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Monday 7 December 2015

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des débats
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Lundi 7 décembre 2015

**Standing Committee on
Finance and Economic Affairs**

Budget Measures Act, 2015

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

Loi de 2015 sur
les mesures budgétaires

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRSCOMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Monday 7 December 2015

Lundi 7 décembre 2015

*The committee met at 1400 in committee room 1.*BUDGET MEASURES ACT, 2015
LOI DE 2015 SUR
LES MESURES BUDGÉTAIRES

Consideration of the following bill:

Bill 144, An Act to implement Budget measures and to enact or amend certain other statutes / Projet de loi 144, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter ou à modifier d'autres lois.

The Chair (Ms. Soo Wong): Good afternoon. I'm going to call the Standing Committee on Finance and Economic Affairs to order.

As ordered by the House on Thursday, November 26, 2015, we are assembled here today for clause-by-clause consideration of Bill 144, An Act to implement Budget measures and to enact or amend certain other statutes. Pauline Rosenbaum, the legislative counsel, is here to assist us with our work.

The committee is authorized to sit today from 2 p.m. to 6 p.m. and from 6:45 to midnight. A copy of the numbered amendments received at the deadline last Friday is on your desk. Committee members will know that at 4 p.m. today, I'm required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 144 and any amendments thereto. From that point forward, those amendments which have not yet been moved shall be deemed to have been moved. I will, at that time, allow a 20-minute waiting period.

Do we have any questions before we begin? Seeing none, I'm going to go through—as you probably can see, Bill 144 is comprised of only three sections, which enact 23 schedules. In order to deal with the bill in an orderly fashion, we're going to postpone the three sections in order to dispose of the schedules first. Do we have agreement to this? Okay, I see a nod of the head, right?

Mr. Victor Fedeli: I'm sorry?

The Chair (Ms. Soo Wong): I'm asking a question. All right, so let's start—

Interjection.

The Chair (Ms. Soo Wong): We don't have the third party representative here today, Mr. Clerk. I see that there's a motion number 1 here put forward. Somebody has to move this. Since no one is here from the party, it's not going to be moved.

Mr. Clerk, I'm going to move on.

Mr. Victor Fedeli: Can anybody move it, or is that how it works?

The Chair (Ms. Soo Wong): Somebody from the third party.

Mr. Victor Fedeli: Oh.

The Clerk of the Committee (Mr. Katch Koch): I don't know if they have an objection. It's their motion.

The Chair (Ms. Soo Wong): It's their motion. I can't move it as Chair, and nobody from the government side can move it. Okay.

I'm going to go to the next section. All right. Do we do motion 2?

Interjections.

The Chair (Ms. Soo Wong): Oh. Ms. Fife, you're just in the nick of time. I'm just dealing with motion number 1. Ms. Fife, do you want to read your motion into the record? I think the Clerk's going to come and help you.

Ms. Catherine Fife: This one?

The Chair (Ms. Soo Wong): Yes, this one.

Ms. Catherine Fife: I move that the bill be amended by striking out "he or she" wherever it appears and substituting in each case "they".

The Chair (Ms. Soo Wong): Okay. Committee members, in my opinion, the motion before the committee is an amendment not offered to any particular section, subsection or clause of the bill. It is read as a blanket strike-out of the words "he or she" whenever it appears in the bill and replaced with the word "they."

The motion itself, as drafted, is not out of order, but since Bill 144 deals with 23 other acts, I'm concerned that the members are being asked to approve a motion without fully knowing the legal context in which the words "he or she" are being used throughout the bill.

A blanket strike-out-and-replace, in this case, also risks rendering certain parts of the bill grammatically flawed. Further, I'm also concerned about consistency of new language and the effect it would have on the statutes of Ontario, should this motion pass. Therefore, I will not allow this motion and rule it out of order. Okay?

