



No. 98

N° 98

Votes and Proceedings

Procès-verbaux

Legislative Assembly
of Ontario

Assemblée législative
de l'Ontario

1st Session
41st Parliament

1^{re} session
41^e législature

Wednesday
September 23, 2015

Mercredi
23 septembre 2015

PRAYERS
9:00 A.M.

PRIÈRES
9 H

Ms. Matthews delivered to the Speaker a message from Her Honour the Lieutenant Governor signed by her own hand, and the said message was read by the Speaker and is as follows:-

ELIZABETH DOWDESWELL

The Lieutenant Governor transmits Supplementary Estimates of certain sums required for the services of the Province for the year ending 31st March 2016 and recommends them to the Legislative Assembly.

La lieutenante-gouverneure transmet les prévisions supplémentaires des dépenses visant les montants nécessaires au fonctionnement de la province pour l'exercice se terminant le 31 mars 2016 et les recommande à l'Assemblée législative.

Toronto, September 22, 2015.

Toronto, le 22 septembre 2015.

(Sessional Paper No. 445, Energy and Finance (Supplementaries)).

(Document parlementaire n^o 445, Énergie et Finances (supplémentaires)).

Ordered, That the message of the Lieutenant Governor together with the Estimates accompanying same be deemed to be referred to the Standing Committee on Estimates pursuant to Standing Order 62(a).

ORDERS OF THE DAY

ORDRE DU JOUR

Second Reading of Bill 106, An Act to amend the Condominium Act, 1998, to enact the Condominium Management Services Act, 2015 and to amend other Acts with respect to condominiums.

Deuxième lecture du projet de loi 106, Loi modifiant la Loi de 1998 sur les condominiums, édictant la Loi de 2015 sur les services de gestion de condominiums et modifiant d'autres lois en ce qui concerne les condominiums.

Debate resumed, during which the Acting Speaker (Mr. Miller (Hamilton East–Stoney Creek)) interrupted the proceedings and announced that there had been more than six and one-half hours of debate and that the debate would be deemed adjourned.

Le débat a repris. Le président suppléant (M. Miller (Hamilton-Est–Stoney Creek)) a interrompu les travaux et a annoncé qu'il y avait eu plus de six heures et demie de débat et que le débat est réputé ajourné.

The Minister of Tourism, Culture and Sport directed that the debate should continue.

Le ministre du Tourisme, de la Culture et du Sport a indiqué que le débat devrait se poursuivre.

Debate resumed and after some time the House recessed at 10:15 a.m.

Le débat a repris et après quelque temps, à 10 h 15, la Chambre a suspendu la séance.

10:30 A.M.**10 H 30**

The Speaker informed the House,

Le Président a informé la Chambre,

That the following document was tabled:-

Que le document suivant a été déposé :-

Special Report on Community Care Access Centres – Financial Operations and Service Delivery, September 2015 from the Auditor General (Sessional Paper No. 446).

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On September 17, 2015, the Member for Timmins–James Bay (Mr. Bisson) rose on a question of privilege with respect to the government's appointment of a Temporary Ombudsman by Order-in-Council, without first securing a House Address requesting the appointment. The member contended that this amounted to a contempt of the House. The Government House Leader (Mr. Naqvi) also spoke to the matter, and provided my office with a written submission that responded to the notice that the Member for Timmins–James Bay had filed with my office on the previous day.

Having reviewed Hansard, both Members' written submissions, and our precedents and procedural authorities, I am now ready to rule.

By way of background on last week's developments, let me remind members that on May 31 of this year, the then-incumbent Ombudsman's second full-term appointment had expired; as of June 1, he was serving as Ombudsman during an extension requested by the House that expired on September 14, 2015. When September 14 arrived, the Ombudsman's incumbency ended. The government responded to this event by securing the passage of an Order-in-Council appointing a Temporary Ombudsman, effective on September 15; this appointment was not preceded by a House Address requesting the appointment.

The Member for Timmins–James Bay contends that an Address should have preceded passage of that Order-in-Council and that, especially because the House was actually sitting on September 14, 2015, declining to present it with a substantive motion to debate and adopt was an intentional exercise in circumventing the role of the Assembly. The Government House Leader contends that the government was simply adhering to section 7 of the Ombudsman Act, which does not require an Address.

Like today, this process was previously contested on one other occasion. On the cusp of the expiry of André Marin's first term as Ombudsman in 2010, the Government by Order-in-Council appointed Mr. Marin as Temporary Ombudsman for a 6-month term, citing Section 7 of the Ombudsman Act. This appointment was made without a preceding Address of the House, though the House was then meeting. The then-House Leader of the Third Party, Mr. Peter Kormos, raised an objection in the House about how this circumvented the role of the Assembly, using this objection as oral notice of his intent to pursue the matter in the future. In the event, this did not occur and the matter was never revisited.

