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**Official Report
of Debates
(Hansard)**

Thursday 14 June 2012

**Journal
des débats
(Hansard)**

Jeudi 14 juin 2012

**Standing Committee on
Finance and Economic Affairs**

Strong Action for Ontario Act
(Budget Measures), 2012

**Comité permanent des finances
et des affaires économiques**

Loi de 2012 sur une action
énergique pour l'Ontario
(mesures budgétaires)

Chair: Bob Delaney
Clerk: Valerie Quioc Lim

Président : Bob Delaney
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS

Thursday 14 June 2012

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Jeudi 14 juin 2012

*The committee met at 0908 in room 151.*STRONG ACTION FOR ONTARIO ACT
(BUDGET MEASURES), 2012LOI DE 2012 SUR UNE ACTION
ÉNERGIQUE POUR L'ONTARIO
(MESURES BUDGÉTAIRES)

Consideration of the following bill:

Bill 55, An Act to implement Budget measures and to enact and amend various Acts / Projet de loi 55, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter et à modifier diverses lois.

The Chair (Mr. Bob Delaney): Good morning, everybody. This is the Standing Committee on Finance and Economic Affairs, and we're here to do our clause-by-clause consideration of Bill 55, An Act to implement Budget measures and to enact and amend various Acts.

Please note that I will put the question on consecutive sections that have no amendments together, but members may request to vote on each section individually. The default: If there are a whole series of sections that have no amendments, I'll ask for consideration of that whole series of sections. I'll ask for a show of hands when you vote.

Before we begin, does anybody have any comments or questions? Mr. O'Toole.

Mr. John O'Toole: Thank you, Chair, for the opportunity just to acknowledge that we have a total of 214 amendments—215 amendments, and a couple of days set aside. When I looked at and listened to the news this morning, the federal government was dealing with a few more, but not really, considering they're representing Canada and all the provinces and territories.

This is an omnibus bill we're dealing with, and I'm questioning whether or not sufficient time has been put into it. I just want that to be acknowledged on the record on behalf of the Tim Hudak and the Conservative Party.

The Chair (Mr. Bob Delaney): Thank you. Anything else? Ms. Forster.

Ms. Cindy Forster: This is my first round of finance with respect to the budget, and so I want to be clear that we're actually going to be voting on these amendments one by one and not—

The Chair (Mr. Bob Delaney): Yes. When I made the comment before, it was: If there's a series of sections

in the budget for which no amendments have been proposed—

Ms. Cindy Forster: Right.

The Chair (Mr. Bob Delaney):—and there's sometimes a whole series of them, we'll ask for consideration of a series of sections for which no amendments have been proposed all together, but not a whole series of proposed amendments together.

Ms. Cindy Forster: Okay.

The Chair (Mr. Bob Delaney): Okay. I just wanted to make sure that that one's clear.

Anything else? Okay. The first issue I'd like to deal with is whether or not we have unanimous consent to postpone the consideration of sections 1, 2 and 3 so that we can deal with the schedules first. Thoughts on that?

Mr. Michael Prue: Can you explain the rationale, Mr. Chair?

The Chair (Mr. Bob Delaney): The question that I'd like to ask is whether or not you would wish to deal with schedules, upon which sections 1, 2 and 3 may be dependent, before considering sections 1, 2 and 3.

Mr. John O'Toole: Could we perhaps have the clerk explain that?

The Chair (Mr. Bob Delaney): Absolutely.

The Clerk of the Committee (Ms. Valerie Quioc Lim): It is up to the committee, but it's a practice that we go through the schedules first and then go back to the sections in the bill, because the sections deal with the schedules themselves. But it's up to the committee.

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: Could I ask a question, then? We have 215 amendments in order. If we do that, where do we start in the process?

The Clerk of the Committee (Ms. Valerie Quioc Lim): If we have unanimous consent to stand down sections 1, 2 and 3 of the bill, we go to schedule 1.

Mr. Michael Prue: I'm not perhaps phrasing this right. We have 215 amendments. They're sequentially in order. Are we going out of order if we agree to this?

The Clerk of the Committee (Ms. Valerie Quioc Lim): No, the first amendment here is on schedule 1, so we will start with the first amendment.

Mr. Michael Prue: So just the way it has been ordered. Thank you. Then I'm okay with it.

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Chair, I'm sharing, I think, the same confusion as Mr. Prue. I'm in agreement with Mr.

Prue on this. As long as we are moving ahead in the sequence that we have the amendments in front of us, I think it will be beneficial to all committee members, because I think we are prepared mentally to deal in a 1, 2, 3, 4 order. We'll just go along amendment by amendment, and then vote on the overall schedule towards the end and then continue with that, as sequenced here in the package that we received from the clerk's office.

Mr. John O'Toole: Chair? One more thing: I think this is valuable time—

The Chair (Mr. Bob Delaney): Hold on. Let me just answer Mr. Naqvi's question. Yes, my understanding is that that's the way we're going.

Mr. Yasir Naqvi: Thank you.

The Chair (Mr. Bob Delaney): Mr. O'Toole.

Mr. John O'Toole: Legal counsel, is that the proper way? As far as the number of times I've done this on this very committee, they've always dealt with the amendments as presented, as written by the researchers, that deal with the sections that we're dealing with. If there's any deviation from that—am I wrong to assume that's how it should be done?

Ms. Laura Hopkins: Conventionally, the approach that's being proposed is exactly what's done, starting with schedule 1 and working to the last of the schedules, and then finally voting sections 1, 2 and 3 of the first page of the bill, which refer to the schedules.

Mr. John O'Toole: Thank you.

The Chair (Mr. Bob Delaney): Any further discussion? Okay, I just want to, then, make it clear. Is it the will of the committee that we begin with schedule 1—in other words, the package of amendments as it exists in front of you?

Mr. John O'Toole: Agreed.

Mr. Yasir Naqvi: Yes.

The Chair (Mr. Bob Delaney): Okay, thank you.

At least until we start to get the rhythm and the flow of the documents, please bear with the Chair as we make sure that we're doing this in the right order.

There are no proposed amendments to schedule 1, section 1. Shall schedule 1, section 1, carry? Carried. Thank you.

Mr. John O'Toole: Excuse me again. Just a clarification: I would say that where there—researchers have reviewed each section or schedule, and they have reviewed each section within the schedule. So we're really only dealing with the amendments to that particular part of the schedule.

I don't think we need to vote—we will vote on that schedule at the end of schedule 1, which would include 1, 2, 3, 4 and 5. We may have only had amendments to 6 and 7. We will deal with 6 and 7. But that presumes that the other schedules are as such, unless we want to debate them. We can't move amendments in them, anyway, so they are as they are presented. Amendments had to be in by 6 o'clock yesterday.

The Chair (Mr. Bob Delaney): I think we're talking about the same thing. We're just going to go schedule by

schedule, section by section. I don't think you're going to find that anything is out of order.

Ms. Forster?

Ms. Cindy Forster: I think, actually, what Mr. O'Toole is suggesting is that we deal with the amendments, as opposed to dealing with each section and subsection of 1. So we deal with the amendments, and then we vote on the schedule—

Mr. Michael Prue: As amended.

Ms. Cindy Forster: —as amended.

The Chair (Mr. Bob Delaney): That in fact is right where we are now, with number 1 in your package, which is an NDP motion, which would be subsection 2(1) of schedule 1. Are we talking about the same thing here?

Mr. Michael Prue: I believe we are. I think the confusion will melt away as we go through.

The Chair (Mr. Bob Delaney): The object here is to make sure we all understand what it is that we're doing. If at any point you don't, stop me and we'll make sure that we clarify everything with the clerk, the legal counsel or anybody else whose opinion will serve to edify us in the circumstances.

In your package, number 1: Mr. Prue.

Mr. Michael Prue: I move that subsection 21(3.4) of the Ambulance Services Collective Bargaining Act, 2001, as set out in subsection 2(1) of schedule 1 to the bill, be struck out and the following substituted:

“Same

“(3.4) The written reasons must demonstrate that the arbitrator has considered the factors set out in paragraphs 1 to 7 of subsection (2), and may deal with other matters as the arbitrator considers appropriate.”

If I may, the rationale for this is we believe that this will help the union, employer and arbitrator to address each criteria, including ability to pay, and builds in some flexibility. The unions and arbitration community want more flexibility in addressing criteria and therefore more flexibility to cut a deal and shorten the process.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, our recommendation is to vote against this motion. The proposed government motion number 2 would address this motion and would remove the reference to “proper consideration.” By removing the word “clearly,” as proposed here, it would mean that arbitrators would not have to demonstrate clear consideration of the criteria on which he or she received submissions from a party. The purpose of the proposed legislation is to increase accountability and transparency within the interest arbitration system while preserving the essential independence of the decision-making process.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed?

Mr. John O'Toole: Who called for a recorded vote?

The Chair (Mr. Bob Delaney): I declare the amendment lost.

You have to call for the recorded vote before we ask for it.

Interjections.

The Chair (Mr. Bob Delaney): I'm sorry?

Mr. John O'Toole: Who asked for the recorded vote?

The Chair (Mr. Bob Delaney): It wasn't a recorded vote.

Interjection.

Mr. John O'Toole: Yes, you did. It was a recorded vote.

Interjections.

The Chair (Mr. Bob Delaney): Mr. O'Toole, no one called for a recorded vote. If you call for recorded votes, then we will record on the show of hands. Okay? All right.

In your package, number 2, a government motion: Mr. Naqvi.

0920

Mr. Yasir Naqvi: I move that subsections 21(3.1), (3.2), (3.3) and (3.4) of the Ambulance Services Collective Bargaining Act, 2001, as set out in subsection 2(1) of schedule 1 to the bill, be struck out and the following substituted:

“Submissions re criteria

“(3.1) A party shall make submissions to the arbitrator on any of the criteria set out in subsection (2) in respect of which the party intends to request written reasons from the arbitrator.

“Reasons

“(3.2) When the arbitrator gives a decision, he or she shall provide written reasons upon the request of either party.

“Same

“(3.3) The written reasons must clearly demonstrate that the arbitrator has considered the criteria on which a party has made submissions under subsection (3.1), and may deal with other matters as the arbitrator considers appropriate.”

If I may, Chair, the proposed subsections 21(3.1), (3.2), (3.3) and (3.4) of the Ambulance Services Collective Bargaining Act would require the parties, unless they jointly agree otherwise, to provide submissions on each of the statutory criteria listed in the act and would require, upon the request of either party, an arbitrator to provide written reasons which clearly demonstrate that the arbitrator had given proper consideration to each of those criteria.

The proposed motion would amend those provisions to require a party to make submissions only on the criteria set out in the act in respect of which it intends to request written reasons from the arbitrator and a corresponding requirement on an arbitrator to provide written reasons on the request of either party, and to include in those reasons a clear demonstration that the arbitrator has considered the criteria on which he or she receives submissions from a party.

The Chair (Mr. Bob Delaney): Any discussion? Mr. Prue.

Mr. Michael Prue: Only to say: Although I thought ours was better, I'm going to vote for yours because at least it does most of the same thing.

Mr. Yasir Naqvi: Thank you, Mr. Prue.

The Chair (Mr. Bob Delaney): You've got to like harmony.

Shall the amendment carry? Carried.

In your package, sheet number 3, government motion. Mr. Naqvi.

Mr. Yasir Naqvi: I move that subsections 21(12), (13), (14), (15), (16) and (17) of the Ambulance Services Collective Bargaining Act, 2001, as set out in subsection 2(4) of schedule 1 to the bill, be struck out and the following substituted:

“Time for final submissions

“(12) If the arbitrator has not given his or her decision on or before the date that is 14 months after the referral date, each of the parties shall, on or before the date that is 15 months after the referral date, make its final written submissions to the arbitrator, including,

“(a) any submissions required by subsection (3.1); and

“(b) a list of any matters that the parties have already agreed upon.

“Time for decision

“(13) The arbitrator shall give his or her decision on or before the date that is 16 months after the referral date, unless an extension is obtained under subsection (16).

“Same

“(14) The 16-month deadline applies even if a replacement has been appointed under subsection 20(4).

“Same

“(15) The arbitrator shall comply with the 16-month deadline even if one or both of the parties fail to make final written submissions in accordance with subsection (12).

“Application to board for extension

“(16) The parties may jointly apply to the board for an order extending the 16-month deadline, and in that case the following rules apply:

“1. The application must be filed with the board before the 16-month deadline expires.

“2. The board,

“(i) must deal with the application on an expedited basis,

“(ii) may grant only one extension in each arbitration proceeding, and

“(iii) may grant an extension only in exceptional circumstances.

“3. The extension, if granted, must not exceed two months after the date that is 16 months after the referral date.

“Termination of arbitrator's appointment

“(17) The arbitrator's appointment is immediately terminated if he or she fails to comply with the 16-month deadline and one of the following conditions exists:

“1. No application has been made for an extension.