Ms. Catherine Fife: Madam Chair, just a comment: This was basically just to ensure that the government knows about inclusive language—

The Chair (Ms. Soo Wong): No, there's no debate. Ms. Fife, there's no debate. I'm moving forward. So sorry.

Now we have motion number 2.

Interjection.

The Chair (Ms. Soo Wong): The Clerk has just advised me that for schedule 1, sections 1 through 4, there are no motions. Can we vote on schedule 1, sections 1 through 4, collectively? Is that all right with the committee? There are no motions.

Interjections: Yes.

The Chair (Ms. Soo Wong): Okay. Any questions, comments or debate on these sections before I call the question? Seeing none, I'm going to call the question. Schedule 1, sections 1 through 4: All those in favour? Opposed? Carried.

I believe we have government motion number 2. Ms. Albanese, do you want to read it into the record?

Mrs. Laura Albanese: Yes, thank you, Chair. I move that section 5 of schedule 1 to the bill be struck out and the following substituted:

“Commencement

“5(1) Subject to subsection (2), this schedule comes into force on the day the Budget Measures Act, 2015 receives royal assent.

“Same

“(2) Subsection 2(1) comes into force on January 1, 2016.”

The Chair (Ms. Soo Wong): Any comments or questions on the motion? Seeing none—Mrs. Albanese?

Mrs. Laura Albanese: I guess I just would add that the purpose of this motion is to provide greater certainty for MPAC and for property owners and municipalities, as it would ensure that MPAC has as much time as possible to prepare for the changes and to communicate the changes to property owners when notices of assessment are issued, beginning early in the year.

The Chair (Ms. Soo Wong): Any questions or comments to motion number 2? Seeing none, I'm going to call the question. All those in favour of motion number 2? All those opposed? Carried.

Shall schedule 1, as amended, be carried?

Interjection.

The Chair (Ms. Soo Wong): Oh, sorry. I've got to go back. Sorry.

Shall schedule 1, section 5, as amended, be carried? Carried.

Shall schedule 1, as amended, be carried? Carried.

Now we are on schedule 2. I notice there are no motions before us for this particular schedule. Am I correct, Mr. Clerk? Yes. Can we cluster them to vote on this particular schedule?

Interjections: Yes.

The Chair (Ms. Soo Wong): Okay. Any questions or comments? Seeing none, all those in favour of schedule 2, sections 1 through 4? All those opposed? Carried.

Shall schedule 2 be carried? Carried.

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For schedule 3, sections 1 through 3, there are no motions put forward. I just wanted to check with the committee: Is it all right that we vote on them collectively? Okay.

Any questions or comments before I call the question? Seeing none, I'm going to call the question for schedule 3, sections 1 through 3. All those in favour? Opposed? Carried.

I believe the official opposition has motion number 3. Mr. Fedeli, do you want to read it into the record?

Mr. Victor Fedeli: I move that subsections 91.2(2) and (4) of the Electricity Act, 1998, as set out in section 4 of schedule 3 to the bill, be struck out.

The Chair (Ms. Soo Wong): Any questions or comments to motion number 3? Mr. Fedeli.

Mr. Victor Fedeli: By eliminating the exemption for Hydro One subsidiaries, it ensures that the minister can't ignore the requirement to pay funds to the OEFC. This will guarantee that the minister must pay money to the OEFC and cannot use a shell game or creative accounting to ignore this obligation. The current hydro debt at OEFC is \$26 billion, and that money needs to be paid down. Without any tax payments for OEFC, that will continue to grow and will cause higher hydro bills.

The Chair (Ms. Soo Wong): Any questions or comments to motion number 3? Ms. Albanese.

Mrs. Laura Albanese: We're going to be voting against this motion because striking out subsections (2) and (4) would result in the Minister of Finance not being able to make regulations to exclude the income tax payable by subsidiaries of Hydro One Inc. This flexibility has been proposed because the corporate organization of Hydro One and its subsidiaries is a matter in which the government has ceased to be directly involved. The flexibility from this amendment will allow the government to direct future revenue from Hydro One to pay down electricity sector debt in the OEFC.

