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Wednesday 3 December 2014

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des débats
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Mercredi 3 décembre 2014

**Standing Committee on
Regulations and Private Bills**

Draft report on regulations

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Rapport préliminaire
sur les règlements

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE
LOI D'INTÉRÊT PRIVÉ**

Wednesday 3 December 2014

Mercredi 3 décembre 2014

The committee met at 0902 in committee room 1.

DRAFT REPORT ON REGULATIONS

The Chair (Ms. Indira Naidoo-Harris): Good morning, everyone. The Standing Committee on Regulations and Private Bills will now come to order. I hope you're ready for a good morning.

First on our agenda today is a briefing on the regulations by Mark Spakowski, the chief legislative counsel. We look forward to your briefing.

Mr. Mark Spakowski: I am, as introduced, the chief legislative counsel, and I'm the head of the Office of Legislative Counsel. Among the other duties we have, we draft regulations, we translate them, we receive them for filing and we arrange for their publication. That's our role with respect to regulations.

I'll be following roughly the outline that has been distributed. That was prepared by Joanne Gottheil from our office. She's the registrar of regulations, and I'll speak a bit more about that a little later.

First, I want to speak a bit about what a regulation is. Regulations are law, but they're made by someone other than the Legislature. They're made under the authority of an act. The Legislature enacts an act, but in doing so, sometimes they give someone else the authority to make regulations. So the authority to make regulations is delegated from the Legislature, and that's why regulations are sometimes referred to as "delegated legislation."

The act that gives authority to make regulations also specifies who can make it. In Ontario, generally, the maker of regulations is the Lieutenant Governor in Council or a minister, or some other body with the approval of one of those people.

The act that authorizes the making of regulations also sets out the scope of what the regulation can be about. As well, the common law has a number of rules and principles that help to interpret or limit a regulation-making authority.

I want to explain a little bit about the difference between making a regulation and filing it. A regulation is made when it is signed or approved by whoever has the legal authority to make the regulation. Filing is a further step that's legally necessary in order for a regulation to become law. In practice, filing is with the Registrar of Regulations, and the way that happens is that it's phys-

ically brought into our office for filing. That legal requirement and some of the others that I'm going to speak about are under the Legislation Act, 2006.

The Registrar of Regulations is the official who generally oversees the filing process for regulations. He or she performs other duties as well. The registrar is a lawyer within our office who is appointed by the Lieutenant Governor in Council. The current registrar is Joanne Gottheil.

After regulations are filed, they are law, and then there are legal obligations to publish the regulations. There are two ways that regulations are published. They are published on the e-Laws website, and legally that has to be done promptly. Typically it's done within two business days. Regulations are also published in the Gazette. The legal obligation there is to publish within one month. Usually that's on the third Saturday after the regulation is filed. Both of those forms of publication are official for legal purposes.

Statutes sometimes clarify that something is not a regulation for the purposes of the Legislation Act. That's done sometimes to clarify doubtful cases about whether an instrument is or is not a regulation. Sometimes it's just done to ensure that a particular instrument is not treated as a regulation.

If a statute excludes an instrument as a regulation, then it doesn't go through this process. It's not filed with our office. It's not published in the Gazette—or at least not in the Gazette as a regulation.

The practical matter of actually drafting regulations: Regulations are drafted by legislative counsel in our office on the instructions of ministry lawyers who have carriage of that matter. So we're the ones who draft it, but the ministries are responsible for its content and what it does. Ultimately, we act on their instructions.

The handout describes a few different kinds of regulations: parent regulations, amending regulations and revoking regulations. Whatever kind of regulation is filed, it is incorporated into the consolidated regulations. Those are the regulations as they read with all the amendments incorporated into them. Those are also on the e-Laws website. That incorporation into the consolidated regulations is generally done quite quickly, usually within a couple of days after a regulation is filed.

Just a little bit about numbers: Ontario has a little over 1,800 consolidated regulations on the e-Laws website.

That number goes up and down as new regulations are made or regulations are revoked. The number of regulations filed each year also varies by year. Over the past five years, the average has been something like 450 regulations per year. This year it's a little less than 300 to date, anyway.

Also, some regulations are bilingual but not all. A little less than half of Ontario's regulations are bilingual.

Mrs. Laura Albanese: Can we ask why that is?

