



No. 133

N° 133

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

Tuesday
April 29, 2014

Mardi
29 avril 2014

2nd Session,
40th Parliament

2^e session
40^e législature

PRAYERS
9:00 A.M.

PRIÈRES
9 H

ORDERS OF THE DAY

ORDRE DU JOUR

Second Reading of Bill 151, An Act to amend various Acts.

Deuxième lecture du projet de loi 151, Loi visant à modifier diverses lois.

Debate resumed and after some time the House recessed at 10:08 a.m.

Le débat reprend et après quelque temps, à 10 h 08, l'Assemblée a suspendu la séance.

10:30 A.M.

10 H 30

With unanimous consent,

Avec le consentement unanime,

On motion by Ms. Wynne,

Sur la motion de M^{me} Wynne,

Resolved, That this House condemns the distribution, by the group called "Immigration Watch Canada", of hateful material toward the Sikh community in Brampton, and re-affirms the positive values of tolerance and inclusion that are the hallmarks of modern Ontario society.

ORAL QUESTIONS

QUESTIONS ORALES

During "Oral Questions", the Member for Prince Edward–Hastings (Mr. Smith), having disregarded the authority of the Chair, was named by the Speaker and directed to withdraw from the service of the House for the balance of the sessional day.

Pendant la période des « Questions orales », le député de Prince Edward–Hastings, M. Smith, ayant passé outre à l'autorité du Président, celui-ci l'a désigné par son nom et lui a ordonné de se retirer du service de l'Assemblée pour le reste de ce jour de session.

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On April 28, 2014, the Member for Nipissing (Mr. Fedeli) submitted a notice of his intention to raise a point of privilege. The notice alleges that there has been contempt of the Legislature on the basis that various Members of the House made deliberately misleading statements on Budget-related forecasts. Having had an opportunity to review various procedural authorities, including previous rulings by Speakers of this House, I am now prepared to rule on the matter without hearing further from the Member, as Standing Order 21(d) permits me to do.

The notice indicates that the Cabinet was informed on February 13, 2013, through a slide-deck, that a projected deficit figure for fiscal 2009-2010 in a 2009 government document had been more a worst-case figure than a realistic figure, and that the subsequent 2013 Budget reiterated this figure. The notice makes a second allegation, namely that various Cabinet Ministers made statements in the House that the government was on track to balance the Budget by 2017-2018, despite the Cabinet being informed on February 13, 2013, through the same slide-deck, that no plan was in place to achieve this objective, and that the fiscal outlook beyond fiscal 2013-2014 was deteriorating.

I first want to address serious questions as to the timeliness of the Member's point of privilege. It has been many weeks - if not months - since the Standing Committee on Estimates received the financial documents that form the basis of the argument made in the notice. This points to a lack of timeliness in submitting the notice. However, I am reluctant to dismiss the Member's point of privilege solely on the basis of timeliness, and therefore will address it as follows.

The notice refers to the so-called "McGee test" for determining whether a statement by a Member has deliberately misled the House. Pages 653 and 654 of the 3rd edition of McGee's *Parliamentary Practice in New Zealand* identifies what needs to be established for the Speaker to find a *prima facie* case of contempt based on a member deliberately misleading the House, as follows:

There are three elements to be established when it is alleged that a member is in contempt by reason of a statement that the member has made: the statement must, in fact, have been misleading; it must be established that the member making the statement knew at the time the statement was made that it was incorrect; and, in making it, the member must have intended to mislead the House.

As Speaker Carr indicated in a ruling in this House (at page 102 of the *Journals* for June 17, 2002):

The threshold for finding a *prima facie* case of contempt against a Member of the Legislature, on the basis of deliberately misleading the House, is therefore set quite high and is very uncommon. It must involve a proved finding of an overt attempt to intentionally mislead the Legislature. In the absence of an admission from the Member accused of the conduct, or of tangible confirmation of the conduct, independently proved, a Speaker must assume that no honourable Members would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake.

In the case at hand, I make the following observations about the application of the McGee test and Speaker Carr's ruling:

- With respect to the McGee test, the repetition of a worst-case financial figure used in a government document, and the supposed absence of a plan to achieve a fiscal objective, is not evidence of the falsity of the figure or of the objective. Moreover, with respect to the allegation that the government led people to believe that it had a plan to achieve the stated fiscal objective, the quoted statements made by Ministers in 2013 refer only to being on track toward the fiscal objective, not to the plan to achieve it. Even if they had, I note that the slide deck itself refers to "the plan to balance" relying on "expenditure restraints" and "revenue raising measures".
- The slide-deck is far removed from pointing to a Member knowingly and intentionally making a misleading statement; it does not amount to (in Speaker Carr's words) "an admission from the Member accused of the conduct, or of tangible confirmation of the conduct, independently proved." The commentary in the slide-deck is not in the same ball-park as a Member making two completely irreconcilable statements in the House - and then conceding that he or she had done so knowingly and intentionally.

Finally, it is not the role of the Speaker to assess the rationale for the use of a worst-case figure in a financial document, let alone determine whether the figure amounts to misinformation.