“2. An application for an extension has been dismissed.

“3. An application for an extension has been granted but the arbitrator has not given his or her decision before the expiry of the extension period.”

By way of explanation, the proposed subsections that are mentioned in schedule 1 would provide the timelines to complete an interest arbitration proceeding. The purpose of this proposed change is to extend each timeline by four months. Specifically, the motion would amend timeline references as follows: 12 months to 16 months; 11 months to 15 months; and 10 months to 14 months.

Based upon feedback from stakeholders, it was felt that an extra four months was necessary to allow for central bargaining to occur first, and we heard that sometimes it can take a few months for unions and management to find, agree upon and have the initial meeting with an arbitrator.

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? I heard a no. All those in favour? All those opposed? I declare the amendment carried.

We'll move on to page number 4 in your package.

Mr. Yasir Naqvi: I move that subsection 21(21) of the Ambulance Services Collective Bargaining Act, 2001, as set out in subsection 2(4) of schedule 1 to the bill, be amended by striking out “submissions that comply with subsection (3.1)” and substituting “any submissions required by subsection (3.1)”.

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? Carried.

Mr. Yasir Naqvi: Chair, I move that subsections—

The Chair (Mr. Bob Delaney): Hold on. Don't get ahead of me.

Mr. Yasir Naqvi: Sorry.

The Chair (Mr. Bob Delaney): In your package, page number 5: Mr. Naqvi.

Mr. Yasir Naqvi: I move that subsections 21(22), (23) and (26) of the Ambulance Services Collective Bargaining Act, 2001, as set out in subsection 2(4) of schedule 1 to the bill, be amended by striking out “final submissions” wherever it appears and substituting in each case “final written submissions”.

The Chair (Mr. Bob Delaney): Discussions? Explanations? Shall the amendment carry? Carried.

In your packages, number 6: Mr. Naqvi.

Mr. Yasir Naqvi: I move that subsection 21(27) of the Ambulance Services Collective Bargaining Act, 2001, as set out in subsection 2(4) of schedule 1 to the bill, be amended by striking out “Subsections (2), (3.3) and (3.4)” at the beginning and substituting “Subsections (2), (3.2) and (3.3)”.

The Chair (Mr. Bob Delaney): Discussion? Explanations? Shall the amendment carry? Carried.

Shall schedule 1, section 2, as amended, carry? Carried.

Shall schedule 1, section 3 carry? Carried. And if I ask you that, it means obviously that there have been no proposed amendments.

We're on page 7 in your packages: Mr. Naqvi.

Mr. Yasir Naqvi: I move that subsection 28.1(2) of the Ambulance Services Collective Bargaining Act, 2001, as set out in section 4 of schedule 1 to the bill, be amended by striking out “Subsections 21(3.1) to (3.4)” at the beginning and substituting “Subsections 21(3.1) to (3.3)”.

The Chair (Mr. Bob Delaney): Shall the amendment carry? Carried.

Page 8 in your packages. Government motion: Mr. Naqvi.

Mr. Yasir Naqvi: Chair, I move that subsection 28.1(3) of the Ambulance Services Collective Bargaining Act, 2001, as set out in section 4 of schedule 1 to the bill, be struck out and the following substituted:

“Same

“(3) If the referral date falls on or after March 27, 2012, but before the day on which the Strong Action for Ontario Act (Budget Measures), 2012 receives royal assent,

“(a) the parties shall make their final written submissions to the arbitrator on or before the date that is 15 months after the date of royal assent, not as provided in subsection 21(12); and

“(b) the arbitrator shall give his or her decision on or before the date that is 16 months after the date of royal assent, not as provided in subsection 21(13).”

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Shall schedule 1, section—

Mr. Michael Prue: Chair, before the vote, I would request a 20-minute recess.

The Chair (Mr. Bob Delaney): A 20-minute recess has been requested. The committee will reconvene at 10 to 10. We are in recess.

The committee recessed from 0930 to 0947.

The Chair (Mr. Bob Delaney): Now we'll come back to order. We are here again to resume our consideration of Bill 55.

Shall schedule 1, section 4, as amended, carry?

Mr. Michael Prue: Mr. Chair?

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: To speak to this: I just want to make sure exactly what we are voting on here. In my understanding, if you don't want the schedule, you simply vote no. I understand number 9 is a notice and is not a motion. Would that be correct?

The Chair (Mr. Bob Delaney): That's my understanding.

Mr. Michael Prue: I just want to make sure, because we do have number 9, the NDP notice of our intent.

The Chair (Mr. Bob Delaney): We're only on section 4 and the schedule itself hasn't come for a vote.

Mr. Michael Prue: Okay, sorry. That's fine. My mistake.

The Chair (Mr. Bob Delaney): In other words, the apocalyptic decision hasn't yet come before the committee.

Mr. Michael Prue: It hasn't yet come before us. Okay, thank you.

The Chair (Mr. Bob Delaney): So we're clear, then? We're voting on section 4 of schedule 1, not all of schedule 1.

Shall schedule 1, section 4, as amended, carry? Carried.

There are no proposed amendments to schedules 5 and 6. Is there any discussion on schedules 5—

The Clerk of the Committee (Ms. Valerie Quioc Lim): Section 5.

The Chair (Mr. Bob Delaney): —section 5 and section 6 of schedule 1? Is there any discussion on section 5 and section 6 of schedule 1? Shall section 5 and section 6 of schedule 1 carry? Carried.

Is there any further discussion on schedule 1? Mr. Prue.

Mr. Michael Prue: Mr. Chair, if I can ask this question at this point: We have number 9, which I believe is a notice and not a motion, and therefore would simply be an indication to the committee of the NDP's position. If the NDP is of a mind to vote for the schedule, we would vote yes, and if we are of a mind to vote against the schedule, we would vote no. Is that how I would take this?

The Chair (Mr. Bob Delaney): That's my understanding as well.

Mr. Michael Prue: And that motion 9 would be—it's irrelevant; it's out of order.

The Chair (Mr. Bob Delaney): Well, it's hard to say that something that isn't a motion is out of order, because it was never in order.

Mr. Michael Prue: Okay, but it is numbered.

The Chair (Mr. Bob Delaney): Yes.

Mr. Michael Prue: And it will not be dealt with?

The Chair (Mr. Bob Delaney): Correct.

Mr. Michael Prue: Thank you. Then I understand fully.

Mr. John O'Toole: But he's going to have to call the whole section anyway, so it's a moot point.

Mr. Michael Prue: I would request a recorded vote, please, on this.

The Chair (Mr. Bob Delaney): Mr. Prue has requested a recorded vote on schedule 1. Is there any further discussion on schedule 1? Mr. O'Toole.

Mr. John O'Toole: Just a question for clarification: We'll be voting on this section as it is now and not at the end of the whole thing? We'll vote for each section so it's done, and I'd request a recorded vote on it.

The Chair (Mr. Bob Delaney): Okay, a recorded vote having already been requested, thank you. Shall schedule 1, as amended, carry?

Ayes

Naqvi, Piruzza, Wong.

Nays

Fedeli, Forster, McNaughton, O'Toole, Prue.

The Chair (Mr. Bob Delaney): I declare schedule 1 lost.

In your packages, on—

Mr. Victor Fedeli: Excuse me, Chair. I hate to interrupt. I apologize. They're voting on Bill 8 in the Legislature in about seven minutes. I hate to say that, but it is something that may be close to our hearts. It is the One Call bill.

Mrs. Teresa Piruzza: Is it a recorded vote?

Mr. Victor Fedeli: No, it's a voice vote.

Mr. Yasir Naqvi: I think they're done.

Mr. John O'Toole: Yes, it is. It's in recess until 1030, so they dropped the debate. The debate this morning was on 8, and it's finished, so it's recessed until 1030.

Mr. Michael Prue: Obviously passed on a recorded vote.

The Chair (Mr. Bob Delaney): It would have to have been a voice vote, otherwise we would have heard bells ringing.

Interjections.

The Chair (Mr. Bob Delaney): The whole idea here, while we're considering the budget, is that nobody gets a surprise, so we're just going to make sure as we go along that we all know where we are on the road map and we all know what it is that we're considering, and so far, so good. I have no trouble with Mr. Fedeli's question. Let's just make sure that we all understand where we are as things proceed.

We're at number 10 in your packages. This is a PC motion. Mr. O'Toole.

Mr. John O'Toole: Yes, Chair. I move that paragraph 3.1 of subsection 3(1) of the Assessment Act, as set out in section 1 of schedule 2 to the bill, be struck out and the following substituted:

“Land ancillary to operation of a cemetery

“3.1 Land, including land on which is located a crematorium, that is ancillary to the operation of a cemetery that is exempt under this section.

“This paragraph applies for the 2008-2012 taxation years.”

The Chair (Mr. Bob Delaney): Any explanation or discussion?

Mr. John O'Toole: The explanation is that this schedule, as it is written, fails to recognize that there are a handful of crematoria in the province incorrectly paying property tax as far back as 2008. It is a matter of fairness to these operations that we believe the date should be amended to cover 2008 and 2009.

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Chair, I ask for a 20-minute recess.

The Chair (Mr. Bob Delaney): Just before the debate and the vote, is there any further debate? The 20-minute recess will take us to 10:15.

Interjection.

The Chair (Mr. Bob Delaney): Just before we go to recess, just to clarify, we'll come back, vote on this at 10:15, and then recess until the afternoon.

The committee recessed from 0955 to 1014.

The Chair (Mr. Bob Delaney): Okay. We're 30 seconds early. We are now at Mr. O'Toole.

Mr. John O'Toole: I'd like to make it clear to the other members that this is a fairly significant amendment. It recognizes, in fairness, the years that were taxed, and the amendment put forward by the government, or the bill itself—

The Chair (Mr. Bob Delaney): Mr. O'Toole, we—

Mr. John O'Toole: —and I'd like to suggest that Steve Clark had raised this question with the Premier, and that's why I wanted it on the record, because Steve Clark has worked very hard on this. I'd ask the government members to consider supporting this amendment.

The Chair (Mr. Bob Delaney): Mr. O'Toole, at this point, we've had our recess and we'll now consider the question. Shall the amendment carry? All those in favour? All those opposed? I declare the amendment lost.

Just before we go to recess, we can dispose of a number of sections here that really have no amendments.

Shall schedule 2, section 1, carry? Carried.

We can consider schedule 2, section 2, and schedule 2, section 3, together, as there are no proposed amendments.

Mr. John O'Toole: You may as well do 4 as well.

The Chair (Mr. Bob Delaney): Are there any amendments on—

Mr. John O'Toole: No, there aren't any.

The Chair (Mr. Bob Delaney): Shall sections 2, 3 and 4 of schedule 2 carry? Carried.

Shall schedule 2 carry? Carried.

We are now in recess until 1 o'clock in this room.

The committee recessed from 1017 to 1303.

The Chair (Mr. Bob Delaney): Good afternoon, everybody. Welcome back to the Standing Committee on Finance and Economic Affairs. We will continue our clause-by-clause consideration of Bill 55, An Act to implement Budget measures and to enact and amend various Acts.

In front of each committee member, two additional sheets have been distributed to you this afternoon which should have been included in the original amendment package but were not included due to an administrative error. The first would be page 2 of amendment number 113, and the second one is amendment 135A, which goes after amendment number 135. These amendments were properly filed by the amendment deadline, and my hard-working clerk, who has done yeoman's service under very tight time pressures, advises that they will go all the way through and do their proper due diligence to ensure that there are no more amendments that were properly filed that are not in your package.

Let's go back to where we were when we left off. We are now considering schedule 3. We're looking at schedule 3, sections 1 to 3. I'm planning to call all of the sections of schedule 3. There are no proposed amendments.

First of all, is there any discussion on schedule 3? Okay. Shall schedule 3, sections 1, 2 and 3 carry? Carried.

Shall schedule 3 carry? Carried.

I apologize in advance if in the course of the afternoon I or any other member of the committee confuses a schedule and a section. I'm sure we're going to get it all right as long as at least one person—

Mr. Yasir Naqvi: Hansard is paying attention.

The Chair (Mr. Bob Delaney): Right. Okay. We are now on schedule 4. There are no amendments proposed to sections 1 through 4, inclusive. Shall schedule 4, sections 1, 2, 3 and 4 carry? Carried.

Shall schedule 4 carry? Carried.

We're now considering schedule 5. In your package, number 11, we have a government motion. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that the definition of "cash compensation" in subsection 7.1(1) of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by striking out "pay for performance awards" and substituting "performance pay".

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: By way of explanation: Subsection 7.1(1) of the proposed new part would define certain key terms used in that part, such as "cash compensation." The purpose of the proposed amendment to the definition of "cash compensation" is to ensure internal consistency and support the introduction of an additional restraint measure relating to amount of performance pay that is available for a designated employer to provide to its employees and office holders in respect of an assessment of performance.