The Member for Timmins–James Bay asserts that there is a parliamentary practice or tradition that a House Address should precede the actual appointment of a parliamentary officer. In reviewing the history of the Office of the Ombudsman, I have learned that a Temporary Ombudsman has been appointed, or the Temporary Ombudsman's appointment has been extended, on 15 occasions since the creation of that office in the 1970's. In some instances, the House was in session but not meeting at the time, in others the House was meeting, and in others the House was prorogued. Regardless of the status of the House, though, in each of the 15 cases, except one, the Temporary Ombudsman was appointed by Order-in-Council and without the House having previously adopted an Address requesting the appointment.

With respect to the one exception that I noted, this occurred on May 28 of this year, when the House passed an Address requesting the extension of the appointment of the then-incumbent Ombudsman up to September 14, 2015. This Address preceded by 5 days the Order-in-Council that effected the extension, but the reason why this interim appointment was dealt with in this way is completely unknown to me. It is not for the Speaker to judge the validity or legality of an Order-in-Council, or to attempt to interpret the Ombudsman Act, or to examine the validly-made decisions of the House, but I can find that the process used in the current case is entirely consistent with the process used on numerous occasions and continuously since 1978.

I thank the Member from Timmins–James Bay for raising this matter, but I cannot find that he has established a *prima facie* case of contempt. I also thank the Government House Leader for speaking to this matter and for his written submissions.

ORAL QUESTIONS

The House recessed at 11:42 a.m.

3:00 P.M.

INTRODUCTION OF BILLS

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

Bill 122, An Act to amend the Mental Health Act and the Health Care Consent Act, 1996.
Hon. Mr. Hoskins.

QUESTIONS ORALES

À 11 h 42, la Chambre a suspendu la séance.

15 H

DÉPÔT DES PROJETS DE LOI

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

Projet de loi 122, Loi visant à modifier la Loi sur la santé mentale et la Loi de 1996 sur le consentement aux soins de santé. L'hon. M. Hoskins.

PETITIONS

Repealing the Green Energy Act, 2009 (Sessional Paper No. P-1) Mr. Walker.

Review of the Environmental Protection Act (Sessional Paper No. P-59) Mr. Hardeman.

Not implementing the Ontario Retirement Pension Plan (Sessional Paper No. P-101) Mr. Smith.

Carbon tax (Sessional Paper No. P-125) Mr. Nicholls.

The South Bruce Grey Health Centre - Restorative Care Chesley Site (Sessional Paper No. P-128) Mr. Walker.

The ODSP Work-Related Benefit (Sessional Paper No. P-172) Mr. Yakabuski.

Stopping the sale of Hydro One (Sessional Paper No. P-191) Ms. Armstrong and Mr. Gates.

Bill 41, Lung Health Act 2014 (Sessional Paper No. P-206) Ms. Hoggarth and Ms. Vernile.

Rowan's Law (Sessional Paper No. P-227) Mr. Smith.

Expanding the naloxone distribution program (Sessional Paper No. P-244) Mr. Hatfield.

The Moving Ontario Forward plan (Sessional Paper No. P-245) M^{me} Lalonde.

PÉTITIONS

ORDERS OF THE DAY

Opposition Day

Ms. Horwath moved,

Whereas the Government of Ontario has eliminated public oversight of Hydro One by revoking the powers of the following independent, non-partisan Officers of the Legislative Assembly: the Auditor General, Ombudsman, Information and Privacy Commissioner, Integrity Commissioner, French Language Services Commissioner, Provincial Advocate for Children and Youth, Environmental Commissioner and Financial Accountability Officer; and

Whereas the Government of Ontario has denied all freedom of information requests related to the privatization of Hydro One, including all records of the costs and risks related to the sale; and

Whereas more than 80% of Ontarians oppose the Government's plan to privatize Hydro One; and

Whereas the Government of Ontario refused to hold public consultations on the privatization of Hydro One across the province before moving ahead with the 2015 Ontario Budget; and

Whereas Ontarians have a right to accurate information, non-partisan analysis and to be heard before the sale of Hydro One begins;

Therefore, it is the opinion of this House that the Minister of Energy immediately invoke Section 35 of the Ontario Energy Board Act and order the Ontario Energy Board to conduct an independent, public, non-partisan review on the impact of the proposed privatization of Hydro One prior to launching any sale of shares or stock.