- The evidence that the criteria in the McGee test have been satisfied is, at best, speculative.

For these reasons, I find that a *prima facie* case of contempt has not been established. I thank the Member for Nipissing for his notice.

DEFERRED VOTES

Third Reading of Bill 21, An Act to amend the Employment Standards Act, 2000 in respect of family caregiver, critically ill child care and crime-related child death or disappearance leaves of absence.

Carried on the following division:-

VOTES DIFFÉRÉS

Troisième lecture du projet de loi 21, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne le congé familial pour les aidants naturels, le congé pour soins à un enfant gravement malade et le congé en cas de décès ou de disparition d'un enfant dans des circonstances criminelles.

Adoptée par le vote suivant :-

AYES / POUR - 91

Albanese	Fedeli	MacCharles	Nicholls
Armstrong	Fife	MacLaren	Oraziotti
Arnott	Flynn	MacLeod	O'Toole
Bailey	Forster	Mangat	Piruzza
Balkissoon	Fraser	Mantha	Prue
Barrett	Gates	Marchese	Qaadri
Bartolucci	Gerretsen	Martow	Sattler
Berardinetti	Gravelle	Matthews	Schein
Bisson	Hardeman	Mauro	Scott
Bradley	Harris	McDonell	Sergio
Chiarelli	Hatfield	McKenna	Singh
Chudleigh	Hillier	McMeekin	Tabuns
Clark	Horwath	McNaughton	Taylor
Colle	Hoskins	McNeely	Thompson
Coteau	Hudak	Meilleur	Vanthof
Crack	Hunter	Miller (Hamilton East-Stoney Creek)	Walker
Damerla	Jackson	Miller (Parry Sound-Muskoka)	Wilson
Del Duca	Jaczek	Milligan	Wong
Delaney	Jones	Milloy	Wynne
Dhillon	Klees	Moridi	Yakabuski
DiNovo	Kwinter	Munro	Yurek
Duguid	Leal	Murray	Zimmer
Elliott	Leone	Naqvi	

NAYS / CONTRE - 0

The Bill passed.

Le projet de loi est adopté.

The House recessed at 12:04 p.m.

À 12 h 04, l'Assemblée a suspendu la séance.

3:00 P.M.

15 H

The House expressed its condolence on the death of Leonard A. Braithwaite, Member for the Electoral District of Etobicoke from September 25, 1963 to September 17, 1975.

INTRODUCTION OF BILLS

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

Bill 192, An Act to amend the Wireless Services Agreements Act, 2013 to require suppliers to provide billing statements in a paper format, free of charge, on request. Ms. Damerla.

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

Bill Pr25, An Act to respecting The Loretto Ladies' Colleges and Schools. Mr. Colle.

DÉPÔT DES PROJETS DE LOI

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

Projet de loi 192, Loi modifiant la Loi de 2013 sur les conventions de services sans fil pour exiger que les fournisseurs remettent gratuitement, sur demande, des documents de facturation papier. M^{me} Damerla.

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

Eliminating compulsory WSIB coverage on independent contractors and small business owners in the construction industry (Sessional Paper No. P-5) Mr. McNaughton.

Ombudsman oversight of Long Term Care Homes (Sessional Paper No. P-46) Ms. Armstrong.

The renewable energy subsidy program and Ontario's energy sector (Sessional Paper No. P-110) Ms. Jones.

Digital technologies (Sessional Paper No. P-215) Mr. Qaadri.

Lowering the cost of electricity (Sessional Paper No. P-241) Mr. Yakabuski.

Aggressive behaviour and mental health issues regarding long-term care for seniors (Sessional Paper No. P-250) Ms. DiNovo.

A comprehensive strategy on Alzheimer's disease and related dementia (Sessional Paper No. P-256) Ms. Fife.

Construction d'une nouvelle école élémentaire catholique (document parlementaire n° P-264) M. McNeely et M. Qaadri.

Credit Unions (Sessional Paper No. P-265) Mr. Clark, Mr. Hatfield and Ms. Scott.

PÉTITIONS**ORDERS OF THE DAY**

Opposition Day

Mr. Fedeli moved,

That the Legislative Assembly of Ontario recognizes that Ontario families already pay \$9,970 a year in government paycheque deductions in addition to their personal income taxes - including employment insurance (EI), pension and health tax deductions - and as a result families cannot afford any new payroll taxes during these uncertain economic times; and

That new payroll taxes would significantly lower take-home pay, lead to immediate layoffs and keep youth from finding work.

ORDRE DU JOUR

Jour de l'opposition

M. Fedeli propose,

Therefore the Legislative Assembly of Ontario agrees that payroll taxes and paycheque deductions are a direct tax on the middle class and that no new government programs, like an Ontario Pension Plan, should be funded by new payroll taxes.