The Chair (Mr. Bob Delaney): Any discussion?

Mr. John O'Toole: Yes, just a question: Would there be an occasion where someone would be paid cash?

Mr. Yasir Naqvi: I'm going to call my lifeline here. Maybe call one of the lawyers responsible for this particular legislation to answer the question, please?

The Chair (Mr. Bob Delaney): Please introduce yourself for Hansard before you begin your response.

Ms. Sandra Girard: Hello. I'm Sandra Girard from legal counsel with the Ministry of Government Services. The cash compensation is simply a definition. It refers to the sum of all salary, discretionary and non-discretionary payments. It's simply a terminology that would refer to salary and income received.

Mr. John O'Toole: I guess my question, for clarification, is, would there be an occasion where someone would be compensated with cash money?

Ms. Sandra Girard: No. The reason we have—

Mr. John O'Toole: So that's the answer, then. There's no cash. I'd be wondering how they'd be accountable if there were cash transactions.

Ms. Sandra Girard: The technical distinction is to distinguish it from the definition of "compensation" that's below.

Mr. John O'Toole: Good. Okay.

Mr. Yasir Naqvi: Thank you.

The Chair (Mr. Bob Delaney): Mr. Prue?

Mr. Michael Prue: Just so I make sure I have it 100% correct: I think what this is trying to do is to make sure that the bonuses that are paid are included in the total cash compensation so that with something like the sunshine list, someone couldn't hide behind per diems and other things. Is that—

Ms. Sandra Girard: The purpose of the terminology “cash compensation” is to distinguish it from other forms of compensation, which can include benefits, perquisites and general compensation plans of an employee.

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Mr. Michael Prue: Okay, thank you.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Government motion number 12 in your package: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 7.1(1) of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by adding the following definition:

“‘performance pay’ means compensation paid by an employer to an employee or office holder in respect of an assessment of his or her performance;”

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Chair, subsection 7.1(1) of the proposed new part would define certain key terms used in that part, such as performance pay. The purpose of the proposed amendment is to support the introduction of an additional restraint measure relating to the amount of performance pay that is available for a designated employer to provide to its employees and office holders in respect of an assessment of performance.

The Chair (Mr. Bob Delaney): Any discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

The next item in your package, amendment 13, depends upon the passage of number 16 in your package. So number 13 will be postponed, pending the consideration of number 16.

Mr. John O'Toole: Clarification: Does that mean that this amendment, as scheduled here, is out of order?

The Chair (Mr. Bob Delaney): It doesn't mean that it's out of order. It does mean that there's a dependency upon consideration of a later amendment, so the amendment before you is in the correct numerical order but its consideration should properly be postponed—

Mr. John O'Toole: So they're simply adding this section and then it would be dealt with, I guess, in the subsequent 16. Is that it?

The Chair (Mr. Bob Delaney): Correct. There's a dependency upon the amendment proposed in 16 for 13 to be considered.

Mr. John O'Toole: Yes, I understand.

The Chair (Mr. Bob Delaney): So it would be improper to consider number 13, which would assume the passage of number 16. We will continue on to number 16 prior to coming back to number 13, which would be in

order if the amendment proposed in 16 is adopted, and out of order if the amendment proposed in 16 is defeated.

Mr. Victor Fedeli: Gotcha.

The Chair (Mr. Bob Delaney): Got it?

Mr. John O'Toole: I would conclude that actually it should have been part of the amendment to that section 7.8.1. You should be adding it then, first, and then you deal with the other thing, which would be included in it. That's all you're doing, is adding to that section. Anyway, that's fine.

The Chair (Mr. Bob Delaney): Okay. All right.

So we'll now move to consideration of number 14, a PC motion. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 7.5 of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 5 to the bill, be struck out and the following substituted:

“Expiry of certain restraint measures

“7.5(1) The restraint measures in sections 7.6 to 7.12 expire on a day to be named by proclamation of the Lieutenant Governor.

“Proclamation

“(2) The Lieutenant Governor may by proclamation name the date on which the restraint measures in sections 7.6 to 7.12 expire.

“Expiry date

“(3) The date named in the proclamation must be on or after the day public accounts for a fiscal year are laid before the assembly indicating that the province did not have a deficit for that fiscal year.

“Interpretation, deficit

“(4) For the purposes of subsection (3), the province is considered not to have a deficit for a fiscal year if the expenditures of the province for the fiscal year do not exceed the revenues for the fiscal year.”

The Chair (Mr. Bob Delaney): Further comment and debate?

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Our recommendation to the members will be to vote against this motion. Restricting compensation for a potentially longer period could erode competitiveness of compensation, impacting recruitment and retention of senior leaders within the broader public sector.

The proposed amendments to the act include a requirement for designated employers to conduct compensation studies. This requirement does not have an expiration date. This would provide a mechanism to determine appropriate compensation on a go-forward basis, and restraint measures, including the duration and scope, are reviewed regularly as part of the government's fiscal planning process.

The Chair (Mr. Bob Delaney): Further debate? Mr. Prue?

Mr. Michael Prue: It seems to me that probably almost everyone affected by this is on the sunshine list. Tell me if I'm wrong, but I would think that almost all of the executives who will be affected by this earn

\$100,000-plus, many of them into the several-hundred-thousand-dollar-plus range.

Ms. Cindy Forster: Or million.

Mr. Michael Prue: Well, who knows? There's lots of people out there. I don't see how that's going to cause any difficulty retaining people who make that kind of salary. Quite frankly, I don't. If this should pass, they have every intention, I would hope, of making sure that we are out of fiscal difficulty as soon as possible so that they can get a pay raise. That would seem logical to me.

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Well, this is something that is reviewed on a regular basis, Chair, and to take a certain step like this for an indeterminate period, I think, can impact the performance of the broader public service.

I think the government has taken pretty strong measures over the last few years, and there are measures that we are contemplating in this budget bill as well, in terms of introducing restraint for the next two years. I think it's prudent and in line with a course of action that will allow us to get to a sustainable fiscal path in terms of the government's plan to balance the budget by 2017-18, and that's appropriate. So our recommendation is to vote against this particular motion.

The Chair (Mr. Bob Delaney): Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. Basically, this changes the expiry date of the restraint measures from the two-year mark until such a time when Ontario reaches a balanced budget and eliminates the deficit. So this applies to those currently defined under the broader public sector act's sunshine list.

The Chair (Mr. Bob Delaney): Further debate? Shall the amendment carry? All those in favour? All those opposed? The amendment carries.

In your packages, number 15. Government motion: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that the English version of clause 7.8(3)(b) of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by striking out "the compensation plan as it existed for the position or office" and substituting "the compensation plan that is in effect for the position or office".

The Chair (Mr. Bob Delaney): Mr. Naqvi, any explanation?

Mr. Yasir Naqvi: Chair, the purpose of this proposed amendment is to ensure internal consistency regarding references to the compensation plan to which restraint measures would apply. A similar amendment to the French version of the bill is not necessary because that version uses consistent wording throughout the bill.

The Chair (Mr. Bob Delaney): Any further discussion? Mr. O'Toole?

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Mr. John O'Toole: Well, I guess my sense of this—understand, we'll be voting against this, but it gives them more discretion within the department, what is their pay grid and what is their scope within those—the flexibility. Is that basically what it's doing? It allows them more

discretion as opposed to a plan that's stated in public and for them to just have a fund that they can, in some discretionary way, continue to increase people's pay.

Mr. Yasir Naqvi: I'll ask counsel to come and answer that question, please.

Ms. Sandra Girard: No. This is simply a technical amendment for terminology purposes. The provisions relating to compensation plans are set out in a different provision.

The Chair (Mr. Bob Delaney): Any further comment? Shall the amendment carry? Carried.

On page 16 of your package, a government motion: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that part II.1 of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by adding the following section:

"No increase in performance pay envelope

"7.8.1(1) Every designated employer shall ensure that its performance pay envelope for any performance cycle that falls in whole or in part within the restraint period does not exceed its performance pay envelope for the last performance cycle, ending before the employer's effective date, in respect of which the employer paid performance pay.

"Definitions

"(2) In this section,

"'employee', in relation to a designated employer, means, despite section 7.3, any employee of the employer, whether or not he or she is a designated executive, but does not include an employee described in subsection 7.3(3);

"'office holder', in relation to a designated employer, means, despite section 7.3, any office holder of the employer, whether or not he or she is a designated office holder;

"'performance cycle', in relation to a designated employer, means a period in respect of which the employer determines the performance pay to be paid to its employees and office holders;

"'performance pay envelope', in relation to a designated employer, means the aggregate amount of all performance pay paid by the employer to its employees and office holders in respect of a specific performance cycle."

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: The purpose of the proposed amendment is to introduce an additional restraint measure in the proposed new part relating to the amount of performance pay that is available for a designated employer to provide to its employees and office holders in respect of an assessment of performance. The proposed amendment defines certain terms and describes the maximum amount of performance pay which is available for a designated employer to award to all of his employees and office holders who do not collectively bargain compensation.

The Chair (Mr. Bob Delaney): Discussion? Shall the amendment carry? All those in favour? Opposed? Carried.

We will revert back to number 13 in your package. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that the definition of “restraint measure” in subsection 7.1(1) of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by adding “7.8.1” after “7.8”.

The Chair (Mr. Bob Delaney): Do we need any discussion or explanation on this? Mr. Naqvi.

Mr. Yasir Naqvi: I think it’s pretty self-explanatory. It’s technical.

The Chair (Mr. Bob Delaney): Shall the amendment carry? Carried.

Shall schedule 5, section 1, as amended, carry? All those in favour? Opposed? The section carries.

Sections 2 and 3 have no proposed amendments. Shall schedule 5, sections 2 and 3, carry? Carried.

Shall schedule 5, as amended, carry? All those in favour? Opposed? Carried.

Mr. O’Toole?

Mr. John O’Toole: Chair, could we have a small break, say five minutes?

The Chair (Mr. Bob Delaney): A five-minute recess? Agreed? Agreed.

The committee recessed from 1326 to 1331.

The Chair (Mr. Bob Delaney): Okay, we are back in session. We’re considering schedule 6. There are no proposed amendments to sections 1 through 28 of schedule 6. Are members prepared to vote on sections 1 through 28, inclusively?

Mr. Yasir Naqvi: Chair, I wanted to speak to the notice, which is number 17, if I may. Or do you want to come to that later, after—

The Chair (Mr. Bob Delaney): You can do it any time you want. Do you want to vote on the sections and speak to it just before we vote on the entire schedule? Or would you like to do it at the beginning?

Mr. Yasir Naqvi: Actually, I’ll speak to it in the beginning.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Thank you very much. I really want to strongly recommend to the members of the committee not to follow the recommendation that is put by the third party in regard to schedule 6.

Basically, the amendments that are contained in schedule 6 are intended to facilitate the electronic service delivery with the modernization of ServiceOntario’s computer systems to ensure more efficient and cost-effective service delivery of those services. Part of the modernizing of ServiceOntario is to make it better for the consumers. That’s why these changes are proposed. It’s to facilitate that particular process. That is part of the company’s computer system that’s known as OMBIS.

If we vote this schedule down, it will make the process of the modernization of ServiceOntario—and there are amendments in that regard that are coming up as well—

difficult to accomplish, which is very much part and parcel of the budget—that was announced in the budget document—and the fiscal plan of the province, as well as of the government.

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: We intend to vote against it, quite frankly, because we expect that the modernization of which Mr. Naqvi speaks is the precursor of the sell-off of ServiceOntario. This is a government agency that brings in far more money than it actually costs to run. We are opposed to the privatization of ServiceOntario and we think that this section will enhance the opportunity of businesspeople to pick it up once all of these changes have been made, and that’s the true intent of the government. It’s not to modernize but to sell.

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: The intent is to make sure that we’re providing ServiceOntario in an efficient manner, in a cost-effective manner, better services to the people of Ontario who rely on services from ServiceOntario. That is an important effort, something that the budget spoke of in 2010 and was again repeated in 2011.

These changes are important in order to accomplish those modernization efforts, which, again, I will restate is very much part and parcel of the fiscal plan that the province put forward through the budget document to ensure that we are able to balance the books by 2017-18. Failure to do so, in terms of these changes that are proposed in the document, will obviously put accomplishment of the fiscal plan in a dubious position, so I would strongly recommend all members to vote for these changes. These are technical changes to ensure that we are able to undertake the modernization of ServiceOntario.

The Chair (Mr. Bob Delaney): Any further comment?

Mr. Michael Prue: On a recorded vote.

The Chair (Mr. Bob Delaney): Are members prepared to vote on sections 1 to 28, inclusively, of schedule 6 at this point?

Mr. Michael Prue: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 through 28 carry? Carried.

Mr. Michael Prue: I asked for a recorded vote.

The Chair (Mr. Bob Delaney): Oh, I’m sorry. I wasn’t sure whether you wanted a recorded vote on that or on the final one.