The Chair (Ms. Soo Wong): Any other comments or questions before I call the question? All right, I'm going to call the question. Shall motion 3 be carried? All those in favour? All those opposed? Defeated.

Shall schedule 3, section 4, be carried? All those in favour? Opposed? Carried.

I believe this is motion number 4. Mr. Fedeli, do you want to read it for the record?

Mr. Victor Fedeli: I move that subsection 5(2) of schedule 3 to the bill be struck out.

The Chair (Ms. Soo Wong): Any questions or comments to motion number 4? Mr. Fedeli.

Mr. Victor Fedeli: This amendment would keep the provisions in place that force the minister to give the money paid by municipal electric utilities back to the municipalities, once the residual stranded debt is retired. The minister is currently trying to get money to pay down the Hydro debt. In this case, without this passing, it would be on the backs of the municipalities. We don't believe that we should be punishing municipalities to make up for the fallout from the Hydro One fire sale.

The Chair (Ms. Soo Wong): Ms. Albanese.

Mrs. Laura Albanese: We will be voting against this motion because the amendments, as proposed in the bill, would result in payments made under section 92 by municipal electricity utilities being treated in the same

manner as payments by Hydro One and OPG; that is, being paid to the Ontario Electricity Financial Corp. until that corporation is dissolved and to municipalities after that date.

As the amendments in this schedule would eliminate references to the fees and the residual stranded debt and instead set a firm end date for the debt retirement charge, it would not make sense for subsection 92(4) of the act to continue in its current form.

The Chair (Ms. Soo Wong): Any other comments or questions to motion number 4? Seeing none, I'm going to call the question to motion number 4.

All those in favour of motion number 4? All those opposed? Defeated.

Shall schedule 3, section 5, be carried? Any questions and comments first? All those in favour of schedule 3, section 5? All those opposed? Carried.

We have motion number 5. Mr. Fedeli?

Mr. Victor Fedeli: I move that subsection 6(1) of schedule 3 to the bill be struck out and the following substituted:

“Commencement

“6. (1) Subject to subsections (1.1) and (2), this schedule comes into force on the day the Budget Measures Act, 2015 receives royal assent.

“Same

“(1.1) Section 1 comes into force on the day the Minister of Finance publishes the notice described in subsection 85(6) of the Electricity Act, 1998 in the Ontario Gazette.”

The Chair (Ms. Soo Wong): Any questions or comments to motion number 5? Mr. Fedeli?

Mr. Victor Fedeli: Currently the bill would combine the residual stranded debt and the stranded debt together. This way, the government can remove the debt retirement charge regardless of whether or not they actually retired the residual stranded debt. Therefore the government will claim success, actually, even though they haven't removed that debt because there will be no way to separate the two debts any further. This would force the government to be more transparent and honest in their actions.

We already know that the government is using the debt retirement charge to make payments for other priorities. We learned that in November 2011 from the Auditor General. We want to ensure that doesn't happen again.

The Chair (Ms. Soo Wong): Any questions? Ms. Albanese?

Mrs. Laura Albanese: We will be voting against this motion because this amendment is essentially a vote against ending the debt retirement charge through legislation for industrial users. It would defeat our objective of providing Ontario businesses and industry certainty as to the end date for the debt retirement charge. Ending the debt retirement charge would provide Ontario businesses with certainty and help them plan their investment decisions more effectively.

The Chair (Ms. Soo Wong): Mr. Fedeli?

Mr. Victor Fedeli: While I appreciate the commentary, actually, the amendment would make it so that the definitions of “residual stranded debt” and “stranded debt” actually stay separate until the minister proves that the residual stranded debt is retired. So it's kind of the opposite of what we're hearing.

The Chair (Ms. Soo Wong): Any other questions and comments to motion 5. I'm going to call the question. All those in—

Mrs. Laura Albanese: Sorry, I just wanted to add one more comment.

