



No. 42

N° 42

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**Votes and Proceedings**

**Procès-verbaux**

Legislative Assembly  
of Ontario

Assemblée législative  
de l'Ontario

**Tuesday**  
**September 14, 2010**

**Mardi**  
**14 septembre 2010**

**2<sup>nd</sup> Session,**  
**39<sup>th</sup> Parliament**

**2<sup>e</sup> session**  
**39<sup>e</sup> législature**

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**PRAYERS**  
**9:00 A.M.**

**PRIÈRES**  
**9 H**

**ORDERS OF THE DAY**

Debate was resumed on Government Order Number 20, on the motion for Adoption of the recommendations contained in the Final Report of the Select Committee on Mental Health and Addictions.

After some time, the House recessed at 10:15 a.m.

**ORDRE DU JOUR**

Le débat reprend sur l'Ordre numéro 20 émanant du gouvernement sur la motion portant adoption des recommandations contenues dans le rapport final du Comité spécial de la santé mentale et des dépendances.

Après quelque temps, à 10 h 15, l'Assemblée a suspendu la séance.

**10:30 A.M.**

**10 H 30**

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

The Member for Lanark–Frontenac–Lennox and Addington has given me written notice of his intention to raise a point of privilege, as required by Standing Order 21(c). I would like to thank the Member for giving me sufficient time to review this matter.

I wish to advise that I will be deciding on this matter without further hearing directly from the Member at this time, as Standing Order 21(d) permits me to do.

The Member's point of privilege concerns Regulation 233/10, made on June 2, 2010, under the *Public Works Protection Act*. This Regulation established a geographical area in the City of Toronto to be designated a "public work" for the purposes of the *Act*, for the period June 21 to 28, 2010. This period of time encompassed the dates on which the G20 Summit was held.

The Member has asked me to find that two things about this Regulation have breached his privileges: first, its promulgation without the prior consultation of the Legislative Assembly and, second, the failure of the Premier and the then-Minister of Community Safety and Correctional Services to clarify confusion the Member believes existed about the scope of application of the Regulation.

With respect to the first issue, it is simply the case that any regulation, made in accordance with the statute conferring the authority for it to be made, does not require the prior agreement of the House. Or, more accurately, a statute conferring the authority for future regulations represents a prior delegation by the House of the legal, moral and political sanction to the government of the day to make such regulations. There is no case for complaint by the House or any of its members when this power is validly exercised, for it was indeed previously delegated by the House itself – the House, in its wisdom, did have its say when it passed the parent statute, thereby giving its prior consent for such a Regulation to be made.

Obviously the House can never foresee in advance all of the circumstances and scenarios that might give rise to a regulation being made under a statute, or what exact form or reach a regulation might have. Nevertheless, the Legislature very routinely passes legislation embedded with regulation-making authority. When the House passes legislation that includes the power to make regulations, it is effectively waiving its privilege to have a say and to have a role in exactly what regulations say, or when they are made.

With respect to the second issue, I am certain the Member can surely appreciate that it is not for the Speaker to dictate what a government can or cannot, should or should not, have to say about any given issue except that which is bound by the rules of this House. Nor can a Speaker interpret or divine what the various reactions and understandings of the public might be about any government action or statement, or a government's decision not to act or speak in a way someone might wish, or the motives, if any, of anyone in this equation.

The privileges that members individually, and the House collectively, enjoy are very focused and limited, and revolve principally around the right to participate in parliamentary proceedings freely and without obstruction or hindrance. Given the exact heads of privilege in the context of what I have just said about this matter, I cannot find that the Member for Lanark–Frontenac–Lennox and Addington has made out a *prima facie* case for a breach of privilege or a contempt of the House.

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**ORAL QUESTIONS**

The House recessed at 11:45 a.m.

**QUESTIONS ORALES**

À 11 h 45, l'Assemblée a suspendu la séance.

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**3:00 P.M.**

**15 H**

**REPORTS BY COMMITTEES**

**RAPPORTS DES COMITÉS**

The Speaker addressed the House as follows:-

I beg to inform the House that today the Clerk received the Report on Intended Appointments dated September 14, 2010 of the Standing Committee on Government Agencies. Pursuant to Standing Order 108(f)(9), the Report is deemed to be adopted by the House (Sessional Paper No. 229).

**PETITIONS**

**PÉTITIONS**

Petition relating to the new 13% sales tax (Sessional Paper No. P-4) Mr. Murdoch.

Petition relating to making PET scans available through the Sudbury Regional Hospital (Sessional Paper No. P-14) M<sup>me</sup> Gélinas.

Petition relating to HST on the cost of gasoline (Sessional Paper No. P-23) Mr. O'Toole.

Petition relating to community pharmacies and pharmacists. (Sessional Paper No. P-47) Mr. O'Toole.

Petition relating to the government stopping the cuts to rural pharmacies (Sessional Paper No. P-68) Mr. Murdoch.

Petition relating to banning the use of replacement workers and to reaching a settlement for Vale Inco's mines (Sessional Paper No. P-73) M<sup>me</sup> Gélinas.

Petition relating to supporting "The Red Box Recycling Initiative" at Lisgar Middle School (Sessional Paper No. P-115) Mr. Delaney and Mr. Leal.

Petition relating to Ontario New Home Warranties Plan Act to modify the Ombudsman Act (Sessional Paper No. P-116) Ms. DiNovo.

Petition relating to Bill 22 and the legal rights of grandparents for access and visitation with their grandchildren (Sessional Paper No. P-117) Mr. Hoy.

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**ORDERS OF THE DAY**

Debate was resumed on the motion for Second Reading of Bill 72, An Act to enact the Water Opportunities Act, 2010 and to amend other Acts in respect of water conservation and other matters.

After some time, the House adjourned at 6:05 p.m.

**ORDRE DU JOUR**

Le débat reprend sur la motion portant deuxième lecture du projet de loi 72, Loi édictant la Loi de 2010 sur le développement des technologies de l'eau et modifiant d'autres lois en ce qui concerne la conservation de l'eau et d'autres questions.

Après quelque temps, à 18 h 05, la chambre a ensuite ajourné ses travaux.

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le président

**STEVE PETERS**

Speaker

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