Mr. Michael Prue: No, you might as well.

The Chair (Mr. Bob Delaney): Okay. Let’s do a recorded vote. Shall sections 1 through 28 carry?

Ayes

Berardinetti, Naqvi, Piruzza.

Nays

Fedeli, Forster, McNaughton, O’Toole, Prue.

The Chair (Mr. Bob Delaney): I declare sections 1 through 28 lost.

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Recess for 20 minutes, please.

The Chair (Mr. Bob Delaney): Would you like to have the recess prior to—

Interjection.

The Chair (Mr. Bob Delaney): Yes, recess for 20 minutes. Thank you.

The committee recessed from 1336 to 1356.

The Chair (Mr. Bob Delaney): Our consideration of Bill 55 will come back to order.

As sections 1 through 28 of schedule 6 have been defeated, it leaves little point on voting for schedule 6, as there's nothing to vote for.

Mr. Yasir Naqvi: Chair, I think you still need to have a vote on schedule 6, no?

The Chair (Mr. Bob Delaney): A vote would actually be out of order, as all of the sections of it have been defeated.

Mr. Yasir Naqvi: Okay.

Ms. Laura Hopkins: There's nothing to carry.

Mr. Yasir Naqvi: There's nothing to carry. Chair, I'd like to ask for a recess for 20 minutes.

Mr. Michael Prue: Mr. Chair?

Mr. Victor Fedeli: We don't agree with that.

Mr. John O'Toole: They had 20 minutes.

The Chair (Mr. Bob Delaney): As we don't yet have a vote, I think I'm going to move into the consideration of schedule 7. There's a PC motion, schedule 7, section 1.

I'm sorry, let me back that up again. There are no proposed amendments to schedule 7, section 1.

Shall schedule 7, section 1, carry?

Mr. Yasir Naqvi: Sorry.

The Chair (Mr. Bob Delaney): Hold on. Let's make sure everybody's on the same page here.

Mr. Yasir Naqvi: Yes, please.

Interjections.

The Chair (Mr. Bob Delaney): Here's where we are. Schedule 6 is, for practical purposes, lost.

We're now doing our consideration of schedule 7. There are no proposed amendments to section 1 of schedule 7. Is everybody with me on that?

Interjection: Okay.

The Chair (Mr. Bob Delaney): Shall schedule 7, section 1, carry? Carried.

We are on schedule 7, subsection 2(1). PC motion: Mr. O'Toole.

Mr. John O'Toole: I move that subsection 3(1) of the Business Names Act, as set out in subsection 2(1) of schedule 7 to the bill, be amended by striking out "Minister" and substituting "Lieutenant Governor in Council".

The Chair (Mr. Bob Delaney): Discussion? Explanation? Mr. O'Toole.

Mr. John O'Toole: Changing the appointment from the minister to the Lieutenant Governor in Council makes them subject to legislative oversight, and that's self-ex-

planatory. We don't want the minister to have absolute power to operate without accountability.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry?

Mrs. Teresa Piruzza: Chair, a 20-minute recess, please.

The Chair (Mr. Bob Delaney): A 20-minute recess has been requested.

Mrs. Teresa Piruzza: Thank you.

Mr. John O'Toole: Now they're using the 20-minute delays. No, we don't agree. We don't agree with 20 minutes.

The Chair (Mr. Bob Delaney): We'll reconvene at 2:20.

The committee recessed from 1400 to 1420.

The Chair (Mr. Bob Delaney): We will resume our consideration of Bill 55, An Act to implement Budget measures and to enact and amend various Acts.

Just to recap, we are at amendment number 18 in your package. Pursuant to our recess, we are considering the amendment to schedule 7, subsection 2(1), subsection 3(1). This is a PC amendment. Shall the amendment carry? All those in favour? All those opposed? The amendment carries.

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Before you continue on, I noticed that there's a new motion 79 that was placed on our desks. If you can explain that, please.

The Chair (Mr. Bob Delaney): You're right. I should have done that after we resumed, following the recess. In the same manner as I said earlier on, we had some additional motions. This one should go between number 78 and 80 in your package. It was a legally moved amendment and it was filed by the amendment deadline. Owing to an administrative error, as the clerks' office scrambled to get everything ready, it just simply wasn't included in your package. But it is in order in every respect.

Mr. John O'Toole: Chair, could I just move for a five-minute recess?

The Chair (Mr. Bob Delaney): Any objection to a five-minute recess? Five-minute recess.

The committee recessed from 1422 to 1428.

The Chair (Mr. Bob Delaney): Okay, we are back. We're at schedule 7, section 2, as amended.

Now, at this point, I have not yet put the question.

Shall schedule 7, section 2, as—

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Recess for 20 minutes, please.

The Chair (Mr. Bob Delaney): A 20-minute recess. We will reconvene at—

Mr. Michael Prue: Mr. Chair, we just had a 20-minute recess. We haven't conducted one piece of business. How is it you can ask for two in a row?

The Chair (Mr. Bob Delaney): What we just had was a recess requested by Mr. O'Toole for five minutes.

Mr. John O'Toole: For five minutes. Why do they always want 20?

The Chair (Mr. Bob Delaney): At this point, I have put the question and Mr. Naqvi, within the rules, has asked for a 20-minute recess prior to the consideration of schedule 7, section 2, as amended.

Mr. Monte McNaughton: Liberals don't want to work.

Mr. Michael Prue: Could I make a statement?

The Chair (Mr. Bob Delaney): Yes.

Mr. Michael Prue: And I'm not going to—

Interjections.

The Chair (Mr. Bob Delaney): Order, order. We've been doing fine so far. Mr. Prue.

Mr. Michael Prue: I am not going to deny that Mr. Naqvi has the right. I'm fully cognizant of the rules of the Legislature—

The Chair (Mr. Bob Delaney): As well you should be.

Mr. Michael Prue: Yes, as well I should be—that allow him to seek 20 minutes. However, I am also cognizant, and I think all members should be cognizant, of the rules that the House has placed upon us, that we have a limited period of time in which to accomplish the goals of the 215 amendments plus all the other ancillary votes, and that if we fail to do so by 2 o'clock on Tuesday, there will be no debate or discussion or anything. We will be voting on them one after the other without even the opportunity for a recess for a comfort break. So I just want all members to know that the repeated requests are going to hugely impact the members of this committee and what we are able to do or accomplish come Tuesday.

Having said that, of course Mr. Naqvi is entitled to his recess.

The Chair (Mr. Bob Delaney): Mr. Prue is procedurally correct in all areas, save for one small area: The Chair does have the discretion to call a comfort break.

We are in recess until 10 minutes to 3.

The committee recessed from 1430 to 1450.

The Chair (Mr. Bob Delaney): Welcome back. We are now at the point of voting on schedule 7, section 2.

Shall schedule 7, section 2, as amended, carry? All those in favour, raise your hands. All those opposed?

Mr. Yasir Naqvi: That was your amendment.

Mr. John O'Toole: Which one are we on?

Laughter.

Mr. Victor Fedeli: Are we not voting on page 19?

Mr. John O'Toole: Page 19? Hang on—

The Chair (Mr. Bob Delaney): Wait a minute. All right, I want to make sure that—this is why I walked around beforehand. I want to make sure that we all grasp where we are now. We've considered the PC motion from Mr. O'Toole amending schedule 7, section 2. That motion carried. Now what we're voting on is the entirety of schedule 7, section 2, as amended.

Mr. Michael Prue: This is the whole thing?

The Chair (Mr. Bob Delaney): Not all of schedule 7—I know where you're going with that. We are voting on schedule 7, section 2.

Mr. Fedeli.

Mr. Victor Fedeli: Chair, is it possible to vote on schedule 7, page 19?

The Chair (Mr. Bob Delaney): Not yet. You're jumping ahead of me. Yes, we will ultimately come to voting on—

Mr. Victor Fedeli: But didn't we combine them several other times?

The Chair (Mr. Bob Delaney): We don't block consider them if there have been amendments.

Mr. Victor Fedeli: So we've dealt with the one that had the amendment.

The Chair (Mr. Bob Delaney): Yes. This is what we're doing now: schedule 7, section 2, for which an amendment was proposed. The amendment carried, so now what I'm asking is: Shall schedule 7, section 2, as amended, carry?

Mr. Victor Fedeli: I understand.

The Chair (Mr. Bob Delaney): All right? Okay. Do you want to take this one from the top?

Shall schedule 7, section 2, as amended, carry? All those in favour? All those opposed? Schedule 7, section 2, as amended, carries.

We have a number of sections for which no amendments are proposed—I'm sorry?

Mr. Michael Prue: All of section 7 has to be voted on.

The Chair (Mr. Bob Delaney): Well, this is where I'm going. Don't get too far ahead of me.

Mr. Michael Prue: Okay.

The Chair (Mr. Bob Delaney): I'd like to ask the committee whether members are prepared to vote—

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Are you suggesting that we vote en bloc for all of schedule 7?

The Chair (Mr. Bob Delaney): Everybody keeps trying to get ahead of the Chair. Let's let the Chair actually ask the question. All right?

Mrs. Teresa Piruzza: Finish the sentence.

The Chair (Mr. Bob Delaney): Yes. Are members prepared to vote on sections 3 through 11, inclusively, for schedule 7? I heard a no. Okay. We're going to take them consecutively.

There are no amendments proposed to schedule 7, section 3. Shall schedule 7—

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: A 20-minute recess.

The Chair (Mr. Bob Delaney): We are in recess until—

Mr. John O'Toole: Point of order.

The Chair (Mr. Bob Delaney): Hold on, hold on. We will be in recess until 3:15 p.m. Just before the gavel goes down, Mr. O'Toole.

Mr. John O'Toole: I want to put on the record that I feel that there has been interference with the progress of this committee by taking 20-minute recesses to delay the overall transaction on the budget.

The Chair (Mr. Bob Delaney): Thank you for your comment, though it is not a point of order. We are in—

Mr. Michael Prue: No, no.

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: I just want a clarification. A 20-minute recess has just been granted, which is Mr. Naqvi's right, again, but when we're coming back, are we voting for section 7, sub 3 or are we voting for section 7, sub 3 through section 7, sub 11? That's what I need to know—

The Chair (Mr. Bob Delaney): That is a point of order.

Mr. Michael Prue: —and I do need to know whether or not he is seeking the 20 minutes for that, or which one he's seeking the 20 minutes for.

The Chair (Mr. Bob Delaney): We are considering schedule 7, section 3, which has no amendments. Mr. Naqvi has asked, prior to the vote on whether schedule 7, section 3 should carry, for a 20-minute recess, which has been granted. When we resume, we'll vote on schedule 7, section 3 without delay and we will then move on to schedule 7, section 4, because when I asked whether or not we could consider sections 3 through 11 inclusively of schedule 7, Mr. Naqvi, as is his right, said no.

Mr. Fedeli.

Mr. Victor Fedeli: On a point of order, Chair: When you asked the question and there was a no, do we not have an opportunity to vote on that?

The Chair (Mr. Bob Delaney): It's the privilege of every member to decide whether or not he or she wishes to speak to an amendment or a section. In this case, Mr. Naqvi has chosen not to consider a vote on sections 3 to 11, inclusively, so he retains his right to speak on each section, though there are no amendments proposed.

Mr. Victor Fedeli: That was my question. Even though there are no amendments, we don't deal with them as a collective if someone has decided to form an objection to that.

The Chair (Mr. Bob Delaney): Yes. It's the privilege of a member to choose whether or not to speak to an amendment—

Mr. Victor Fedeli: Thank you. There is no amendment to speak to.

The Chair (Mr. Bob Delaney): —and it's possible, for example, for a member or a group of members to choose to vote on different sections in a different manner.

Mr. Victor Fedeli: I understand. Thank you, Chair.

The Chair (Mr. Bob Delaney): In this case, it's a convention that committees will frequently ask, as a time-saving measure, whether or not members would wish to block-consider a group of sections. If they choose not to, that's their right.

Mr. O'Toole.

Mr. John O'Toole: Yes, thank you. I believe if we're going to get into a systematic delay—I'm going to raise this so you're prepared to get a ruling from the Speaker. Under standing orders 121(a), (b) and (c), committees have the right to appeal the ruling of a Chair, and that has to be moved to the Speaker for a decision. We're doing it as a notice to you and also to the Liberal government. We

want to get on with the business of this committee. And it's not threatening any more than your actions on our time are threatening, but if that's what you're about, you'd better find another procedure because you're making this discussion on the budget even less functional than you wish.

But I've had my say and you're on notice—standing order 121(a), (b) and (c)—

The Chair (Mr. Bob Delaney): Thank you very much, Mr. O'Toole. The Chair has in fact not made a ruling of any kind. Mr. Naqvi has exercised his privileges as a committee member, as is his right.

It's now one minute before 3. The committee will resume at 19 minutes after 3. We are in recess.

