



No. 80

N° 80

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Tuesday
December 7, 2010

Mardi
7 décembre 2010

2nd Session,
39th Parliament

2^e session
39^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

A debate arose on the motion for Third Reading of Bill 120, An Act to amend the Pension Benefits Act and the Pension Benefits Amendment Act, 2010.

After some time, pursuant to the Order of the House dated November 3, 2010, the Acting Speaker (Mrs. Munro) put the question on the motion, declared her opinion that the Nays had it, and a recorded vote having been demanded, the Acting Speaker then addressed the House as follows:-

Pursuant to Standing Order 9(c), the vote on the motion for Third Reading of Bill 120, An Act to amend the Pension Benefits Act and the Pension Benefits Amendment Act, 2010 is deferred until "Deferred Votes" today.

The Order of the Day for Government Order Number 21, on the motion relating to negotiations with the federal government on a comprehensive new agreement to provide funding, planning, and governance for immigrants to succeed and for Ontario to prosper, having been called,

There being no further debate, the question having been put, the Acting Speaker declared her opinion that the Ayes had it, and a recorded vote having been demanded, the Acting Speaker then addressed the House as follows:-

Pursuant to Standing Order 9(c), the vote on Government Order Number 21 is deferred until "Deferred Votes" today.

At 10:02 a.m., the Government House Leader indicated that no further business would be called that morning and therefore the Acting Speaker recessed the House.

ORDRE DU JOUR

Il s'élève un débat sur la motion portant troisième lecture du projet de loi 120, Loi modifiant la Loi sur les régimes de retraite et la Loi de 2010 modifiant la Loi sur les régimes de retraite.

Après quelque temps, conformément à l'ordre adopté par l'Assemblée le 3 novembre 2010, la présidente par intérim, M^{me} Munro met la motion aux voix, et déclare qu'à son avis les voix opposées l'emportent et un vote par appel nominal ayant été demandé, ensuite, la Présidente par intérim s'adresse à l'Assemblée en ces mots:-

Conformément à l'article 9 c) du Règlement, le vote sur la motion portant troisième lecture du projet de loi 120, Loi modifiant la Loi sur les régimes de retraite et la Loi de 2010 modifiant la Loi sur les régimes de retraite, est différé jusqu'aux «Votes différés» aujourd'hui.

Comme il n'y a plus de débat, la motion mise aux voix, la Présidente par intérim déclare qu'à son avis les voix favorables l'emportent et un vote par appel nominal ayant été demandé, ensuite, la Présidente par intérim s'adresse à l'Assemblée en ces mots:-

Conformément à l'article 9 c) du Règlement, le vote sur l'Ordre numéro 21 émanant du gouvernement est différé jusqu'aux «Votes différés» aujourd'hui.

10:30 A.M.

10 H 30

ORAL QUESTIONS

QUESTIONS ORALES

DEFERRED VOTES

The deferred vote on the motion for Third Reading of Bill 120, An Act to amend the Pension Benefits Act and the Pension Benefits Amendment Act, 2010 was carried on the following division:-

VOTES DIFFÉRÉS

La motion portant troisième lecture du projet de loi 120, Loi modifiant la Loi sur les régimes de retraite et la Loi de 2010 modifiant la Loi sur les régimes de retraite, mise aux voix sur le vote différé, est adoptée par le vote suivant:-

AYES / POUR - 90

Aggelonitis	Delaney	Kwinter	Pendergast
Albanese	Dickson	Leal	Phillips
Arnott	DiNovo	Levac	Prue
Arthurs	Dombrowsky	MacLeod	Pupatello
Bailey	Duguid	Marchese	Qaadri
Balkissoon	Duncan	Martiniuk	Ramal
Barrett	Dunlop	Matthews	Rinaldi
Bartolucci	Elliott	Mauro	Ruprecht
Bentley	Fonseca	McMeekin	Sandals
Best	Gélinas	McNeely	Savoline
Bradley	Gravelle	Meilleur	Sergio
Broten	Hampton	Miller (Hamilton East-Stoney Creek)	Shurman
Brown	Hardeman	Miller (Parry Sound-Muskoka)	Smith
Brownell	Hillier	Milloy	Sterling
Cansfield	Horwath	Mitchell	Tabuns
Caplan	Hoskins	Moridi	Takhar
Carroll	Hoy	Munro	Van Bommel
Chan	Hudak	Murdoch	Wilkinson
Chiarelli	Jaczek	Murray	Wilson
Clark	Jeffrey	Naqvi	Witmer
Colle	Johnson	O'Toole	Yakabuski
Craitor	Jones	Ouellette	Zimmer
Crozier	Klees		

NAYS / CONTRE - 0

And the Bill was accordingly read the third time and was passed.

