



No. 74

N° 74

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**Votes and Proceedings**

**Procès-verbaux**

Legislative Assembly  
of Ontario

Assemblée législative  
de l'Ontario

**Thursday  
November 25, 2010**

**Jeudi  
25 novembre 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**

**ORDRE DU JOUR**

Debate was resumed on the motion for Second Reading of Bill 135, An Act respecting financial and Budget measures and other matters.

Le débat reprend sur la motion portant deuxième lecture du projet de loi 135, Loi concernant les mesures financières et budgétaires et d'autres questions.

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

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

**10:30 A.M.**

**10 H 30**

**ORAL QUESTIONS**

**QUESTIONS ORALES**

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

Yesterday, the Member for Newmarket–Aurora, Mr. Klees, rose on a point of order respecting answers to written questions that he had asked of the Minister of Transportation, the Minister of Children and Youth Services and the Minister of Energy. The Government House Leader, Ms. Smith and the Third Party House Leader, Mr. Kormos, made submissions on this point of order.

The Member for Newmarket–Aurora complained that the answers to his written questions were not acceptable on the grounds that they were neither complete nor in some instances relevant to the question asked. While the Member raised this issue as a point of order, he subsequently sought redress by way of a finding of a *prima facie* case of privilege.

Let me clarify at the outset that while it may be arguable that this is more appropriately dealt with as a point of privilege, it was not raised as such with the requisite notice given. In any case, it has been determined previously that such an issue does not constitute a *prima facie* case of privilege. However, from the perspective of the matter potentially being a violation of the rules, it is sufficient to raise it as a point of order and I will address it as such.

Standing Order 99 sets out the provisions for written questions. With respect to the content or quality of answers to written questions, Standing Order 99 is silent. It provides only that written questions be answered within 24 sessional days unless volume or complexity necessitate additional time.

As is the case with oral questions, there are no provisions in the rules or customs of this place for the Speaker to scrutinize or evaluate government responses to written questions.

On May 18, 2010 I ruled on this same issue and I stated at that time that “numerous Speakers have ruled that during oral question period ministers may answer a question any way they see fit. It’s also the case that it is not the Speaker’s responsibility to ensure that the answer to a written question satisfies that question”.

This is further supported, as the Government House Leader noted, in O’Brien and Bosc at page 522 where it says, “There are no provisions in the rules for the Speaker to review government responses to questions.”

The House Leader for the Third Party referenced Standing Order 1(b) and seemed to suggest that somehow that Standing Order might allow for an expanded interpretation of Standing Order 99. I can’t agree. In my mind, Standing Order 1 is in the nature of a purpose clause and provides a general statement of principle about the Standing Orders themselves. I do not think it is intended to give license to the Speaker to impose provisions or assert authority where none exist.

The Member for Newmarket–Aurora indicated that he believed he had a “legitimate and genuine grievance” in this matter and that may be so, but as a matter of procedure, the rules have been complied with and I can find nothing out of order.

I thank the Member for bringing this to the attention of the House and to the Government and Third Party House Leaders for their contributions to this discussion.

The House recessed at 11:37 a.m.

À 11 h 37, l'Assemblée a suspendu la séance.

**1:00 P.M.**

**13 H**

**REPORTS BY COMMITTEES**

**RAPPORTS DES COMITÉS**

Mr. Ouellette from the Standing Committee on Public Accounts presented the Committee's Report on the Education Quality and Accountability Office (Section 3.04, 2009 Annual Report of the Auditor General of Ontario) and moved the adoption of its recommendations (Sessional Paper No. 345).

M. Ouellette du Comité permanent des comptes publics présente le rapport du comité sur l'Office de la qualité et de la responsabilité en éducation (Rapport annuel 2009 du vérificateur général de l'Ontario, section 3.04) et propose l'adoption de ses recommandations (document parlementaire n° 345).

On motion by Mr. Ouellette,

Sur la motion de M. Ouellette,

Ordered, That the debate be adjourned.

Il est ordonné que le débat soit ajourné.

The Speaker addressed the House as follows:-

Standing Order 63(a) provides that “the Standing Committee on Estimates shall present one report with respect to all of the Estimates and Supplementary Estimates considered pursuant to Standing Orders 60 and 62 no later than the third Thursday in November of each calendar year.”

The House not having received a report from the Standing Committee on Estimates for certain ministries and offices on Wednesday, November 24, 2010, as required by the Standing Orders of this House and by the Order of the House dated Tuesday, October 26, 2010, pursuant to Standing Order 63(b) the Estimates before the Committee of the Ministry of Energy and Infrastructure, Ministry of Transportation, Ministry of Children and Youth Services, Ministry of Aboriginal Affairs, and Cabinet Office are deemed to be passed by the Committee and are deemed to be reported to and received by the House.

Accordingly, the Estimates (2010-2011) of the following ministries and offices were deemed to be passed by the Standing Committee on Estimates and were deemed to be reported to and received by the House:-

**MINISTRY OF ENERGY AND INFRASTRUCTURE**

2901	Ministry Administration	\$	18,170,200
2902	Energy Sector Transformation		203,715,100
2903	Infrastructure and Growth Planning		956,654,100
2904	Realty Development and Management		266,871,800
2905	Electricity Price Mitigation (supplementaries)		1,000

**MINISTRY OF TRANSPORTATION**

2701	Ministry Administration	\$	49,519,300
2702	Policy and Planning		1,806,139,100
2703	Road User Safety		115,087,600
2704	Provincial Highways Management		2,702,708,300
2705	Economics and Transportation Cluster		71,286,000

**MINISTRY OF CHILDREN AND YOUTH SERVICES**

3701	Ministry Administration	\$	13,206,000
3702	Children and Youth Services		4,734,820,200
3703	Infrastructure		15,507,000

**MINISTRY OF ABORIGINAL AFFAIRS**

2001	Ministry Administration	\$	75,393,300
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**CABINET OFFICE**

401	Cabinet Office	\$	28,909,700
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**INTRODUCTION OF BILLS**

The following Bill was introduced, read the first time and referred to the Standing Committee on Regulations and Private Bills:-

Bill Pr40, An Act to revive S.L. McNally Consulting Services Inc. Mr. Caplan.