The Chair (Ms. Soo Wong): Oh, okay.

Mrs. Laura Albanese: I just wanted to add that we've been paying off the costs of the DRC throughout the past decade consistently. Our 2014 budget committed to removing the DRC from residential bills by the end of this year, two years early, and to take it off industries in 2018.

The Chair (Ms. Soo Wong): Mr. Fedeli.

Mr. Victor Fedeli: I hate to keep going back and forth, but when I hear “two years early” on something that the Auditor General told us was actually paid off in 2011, that suggests to me that it's years late, not two years early. I trust the auditor's numbers explicitly. He told us—it was “he” back then—in November 2011 that \$8.7 billion has been paid against the \$7.8 billion debt. So not only was the debt paid off in 2011, it was actually overpaid by almost \$1 billion. Yet we didn't learn till 2012, after the 2011 election, that \$4 billion had further been—I'll call it “borrowed”—from that debt and added to the debt without anybody knowing. It was borrowed in 2004. When we hear it will be paid off two years early, you can't say that when it's four to five years late.

The Chair (Ms. Soo Wong): Any other questions? Ms. Albanese.

Mrs. Laura Albanese: The government is committed to helping manage cost pressures for non-residential energy users as well. That is why we introduced legislation that, if passed, would end the DRC for non-residential consumers after March 31, 2018.

The reason Ontarians are still paying the debt retirement charge is because of the PC Party's failed energy schemes. Let's not forget that instead of paying down the debt, the PCs artificially capped rates after causing electricity prices to go up 30% in 30 weeks.

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Contrary to the PC claims, the total cost of electricity was not included in electricity prices under the PC government. In fact, this move added an extra \$1.1 billion to the stranded debt between 1999 and March 2004.

Ontarians have been paying off these costs through the DRC for the past decade. We have committed to removing the DRC from residential bills by the end of this year.

The Chair (Ms. Soo Wong): Okay. Any other questions and comments to motion number 5?

Interjection.

The Chair (Ms. Soo Wong): Mr. Yakabuski, can you please not interrupt?

I'm going to call the question to motion number 5. All those in favour—no, you don't vote. All those opposed to motion number 5? Defeated.

Mr. Victor Fedeli: You get him in a few minutes.

The Chair (Ms. Soo Wong): I'm sure I'm going to enjoy it.

Laughter.

The Chair (Ms. Soo Wong): Shall schedule 3, section 6, be carried? Any questions and comments to schedule 3, section 6? All those in favour of schedule 3, section 6? All those opposed? Carried.

I'm going to go back again. Shall schedule 3 be carried? Yes, Ms. Fife.

Ms. Catherine Fife: Madam Chair, I think that we have an opportunity now to speak against the entire schedule.

The Chair (Ms. Soo Wong): Okay.

Ms. Catherine Fife: Schedule 3 actually can't be fixed. The Electricity Act is heavily flawed and will not be supported by New Democrats. The government has repeatedly prolonged the life of the residual stranded debt, and ratepayers have had to pay the price for that. Now, because of the Hydro One sell-off, the government has increased the residual stranded debt yet again, and businesses will be stuck paying \$600 million a year in debt retirement charges for even longer.

The government has defied the recommendations of the Auditor General and has now eliminated all transparency and accountability provisions with respect to the OEFC and residual stranded debt, and no longer has to show the debt retirement charge is actually paying down debt. That's a huge problem around accountability and transparency.

The government is making municipalities pay a price for the loss of Hydro One revenues by changing the law and permanently claiming money that would have started flowing to municipalities and schools after the residual stranded debt was retired.

This entire schedule cannot be supported by New Democrats.

The Chair (Ms. Soo Wong): Okay. Are there any questions and comments to schedule 3? I'm going to call the question. Shall schedule 3 be carried? All those in favour? All those opposed? It's carried.

I believe there is a government motion, number 6. Who wants to read it into the record? Ms. Albanese, do you want to read motion 6 into the record?