En conséquence, ce projet de loi est lu une troisième fois et adopté.

The deferred vote on Government Order Number 21, on the motion relating to negotiations with the federal government on a comprehensive new agreement to provide funding, planning, and governance for immigrants to succeed and for Ontario to prosper, was carried on the following division:-

AYES / POUR - 90

Aggelonitis	Delaney	Kwinter	Pendergast
Albanese	Dickson	Leal	Phillips
Arnott	DiNovo	Levac	Prue
Arthurs	Dombrowsky	MacLeod	Pupatello
Bailey	Duguid	Marchese	Qaadri
Balkissoon	Duncan	Martiniuk	Ramal

AYES / POUR – Continued

Barrett	Dunlop	Matthews	Rinaldi
Bartolucci	Elliott	Mauro	Ruprecht
Bentley	Fonseca	McMeekin	Sandals
Best	Gélinas	McNeely	Savoline
Bradley	Gravelle	Meilleur	Sergio
Brotten	Hampton	Miller (Hamilton East-Stoney Creek)	Shurman
Brown	Hardeman	Miller (Parry Sound-Muskoka)	Smith
Brownell	Hillier	Milloy	Sterling
Cansfield	Horwath	Mitchell	Tabuns
Caplan	Hoskins	Moridi	Takhar
Carroll	Hoy	Munro	Van Bommel
Chan	Hudak	Murdoch	Wilkinson
Chiarelli	Jaczek	Murray	Wilson
Clark	Jeffrey	Naqvi	Witmer
Colle	Johnson	O’Toole	Yakabuski
Craitor	Jones	Ouellette	Zimmer
Crozier	Klees		

NAYS / CONTRE - 0

And it was,

Resolved, That the Legislative Assembly of Ontario recognizes that Ontario receives, welcomes and benefits from the contributions of nearly half of all new immigrants coming to Canada and calls on the federal government to support the integration of newcomers and the economic recovery in Ontario by investing in services for newcomers and therefore asks the federal government to fulfill their commitment under the recently expired five-year Canada-Ontario Immigration Agreement to spend the outstanding \$207 million promised to Ontario’s newcomers and immediately commence negotiations on a comprehensive new agreement that provides the adequate funding, planning, and governance necessary for immigrants to succeed and for Ontario to prosper.

The Speaker addressed the House as follows:-

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

I beg leave to inform the House that I have today laid upon the Table a report from the Ombudsman entitled "Caught in the Act": Investigation into the Ministry of Community Safety and Correctional Services' conduct in relation to Ontario Regulation 233/10 under the Public Works Protection Act (Sessional Paper No. 360) (Tabled December 7, 2010).

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On December 2, 2010 the Member for Simcoe–Grey (Mr. Wilson) rose on a question of privilege concerning the distribution of what he argued were “election-style pamphlets” on the morning of Tuesday, November 30, 2010.

The Member purports that the distribution of such documents amounts to a matter of contempt because the material promotes a proposed government program as if it already has the approval of the Assembly.

I have had an opportunity to review the written material supplied by the Member for Simcoe–Grey, the comments made by the Government House Leader (Ms Smith) and precedents on similar matters.

Let me begin by correcting the assertion made by the Member for Simcoe–Grey in his letter where he states that Speaker Curling “found a contempt of the Assembly” on February 22, 2005. The following more complete text of Speaker Curling’s ruling reveals in fact that he found the opposite.

“...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...”

Notwithstanding that the Member for Simcoe–Grey erred in his assessment of the conclusion of that ruling, the ruling itself is apt, since its subject was quite similar to the one we are dealing with today. A review of the pamphlet in question confirms the use of phrases such as “The McGuinty Government wants to...” and “We’re proposing...”, wording that is almost identical to the conditional phrases used in the letter and press release that Speaker Curling ruled on.

The Member for Simcoe–Grey also referred to a ruling by Speaker Stockwell on this same subject. In that case, Speaker Stockwell found that a *prima facie* case of privilege did in fact exist. However, a review of the pamphlet that he had before him reveals quite different wording. It contained phrases such as “new city wards will be created” among others, that Speaker Stockwell found to be dismissive of the House and which could reasonably have left one with the impression that the passage of the requisite legislation was a forgone conclusion.

In my opinion, the pamphlet that the Member for Simcoe–Grey has brought to my attention is more characteristic of the documentation that Speaker Curling dealt with. I cannot find that the language used is dismissive of the legislative role of the House. On the contrary, the use of qualifying language such as: “we are proposing” can only leave the impression that further steps are required before implementation is possible. I can not find therefore that a *prima facie* case of contempt has been established.

