returning Officer for the Electoral District of Haliburton–Kawartha Lakes–Brock, for the election of a Member to represent the said Electoral District of Haliburton–Kawartha Lakes–Brock in the Legislative Assembly of this Province in the room of Laurie Scott, who, since her election as representative of the said Electoral District of Haliburton–Kawartha Lakes–Brock, has resigned her seat. This is to certify that, a poll having been granted and held in Haliburton–Kawartha Lakes–Brock on the Fifth day of March, 2009, Rick Johnson has been returned as duly elected as appears by the Return of the said Writ of Election, dated the 16th day of March, 2009, which is now lodged of record in my office.

Toronto, March 23, 2009

GREG ESSENSA
CHIEF ELECTORAL OFFICER

Rick Johnson, Member for the Electoral District of Haliburton–Kawartha Lakes–Brock, having taken the Oath and subscribed the Roll, took his seat.

The Speaker addressed the House as follows:-

Le Président s'adresse à l'Assemblée comme suit:-

On Wednesday, March 11, the Member for Kitchener-Waterloo (Mrs. Witmer) rose on a point of order with respect to a transit shelter advertisement sponsored by the Member for Toronto Centre (Mr. Smitherman), a topic that was also raised in that day's Question Period.

The Member for Kitchener-Waterloo asserted that the advertisement is inappropriate because it refers to features of a bill that is still before this House - a bill that the Member for Toronto Centre is carrying in his capacity as Minister of Energy and Infrastructure; and that the ad conveys the impression that it is

presented by the Government of Ontario. While the member was not specific in her reasons for the latter assertion, a review of the ad and of her remarks earlier that day in Question Period, lead me to assume it is the appearance of the Ontario Coat of Arms that the Member finds objectionable in this regard.

The House Leader for the Third Party (Mr. Kormos) contributed to the point by offering the view that, as a piece that promotes a policy of the government, it is partisan in nature and therefore it runs afoul of the guidelines for acceptable Assembly-funded MPP communication to constituents.

How to address this has given me a bit of pause for thought. Approached from the perspective of communications funded by an MPP's budget, this would simply be an administrative matter of no concern to the House assembled. Simply put, the Member for Kitchener-Waterloo does not have a valid point of order, for this matter impacts in no procedural way on the House. However, the arguments relating to references in the ad to a bill not yet passed by this House were more in the nature of a point of privilege, though it wasn't raised as such, and proper notice was not given in any event. Nevertheless I undertook to review the issue and so I will report to the House.

I have reviewed the advertisement very carefully and let me first say that the Member for Toronto Centre's role as a Minister of the Crown should not prohibit him from communicating with his constituents on matters that fall within the purview of his ministerial responsibilities. Naturally, though, if he is doing so with his MPP budget, the communication must be neutral, otherwise as the Member for Welland put it, the "people across the road" may not remit payment for it.

With respect to the issue of the ad leaving the impression that it is presented by the Government of Ontario, the ad does not refer to the Member's ministerial role at all, and though many of his constituents would know he is Minister of Energy, the ad does not convey it. The use of the Provincial Coat of Arms is perfectly acceptable - I know that many Members on both sides of the House use it in their householders, on their business cards, in various print communications to their constituents, on their websites and on their letterhead.

Finally, the ad clearly conveys that the legislation has not passed yet, and does not imply a foregone legislative outcome. It uses the kind of conditional wording that previous Speakers have insisted upon when similar concerns have been raised in the past about government advertising, and which was the basis for the ruling in the federal parliament that the Member for Kitchener-Waterloo referred to.

I will end by emphasizing the obvious - and justifiable - scrutiny that an MPP's public communications must stand up to. Carefully erring on the side of probity and caution in these publications is most likely always the best course of action.

INTRODUCTION OF VISITORS

Pursuant to Standing Order 36, visitors were introduced.

PRÉSENTATION DES VISITEURS

Conformément à l'article 36, les visiteurs sont présentés.

ORAL QUESTIONS

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

QUESTIONS ORALES

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

Pursuant to Standing Order 9(a), the Speaker recessed the House at 11:44 a.m. until 1:00 p.m.