Mr. Mark Spakowski: There is no legal obligation for all regulations to be bilingual. There is a requirement in the French Language Services Act that provides for the Attorney General to "cause to be translated into French such regulations as the Attorney General considers appropriate."

This number of regulations that are bilingual has been increasing over the years. Around 1990, which was when the statutes became bilingual, the number of regulations that were bilingual was probably close to 0%. Over that period, we're up to close to half. So it's a process that's continuing.

0910

Mrs. Amrit Mangat: How many times in a year are regulations filed? Once, twice, three times?

Mr. Mark Spakowski: Each regulation, which is either an amendment to an existing regulation or a new regulation or a revoking regulation—a regulation is filed only once.

Mrs. Amrit Mangat: Once a year?

Mr. Mark Spakowski: Well, each—

Mrs. Laura Albanese: As soon as they make it, within two days, you said, right?

Mr. Mark Spakowski: Well, on average, over the past five years, there are about 450 regulations filed per year; so 450 on average over the past five years. Each regulation requires filing just once, and then it's finished. But I'm not sure I'm completely understanding your question.

The Chair (Ms. Indira Naidoo-Harris): I'd like to recognize MPP Albanese. Do you have another question?

Mrs. Laura Albanese: No, I think it's MPP Mangat that is—

Mrs. Amrit Mangat: No, I read somewhere—let me be very frank. It was written in that article that regulations are filed once a year. That's what I'm asking. Do we make regulations every month and then file them together at the end of the year, or—how does this work?

Mr. Mark Spakowski: They are filed throughout the year.

Mrs. Amrit Mangat: Throughout the year. Okay.

Mr. Mark Spakowski: So on any given day, there can be—for instance, on Monday, I believe there were seven regulations filed. I don't believe there were any filed yesterday.

Mrs. Amrit Mangat: Okay. They don't have to be bundled. That's what I mean.

Mr. Mark Spakowski: No.

Mrs. Amrit Mangat: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Any further questions of Mark Spakowski?

Mrs. Amrit Mangat: Okay, I have another one.

The Chair (Ms. Indira Naidoo-Harris): MPP Mangat, go ahead.

Mrs. Amrit Mangat: As it's written here, currently Ontario has over 1,800 consolidated parent regulations. Is this since 1857 or Confederation or when?

Mr. Mark Spakowski: It's all that we have in force now, with very technical exception. But it's essentially all the regulations in force in Ontario. But there was a revision of regulations in 1990, and there were some regulations of very limited application that were left unconsolidated. A number of those have since been revoked, so there would be very few that were not part of that 1,800 figure.

Mrs. Amrit Mangat: Okay. Thank you.

The Chair (Ms. Indira Naidoo-Harris): Okay. Thank you very much, Mark. Thank you for that.

I think it's time to move on to consider the draft report before us on regulations made in 2013. Research officer Tamara Hauerstock will introduce the draft report. I understand that we will go through it issue by issue. Just so that all of you here are aware, we'll pause after each issue and I'll look for further discussion of the issue and recommendations, okay? Just so you know how we're going to proceed.

Go ahead, Tamara.

Ms. Tamara Hauerstock: Good morning. As introduced, I'm Tamara Hauerstock, counsel to the committee. I wanted to begin this morning with a quick review of the committee's regulations mandate and then take you through, quickly, the regulations review process.

The mandate is set out in section 33 of the Legislation Act, 2006, and also in standing order 108(i). The act and the standing orders provide that the committee is to examine the regulations made each year under Ontario statutes. In conducting this review, the committee is to ensure that regulations were made in accordance with the nine guidelines set out in the standing orders.

As I mentioned last time I appeared here, over the years the two guidelines that have been most frequently cited in committee reports are guidelines 2 and 3. The effect of guideline 2 is that there should be clear authority in the enabling statute to make a regulation. Guideline 3 provides that regulations should be expressed in clear and precise language.

The committee's mandate specifically excludes any consideration by the committee of the merits of the policy or the objectives of a particular regulation. In other words, the committee is to consider only the legal principles that are set out in the committee's guidelines. As a result, the discussion in the report in front of you concerns issues that are quite technical and legalistic.

We've had the benefit this morning of a briefing on regulations and how they are made, so I wanted to go straight into the process for the review of regulations. We've prepared a visualization of the regulations review process for you. That's the colourful document that I

think you have in front of you. It's also included in the report as appendix C.