Mrs. Laura Albanese: Sure. I move that subsection 1(4) of schedule 4 to the bill be struck out and the following substituted:

"Property of which possession may be taken

"(4) A reference in this act to property of which the Public Guardian and Trustee may take possession under section 2 or under a paragraph of subsection 2(1) includes property meeting the description set out in section 2 or the applicable paragraph of subsection 2(1), as the case may be, that met the description before the day this act comes into force.

"Property of which possession has been taken

"(5) A reference in this act to property of which the Public Guardian and Trustee has taken possession under section 2 or under a paragraph of subsection 2(1) includes property meeting the description set out in section 2 or the applicable paragraph of subsection 2(1), as the case may be, of which the Public Guardian and Trustee took possession before the day this act comes into force, whether or not the property was paid into the Consolidated Revenue Fund before the day this act comes into force."

The Chair (Ms. Soo Wong): Any questions, comments to motion number 6? Seeing none, I'm going to call the question.

Interjection.

The Chair (Ms. Soo Wong): Ms. Fife, I'm going to call the question to motion 6, all right?

There are no more questions and comments to motion 6. All those in favour of motion 6? All those opposed? The motion is carried.

Shall schedule 4, section 1, as amended, carry? All those in favour? Opposed? Carried.

I noticed that schedule 4, sections 2 through 15, has no motions. Is it the will of the committee that we vote for them collectively? Is that good with everybody? Any questions and comments about these sections? Ms. Hoggarth?

Ms. Ann Hoggarth: I just want to be clear: We did the motion to amend schedule 4, subsection 1(4).

The Chair (Ms. Soo Wong): Yes.

Ms. Ann Hoggarth: So we didn't have to do it again?

The Chair (Ms. Soo Wong): No. I'm just going to go back. We're doing schedule 4, section 2 through section 15 collectively and inclusive. Any questions and comments? Seeing none, I'm going call the question.

Shall schedule 4, section 2 to section 15, carry? All those in favour? Opposed? Carried.

I believe we have a motion, number 7, before us. Who wants to read it into the record? Ms. Albanese?

Mrs. Laura Albanese: I move that subsection 16(3) of schedule 4 to the bill be struck out and the following substituted:

"Same, priority

"(3) If the Public Guardian and Trustee has taken possession of property under section 2 and amounts due to the crown are determined under this section in connection with the property, those amounts have priority over every claim, privilege, encumbrance or other interest of every person in respect of the property.

"Deduction of amounts

"(4) Amounts mentioned in subsection (3) may be deducted by the Public Guardian and Trustee from any property of which the Public Guardian and Trustee has taken possession under section 2 that was owned by the prior owner or by a related dissolved corporation."

The Chair (Ms. Soo Wong): Any questions or comments to motion number 7? Ms. Albanese?

Mrs. Laura Albanese: I guess I'll just explain what the intent of this motion is. We're attempting to streamline the way in which the government takes possession of

forfeited property, so property that becomes ownerless due to death, bankruptcy or other such reasons. The government would do this through the Public Guardian and Trustee.

The section simply further clarifies property that the government may possess; for example, property such as land and buildings on that land, but also equipment, furniture and other such non-realty property.

The Chair (Ms. Soo Wong): Any questions or comments on motion 7? Seeing none, I'm going to call the question.

All those in favour of motion number 7? All those opposed? Carried.

Shall schedule 4, section 16, as amended, carry? Any questions and comments first? Seeing none, shall schedule 4, section 16, as amended, carry? All those in favour? Opposed? Carried.

I believe in schedule 4, sections 17 to 23, there are no motions put forward. Can we vote collectively on these sections? Yes? Okay. Any questions and comments to schedule 4, sections 17 through 23? Seeing none, I'm going to call the question.

Shall schedule 4, section 17 through section 23, carry? All those in favour? Opposed? Carried.

We have a government motion before us, motion number 8. Ms. Albanese?