**DÉPÔT DES PROJETS DE LOI**

Le projet de loi suivant est présenté, lu une première fois et renvoyé au Comité permanent des règlements et des projets de loi d'intérêt privé:-

**PETITIONS**

Petition relating to provincial oversight of the OSPCA (Sessional Paper No. P-113) Mr. Caplan.

Petition relating to paved shoulders on provincial highways (Sessional Paper No. P-134) Mr. Miller (Parry Sound–Muskoka).

Petition relating to minimum allowances for caregivers (Sessional Paper No. P-153) Mr. Ruprecht.

**PÉTITIONS****PRIVATE MEMBERS' PUBLIC BUSINESS**

Ms. Jaczek moved,

That, in the opinion of this House, a select committee be appointed to study the use of non-automobile modes of transportation on highways and private properties in Ontario and to offer recommendations for ensuring the safety of Ontarians who use such modes of transportation.

Specifically, the committee shall investigate and report on strategies for reducing injuries and fatalities related to the use of bicycles and non-automotive motorized vehicles, such as:

- 1.- Imposing minimum age requirements for operators and passengers of non-automobile motorized vehicles;

**AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS**

M<sup>me</sup> Jaczek propose,

- 2.- Implementing safety training and licensing requirements for operators of non-automobile motorized vehicles;
- 3.- Requiring the use of protective equipment for operators and passengers of bicycles and non-automobile motorized vehicles; and
- 4.- Creating regulations regarding the appropriate size of certain classes of non-automobile motorized vehicles relative to operators and passengers.

The committee shall have the authority to conduct hearings, undertake research and do anything else it considers relevant to developing a strategy for reducing injuries and fatalities related to the use of non-automobile modes of transportation in Ontario.

The committee shall be composed of Members representing all geographic regions of the Province of Ontario.

The committee shall present a final report by no later than May 31, 2011.

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. Mauro then moved,

Ensuite, M. Mauro propose,

That, in the opinion of this House, the insurance industry should provide premium reductions to Ontario drivers who equip their vehicles with winter tires.

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. Dickson then moved,

Ensuite, M. Dickson propose,

That, in the opinion of this House, the Ontario Ministry of Health and Long-Term Care should continue to support future growth and expansions of Ajax-Pickering Hospital to keep pace with the health care needs of the Ajax, Pickering and Durham Region communities which will experience population increases and demographic changes towards an aging population.

A debate arising and the time allotted for consideration of Private Members' Public Business having expired, the Acting Speaker (Mr. Wilson) proceeded to put all questions.

Un débat s'ensuit; comme le temps réservé à l'étude des affaires d'intérêt public émanant des députés est expiré, le président par intérim, M. Wilson procède aux mises aux voix.

The question having been put on Ms. Jaczek's Resolution Number 54, it was declared carried on division.

La motion, mise aux voix, sur la résolution numéro 54 de M<sup>me</sup> Jaczek est déclarée adoptée au vote.

The question having been put on Mr. Mauro's Resolution Number 56, it was declared carried on division.

La motion, mise aux voix, sur la résolution numéro 56 de M. Mauro est déclarée adoptée au vote.

The question having been put on Mr. Dickson's Resolution Number 58, it was declared carried.

La motion, mise aux voix, sur la résolution numéro 58 de M. Dickson est déclarée adoptée.

**ORDERS OF THE DAY**

Debate was resumed on the motion for Third Reading of Bill 101, An Act to provide for monitoring the prescribing and dispensing of certain controlled substances.

After some time, there being no further debate, the question having been put, the Acting Speaker (Mr. Wilson) 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:-

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 101, An Act to provide for monitoring the prescribing and dispensing of certain controlled substances, be deferred until November 29, 2010.

Therefore the vote is accordingly deferred.

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

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

The House then adjourned at 4:48 p.m.

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le président

**STEVE PETERS**

Speaker

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**ORDRE DU JOUR**

Le débat reprend sur la motion portant troisième lecture du projet de loi 101, Loi prévoyant la surveillance des activités liées à la prescription et à la préparation de certaines substances désignées.

Après quelque temps, comme il n'y a plus de débat, la motion mise aux voix, le président par intérim, M. Wilson 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:-

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 101, Loi prévoyant la surveillance des activités liées à la prescription et à la préparation de certaines substances désignées, soit différé jusqu'au le 29 novembre 2010.

En conséquence, le vote est différé.

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

Cette motion, mise aux voix, est déclarée adoptée.

À 16 h 48, la chambre a ensuite ajourné ses travaux.

**PETITIONS TABLED PURSUANT TO STANDING ORDER 39(a)**

Petition relating to regulating entertainers for children (Sessional Paper No. P-167) (Tabled November 25, 2010) Mr. Dhillon.

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

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

Ministry of the Environment / Ministère de l'Environnement, Annual Report on Drinking Water 2010 /  
Rapport annuel sur l'eau potable 2010 (No. 344) (Tabled November 25, 2010).

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