

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Votes and Proceedings

No. 37

Procès-verbaux

N° 37

1st Session
42nd Parliament

Thursday
October 18, 2018

1^{re} session
42^e législature

Jeudi
18 octobre 2018

9:00 A.M.
PRAYERS

9 H
PRIÈRES

ORDERS OF THE DAY

ORDRE DU JOUR

Second Reading of Bill 32, An Act to amend the Ontario Energy Board Act, 1998.

Deuxième lecture du projet de loi 32, Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario.

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

With unanimous consent,

Avec le consentement unanime,

On motion by Mr. Walker,

Sur la motion de M. Walker,

Ordered, That sign-language interpreters may be present on the floor of the Chamber today to interpret Statements by the Ministry and Responses.

With unanimous consent,

Avec le consentement unanime,

On motion by M^{me} Des Rosiers,

Sur la motion de M^{me} Des Rosiers,

Ordered, That the following changes be made in the Order of Precedence for Private Members' Public Business:-

Il est ordonné que les changements suivants soient effectués dans l'ordre de priorité des affaires d'intérêt public émanant des députés :-

Ms. Wynne assumes ballot item number 39;

M^{me} Des Rosiers assumes ballot item number 51;

Mr. Gravelle assumes ballot item number 79.

ORAL QUESTIONS

QUESTIONS ORALES

The Speaker delivered the following ruling:-

Le Président a rendu la décision suivante :-

On Wednesday, October 17, 2018, the Member for Flamborough—Glanbrook (Ms. Skelly) raised a question of privilege concerning an incident that allegedly took place on the floor of the House during the ringing of the division bells for the vote on the Opposition Day motion that was debated on the previous afternoon, October 16, 2018.

The Member alleges that during the ringing of the bells, the Member for Hamilton Centre (Ms. Horwath) crossed the Chamber floor to the government side and while there, made deliberate and unwanted physical contact with her, and made remarks that, the member contended, could be construed as an attempt to interfere with her right to vote. In response, the Opposition House Leader pointed to an earlier provocation of the Member for Hamilton Centre during the debate on her motion, in the form of government members standing in the back row of the government side to block, allegedly intentionally, the camera view of her making her remarks. I have also received written submissions on this matter from the Government House Leader and the Official Opposition House Leader.

After carefully reviewing the matter, I cannot find that a *prima facie* case of breach of privilege has been established.

The authorities suggest that for a *prima facie* case of privilege to be made out, the circumstances giving rise to the alleged breach of privilege should have prevented a member from discharging their parliamentary duties. Joseph Maingot, at pages 222 to 223 of the Second Edition of *Parliamentary Privilege in Canada*, makes the following remarks about the narrow confines of parliamentary privilege:

“There must be some act that improperly interferes with the Member’s rights (...). The interference, however, must not only obstruct the Member in his capacity as a Member, it must obstruct or allege to obstruct the Member in his parliamentary work. For just as the Member is protected for what he does during a “proceeding in Parliament,” so must the Member’s parliamentary work or work relating to a “proceeding in Parliament” be alleged to be improperly interfered with before the Speaker may find a *prima facie* case...”

The Member for Flamborough—Glanbrook cited a ruling given by Speaker Peters on May 4, 2010, but what distinguishes that incident from this one is that in 2010 it was established to the satisfaction of the Speaker that members of the Assembly were confined at a budget lock-up in a government building, and not permitted to leave in sufficient time to attend a meeting of the House. This obstruction constituted a *prima facie* breach of privilege.

In the case at hand, the parliamentary proceeding in question was the vote on the October 16, 2018 Opposition Day motion, which I note the member subsequently participated in, casting her vote with the Nays. There is nothing to suggest that the Member was obstructed from voting, or that the incident otherwise interfered with her ability to carry out her parliamentary duties.

I understand that in some ways this place is adversarial – that is the very nature of parliamentary debate. Members will inevitably have different opinions and approaches, and sometimes this will lead to conflict and heated exchanges. As I say, that is all fair and in the nature of this place. However, we all share the honour of having been elected to this Legislative Assembly to represent the citizens of Ontario. It would be a disservice to this place and to those citizens who elected us, for us to tolerate honourable disagreement degenerating to the level of personal insult, confrontation and closed-mindedness.

Only very recently the House adopted a Members’ Code of Conduct on Harassment, which every single member of this Assembly has personally signed a written pledge to uphold. The preamble to the Code cites its purpose as being “to foster a culture in which Members of the Legislative Assembly of Ontario treat each other with respect and professionalism.” Hopefully this is an attainable aspiration, and reflects the way that all members can expect the House to conduct itself when doing the peoples’ business in this, the peoples’ House.

These are still relatively early days in this Parliament, and together we have the opportunity to set the tone and establish a respectful, productive culture here. It is incumbent upon us all to fulfill our roles with the dignity befitting this institution, and to treat one another with respect and professionalism, as our constituents would expect of us.

The House recessed at 11:51 a.m.

À 11 h 51, la Chambre a suspendu la séance.

1:00 P.M.

13 H

PETITIONS

PÉTITIONS

Health and physical education curriculum (Sessional Paper No. P-2) Ms. Armstrong.

Implementing minimum wage (Sessional Paper No. P-4) Ms. Andrew, Mr. Hassan and Ms. Karpoche.