Conformément à l'article 9 a), le Président ordonne une pause à l'Assemblée à 11 h 44 jusqu'à 13 h.

1:00 P.M.

13 H

INTRODUCTION OF VISITORS

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PRÉSENTATION DES VISITEURS

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MEMBERS' STATEMENTS

Pursuant to Standing Order 31, Members made statements.

DÉCLARATIONS DES DÉPUTÉS

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

INTRODUCTION OF BILLS

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

Bill 158, An Act to repeal and replace the statutes governing The Certified General Accountants Association of Ontario, the Certified Management Accountants of Ontario and The Institute of Chartered Accountants of Ontario. Hon. Mr. Bentley.

DÉPÔT DES PROJETS DE LOI

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

Projet de loi 158, Loi visant à abroger et à remplacer les lois régissant l'Association des comptables généraux accrédités de l'Ontario, les Comptables en management accrédités de l'Ontario et l'Institut des comptables agréés de l'Ontario. L'hon. M. Bentley.

MOTIONS

With unanimous consent, the following motion was moved without notice:-

On motion by Ms. Smith,

Sur la motion de M^{me} Smith,

Ordered, That pursuant to Standing order 113(c), the following change be made to the membership of the Standing Committee on Regulations and Private Bills:

Mr. Johnson is added.

MOTIONS**PETITIONS**

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

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

Petition relating to requesting an amendment to the Children's Law Reform Act (Sessional Paper No. P-95) Mr. Lalonde.

Petition relating to amending the Ontario Health and Safety Act to protect underground workers (Sessional Paper No. P-110) M^{me} Gélinas.

Petition relating to Temporary Care Assistance program for grandparents raising their grandchildren (Sessional Paper No. P-168) Ms. Jones.

Petition relating to the creation of a second NHL hockey team in the Hamilton and Greater Toronto Area (Sessional Paper No. P-173) Mr. Flynn.

PÉTITIONS

Petition relating to Burk's Falls Health Centre (Sessional Paper No. P-198) Mr. Miller (Parry Sound–Muskoka).

Petition relating to implementing a 3 month tax holiday to stimulate auto sales (Sessional Paper P-202) Mr. Miller (Parry Sound–Muskoka).

Petition relating to rolling back property assessment values to the base year of January 1, 2005 (Sessional Paper P-205) M^{me} Gélinas.

Pétition ayant rapport à la demande que des fonds nécessaires soient alloués aux Comtés-Unis de Prescott-Russell pour l'évaluation environnementale obligatoire à l'élargissement de la route 17/174 (Document Parlementaire no P-208) M. Lalonde.

Petition relating to ensuring that the Sydenham Campus Hospital remain open as a full Emergency Department (Sessional Paper P-212) Mr. Bailey.

Petition relating to full and timely access to attendant care services (Sessional Paper P-213) Mr. Arnott.

ORDERS OF THE DAY

A debate arose on the motion for Second Reading of Bill 157, An Act to amend the Education Act.

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

The House then adjourned at 6:00 p.m.

ORDRE DU JOUR

Il s'élève un débat sur la motion portant deuxième lecture du projet de loi 157, Loi modifiant la Loi sur l'éducation.

Après quelque temps, conformément à l'article 9 a) du Règlement, la motion d'ajournement du débat est réputée avoir été proposée et adoptée.

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

le président

STEVE PETERS

Speaker

SESSIONAL PAPERS PRESENTED PURSUANT TO STANDING ORDER 40

Certificate pursuant to Standing Order 108(f)(1) re intended appointments dated March 13, 2009 (No. 381) (Tabled March 13, 2009).

DOCUMENTS PARLEMENTAIRES DÉPOSÉS CONFORMÉMENT À L'ARTICLE 40 DU RÈGLEMENT

QUESTIONS ANSWERED (SEE SESSIONAL PAPER NO. 5):-

Final Answers to Question Numbers: 163, 167, 169, 170, 171, 172, 173, 175 and 177.