Just to take you quickly through that: Once the regulations are made, the lawyers/research officers at the legislative research service read the published regulations to assess compliance with the nine guidelines set out in the standing orders; you'll see that in step 1 of the visualization.

We flag potential violations of the guidelines and write letters to the ministry legal branches responsible for the regulations in question; that's step 2.

We then consider the ministry responses, step 3. In some cases, the ministry will agree with the issue we have raised, and we would include that in our report; in other cases, they disagree with us. Sometimes their response would satisfy us that there is no guideline violation, and in other cases it does not satisfy us. In the latter situation, we would include that regulation in the draft report.

Once the draft report has been prepared, it comes before the committee. That's where we are today. Once the committee reviews the draft report and finalizes it, it tables the report, and copies of it are sent to the ministries affected.

I would now like to take you through the draft report. Beginning on page 1, we have our standard introduction, explaining the role of the committee and what the report covers. Next is a section on statistics for the years 1994 to 2013, and that sets out basic statistics on regulations filed in that period. You'll see that over the 20-year period noted, the average number of regulations filed each year was 553.

Page 3 and the top of page 4 then set out some statistics on new, revoking and amending regulations over the past 10 years.

I'll just stop here to see if there are any questions about this section of the report.

The Chair (Ms. Indira Naidoo-Harris): Are there any questions?

Ms. Tamara Hauerstock: Then we can move on to the substance of the report, which begins about a third of the way down on page 4. This section discusses regulations we have identified as possible violations of the committee guidelines.

As noted in the opening paragraph, we reviewed the 368 regulations made in 2013, and we wrote letters to nine ministries raising questions about 13 regulations. After considering the responses from the ministries, we have decided to report on five regulations under guideline 2, which requires clear authority for making a regulation.

Under the heading of Ministry of Education, we have a regulation made under the Education Act. When we reviewed it, we noticed that it had been made by the minister. The authority to make this type of regulation, however, was granted under the act to the Lieutenant Governor in Council.

When we raised this with the ministry, they acknowledged that it had been made by the minister through an

oversight. They noted, though, that even though it had been made by the minister, the Lieutenant Governor in Council ultimately approved it after the minister made it.

Our view, however, is that the Education Act says that the regulation has to be made by the Lieutenant Governor in Council, not approved by it. Our proposed recommendation, therefore, is that the ministry remake the regulation.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Tamara. I think we're just going to take a pause there. Is there any discussion regarding this issue and the recommendation?

Mrs. Laura Albanese: What was—

The Chair (Ms. Indira Naidoo-Harris): I'm going to recognize Daiene Vernile, MPP.

Ms. Daiene Vernile: Thanks, Chair. May we ask for a representative from the ministry to come here and to detail some more information for us? If we're going to make an informed decision, I personally would like to know more information about this. Can we do that?

The Chair (Ms. Indira Naidoo-Harris): Yes, I understand we can do that. Should that recommendation carry? Is there further discussion of that recommendation?

Interjections.

The Chair (Ms. Indira Naidoo-Harris): Sorry; we will invite the ministry to come and give us further information.

Mrs. Laura Albanese: Pardon me, Chair.

The Chair (Ms. Indira Naidoo-Harris): MPP Albanese.

Mrs. Laura Albanese: I had a question. When was this regulation made?

Ms. Tamara Hauerstock: It's a 2013 regulation. I can give you the date; just one second.

Mrs. Laura Albanese: Well, this year, in any case.

Ms. Tamara Hauerstock: Last year.

Mrs. Laura Albanese: Last year; sorry.

Ms. Tamara Hauerstock: It was filed October 28, 2013.

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The Chair (Ms. Indira Naidoo-Harris): Further discussion of this issue? MPP Albanese.

Mrs. Laura Albanese: I concur with my colleague. I think it would be good to hear from the ministry so that we can hear an explanation and, at the same time, see what happened, why it was done this way.

The Chair (Ms. Indira Naidoo-Harris): Okay. I'll confirm with the committee that that's what we will do. We'll bring in a ministry representative at a later date that's convenient for us to discuss more of the details regarding this issue.

I'm going to ask our research officer to continue with the next one.