The committee recessed from 1459 to 1519.

The Chair (Mr. Bob Delaney): Ladies and gentlemen, welcome back. To recap, we are voting now on schedule 7, section 3 of the bill, which had no amendments. Shall schedule 7, section 3, of the bill carry? All those in favour? All those opposed? The section carries.

We'll then consider schedule 7, section 4, which also contains no amendments. Shall schedule 7, section 4, carry?

Mrs. Teresa Piruzza: Chair?

The Chair (Mr. Bob Delaney): Ms. Piruzza?

Mrs. Teresa Piruzza: Recess, please?

The Chair (Mr. Bob Delaney): A recess, having—Mr. O'Toole.

Mr. John O'Toole: Yes, I'm asking, under standing order 121(a), (b) and (c), for the committee to appeal the ruling of the Chair in this case. I would like an answer from the Speaker of the Legislature.

I believe that they're stalling the rightful discussion on the budget, because we're already under the motion that truncates any discussion as of 2 o'clock on Tuesday. We're in one section. We've had three 20-minute recesses, which is an hour, wasting the time of around 50 members of staff as well as the other persons of support staff here. I think it's unconscionable. We're dealing with an omnibus bill which has—we know there's a debate in Ottawa. We have a budget bill of 327 pages, 69 schedules and an inordinate number of amendments—215 amendments. If they're going to play these kinds of games, that's abuse of the legislative privilege, and my privilege as well.

The Chair (Mr. Bob Delaney): Thank you, Mr. O'Toole. I would draw to your attention standing order 129(a), which reads as follows: "Immediately after the Chair of a standing or select committee has put the question on any motion, there shall be, if requested by a member of the committee, a wait of up to 20 minutes before the vote is recorded." That means that the Chair does not have the discretion to make a ruling, and it is the privilege and prerogative of a member to request a 20-minute wait before a vote.

Such wait having been requested in proper fashion, we are in recess until 3:43.

The committee recessed from 1522 to 1541.

The Chair (Mr. Bob Delaney): Good afternoon again, and welcome back. Just to recap, we are at schedule 7, section 4. Mr. Naqvi requested a 20-minute recess prior to the vote. A 20-minute recess having been completed, shall schedule 7, section 4, carry? I heard a no. All those in favour? All those opposed? The section carries.

We are now considering schedule 7, section 5. There are no proposed amendments.

Mr. Yasir Naqvi: Chair, if you like, you can vote these sections in consolidation and in bulk.

The Chair (Mr. Bob Delaney): Okay. Let's recap that, then. There are no proposed amendments to schedule 7, sections 5 through 11, inclusive. Is it the will of the committee to consider schedule 7, sections 5 through 11, inclusive? Agreed.

Shall schedule 7, sections 5 through 11, inclusive, carry? Carried. Just let the clerk and me catch up to you a little bit here.

At this point, is everybody ready to vote on schedule 7, as amended? Okay. Shall schedule 7, as amended, carry? I heard a no.

Mr. Michael Prue: On a recorded vote, please.

The Chair (Mr. Bob Delaney): On a recorded vote.

Mr. Victor Fedeli: Excuse me, Chair, is this page 19?

The Chair (Mr. Bob Delaney): No, we're not on page 19.

Mr. Michael Prue: No, but this is the effect of 19.

Mr. Victor Fedeli: Can you just—

Interjection.

Mr. Victor Fedeli: Yes, I understand that. Is it page 19 or, as someone says, is it effectively page 19? What's the difference?

The Chair (Mr. Bob Delaney): Page 19 is a notice. In and of itself, it carries no weight. It is just a notice filed by the New Democrats.

Mr. Victor Fedeli: Okay. Could you repeat what we're voting on, then?

The Chair (Mr. Bob Delaney): What we are voting on is the entirety of schedule 7, as amended. There was one amendment, a PC amendment, adopted earlier.

Ayes

Berardinetti, Naqvi, Piruzza.

Nays

Fedeli, Forster, McNaughton, O'Toole, Prue.

The Chair (Mr. Bob Delaney): I declare the schedule lost.

Where we are right now: We have a number of schedules to consider before you get to number 20 in your package. We'll be considering schedule 8, for which no amendments have been proposed. Are members prepared to vote on sections 1 through 5, inclusively, of schedule 8? Agreed.

Shall sections 1 through 5, inclusive, of schedule 8 carry? Carried.

Shall schedule 8 carry? Carried.

We are now at schedule 9 of Bill 55. Note that we have not yet come to page number 20 in your package. I'll give you lots of notice before we do.

There are no proposed amendments to schedule 9. Are members prepared to vote on sections 1 through 5, inclusive, of schedule 9?

Interjection.

The Chair (Mr. Bob Delaney): A yes or no is fine.

Interjection: Yes.

The Chair (Mr. Bob Delaney): Okay. I'll try it again.

Shall sections 1 through 5, inclusive, of schedule 9 carry? Carried.

Shall schedule 9 carry? Carried.

We'll now consider schedule 10. There are no proposed amendments to schedule 10. Shall we consider sections 1 and 2, inclusively?

Interjection: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 and 2 of schedule 10 carry? Carried.

Shall schedule 10 carry? Carried.

We'll now begin our consideration of schedule 11. There are no proposed amendments to schedule 11. Shall we consider sections 1 through 4, inclusively, together? Shall sections 1, 2, 3 and 4 of schedule 11 carry? Carried.

Mr. John O'Toole: Excuse me, Chair, may I ask a question?

The Chair (Mr. Bob Delaney): Mr. O'Toole?

Mr. John O'Toole: We abstained. How is this recorded in the minutes? How is it recorded if we don't participate? Is it a unanimous vote?

The Chair (Mr. Bob Delaney): It's recorded as carried. It's not a recorded vote. There is no record kept of who voted yes or no.

Mr. John O'Toole: All right, thank you.

The Chair (Mr. Bob Delaney): Which is the beauty of a voice vote.

Shall schedule 11 carry? Carried.

There are no amendments proposed to schedule 12. Schedule 12 contains six sections. Are members prepared to vote on sections 1 to 6, inclusively? Shall sections 1 through 6 of schedule 12 carry? Carried.

Shall schedule 12 carry? Carried.

We are at schedule 13. There are 13 sections for schedule 13. There are no amendments proposed to any section of schedule 13. Are members prepared to vote on sections 1 to 13 of schedule 13, inclusively? Agreed. Shall sections 1 through 13 carry? Carried.

Prior to voting on section 13, is there any discussion on section 13? I'm sorry, schedule 13. All right.

1550

Now we're on page 20. This is a notice filed by the New Democratic Party, and this is for the consideration of schedule 13. We have carried all the sections of schedule 13. This is now to vote on schedule 13 in whole. Shall schedule 13 carry? All those in favour? All those opposed? I declare the section lost.

The Clerk of the Committee (Ms. Valerie Quioic Lim): Schedule.

The Chair (Mr. Bob Delaney): I declare schedule 13 lost, just for clarity.

We are now considering schedule 14 of the bill. There were no amendments proposed in schedule 14. Schedule 14 contains two sections. Are members prepared to vote on sections 1 and 2, inclusively?

Interjections: Yes.

The Chair (Mr. Bob Delaney): Shall sections 1 and 2 of schedule 14 carry? Carried.

Shall schedule 14 carry? Carried.

We'll now begin our consideration of schedule 15. Schedule 15, section 1, government motion: Ms. Piruzza.

Mrs. Teresa Piruzza: I move that subsection 8(1.1) of the Crown Forest Sustainability Act, 1994, as set out in section 1 of schedule 15 to the bill, be struck out and the following substituted:

"Exception

"(1.1) Despite subsection (1), if the following conditions are met, the minister may direct that a forest management plan not be prepared for a management unit until such time as is specified by the minister:

"1. The minister is satisfied that no commercial harvesting of forest resources will be carried out in the management unit while no forest management plan is in effect.

"2. Any other conditions prescribed by the regulations are satisfied."

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Chair, Bill 55 proposes, subsection 8(1.1) to the Crown Forest Sustainability Act, 1994, to provide the requirement that a forest management plan be prepared for every management unit does not apply in circumstances prescribed by regulation.

The purpose of this motion is to change subsection 8(1.1) to specify that the minister may exercise the power under this subsection only where, (1), there would be no commercial harvesting on the management unit, and (2), any other conditions that may be prescribed by regulation are satisfied.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Shall schedule 15, section 1, as amended, carry? Carried.

There are no amendments proposed to schedule 15, section 2. Shall schedule 15, section 2, carry? Carried.

There is one amendment proposed in schedule 15, section 3. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that clause 29(2)(b) of the Crown Forest Sustainability Act, 1994, as set out in section 3 of schedule 15 to the bill, be struck out and the following substituted:

"(a) the harvesting of forest resources under the licence is for the purpose of allowing an activity to be carried out on the land after the harvesting and,

"(i) the activity requires the forest resources to be harvested and then not renewed or maintained,

"(ii) the activity is a commercial activity, an industrial activity, an infrastructure project or a prescribed type of activity,

"(iii) in order to proceed with the activity, the person responsible for the activity is required under one of the following acts to obtain an approval or to satisfy conditions or requirements imposed in respect of the activity:

"(A) the Environmental Assessment Act,

"(B) the Environmental Protection Act (part V.0.1), or

"(C) an act of Ontario or of Canada prescribed by the regulations, and

"(iv) the minister is satisfied that the person responsible for the activity has obtained the necessary approvals, and has satisfied all the applicable conditions and requirements, under the acts described in subclause (iii)."

The Chair (Mr. Bob Delaney): Mr. Naqvi?

Mr. Yasir Naqvi: Chair, let me try to summarize this for you.

Mr. Michael Prue: If I could, on a point of order.

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: I believe there was one very small error made. Mrs. Piruzza said "a" instead of "b." At least that's what I have down: "b." It's "(b) the harvesting of forest resources under the licence is for the purpose of allowing an activity to be carried out on the land after the harvesting and." It was "b." It says "b," not "a." I don't know if that's of any great consequence, but I don't want somebody years from now saying that we didn't pass the right thing.

Mrs. Teresa Piruzza: My apologies. I read that incorrectly.

The Chair (Mr. Bob Delaney): For the purpose of clarification, would Ms. Piruzza please reread just that part?

Mrs. Teresa Piruzza: Sure. I move that clause 29(2)(b) of the Crown Forest Sustainability Act, 1994, as set out in section 3 of schedule 15 to the bill, be struck out and the following substituted:

"(b) the harvesting of forest resources under the licence is for the purpose of allowing an activity to be carried out on the land after the harvesting and,"

The Chair (Mr. Bob Delaney): Thank you, Mr. Prue. These are likely to be long days, so the Chair certainly appreciates all of the eagle-eyed proofreading that he can get. Thank you very much.

Sorry, Mr. Naqvi; you were explaining it.

Mr. Yasir Naqvi: I was just going to attempt to summarize this section so that there's an explanation. Bill 55 proposes to replace subsection 29(2) of the Crown Forest Sustainability Act, 1994, with a subsection that would provide an additional exception to the harvesting limit imposed under subsection 29(1) of the act. The purpose of this motion, Chair, is to change clause 29(2)(b) to specify that the additional exception applies only where the conditions noted above in subclauses (i) to (iv) of clause 29(2)(b) have been satisfied.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? Carried.

Shall schedule 15, section 3, as amended, carry? Carried.

Schedule 15, section 4: We're at number 23 in your package. Ms. Piruzza.

Mrs. Teresa Piruzza: Thank you. I'll be more careful in the reading.

I move that clause 47(b) of the Crown Forest Sustainability Act, 1994, as set out in section 3 of schedule 15 to the bill, be struck out and the following substituted:

“(b) the harvesting of forest resources under the licence is for the purpose of allowing an activity to be carried out on the land after the harvesting and,

“(i) the activity requires the forest resources to be harvested and then not renewed or maintained,

“(ii) the activity is a commercial activity, an industrial activity, an infrastructure project or a prescribed type of activity,

“(iii) in order to proceed with the activity, the person responsible for the activity is required under one of the following acts to obtain an approval or to satisfy conditions or requirements imposed in respect of the activity:

“(A) the Environmental Assessment Act,

“(B) the Environmental Protection Act (part V.0.1); or

“(C) an act of Ontario or of Canada prescribed by the regulations, and

“(iv) the minister is satisfied that the person responsible for the activity has obtained the necessary approvals, and has satisfied all the applicable conditions and requirements, under the acts described in subclause (iii).”

1600

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Chair, Bill 55 proposes to amend section 47 of the Crown Forest Sustainability Act, 1994, to enable the minister to direct that all or part of part IV of the act, which regulates forest operations, does not apply to forest operations conducted in accordance with a forest resource licence if the harvesting under the licence is carried out for a prescribed purpose.