Celiac disease (Sessional Paper No. P-26) Ms. Armstrong.

Injured workers (Sessional Paper No. P-36) Mr. Harden and Ms. Karpoche.

Animal welfare standards (Sessional Paper No. P-43) Ms. Hogarth.

**PRIVATE MEMBERS' PUBLIC
BUSINESS**

Mr. Bailey moved,

Second Reading of Bill 38, An Act to amend the Business Corporations Act and the Real Estate and Business Brokers Act, 2002 with respect to personal real estate corporations.

Debate arose and after some time,

Carried.

Referred to the Standing Committee on General Government.

Miss Mitas moved,

Second Reading of Bill 40, An Act to amend the Human Rights Code with respect to genetic characteristics.

Debate arose and after some time,

Carried.

Referred to the Standing Committee on the Legislative Assembly.

Mr. Sarkaria moved,

Second Reading of Bill 41, An Act to amend the Highway Traffic Act to exempt Sikh motorcyclists from the requirement to wear a helmet.

Debate arose and after some time,

Carried.

Referred to the Standing Committee on the Legislative Assembly.

During "Private Members' Public Business", proceedings were suspended until the end of the time allotted.

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

M. Bailey propose,

Deuxième lecture du projet de loi 38, Loi modifiant la Loi sur les sociétés par actions et la Loi de 2002 sur le courtage commercial et immobilier relativement aux sociétés personnelles immobilières.

Il s'élève un débat et après quelque temps,

Adoptée.

Renvoyé au Comité permanent des affaires gouvernementales.

M^{lle} Mitas propose,

Deuxième lecture du projet de loi 40, Loi modifiant le Code des droits de la personne en ce qui a trait aux caractéristiques génétiques.

Il s'élève un débat et après quelque temps,

Adoptée.

Renvoyé au Comité permanent de l'Assemblée législative.

M. Sarkaria propose,

Deuxième lecture du projet de loi 41, Loi modifiant le Code de la route pour exempter les motocyclistes sikhs de l'obligation de porter un casque.

Il s'élève un débat et après quelque temps,

Adoptée.

Renvoyé au Comité permanent de l'Assemblée législative.

Pendant la période des « Affaires d'intérêt public émanant des députés », les travaux ont été suspendus jusqu'à la fin du temps alloué.

ORDERS OF THE DAY**ORDRE DU JOUR**

Mr. Bethlenfalvy moved,

M. Bethlenfalvy propose,

That, pursuant to Standing Order 47 and notwithstanding any other Standing Order or Special Order of the House, when the Order of the Day is called for resuming the adjourned debate on Government Order Number 4, the Speaker shall put every question necessary to dispose of the Order and any amendments thereto; and

That, except in the case of a recorded division arising from morning Orders of the Day pursuant to Standing Order 9(c), no deferral of the vote shall be permitted; and

That, in the case of any division related to Government Order Number 4, the division bell shall be limited to 10 minutes.

Debate arose and after some time,

Il s'élève un débat et après quelque temps,

With unanimous consent,

Avec le consentement unanime,

On motion by Mr. Lecce,

Sur la motion de M. Lecce,

Ordered, That the President of the Treasury Board be allowed to speak a second time on debate on Government Notice of Motion Number 12.

Debate resumed and after some time,

Le débat a repris et après quelque temps,

The question was then put.

La question a ensuite été mise aux voix.

Vote deferred on request of the Chief Government Whip.

Le vote est différé par requête du Whip en chef du gouvernement.

On motion by Mr. Lecce, it was Ordered that the House adjourn.

Sur la motion de M. Lecce, il est ordonné que la Chambre ajourne ses travaux.

The House adjourned at 5:30 p.m.

À 17 h 30, la Chambre a ajourné ses travaux.

le président

TED ARNOTT

Speaker

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

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

Fairness Commissioner, Office of the, 2017-2018 Annual Report / Bureau du commissaire à l'équité, Rapport annuel 2017-2018 (No. 76) (Tabled October 18, 2018).

Higher Education Quality Council of Ontario, 2017-2018 Annual Report / Conseil ontarien de la qualité de l'enseignement supérieur, Rapport annuel 2017-2018 (No. 77) (Tabled October 18, 2018).

Ontario Clean Water Agency, 2017 Annual Report / Agence ontarienne des eaux, Rapport annuel 2017 (No. 78) (Tabled October 18, 2018).

Self-Directed Care Ontario, 2017-2018 Annual Report and Financial Statements / Soins Autogérés Ontario, Rapport annuel 2017-2018 et États financiers (No. 79) (Tabled October 18, 2018).

**RESPONSES TO WRITTEN
QUESTIONS**

RÉPONSES AUX QUESTIONS ÉCRITES

Final Answers to Question Numbers: 6 and 7.

RESPONSES TO PETITIONS

RÉPONSES AUX PÉTITIONS

Implementing minimum wage (Sessional Paper No. P-4):
(Tabled August 1, 2018) Mr. Yarde.

Basic Income Pilot Project (Sessional Paper No. P-22):
(Tabled August 2, 8, 14; September 12, 17, 2018) Ms. Hunter.

Poppy symbol (Sessional Paper No. P-23):
(Tabled August 2, 7, 8, 2018) Mr. Mantha.