Ms. Tamara Hauerstock: The next regulation is under the heading of the Ministry of Government and Consumer Services. In this case, the Land Titles Act provides that an application for an inhibiting order must be made "in the prescribed manner." The regulation does

not prescribe the manner of making the application. It says that an application for an inhibiting order “shall be in the form that the Director of Titles or the land registrar, as the case may be, requires.”

We asked the ministry about this. The ministry responded that in its view, the application did not need to be prescribed in a regulation in this case, because the application is administrative in nature.

The Land Titles Act actually has an unproclaimed section which, if proclaimed, would repeal the requirement that we raised to make the application “in the prescribed manner.” The unproclaimed section would instead require the application to be made in the manner required by the director.

In our view, this unproclaimed provision will, once proclaimed, more clearly authorize the director to make forms outside of a regulation and, in that manner, would address our concern. So in this case, we have reported the regulation here, but we have not proposed that the committee make a recommendation.

The Chair (Ms. Indira Naidoo-Harris): Thank you, Tamara.

I’m just going to ask the committee if you want to discuss this further. There is no recommendation on the table. Yes, MPP French?

Ms. Jennifer K. French: Just for clarification, what’s involved in going from unproclaimed to proclaimed, for that to happen and therefore negate your concerns?

Ms. Tamara Hauerstock: It’s the Lieutenant Governor in Council who would proclaim an unproclaimed provision of a statute, so that would be left—

Ms. Jennifer K. French: So that’s an inevitability, that section?

Ms. Tamara Hauerstock: It’s not inevitable, because there are some provisions that, for whatever reason, never wind up being proclaimed. Usually, at some point, they are proclaimed, but I couldn’t say that it’s inevitable.

Ms. Jennifer K. French: So the concern about the not-specified prescribed form isn’t enough to—you’re anticipating, then, that it will be proclaimed?

Ms. Tamara Hauerstock: Yes, without knowing 100%, I would anticipate that at some point it would be.

Ms. Jennifer K. French: So it will kind of look after itself?

Ms. Tamara Hauerstock: Yes, and because it’s a bit of a grey area, we didn’t include an actual recommendation in this case.

Ms. Jennifer K. French: In that case, would this be flagged to check in on it later and make sure that it was indeed proclaimed?

Ms. Tamara Hauerstock: That’s certainly something we could do, yes.

The Chair (Ms. Indira Naidoo-Harris): Any other discussion on this particular issue?

We are going to proceed then. MPP French was just suggesting that we take a look at this at a later date. Let’s carry on.

Ms. Tamara Hauerstock: Okay. The next ministry is the Ministry of Health, and we’re reporting on two regulations under the ministry. Both have to do with notice issues.

The first is a regulation made under the Local Health System Integration Act, 2006. That act requires that the ministry give notice of a proposed regulation in the Ontario Gazette and by other means that the minister considers appropriate.

When we reviewed this regulation, we could not find a record of notice having been given in the Gazette. When we raised this with the ministry, it acknowledged that notice had not been published in the Gazette but said that notice was given through other means, through the Ontario Regulatory Registry and the ministry’s website and that comments were received and considered by the ministry.

The ministry said that it would be following up on procedures to ensure that the required notice is published in the future. Given the ministry’s commitment, we are not proposing a recommendation with respect to this regulation.

The Chair (Ms. Indira Naidoo-Harris): I’m going to open it up for discussion. Does anybody want to discuss this particular issue with the Ministry of Health?

There is no recommendation on this, so we’re going to move forward.

Ms. Tamara Hauerstock: The next regulation was made under the Personal Health Information Protection Act, 2004. In general, under this act, public consultation is required before a regulation is made. In certain circumstances, the minister may decide that the public consultation process should not apply. When the minister makes that decision, the requirement is that he or she must notify the public, as well as the Information and Privacy Commissioner, as soon as is reasonably possible.

In this case, the regulation was made on November 27 and filed on December 23, 2013. Notice of the decision not to consult was published in the Ontario Gazette on December 21, 2013. When we asked whether the requirement to give notice of the decision not to consult had been given as soon as is reasonably possible, the ministry responded that notice was given on December 12, and that considering the approvals processes within the ministry, it fell within the scope of the phrase “as soon as is reasonably possible.”

We don’t agree with this interpretation. Since the decision not to consult has to be made before a regulation is made, we would expect that notice of this would normally also be given before making the regulation.