Mrs. Laura Albanese: I move that schedule 4 to the bill be amended by adding the following section:

“Legislation Act, 2006

“23.1 Part III (Regulations) of the Legislation Act, 2006 does not apply with respect to orders issued by the Lieutenant Governor in Council under subsection 5(3) or 7(7) or by the Public Guardian and Trustee under section 13.”

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The Chair (Ms. Soo Wong): Any questions or comments to motion 8? Ms. Albanese?

Mrs. Laura Albanese: I guess I'll explain what this motion is doing. We're adding a new section to the proposed Escheats Act, 2015, to ensure that certain ways in which property is transferred to the crown can be carried out quicker and in a more streamlined way. A couple of examples would be orders by the Lieutenant Governor in Council transferring property in connection with a moral claim, or orders by the Lieutenant Governor in Council transferring property to a charity.

If the amendment was not carried, these decisions would need to be approved through Treasury Board and cabinet. This would be burdensome and unnecessary, given the nature of the types of decisions included.

The Chair (Ms. Soo Wong): Any questions and comments to motion 8? Seeing none, I'm going to call the question. All those in favour of motion number 8? All those opposed? Carried.

Schedule 4, sections 24 through 32: There are no motions before us. Can we vote on them collectively, as a package? I guess that silence means it's good, right? Okay.

Are there any questions and comments regarding schedule 4, sections 24 through 32? Seeing none, I'm going to call the question. All those in favour of schedule 4, sections 24 through 32? All those opposed? Carried.

Shall schedule 4, as amended, be carried? Any questions and comments with regard to this schedule? Seeing none, I'm going to call the question. Shall schedule 4, as amended, be carried? All those in favour? Opposed? Carried.

There are no motions for schedule 5, sections 1 through 3. Can we vote on them collectively? Any questions and comments before I call the question? Seeing none, all those in favour of schedule 5, sections 1 through 3? All those opposed? Carried.

Shall schedule 5 be carried? All those in favour? Opposed? Carried.

There are no motions before us for schedule 6. I'm going to put that as assumed that we're going to vote on them collectively.

Ms. Fife?

Ms. Catherine Fife: Madam Chair, just on schedule 6, we recommend voting against the entire schedule. This is the removal of the Ontario Economic Forecast Council. This is a government that actually needs all the financial advice and expertise that they can get. That's one of the reasons why we fought so hard to get the Financial Accountability Officer here. Actually, the FAO has shed considerable light on the sale of Hydro One, for instance, and the economic forecasting for the province of Ontario.

For us, clearly, there's a need to address some of the housekeeping and administration duplication in this government, but getting rid of the Ontario Economic Forecast Council, to us, makes no sense. So we will not be supporting this schedule, in its entirety.

The Chair (Ms. Soo Wong): Ms. Albanese?

Mrs. Laura Albanese: I just want to clarify the reasons why we're supporting this schedule. That's because, in the course of reviewing the mandates and efficacy of Ontario's agencies, the government has concluded that it is unnecessary to maintain the Ontario Economic Forecast Council in its current form. It is consistent with the recommendations of the 2012 Drummond report to eliminate unnecessary agencies.

The Minister of Finance will continue to consult with private sector economists and seek their validation of economic assumptions in the course of developing Ontario's budgets and fiscal plan in 2016 and in the future. But it is simply unnecessary for those economists to be appointed to an advisory body before the minister obtains their advice.

I want to be clear: The OEFC is meeting these needs. However, its agency status is not required. The ability of the OEFC to fulfill its mandate is tied to the expertise and reputation of its members and does not require status as a provincial agency.

In addition, each member of the OEFC renders their opinion individually, without consultation with other members, and this has resulted in the OEFC having a structure reflecting three independent advisers without a

Chair. This is inconsistent with provincial agency structure for advisory agencies.

The Chair (Ms. Soo Wong): Okay. Ladies and gentlemen, we have two sections here. We have to vote on them first before the entire schedule, okay?