Debate arose and after some time,

Il s'élève un débat et après quelque temps,

Lost on the following division:-

Rejetée par le vote suivant :-

AYES / POUR - 34

Arnott	Harris	McDonell	Ouellette
Bailey	Hillier	McKenna	Pettapiece
Barrett	Hudak	McNaughton	Scott
Chudleigh	Jackson	Miller (Parry Sound-Muskoka)	Thompson
Clark	Jones	Milligan	Walker
Dunlop	Leone	Munro	Wilson
Elliott	MacLaren	Nicholls	Yakabuski
Fedeli	MacLeod	O'Toole	Yurek
Hardeman	Martow		

NAYS / CONTRE - 44

Albanese	Del Duca	Jaczek	Moridi
Balkissoon	Delaney	Kwinter	Murray
Bartolucci	Dhillon	Leal	Naqvi
Berardinetti	Dickson	MacCharles	Oraziotti
Bradley	Duguid	Mangat	Piruzza
Cansfield	Flynn	Matthews	Qaadri
Chiarelli	Fraser	Mauro	Sandals
Colle	Gerretsen	McMeekin	Sergio
Coteau	Gravelle	McNeely	Wong
Crack	Hoskins	Meilleur	Wynne
Damerla	Hunter	Milloy	Zimmer

The Acting Speaker (Mrs. Munro) informed the House that, in the name of Her Majesty the Queen, His Honour the Lieutenant Governor had been pleased to assent to the following bills in his office on April 29, 2014.

Bill 21, An Act to amend the Employment Standards Act, 2000 in respect of family caregiver, critically ill child care and crime-related child death or disappearance leaves of absence.

Bill Pr22. An Act to revive 434753 Ontario Ltd.

Bill Pr23. An Act to revive 1360906 Ontario Limited.

Bill Pr27. An Act respecting Toronto International Film Festival Inc.

Bill Pr28. An Act respecting YMCA of Hamilton/Burlington/Brantford.

La présidente suppléante (M^{me} Munro) avise l'Assemblée qu'au nom de Sa Majesté la Reine, Son Honneur le lieutenant-gouverneur a eu le plaisir de sanctionner les projets de loi suivants dans son cabinet le 29 avril 2014.

Projet de loi 21, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne le congé familial pour les aidants naturels, le congé pour soins à un enfant gravement malade et le congé en cas de décès ou de disparition d'un enfant dans des circonstances criminelles.

Bill Pr29. An Act to revive 394557 Ontario Limited.

At 6:08 p.m., the following matter was considered in an adjournment debate.

À 18 h 08, la question suivante a été examinée dans un débat d'ajournement.

Member for Huron–Bruce (Ms. Thompson) to the Parliamentary Assistant to the Minister of Energy – Approvals of wind projects.

The House adjourned at 6:18 p.m.

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

le président

DAVE LEVAC

Speaker

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

**PÉTITIONS DÉPOSÉES
CONFORMÉMENT À L'ARTICLE
39a) DU RÈGLEMENT**

Acute and Chronic Lyme Disease diagnosis (Sessional Paper No. P-4) (Tabled April 29, 2014) Mr. Yakabuski.

Public Safety Related to Dogs (Sessional Paper No. P-21) (Tabled April 29, 2014) Ms. DiNovo.

Cancelling the Feed-in-Tariff (FIT) subsidies (Sessional Paper No. P-135) (Tabled April 29, 2014) Mr. Yakabuski.

Closure of Kemptville and Alfred campuses (Sessional Paper No. P-237) (Tabled April 29, 2014) Mr. Yakabuski.

Credit Unions (Sessional Paper No. P-265) (Tabled April 29, 2014) Mr. Yakabuski.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Clarington Transformer Station (Sessional Paper No. P-90):
(Tabled March 6, 2014) Mr. O'Toole.

Line 9 oil pipeline (Sessional Paper No. P-116):
(Tabled March 17, 2014) Ms. Fife.

Bill 165, Fair Minimum Wage Act, 2014 (Sessional Paper No. P-236):
(Tabled March 18, 2014) Mr. Flynn.
(Tabled March 20, 2014) Mr. Fraser.
(Tabled March 18, 2014) Mr. Mauro.
(Tabled March 17, 19, 20, 2014) Ms. Wong.

The Toronto Ranked Ballot Elections Act, 2014 (Sessional Paper No. P-239):
(Tabled March 18, 20; April 1, 7, 14, 2014) Ms. Hunter.

Merton Lands (Sessional Paper No. P-242):

(Tabled April 9, 2014) Mr. Balkissoon.

(Tabled April 9, 2014) Mr. Dickson.

(Tabled March 20, 2014) Mr. Flynn.

(Tabled April 3, 10, 2014) Ms. Jaczek.

Une école secondaire francophone de quartier (7e - 12e année d'études) (document parlementaire n° P-246):

(Déposée le 25 mars 2014) M^{me} Gélinas.

(Déposée les 2 et 10 avril 2014) M. Natyshak.

(Déposée le 26 mars; le 2 avril 2014) M. Prue.

Local French Secondary Schools (Grades 7-12) (Sessional Paper No. P-247):

(Tabled March 25, 26; April 10, 2014) Mr. Prue.