Again, we did not make a recommendation here, but point out that procedural requirements should be scrupulously observed.

The Chair (Ms. Indira Naidoo-Harris): Is there further discussion of this particular issue with the Ministry of Health? MPP French.

Ms. Jennifer K. French: December 21 and December 12—I just want to confirm that those numbers are correct.

Ms. Tamara Hauerstock: Yes.

Ms. Jennifer K. French: Okay, fine.

Mr. Robert Bailey: I have a question.

The Chair (Ms. Indira Naidoo-Harris): MPP Bailey.

Mr. Robert Bailey: What was the issue at the time? I was interested: Was it a specific issue, like to do with a certain health care—

Ms. Tamara Hauerstock: The substance of the regulation?

Mr. Robert Bailey: Yes. That's kind of what I was interested in. Was it an emergency, something to do with, you know, Ebola virus or something that time was of the essence, or was it just sloppy?

Ms. Tamara Hauerstock: The regulation itself is a very brief one that amended a date within the larger parent regulation—which I unfortunately don't have with me—and substituted a new date.

Mr. Robert Bailey: Oh, okay.

Ms. Tamara Hauerstock: In our correspondence with the ministry, they didn't raise the issue of time—urgency. That was not raised.

Mr. Robert Bailey: Okay.

The Chair (Ms. Indira Naidoo-Harris): MPP Thompson.

Ms. Lisa M. Thompson: Thank you very much, Chair. I'm just wondering: You mentioned that you're not making a specific recommendation, but the way it reads, you've outed this ministry for not following protocol. Would it be this committee's responsibility to come up with ramifications for not following protocol? Like, they'll just slough this off. How do we stand up and say, "Don't do this again, or else"?

Ms. Tamara Hauerstock: The committee's authority with respect to regulations is limited to making recommendations. So, it's open to the committee to make a recommendation.

Ms. Lisa M. Thompson: So, in essence, this is a flag.

The Chair (Ms. Indira Naidoo-Harris): Any further discussion? There's no recommendation here. Shall we continue?

Ms. Tamara Hauerstock: The next regulation is under the Ministry of Transportation. The Legislation Act, 2006, allows regulations to incorporate an existing document by reference. Incorporation by reference is found when a regulation states that it includes material that is found elsewhere outside of the regulation.

When the document that is incorporated by reference is not itself a piece of legislation, the Legislation Act requires that the reference should be to the document as it read when the regulation was made, and not to later versions. This is known as static incorporation. This requirement applies unless the governing act expresses or implies a contrary intention.

The regulation under consideration here deals with standards for school buses, and it incorporates a document by reference and also incorporates subsequent versions of it. This is known as rolling incorporation.

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We expressed our concern to the ministry that the rolling incorporation did not comply with the Legislation Act, 2006. The ministry responded that in its view, given that there's authority to make regulations prescribing requirements for school buses and standards and specifications for equipment, which is the subject of the regulation we're looking at, it is likely that the Legislature intended to permit rolling incorporation in this case. In our view, the intention to permit rolling incorporation would be clearly stated in the act.

So the proposed recommendation here is that the ministry take steps to amend the regulation to comply with the requirements of the Legislation Act.

The Chair (Ms. Indira Naidoo-Harris): Thank you. So, regarding the issue on the Ministry of Transportation, is there further discussion of this issue or this recommendation? MPP Albanese.

Mrs. Laura Albanese: Could you please elaborate on these rolling incorporations a little bit?

Ms. Tamara Hauerstock: Sure. It's a drafting technique whereby a regulation says that, for example, as in this case, the standards that apply to school buses are the standards that have been developed by an outside body, which I think in this case is the Canadian Standards Association.

That's a body that's independent and develops standards on various things. The regulation, instead of copying that entire text into the body of the regulation, simply states that that document applies. So it's incorporated into the document, but by referring to it. It's an incorporation by reference.

Mrs. Laura Albanese: Oh, I see. Okay. That's why it's called rolling.

Ms. Tamara Hauerstock: Static incorporation is where the document that's incorporated is simply the document as it stood on the day that the regulation was made. When it's a situation of rolling incorporation, any later changes to that outside document that are made are also brought into the regulation.

Mrs. Laura Albanese: Right. Would it be possible to invite someone from the ministry to talk about this to the committee?