The purpose of this motion to change clause 47(b) is to specify that this exception applies only where the conditions noted above in subclauses (i) to (iv) of clause 47(b) have been satisfied.

The Chair (Mr. Bob Delaney): Thank you. Is there any discussion on the amendment? Shall the amendment carry? Carried.

I draw members' attention to item number 24 in your package, which has to do with the NDP's voting recommendation regarding section 4 of schedule 15.

Shall schedule 15, section 4, as amended, carry? All those in favour? All those opposed? Carried.

We'll consider schedule 15, section 5: an amendment proposed, Mr. O'Toole. I refer you to number 25 in your package.

Mr. John O'Toole: I move that section 68.2 of the Crown Forest Sustainability Act, 1994, as set out in section 5 of schedule 15 to the bill, be amended by adding the following subsections:

“Performance agreement

“(4) If the minister delegates powers under subsection (1), the minister and the delegate shall enter into a performance agreement setting out measurable performance goals and objectives for the delegate.

“Annual performance assessment

“(5) Every year, the delegate shall prepare a performance assessment demonstrating that the performance goals and objectives set out in the performance agreement are being met.

“Failure to meet performance goals, etc.

“(6) If the minister believes that a delegate has failed to meet the performance goals and objectives set out in the performance agreement, the minister shall give the delegate written notice of his belief and require that the delegate fulfil the requirements of the performance agreement within such ... period as may be specified in the notice.

“Failure to comply

“(7) If a delegate fails to comply with a notice given under subsection (6), the minister may terminate the performance agreement and revoke the delegation made under subsection (1).”

The Chair (Mr. Bob Delaney): Mr. O'Toole, do you, or anyone else, wish to provide any amplification?

Mr. Monte McNaughton: Sure.

The Chair (Mr. Bob Delaney): Mr. McNaughton.

Mr. Monte McNaughton: On an annual basis, the person delegated under this act would be required to provide the ministry with a performance assessment to ensure that previously agreed-on measures are being attained.

The Chair (Mr. Bob Delaney): Thank you. Mr. Naqvi? Nothing? Okay.

Shall the amendment carry? Oh, I'm sorry. Pardon me. Ms. Forster had a question before I asked that.

Ms. Cindy Forster: I think just a clarification. I think that Mr. O'Toole forgot one word under subsection (6) in the last line. It should have been “such time period.” He missed the word “time.”

The Chair (Mr. Bob Delaney): Okay. The NDP is rapidly gaining a gold star for proofreading.

Mr. O'Toole, would you like to reread subsection (6) one more time?

Mr. John O'Toole: “(6) If the minister believes that a delegate has failed to meet the performance goals and objectives set out in the performance agreement, the minister shall give the delegate written notice of his belief and require that the delegate fulfil the requirements of the performance agreement within such time period as may be specified in the notice.” So moved.

The Chair (Mr. Bob Delaney): Splendid. Any further discussion? Okay. I think Ms. Forster wins herself a chocolate from Mr. Prue.

Shall the amendment carry? Carried.

Shall schedule 15, section 5, as amended, carry? Carried.

We are considering schedule 15, section 6. I refer you to number 26 in your package. Ms. Piruzza.

Mrs. Teresa Piruzza: I move that paragraph 3.0.1 of subsection 69(1) of the Crown Forest Sustainability Act, 1994, as set out in section 6 of schedule 15 to the bill, be struck out and the following substituted:

“3.0.1 regulating the requirement that a forest management plan be prepared for every management unit under subsection 8(1) and prescribing, for the purposes of paragraph 2 of subsection 8(1.1), conditions in which the requirement does not apply;”

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Bill 55 proposes to add paragraph 3.0.1 to subsection 69(1) of the Crown Forest Sustainability Act, 1994, to provide the regulation-making authority that corresponds to the proposed subsection 8(1.1) of the act. The purpose of this motion to change paragraph 3.0.1 of subsection 69(1) is to modify the wording of this paragraph to provide consistency with the changes proposed by the motion in respect of subsection 8(1.1) of the act.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? Carried.

Number 27 in your package: a government amendment, Ms. Piruzza.

Mrs. Teresa Piruzza: I move that paragraphs 7.2 and 16 of subsection 69(1) of the Crown Forest Sustainability Act, 1994, as set out in section 6 of schedule 15 to the bill, be struck out and the following substituted:

“7.2 prescribing types of activities for the purposes of subclause 29(2)(b)(ii) and prescribing acts of Ontario or of Canada for the purposes of sub-subclause 29(2)(b)(iii)(C);

“16. prescribing types of activities for the purposes of subclause 47(b)(ii) and prescribing acts of Ontario or of Canada for the purposes of sub-subclause 47(b)(iii)(C);”

The Chair (Mr. Bob Delaney): I think you should get a chocolate just for reading that right.

Mrs. Teresa Piruzza: I had to think.

The Chair (Mr. Bob Delaney): Discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Bill 55 proposes to add paragraphs 7.2 and 16 to subsection 69(1) of the Crown Forest Sustainability Act, 1994, to provide the regulation-making authority that corresponds to the proposed subsection 29(2) and section 47 of the act, respectively. The purpose of this motion to change paragraphs 7.2 and 16 of subsection 69(1) is to modify the wording of these paragraphs to provide consistency with the changes proposed by the motions in respect of subsection 29(2) and section 47 of the act.

The Chair (Mr. Bob Delaney): Any other discussion? Shall the amendment carry? Carried.

Now, just before we consider number 28 in your package, I need to ask: Shall schedule 15, section 6, as amended, carry? Carried.

We are now at number 28 in your package, which is a new section proposed. PC amendment, Mr. McNaughton.

Mr. Monte McNaughton: I move that schedule 15 to the bill be amended by adding the following section:

“6.1 The act is amended by adding the following section:

“Bill 55, Strong Action for Ontario Act (Budget Measures), 2012

“69.1(1) This section applies only if Bill 55 (Strong Action for Ontario Act [Budget Measures], 2012) receives royal assent.

“References

“(2) References in this section to schedules and provisions of Bill 55 are references to those schedules and provisions as they were numbered in the first reading version of the bill.

“Review by Environmental Commissioner

“(3) The Environmental Commissioner appointed under the Environmental Bill of Rights, 1993 shall review the amendments to this act set out in schedule 15 to Bill 55 to determine if the amendments constitute proposals that could have significant effect on the environment and should be subject to the procedures set out in the Environmental Bill of Rights, 1993.

“Special report

“(4) At the end of a review conducted under subsection (3), the Environmental Commissioner shall prepare a report on the review and present the report to the Speaker of the assembly and the Speaker shall lay the report before the assembly as soon as reasonably possible.”

The Chair (Mr. Bob Delaney): Any discussion on it? Mr. O’Toole, any explanation?

Mr. John O’Toole: Yes. It gives the Environmental Commissioner oversight to the harvesting contracts the minister has entered into.

The Chair (Mr. Bob Delaney): Any further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, I would move—and it’s a ruling up to you—that this particular amendment, motion 28, is out of order in the context of Bill 55 and this particular schedule, schedule 15.

Schedule 15 of the budget bill amends the Crown Forest Sustainability Act, 1994, for the purpose of streamlining approval processes, reducing administrative burdens in order to assist in achieving the government’s fiscal objective. All of the amendments to the act contained in the budget bill relate to the efficiencies in the forest management planning, licensing fees and delegations.

Amendment 28 introduces a new level of oversight by the Environmental Commissioner appointed under the Environmental Bill of Rights. If passed, this amendment would permit the Environmental Commissioner to review the amendments to this act to allow the Environmental Commissioner to unilaterally extend the procedures set out in the Environmental Bill of Rights to any and all amendments made to this act.

Currently, the Environmental Commissioner has no authority to initiate reviews of acts and regulations on his own. Rather, he must be asked to initiate a review by two or more Ontario residents. Amendment 28 seeks to amend the Environmental Bill of Rights, an act which has not been opened by the budget bill, to expand the

jurisdiction of the Environmental Commissioner by adding a new provision to the Crown Forest Sustainability Act, 1994.

Our assertion is this amendment, Chair, is clearly beyond the very limited scope of the changes being made pursuant to schedule 15 of the budget bill and thus should be ruled out of order by you. Thank you.

The Chair (Mr. Bob Delaney): Is there any further discussion before the Chair consults with the clerk on this request for a ruling? Mr. O'Toole.

Mr. John O'Toole: Just to be clear, what our argument here really is, is the ability of transparency, accountability and oversight. We feel that in good faith, the government should consider the arm's-length role of the Environmental Commissioner and respect that independence and accountability.

The Chair (Mr. Bob Delaney): Okay. Any further discussion? The Chair would like to have at least five and possibly 10 minutes to consider this ruling. We are in recess until at least 4:20.

The committee recessed from 1614 to 1644.

The Chair (Mr. Bob Delaney): Let's come back to order, please and thank you. With regard to Mr. McNaughton's motion, number 28 in your package, Mr. Naqvi asked whether or not the motion was in order. I thank both parties for providing the Chair with an opportunity to join with the clerk and the legal staff in a detailed discussion about procedure, the likes of which I hadn't had an opportunity to encounter before.

In the Chair's opinion, the effect of the PC motion proposed by Mr. McNaughton, if passed, would be to vicariously amend the Environmental Bill of Rights, which is an act that is not opened by Bill 55. It is not possible to do indirectly what cannot be done directly, so as Chair, I am therefore going to rule amendment number 28 out of order.

Mr. John O'Toole: For the record, if I may?

The Chair (Mr. Bob Delaney): Mr. O'Toole.

Mr. John O'Toole: Yes, thank you very much. I don't want to in any way appear to be challenging the Chair. I do want to put on the record the following reference to the Environmental Bill of Rights, 1993. Chapter 28, section 61(1) says, "Any two persons resident in Ontario who believe that an existing policy, act, regulation ... should be amended, repealed or revoked in order to protect the environment may apply to the Environmental Commissioner for a review...." So any two people can appeal, under the Environmental Bill of Rights, if they feel that the environment's threatened. I just want to put that on the record. I know you've made a decision. It could be challenged some time in the future, I guess.

The Chair (Mr. Bob Delaney): Okay, thank you.

We shall then proceed with further consideration of Bill 55. We are at, in your package, number 29. We have a PC motion. Mr. Fedeli.

Mr. Victor Fedeli: I move that section 7 of schedule 15 to the bill be struck out and the following substituted:

"Commencement

"7(1) Subject to subsection (2), this schedule comes into force on the day the Strong Action for Ontario Act (Budget Measures), 2012 receives royal assent.

"Same

"(2) Sections 1 to 6 come into force on a day to be named by proclamation of the Lieutenant Governor."

The Chair (Mr. Bob Delaney): Any discussion? Mr. McNaughton.

Mr. Monte McNaughton: This sets a deadline and timeline for when the act will come into effect. Currently the government has been delaying this by keeping it in council and not enacting it. This makes the act actionable once it receives royal assent.

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: Chair, this motion would essentially add an extra administrative step that is unnecessary. Delaying the coming into force of sections 1 to 6 is not desirable for their proper implementation, so our recommendation to committee members is to vote against this motion.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Okay, just to keep everybody up to date on the road map, the next question would ordinarily be whether schedule 15, section 7, would carry, but the proposed amendment, which did carry, replaced section 7 of schedule 15. As such, a vote on section 7 of schedule 15 is not necessary because the amendment has carried. Is everybody with me? Okay.

Shall schedule 15, as amended, carry? All those in favour? All those opposed? Schedule 15 is lost.

Mr. Yasir Naqvi: Chair—

The Chair (Mr. Bob Delaney): Mr. Naqvi.

Mr. Yasir Naqvi: A 20-minute recess?

The Chair (Mr. Bob Delaney): At the moment, we're not voting on anything.

Mr. Yasir Naqvi: Okay. Giving notice.

Mr. John O'Toole: He wants to go get a spanking.

Mr. Yasir Naqvi: Be nice.

The Chair (Mr. Bob Delaney): Mr. O'Toole, we're doing fine. Let's keep that down.

We are beginning our consideration of schedule 16. There are no proposed amendments to schedule 16, section 1. Shall schedule 16, section 1, carry?

Mr. Yasir Naqvi: Chair, a 20-minute recess.

The Chair (Mr. Bob Delaney): A 20-minute recess having been requested, this committee stands in recess until 12 minutes after 5.

The committee recessed from 1652 to 1713.

The Chair (Mr. Bob Delaney): Good afternoon again. We're here to resume our consideration of Bill 55, An Act to implement Budget measures and to enact and amend various Acts.

We've begun our consideration of schedule 16. When we recessed, the question before the committee was, shall schedule 16, section 1 carry? Carried.

There being no proposed amendments to sections 2 and 3 of schedule 16, are members prepared to vote on sections 2 and 3, inclusively, of schedule 16? Okay.

Mr. Michael Prue: It's carried.

The Chair (Mr. Bob Delaney): Wait, don't carry it just yet.