I want to thank the Member for Simcoe–Grey and the Government House Leader for their submissions on this matter.

The House recessed at 11:49 a.m.

À 11 h 49, l’Assemblée a suspendu la séance.

3:00 P.M.

15 H

REPORTS BY COMMITTEES

RAPPORTS DES COMITÉS

Mr. Hoy from the Standing Committee on Finance and Economic Affairs presented the Committee’s Report which was read as follows and adopted:-

M. Hoy du Comité permanent des finances et des affaires économiques présente le rapport du comité qui est lu comme suit et adopté :-

Your Committee begs to report the following Bill as amended:-

Votre comité propose qu’il soit permis de faire rapport sur le projet de loi suivant avec des amendements :-

Bill 135, An Act respecting financial and Budget measures and other matters.

Projet de loi 135, Loi concernant les mesures financières et budgétaires et d’autres questions.

Pursuant to the Order of the House dated December 1, 2010, this Bill was Ordered for Third Reading.

Conformément à l'ordre adopté par l'Assemblée le 1^{er} décembre 2010, ce projet de loi est ordonné pour la troisième lecture.

INTRODUCTION OF BILLS

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

Bill 147, An Act to regulate the motor vehicle towing industry in Ontario. Mr. Zimmer.

DÉPÔT DES PROJETS DE LOI

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

Projet de loi 147, Loi réglementant l'industrie du remorquage de véhicules automobiles en Ontario. M. Zimmer.

PETITIONS

Petition relating to making PET scans available through the Sudbury Regional Hospital (Sessional Paper No. P-14) M^{me} Gélinas.

Petition relating to the Georgetown South Rail corridor and rail expansion (Sessional Paper No. P-53) Mrs. Albanese, Ms. DiNovo, Mr. Marchese, Mr. Qaadri and Mr. Ruprecht.

Petition relating to venoplasty for people with MS (Sessional Paper No. P-124) Ms. Carroll.

Petition relating to the government resigning and calling an election (Sessional Paper No. P-136) Mr. Murdoch.

Petition relating to exempting electricity from the HST (Sessional Paper No. P-159) Mr. Marchese.

Petition relating to the King Township peaker plant (Sessional Paper No. P-164) Mrs. Munro.

Petition relating to access to medical laboratories (Sessional Paper No. P-165) Mr. Wilson.

Petition relating to revising the Green Energy Act (Sessional Paper No. P-172) Mr. O'Toole.

PÉTITIONS

ORDERS OF THE DAY

A debate arose on the motion for Third Reading of Bill 135, An Act respecting financial and Budget measures and other matters.

After some time, pursuant to the Order of the House dated December 1, 2010, the Acting Speaker (Mrs. Munro) put the question on the motion, declared her 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

Il s'élève un débat sur la motion portant troisième lecture du projet de loi 135, Loi concernant les mesures financières et budgétaires et d'autres questions.

Après quelque temps, conformément à l'ordre adopté par l'Assemblée le 1^{er} décembre 2010, la présidente par intérim, M^{me} Munro 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,

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

Pendant la sonnerie d'appel, la Présidente 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 135, An Act respecting financial and Budget measures and other matters be deferred until December 8, 2010.

Therefore the vote is accordingly deferred.

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 135, Loi concernant les mesures financières et budgétaires et d'autres questions soit différé jusqu'au le 8 décembre 2010.

En conséquence, le vote est différé.

Debate was resumed on the motion for Second Reading of Bill 140, An Act to enact the Housing Services Act, 2010, repeal the Social Housing Reform Act, 2000 and make complementary and other amendments to other Acts.

Le débat reprend sur la motion portant deuxième lecture du projet de loi 140, Loi édictant la Loi de 2010 sur les services de logement, abrogeant la Loi de 2000 sur la réforme du logement social et apportant des modifications corrélatives et autres à d'autres lois.

At 6:00 p.m., the question "That this House do now adjourn" was deemed to have been proposed pursuant to Standing Order 38(b).

À 18 h, la motion portant «Que la présente Assemblée ajourne les débats maintenant» est réputée avoir été proposée conformément à l'article 38 b) du Règlement.

After two matters were considered, the question was deemed to have been carried.

Après l'étude de deux questions, la motion d'ajournement des débats est réputée avoir été adoptée.

The House then adjourned at 6:20 p.m.

À 18 h 20, la chambre a ensuite ajourné ses travaux.

le président

STEVE PETERS

Speaker

PETITIONS TABLED PURSUANT TO STANDING ORDER 39(a)

Petition relating to Special Services At Home (SSAH) (Sessional Paper No. P-168) (Tabled December 7, 2010) Mr. Ramsay.