The Chair (Ms. Indira Naidoo-Harris): Yes, we can. I understand we can, so we will ask for further information regarding this.

Does the committee agree with that recommendation to get further information about this particular issue? Okay, thank you. Carried.

Mrs. Laura Albanese: Thank you.

The Chair (Ms. Indira Naidoo-Harris): All right. I'm going to ask researcher Tamara Hauerstock to continue.

Ms. Tamara Hauerstock: Okay. So those are the regulations reported for 2013. The next section of the report, starting at page 9, is simply a reflection of what was reported in our last report. It's an update on responses received to that report. To date, there don't appear to have been any amendments made in response to the recommendations made.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): MPP Thompson?

Ms. Lisa M. Thompson: Thank you, Chair. In terms of performance measures this is unacceptable, totally unacceptable. So, collectively, what do we do?

Mrs. Laura Albanese: Chair, I guess I had a similar question. What happens when the committee makes recommendations and there has been no action on them?

The Chair (Ms. Indira Naidoo-Harris): I guess the committee can follow up on some of these.

Mrs. Laura Albanese: What tools does the committee have? How does the committee follow up? I guess that's the question that MPP Thompson was asking.

Ms. Lisa M. Thompson: Absolutely; I agree.

The Chair (Ms. Indira Naidoo-Harris): I understand that we can ask for a follow-up with a letter of some sort, for example, and we can move ahead with that. So, if there were specific parts of the regulations that were filed here that you think we should follow up with letters, we can do that.

Does the committee recommend that we do that?

Ms. Lisa M. Thompson: Absolutely.

Mrs. Laura Albanese: Sure.

The Chair (Ms. Indira Naidoo-Harris): Okay. All right. Please let me know—there are a number of them here. Let's go through each of them specifically.

Let's start with regulation 69/12, amending 260/97. The current status there is, as of November 23, 2014, it has not been amended. Would you like us to follow up with a letter? Committee?

Mrs. Laura Albanese: I don't know. I don't have anything against following up with a letter; I'm just not familiar with each and every one of these recommendations. However, if the committee had deemed and recommended—I'm fine with a letter. I don't know about my colleagues.

The Chair (Ms. Indira Naidoo-Harris): MPP Thompson.

Ms. Lisa M. Thompson: I'm fine with a letter as well. I'd like to know the reason behind why the amendment hasn't been made, and a time expectation identified as to when it will be made.

The Chair (Ms. Indira Naidoo-Harris): MPP French.

Ms. Jennifer K. French: And just for logistics' sake, does it make sense to do a letter per regulation or a letter per ministry with, then, a breakdown of the relevant—

The Chair (Ms. Indira Naidoo-Harris): That's a good point.

Ms. Jennifer K. French: Yes. I'm seeing a couple here for the Ministry of Agriculture, Food and Rural Affairs.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): I've just consulted with the Clerk and she said fine, we can do it per ministry. That makes sense. Any—

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Our researcher has something to add to this discussion. Go ahead, Tamara.

Ms. Tamara Hauerstock: I just wanted to emphasize that the power of the committee is to make recommendations.

Ms. Lisa M. Thompson: Well, we recommend that they—

Ms. Tamara Hauerstock: Right.

Mr. Robert Bailey: —they get their act together.

Interjections.

Mrs. Laura Albanese: I guess there's nothing wrong in asking.

The Chair (Ms. Indira Naidoo-Harris): I understand, after consulting with the Clerk, that we can follow up and recommend to them—

Interjection: Just follow up.

The Chair (Ms. Indira Naidoo-Harris): —just follow up, essentially. Okay.

Mrs. Laura Albanese: Chair?

The Chair (Ms. Indira Naidoo-Harris): MPP Albanese.

Mrs. Laura Albanese: If I may, even if the power is to make recommendations, there would be nothing wrong in asking and perhaps providing the ministry with an explanation—do they intend to follow the recommendation, and if they don't, if there's a rationale.

The Chair (Ms. Indira Naidoo-Harris): We will follow up. Thank you.

MPP French.

Ms. Jennifer K. French: And if we're limited to making recommendations, can we make the recommendation for them to provide a rationale, or is that toeing the line? If we ask a question and they decide that that's outside of our jurisdiction, they can choose not to answer, right?

Ms. Lisa M. Thompson: They should explain—

The Chair (Ms. Indira Naidoo-Harris): One minute. I'm getting some advice on this.