Interjection.

The Chair (Mr. Bob Delaney): Thank you. With no proposed amendments, shall schedule 16, section 2, and schedule 16, section 3 carry? Carried.

Okay, now the road map is going to get a little bit interesting. We've walked down this road before, so everybody has seen this act once before.

The PC amendment proposed on number 31 in your package is dependent on number 34 passing first. So I propose to defer consideration of item number 31 until item number 34 has been considered. Everybody okay on that? Okay.

In similar fashion—

Mr. John O'Toole: May I just—who has made that decision? I haven't read detailed enough—who has made that decision?

The Chair (Mr. Bob Delaney): This is the clerk's office examining the degree of dependency upon the different proposals.

Mr. John O'Toole: Very good. We just want to know that it's not an arbitrary decision; it's had legal footwork. Thank you, Bob. Thank you, Chair, rather.

The Chair (Mr. Bob Delaney): In any event, the Chair left the loaded dice at home.

In similar fashion, item number 32 in your package has a dependency on item number 37, an NDP motion, so I am proposing to defer consideration of item number 32 until item number 37 has been considered. Everybody on side with that?

Mr. Michael Prue: Makes sense to me.

The Chair (Mr. Bob Delaney): Okay. So we are now on item number 33, and that is a PC motion to be read by Mr. McNaughton.

Mr. Monte McNaughton: I move that subsections 4(5) and (6) of schedule 16 to the bill be struck out and the following substituted:

“Exception: regulations and certain orders

“(5) A delegation of legislation does not apply to,

“(a) regulation-making powers; or

“(b) powers to make orders that the legislation confers on the Lieutenant Governor in Council or on a minister.”

The Chair (Mr. Bob Delaney): Any explanation? Mr. O'Toole.

Mr. John O'Toole: It is the ministers' duty and power to make regulations and sign their names under them. This should not change. Delegation and regulation-making power is begging for a backroom deal and ministers being kept in the dark. I guess this is, in a broadest sense, more about transparency and accountability, and openness and accountability to the public.

The Chair (Mr. Bob Delaney): Okay. Mr. Naqvi, anything?

Mr. Yasir Naqvi: Our recommendation is to vote against this motion and the related motion with it because it reduces the flexibility of the model that is outlined in schedule 16. It's something which is consistent with the structure outlined in the Safety and Consumer Statutes Administration Act. It also reduces the opportunity for administrative efficiencies by combining functions within one delegated administrative authority; for example, the multiple functions within the TSSA. So it just doesn't work with the mechanism that's outlined in schedule 16.

The Chair (Mr. Bob Delaney): Any further discussion? Mr. McNaughton.

Mr. Monte McNaughton: I'd just like to add that it is important that this does pass and we support it, obviously. Delegating regulation-making powers is just begging for backroom deals, like my colleague, Mr. O'Toole, said. This is all about transparency.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? All those in favour? All those opposed? I declared the amendment carried.

May I have, then, unanimous consent to postpone the consideration of section 4 of schedule 16 until we've dealt with numbers 34 and 37 in your package, which will take us down through schedule 16, section 6.1? Do I have that unanimous consent? Thank you.

1720

There being no amendments to schedule 16, section 5, shall schedule 16, section 5 carry? Carried.

Mr. John O'Toole: Hang on. In section 5.1, we have amendment 34.

The Chair (Mr. Bob Delaney): We're not there yet. We're just about to begin that consideration.

Mr. John O'Toole: So what are we voting on? Just 4?

The Chair (Mr. Bob Delaney): Just 5, but you've proposed a 5.1.

Mr. John O'Toole: Okay, I got it.

The Chair (Mr. Bob Delaney): Don't worry; I won't let you get out of order. There is a proposed new section, 5.1, which I think answers the point Mr. O'Toole raised. This is a PC motion, to be read by Mr. O'Toole.

Mr. John O'Toole: Yes, thank you.

I move that schedule 16 to the bill be amended by adding the following section:

“Resolution of the assembly

“5.1(1) A regulation may be made under subsection 4(1) only if the assembly has adopted a resolution authorizing the regulation.

“Same

“(2) A resolution described in subsection (1) shall not authorize the delegation of the administration of provisions of more than one act or of regulations made under more than one act.”

The Chair (Mr. Bob Delaney): Mr. McNaughton.

Mr. Monte McNaughton: The assembly made the laws, and nowhere in the laws did it say that their administration can be delegated by regulation. This section, as it is now, is a back-door, illegitimate cop-out of administering the government's own laws because the government is incompetent.

The Chair (Mr. Bob Delaney): The language is not helpful. The language is just not helpful. We're considering a serious budget bill and I would request that you refrain from pejorative language. You're entitled to vote whichever way you wish, but the language in this case is not helpful to the proceedings.

Any further discussion? Mr. Prue.

Mr. Michael Prue: Yes. Notwithstanding the language, I understand Mr. McNaughton's frustration. Also, this may be his first finance committee, and it's quite tense at times in here. Really, the purpose of this—and the Conservatives can clarify it for me—appears to be that there needs to be legislative approval before moving ahead, and it is intended to provide accountability. If one of the Conservative members can assure me that that's what it's for, rather than castigating the government, I might find my way to support it.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, I stand by the reasons I articulated earlier as to the lack of need for such a motion. My recommendation to the members of the committee is to vote against this.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. John O'Toole: Yes. We'll certainly, in support of my colleague Mr. McNaughton—the point we're trying to really make here is very substantive. It's about transparency and accountability. The government needs to understand that we do not need more scandals. Question periods for the last two months have all been about the Ornge scandal, a scandalous waste of health care dollars. Perhaps the "incompetent" word is too strong. I would suggest that, in a reasonable fashion, Mr. McNaughton might want to rephrase that. I'm not scolding him; I'm just saying, if that makes them understand that our open plea here is that we want more accountability and transparency—and to achieve that, we've obviously got your attention.

The Chair (Mr. Bob Delaney): Mr. McNaughton?

Mr. Monte McNaughton: I couldn't have said it any better myself, so I'll just stand by Mr. O'Toole's words.

The Chair (Mr. Bob Delaney): I think the Chair has made his opinion clear. We have a lot of people here who are trying to do something serious, and in consideration of everybody that's here, let's just talk about what's before us, and do so in as clear and dispassionate a way as we possibly can.

Any further discussion on the amendment? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Bearing in mind my comment earlier that there is a dependency on number 31 of number 34, I'm going to continue to go up to and including number 37, and then I'm going to go back and consider numbers 31 and 32, which have a dependency, respectively, on numbers 34 and 37. In other words, we're going to consider 35, 36 and 37 now, and then we're going to go back and consider 31 and 32, and then vote on schedule 16, section 4. Everybody with me? Okay.

Shall schedule 16, section 5.1, carry?

Mr. Yasir Naqvi: Can you—sorry—repeat that again, Chair?

The Chair (Mr. Bob Delaney): Hold on. Okay, let's go back and look at our road map here.

PC motion number 34 in your package proposed adding a new section, 5.1, to the bill. We have voted on the amendment, section 5.1, and now we're going to vote on the new section. This is a proposal to add a new section.

Shall schedule 16, section 5.1, carry? All those in favour? Opposed? I declare the motion carried.

Number 35 in your package: This is consideration of schedule 16, section 6, a PC motion; Mr. McNaughton.

Mr. Monte McNaughton: I move that subsection 6(2) of schedule 16 to the bill be amended by striking out "and" at the end of clause (a) and by adding the following clauses:

"(c) a requirement to surrender any document, on request, to a person appointed by,

"(i) the Speaker of the assembly, the Auditor General, the Environmental Commissioner, the Information and Privacy Commissioner, the Integrity Commissioner or the Ombudsman, or

"(ii) the minister; and

"(d) requirements for quantitative metrics to measure success and failure."

The Chair (Mr. Bob Delaney): Any discussion?

Mr. John O'Toole: Yes. The motive here is, the Legislature and other key watchdogs must have the right to access documents if the minister won't do it, and the minister is having trouble. This is the only way of ensuring we don't get another Ornge—again, the argument being transparency and accountability, as opposed to delegated oversight that takes it out of the view of the public.

The Chair (Mr. Bob Delaney): Further comment?

Mr. Yasir Naqvi: Chair, there are several reasons why this motion should not be adopted. One, this particular motion is not drafted with a view to the actual powers of these officials who are listed in that motion who don't conduct reviews of the type contemplated; for example, the Ombudsman investigates complaints.

Another big reason is that the addition of oversight by statutory officers increases the risk of consolidation—that is, getting on the provincial books on consolidation revenues, debts and liabilities of these delegated authorities on the provincial books—which is not contemplated.

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Administrative agreements require that delegated administrative authorities adhere to strict governance and administration requirements, including meeting the spirit and intent of access to information and privacy protection-inclined service standards. The role of the Integrity Commissioner is to maintain high standards of ethical conduct in the Ontario public service. The DAAs are independent, arm's-length corporations not part of the Ontario public service. Further, DAAs are required to

have strict governance and oversight, including codes of conduct, procurement and expense policies that meet the spirit and intent of those that apply to the Ontario public service and agencies.

In this bill, section 38 will already allow the Auditor General to conduct value-for-money audits. The Speaker and the Integrity Commissioner are officials of the Legislative Assembly who do not normally become involved in regulatory matters. I recall the submission that was made by the Ombudsman at this committee on June 11, 2012, where he was clear in his testimony that he did not seek to extend his powers, only to maintain them. An ombudsman does not have oversight over existing DAAs. This provision clearly extends his authority, which he himself was not seeking.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. John O'Toole: Again, we're just going to repeat our consistent argument that our amendment, the intent, is to increase the amount of oversight, transparency and accountability. If you look at some of the sections into the delegated authority provisions, it does remove that "operations within view of the public," and in the Legislature itself.

These officers of the Legislature have the greatest respect. You mentioned the Auditor General. We would encourage their oversight, and we ask that the government consider this as a reasonable amendment.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? All those in favour? All those opposed? The amendment carries.

In your package, number 36: Ms. Munro.

Mrs. Julia Munro: I move that section 6 of schedule 16 to the bill be amended by adding the following subsection:

"Notice to assembly

"(4) Within 10 days after the administrative agreement is amended, the minister shall provide a copy of the amendments to the Speaker of the assembly."

The Chair (Mr. Bob Delaney): Any discussion?

Mr. Monte McNaughton: The Legislature has a right to know what's going on between the ministry and the agency that can mandate people to become members and demand payments.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. Yasir Naqvi: Again our recommendation is to vote against this motion. The administrative agreement is between the delegating minister and the delegated administrative authority, and the minister is responsible to the Legislature for that authority. It is a public document, so it is available, and as I mentioned earlier, it increases the risk of consolidation for the government, by which I mean that there's a risk that the government will be responsible for taking all the debt and expenses of that delegated administrative authority on its books, which is a huge risk. These particular administrative authorities are not crown agencies, so they have to be treated separately and not be put on a government-consolidated revenue base.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. John O'Toole: We'll put the current procedures within the last two or three question periods—would you agree or disagree that the Minister of Health has not been accountable to the Legislature? Both the NDP, Ms. France Gélinas, as well as Frank Klees, have raised questions relentlessly. They've deferred them or deflected them to the House leader, who's not, in an ongoing operational way, involved in that. In fact, it's in that vein that we're suggesting that this amendment is very much in order. We want the minister to be accountable to the Legislature.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? Opposed? The amendment carries.

Shall schedule 16, section 6, as amended, carry? All those in favour? All those opposed? It carries.

This is the second of our dependencies, so we'll consider number 37 and then we're going to revert back to consideration of numbers 31 and 32. I'm also mindful of the time in this case.

We're considering a new section, schedule 16, section 6.1, NDP amendment. Mr. Prue?

Mr. Michael Prue: Yes. Now, here's the real test: Can I read three pages without making a single grammatical or other error?

The Chair (Mr. Bob Delaney): Given the bar that you've set, I have a funny feeling that this text will be closely watched.

Mr. Michael Prue: I move that schedule 16 to the bill be amended by adding the following section:

"Review of proposed regulations

"6.1(1) A proposed regulation under subsection 4(1) must be submitted to the Office of the Auditor General for review.

"Condition precedent

"(2) The regulation may be made under subsection 4(1) only if,

"(a) the Auditor General has approved it under subsection (6) or is deemed to have approved it under subsection (12); or

"(b) the assembly has approved it under subsection (14).

"Review by Auditor General

"(3) The Auditor General shall review the proposed regulation to determine whether, in his or her opinion, it is likely to have a significant impact, having regard to,

"(a) fiscal, economic and environmental factors;

"(b) provisions of this act and of the proposed regulation that would prevail over the delegated legislation under clause 12(1)(a); and

"(c) such other matters as may be prescribed by regulation.

"Role of others

"(4) When conducting a review, the Auditor General may request the participation and advice of such other persons appointed on the address of the assembly as the Auditor General considers appropriate in the circumstances.