Debate arose and after some time,

Lost on the following division:-

Jour de l'opposition

M^{me} Horwath propose,

Il s'élève un débat et après quelque temps,

Rejetée par le vote suivant :-

AYES / POUR - 37

Armstrong	Gates	MacLaren	Sattler
Arnott	Gélinas	MacLeod	Scott
Bailey	Gretzky	Mantha	Smith
Barrett	Hardeman	McNaughton	Tabuns
Bisson	Harris	Miller (Parry Sound-Muskoka)	Thompson
Clark	Hatfield	Munro	Vanthof
DiNovo	Hillier	Natyshak	Walker
Fedeli	Horwath	Nicholls	Yakabuski
Fife	Jones	Pettapiece	Yurek
French			

NAYS / CONTRE - 51

Albanese	Del Duca	Kiwala	Moridi
Anderson	Delaney	Lalonde	Naidoo-Harris
Baker	Dhillon	Leal	Naqvi
Balkissoon	Dickson	MacCharles	Oraziotti
Ballard	Dong	Malhi	Potts
Berardinetti	Duguid	Mangat	Qaadri
Bradley	Flynn	Martins	Rinaldi
Chan	Fraser	Matthews	Sandals
Chiarelli	Gravelle	Mauro	Thibeault
Colle	Hoggarth	McGarry	Vernile
Coteau	Hoskins	McMahon	Wong
Crack	Hunter	Meilleur	Zimmer
Damerla	Jaczek	Milczyn	

At 6:00 p.m., the following matter was considered in an adjournment debate.

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

Member for Prince Edward–Hastings (Mr. Smith) to the Minister of Natural Resources and Forestry – Permit awarded for a wind turbine project in Prince Edward County.

The House adjourned at 6:12 p.m.

À 18 h 12, 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**

Fluoridation of drinking water (Sessional Paper No. P-114) (Tabled September 23, 2015) Mr. Hatfield.

Labour and employment laws (Sessional Paper No. P-195) (Tabled September 23, 2015) Mr. Nicholls.

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

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

COMPENDIA:

Bill 122, An Act to amend the Mental Health Act and the Health Care Consent Act, 1996 (No. 447) (Tabled September 23, 2015).

Certificate pursuant to Standing Order 108(f)(1) re intended appointments dated September 18, 2015 (No. 443) (Tabled September 18, 2015).

Ontario Mortgage and Housing Corporation, 2014-2015 Annual Report / Société ontarienne d'hypothèques et de logement, 2014-2015 Rapport annuel (No. 444) (Tabled September 21, 2015).

Walkerton Clean Water Centre, 2014-2015 Annual Report / Centre de Walkerton pour l'assainissement de l'eau, 2014-2015 Rapport annuel (No. 442) (Tabled September 18, 2015).

RESPONSES TO WRITTEN QUESTIONS

RÉPONSES AUX QUESTIONS ÉCRITES

Final Answers to Question Number: 368.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Drive Clean program (Sessional Paper No. P-14):
(Tabled December 8, 11, 2014; June 3, 2015) Mr. Clark.
(Tabled May 26, 2015) Mr. Smith.

Oxford County and landfill construction (Sessional Paper No. P-77):
(Tabled April 28; May 26, 27, 2015) Mr. Hardeman.

Aviation fuel tax (Sessional Paper No. P-97):

(Tabled April 28, 2015) Mr. Hardeman.

(Tabled April 28, 2015) Ms. Thompson.

Trespass to Property Act (Sessional Paper No. P-140):

(Tabled April 30; May 14, 2015) Ms. Jones.

Natural gas prices increase (Sessional Paper No. P-146):

(Tabled April 29, 2015) Ms. Forster.

The Pesticides Act (Sessional Paper No. P-179):

(Tabled May 5, 2015) Mr. Hardeman.

(Tabled May 28, 2015) Ms. Scott.

(Tabled April 27, 2015) Mr. Smith.

(Tabled April 28, 30; May 28, 2015) Ms. Thompson.

Highway 3 (Sessional Paper No. P-180):

(Tabled April 28, 2015) Mr. Natyshak.

Affordable housing units (Sessional Paper No. P-181):

(Tabled April 28, 2015) Ms. DiNovo.

GO Train extension to Courtice and Bowmanville (Sessional Paper No. P-189):

(Tabled May 7, 2015) Mr. Anderson.

Cap and trade system (Sessional Paper No. P-190):

(Tabled May 11, 2015) Mr. Potts.

Way-finding signs on MTO Roads in Northern Ontario (Sessional Paper No. P-224):

(Tabled June 4, 2015) Mr. Mantha.

The solar project planned for the 8th Line of Douro (Sessional Paper No. P-225):

(Tabled June 4, 2015) Mr. MacLaren.

Increasing energy rates (Sessional Paper No. P-232):

(Tabled June 4, 2015) Mr. Yakabuski.