Interjections.

The Chair (Ms. Indira Naidoo-Harris): I understand that this was from a previous report, and before that report was made, the ministry was consulted. However, we can follow up with a letter just suggesting that this be completed.

Interjection.

The Chair (Ms. Indira Naidoo-Harris): Yes—reiterate the recommendation that was made, and I think that's a good step.

MPP Thompson.

Ms. Lisa M. Thompson: Thank you, Chair. Our comments percolated through the review of the Ministry of Agriculture, Food and Rural Affairs, but also we have an outstanding item with the Ministry of Health and Long-Term Care. Can our recommendations be applied to both ministries, whereby they haven't followed through?

Mr. Robert Bailey: All the ministries.

Ms. Lisa M. Thompson: All the ministries?

Interjection.

Ms. Lisa M. Thompson: Okay.

The Chair (Ms. Indira Naidoo-Harris): All the ministries listed here is what you're recommending we follow up on?

Ms. Lisa M. Thompson: Thank you, yes.

The Chair (Ms. Indira Naidoo-Harris): Does the committee agree with that? Right now, what we're looking at is follow-up letters on those items, the current status of some of these potential violations of standing orders—just following up with letters recommending—

Mrs. Amrit Mangat: For all of them?

Mrs. Laura Albanese: On the ones that are filed.

The Chair (Ms. Indira Naidoo-Harris): All of the ones. All of the ones where they have not been amended.

Mrs. Amrit Mangat: That have not been amended.

The Chair (Ms. Indira Naidoo-Harris): Yes.

Mrs. Laura Albanese: Just to be clear, they are those on pages 9, 10 and 11.

Interjection: Yes.

Ms. Lisa M. Thompson: But what about page 6 as well?

Mrs. Marie-France Lalonde: These are the new ones, so—

Ms. Lisa M. Thompson: Yes.

Mrs. Laura Albanese: But for the new ones, there were only two—

Mrs. Marie-France Lalonde: Recommendations.

Mrs. Laura Albanese:—recommendations that have been made and that have not been adopted yet by the committee. And that's why we're asking the ministries to come and speak, right?

Ms. Lisa M. Thompson: That's fair.

The Chair (Ms. Indira Naidoo-Harris): So, being clear for everybody here on this committee: We are now looking at the April 2014 report, regulations filed in 2012. And, where applicable, where the current status says that the regulation has not been amended, we will follow up with a letter. Okay?

Ms. Lisa M. Thompson: Thank you.

The Chair (Ms. Indira Naidoo-Harris): I believe that is our discussion for today regarding the report.

We've all decided that there will be further consideration of some aspects of the report. We've asked for more information. The Clerk will get in touch with us about what date would be best to set up a meeting on these things and bring the parties here that are needed for the meeting.

Mr. Robert Bailey: Madam Chair, I have a question.

The Chair (Ms. Indira Naidoo-Harris): Yes, MPP Bailey?

Mr. Robert Bailey: We were originally scheduled to meet this afternoon for that subcommittee report. If the people who are here in the room are available—I'll leave it to your discretion—would you like to get it over with this morning so we don't have to get together this afternoon?

The Chair (Ms. Indira Naidoo-Harris): Thanks for the suggestion, MPP Bailey. I'm going to ask the committee: Would you prefer to just stay a few minutes longer and try to deal with the subcommittee request?

Ms. Daiene Vernile: I'm happy to stay. So if we can all stay, let's do that and save time this afternoon.

Mr. Robert Bailey: It was about how we move forward with one of the government bills. It would just save everybody's time this afternoon, if that's fine with everyone. I don't think it will take too long. Maybe I'm wrong, but—

The Chair (Ms. Indira Naidoo-Harris): Sure, MPP Bailey. So what I recommend is that we wrap up this meeting, but the subcommittee members stay on in the room and we can perhaps finish off with that.

Just one final thing that the researcher has pointed out to me: There may be typos, for example, in the report. Do we direct the Clerk here and the researcher, give them permission, essentially, to fix the typos? Does the committee agree with that?

Interjection: Agreed.

The Chair (Ms. Indira Naidoo-Harris): All agreed. Thank you very much.

That ends our meeting here today. We will adjourn this meeting and stay on for the subcommittee meeting.

The committee adjourned at 0942.

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