"Additional information

“(5) The responsible minister or other official who submits the proposed regulation for review shall promptly give the Auditor General such additional information and documents as the Auditor General or a person referred to in subsection (4) may request.

“Results of review by Auditor General

“(6) The Auditor General shall approve the proposed regulation unless, in his or her opinion, it is likely to have a significant impact as determined during the review. In that case, the Auditor General shall decline to approve the proposed regulation.

“Same

“(7) The decision of the Auditor General is final.

“Notice of results

“(8) Within 90 days after receiving the proposed regulation for review, or within such longer period as may be authorized under subsection (10), the Office of the Auditor General shall notify the following persons of the results of the review:

“1. The responsible minister or other official who submitted the proposed regulation for review.

“2. The minister responsible for the administration of this act.

“3. The Clerk of the assembly.

“Same

“(9) The notice must include the reasons for the Auditor General’s decision and may include such other information as the Auditor General considers appropriate.

“Extension of deadline

“The Auditor General may extend the period within which the notice must be given for further periods of 90 days if, in his or her opinion, the extension is necessary because of the complexity of the proposed regulation or because of other circumstances.

“Same

“(11) If the notice period is extended, the Office of the Auditor General shall promptly notify the persons listed in subsection (8).

“Deemed approval by Auditor General

“(12) If the notice is not given before the notice period expires, the Auditor General is deemed to have approved the proposed regulation.

“Review by standing committee

“(13) If the Auditor General declines to approve the proposed regulation, it stands referred to the Standing Committee on Public Accounts for consideration.

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“Approval of the assembly

“(14) The assembly may indicate its approval of a proposed regulation by means of a resolution.

“Notice of assembly decision

“(15) If the assembly approves the proposed regulation, the Clerk of the assembly shall notify the responsible minister.

“Public registry of proposals, notices

“(16) The Auditor General shall maintain a public registry of the following information and documents, each of which must be promptly posted on the registry:

“1. Proposed regulations submitted for review under this section.

“2. Any notice under subsection (10) extending the deadline for the review.

“3. The notice, if any, from the Auditor General following the review.

“4. Such other information as the Auditor General considers appropriate.

“Annual report

“(17) Each year, the Auditor General shall report to the Speaker about such matters as the Auditor General considers appropriate relating to his or her powers and duties under this act.

“Special report

“The Auditor General may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor General should not be deferred until the annual report.

“Tabling of reports

“The Speaker shall lay each annual report or special report before the assembly at the earliest reasonable opportunity.”

Ms. Cindy Forster: Five errors.

Mr. Michael Prue: There you go, five errors.

Mr. Yasir Naqvi: It sounded perfect to my ears.

The Chair (Mr. Bob Delaney): All noted and corrected by the narrator. I think it at least entitles you to a piece of chocolate.

Mr. Michael Prue: Some Diet Coke; I’m thirsty.

The Chair (Mr. Bob Delaney): After you’ve had a sip of Diet Coke, is there any explanation—

Mr. Michael Prue: I can give the explanation, or do you want it corrected first? I heard there were five errors.

The Chair (Mr. Bob Delaney): Are there any errors that any committee member has noted that need re-reading or correction?

Ms. Cindy Forster: The numbers. The numbers, you didn’t do.

Mr. Michael Prue: I have been told that I have omitted some of the numbers, as we read them out. If I could, then, under the title “Extension of deadline,” it should have read “(10)” and then follows “The Auditor General...” etc.

Ms. Cindy Forster: “Special report.”

Mr. Michael Prue: I have been advised that I have omitted, under the title “Special report” the number “(18)” which follows—“(18) The Auditor General...” etc.

Under “Tabling of reports” I have omitted the word “(19)” which follows after that, “(19) The Speaker shall lay...” etc.

The Chair (Mr. Bob Delaney): There goes your chocolate.

Mr. Michael Prue: And I am seeing a nod from the legislative counsel that I have indeed made those errors.

The Chair (Mr. Bob Delaney): Is there anything further to add?

Mr. Michael Prue: Oh, yes. I would just like to explain the purport of why this motion has been put forward. We believe that this is a legislative account-

ability regime around schedule 16. It works as follows: A regulation creating a new delegated authority must be sent to the Auditor General, who does an assessment on economic, fiscal and environmental grounds. The Auditor General can also bring in another legislative officer, if he or she chooses to do so.

If the Auditor General determines that the regulation will have any significant impact, it does not become law and he sends it to the public accounts committee. If the public accounts committee approves it, then it gets sent to the full Legislature, which must approve a motion creating the DAA, as approved by the public accounts committee. That's the rationale behind this.

The Chair (Mr. Bob Delaney): Okay, any further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Chair, I would again recommend voting against this particular motion. Section 35 of schedule 16 already gives the Auditor General the power that he may conduct an audit of a delegated administrative authority and has full access to the records and information. The Auditor General, Chair, as you know, is an independent officer of the Legislature, and it would not be appropriate to provide the Auditor General policy-making responsibility.

The Chair (Mr. Bob Delaney): Okay. Mr. Prue.

Mr. Michael Prue: If I could, I think Mr. Naqvi may not have it right. This is before the fact it's sent to the Auditor General, not after the fact. It is sent there to make sure that it is correct before it is actually enacted. What this is going to do is to make sure that when it is enacted, it doesn't have a deleterious effect on the environment or the fiscal situation. We believe that this is going to help provide greater accountability for the minister, for the Legislature, and that's why we are suggesting it. It certainly will give a great deal more clarity to what is being done.

The Chair (Mr. Bob Delaney): Further discussion? Shall the amendment carry? All those in favour? All those opposed? I declare the amendment carried.

Let's recap. We had two earlier amendments numbered 31 and 32 in your package. Number 31 was dependent on the passage of number 34; number 32 was dependent on the passage of number 37. We'll resume consideration of 31 and 32 and then vote on the status of schedule 16, section 4.

Number 31, PC motion: Ms. Munro.

Mrs. Julia Munro: I move that subsection 4(1) of schedule 16 to the bill be amended by striking out "the requirements of section 5 and subsection 6(1)" and substituting "the requirements of section 5, section 5.1 and subsection 6(1)".

The Chair (Mr. Bob Delaney): Thank you. Any explanation? Mr. McNaughton.

Mr. Monte McNaughton: It is the minister's duty and power to make regulations and sign their name under them. This should not change. Delegating regulation-making powers is begging for backroom deals and ministers being kept in the dark.

The Chair (Mr. Bob Delaney): Further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: I explained the reason earlier as to why the members should be voting against this motion a few motions ago when we were talking about it.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? All those in favour? All those opposed? The amendment carries.

The Chair will declare just a two- or three-minute recess before the consideration of NDP amendment number 32 in your package, owing to its relationship with some of the amendments just passed.

The committee recessed from 1748 to 1753.

The Chair (Mr. Bob Delaney): Thank you all. The reason for the Chair requesting a recess was to confirm with legislative counsel whether or not the NDP amendment about to be proposed would, if adopted, pose some difficulty in resolving the clauses which it refers to. Leg. counsel advises that, whether adopted or not, they can work with it. As such, number 32 in your package is in order—not that you ever asked that it was out, but it was the Chair's responsibility to ensure that it was, in fact, in.

Let's go. Number 32: Mr. Prue.

Mr. Michael Prue: I move that subsection 4(1) of schedule 16 to the bill be amended by striking out "section 5 and subsection 6(1)" and substituting "section 5, subsection 6(1) and section 6.1".

The Chair (Mr. Bob Delaney): Any explanation?

Mr. Michael Prue: Well, it's only because number 37 was passed as 6.1, and that's why this in fact was put off until after, to see whether—and all this is technical to say that this is now included in the bill.

The Chair (Mr. Bob Delaney): Okay. Any further discussion?

Mr. Yasir Naqvi: Chair, as I stated earlier, section 35 of schedule 16 already gives the Auditor General the authority, if he chooses, to conduct an audit of a delegated administrative authority. He has full access to records and information. The Auditor General, as I mentioned earlier, is an independent officer of the Legislature, and it would not be appropriate to provide the AG a policy-making responsibility. Thus, I recommend to the members to vote against this motion.

The Chair (Mr. Bob Delaney): Mr. Prue.

Mr. Michael Prue: Well, with the greatest of respect, that debate has already taken place and the vote has already happened. All this is is a housekeeping matter to include 6.1 so that the bill, once amended, will be technically correct. I'm asking the members to vote. This is a technical matter. The other matter is over.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? All those in favour? Opposed? I declare the amendment carried.

Now, we're going back to pick up where we left off. At this point, having considered all of the proposed amendments and their dependencies for schedule 16, section 4: Shall schedule 16, section 4, as amended, carry? All those in favour?

Mr. Michael Prue: You'd better vote.

Mr. John O'Toole: Yes.

The Chair (Mr. Bob Delaney): Let me try that again. Shall schedule 16, section 4, as amended, carry? All those in favour? All those opposed? I declare the schedule carried.

Interjection.

The Chair (Mr. Bob Delaney): Schedule 16, section 4, I declare carried, as amended.

All right. We're doing fine. We're getting close to the line, but we might be able to do one more.

We're considering schedule 16, section 7. PC amendment.

Mr. Yasir Naqvi: Did you do section 5?

The Chair (Mr. Bob Delaney): Yes, we did. Yes, we did 5. There were no amendments to section 5 and it carried.

Mr. O'Toole.

Mr. John O'Toole: I move that subsection 7(1) of schedule 16 to the bill be struck out and the following substituted:

"Policy directions

"(1) Policy directions relating to the administration of the delegated administrative authority's delegated legislation may be issued to the delegated administrative authority by a resolution of the assembly or by the responsible minister.

"Notice, assembly

"(1.1) In the case of policy directions issued by the assembly, the Speaker shall take the following steps:

"1. On becoming aware of the resolution has been proposed for debate, promptly notify the administrative authority of the details.

"2. As soon as the resolution is adopted, provide the administrative authority with a copy of the resolution.

"Notice, responsible minister

"(1.2) In the case of policy directions issued by the minister, the minister shall take the following steps:

"1. Before issuing the policy directions, give the administrative authority the notice that he or she considers reasonable in the circumstance.

"2. As soon as the policy directions are issued, provide copies of them to,

"(i) the administrative authority, and

"(ii) the Speaker of the assembly.

"Conflict

"(1.3) In the event of conflict between policy directions issued by the assembly and policy directions issued by the minister, the ones issued by the assembly prevail."

The Chair (Mr. Bob Delaney): Okay.

Mr. Michael Prue: I noticed two small technical errors. Under "Notice, assembly," number 1, what was stated was "On becoming aware of the resolution..." In fact, the written one says, "On becoming aware that the resolution..."

The second technical error I noticed was under the title, "Notice, responsible," number 1, the last word was stated as "circumstance," and it is written "circumstances."

The Chair (Mr. Bob Delaney): Mr. O'Toole, do you accept the corrections as proposed by Mr. Prue?

Mr. John O'Toole: Yes, I accept those corrections.

The Chair (Mr. Bob Delaney): Thank you very much. You will all be pigging out on chocolate before this is over.

Mr. John O'Toole: Michael gets two stars.

The Chair (Mr. Bob Delaney): Nonetheless, the competition is a healthy one.

Is there any discussion of this? Mr. O'Toole?

Mr. John O'Toole: Well, the motive here is, the authorities will be an arm of the government because they apply acts made by the Legislature, ergo the Legislature must have the right to clarify how its own laws are to be administered.

The Chair (Mr. Bob Delaney): Any further discussion? Mr. Naqvi.

Mr. Yasir Naqvi: Again, this increases the risk of consolidation on government books vis-à-vis the debts of such delegated administrative authorities. These authorities are independent, arm's-length, not-for-profit corporations. Even agencies that are agents of and closer to the crown are not subject to policy direction from the assembly.

In the normal course, a minister would communicate with the delegated administrative authority before issuing a policy direction, but there may be circumstances where a policy direction must be immediate and should not be fettered. For that reason, our recommendation to the committee members is to vote against this motion.

The Chair (Mr. Bob Delaney): Further discussion?

Mr. John O'Toole: Again, it increases the accountability. This is a provision that would require the delegated authorities to be advised either by the House, the assembly itself or the minister. Again, it says in the conclusion that the issue of the assembly would prevail, so I think it clarifies and makes sure that there's more transparency and accountability, really.

The Chair (Mr. Bob Delaney): Any further discussion? Shall the amendment carry? All those in favour? All those opposed? Carried.

It is after 6 o'clock and our authority to proceed in our consideration of Bill 55 by the House is over. This committee stands adjourned until 9 o'clock on Monday morning right here in room 151.

I want to thank everyone for their time and patience today. This is a complex bill to figure out, and I just want to acknowledge everyone's efforts in so doing.

We're adjourned.

The committee adjourned at 1801.

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