Because there are no motions put forward for schedule 6, sections 1 and 2, can I call the question for both of them combined? All right. All those in favour of schedule 6, sections 1 and 2? All those opposed? Carried.

The question that you were just asking, Ms. Fife: Shall schedule 6 be carried? That's when you're going to vote what you want.

Any questions and comments? I've heard from Ms. Fife; I've heard from Ms. Albanese. Are there any other speakers to schedule 6?

Seeing none, shall schedule 6 be carried? All those in favour? Opposed? Carried.

All right. We are now on schedule 7. I believe that for schedule 7, sections 1 through 9, there are no motions. I'm going to check the will of the committee. Can we vote on them collectively?

Interjections: Yes.

The Chair (Ms. Soo Wong): All right. Any questions and comments for schedule 7, sections 1 through 9? Ms. Hoggarth?

Ms. Ann Hoggarth: Sorry, no.

The Chair (Ms. Soo Wong): No comments. Okay. I thought you had a comment.

Any questions? Seeing no comments and questions, I'm going to call the question. Shall schedule 7, sections 1 through 9, be carried? All those in favour? Opposed? Carried.

I believe we have a government motion before us, number 9.

Mrs. Laura Albanese: Yes, Chair.

The Chair (Ms. Soo Wong): Ms. Albanese?

Mrs. Laura Albanese: "I move that schedule 7 to the bill be amended by adding the following section:

"Legislation Act, 2006

"9.1 Part III (Regulations) of the Legislation Act, 2006 does not apply with respect to orders issued by the minister under section 10, 17 or 28."

The Chair (Ms. Soo Wong): Okay. Any questions and comments to motion number 9? Ms. Albanese.

Mrs. Laura Albanese: Yes, I just want to clarify the purpose of the motion. Similarly to government motion number 8, this motion would add a new section to the proposed Forfeited Corporate Property Act, 2015, to ensure that certain ways in which property is transferred to the crown can be carried out quicker and in a more streamlined way.

If the amendment was not carried, orders such as those transferring certain forfeited corporate realty property to a municipality would need to be approved through Treasury Board and cabinet, and this would be overly burdensome and unnecessary.

The Chair (Ms. Soo Wong): Any questions and comments to the motion? Seeing none, I'm going to call the question. All those in favour of motion 9? All those opposed? Motion carried.

I believe that for schedule 7, sections 10 through 35, there are no motions before us. Like with previous sections, I'm going to ask for the will of the committee. Can I call the question to all those sections collectively?

Interjections: Yes.

The Chair (Ms. Soo Wong): Okay. Any questions and comments for schedule 7, sections 10 through 35? Seeing none, I'm going to call the question. Shall schedule 7, sections 10 through 35, be carried? All those in favour? All those opposed? Carried.

I believe we have motion number 10 before us. It's a government motion. Ms. Albanese, do you want to read that into the record?

Mrs. Laura Albanese: Yes. Thank you. I move that subsections 36(2), (3), (4) and (5) of schedule 7 to the bill be struck out and the following substituted:

"Failure to comply

"(2) If a person or entity that receives a notice under section 35 refuses under subsection (1) to provide the required information and the minister is of the opinion that subsection (1) does not apply, the minister may apply to the Superior Court of Justice for an order compelling the person or entity to provide the information."

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The Chair (Ms. Soo Wong): Any questions and comments to motion 10? Ms. Albanese.

Mrs. Laura Albanese: Again, for clarification purposes, this motion would resolve concerns that have been raised by the Information and Privacy Commissioner. Elsewhere in the act, there are proposed requirements to provide information to the Minister of EDI in relation to privacy requests. This motion would eliminate exemptions for institutions already subject to provincial privacy legislation. It would clarify that the only grounds for a person or entity to refuse to provide information to the minister is that the information is subject to a legal privilege, such as solicitor-client, litigation or settlement privilege.

The Chair (Ms. Soo Wong): Any other questions and comments to motion 10? Seeing none, I'm going to call the question. All those in favour of motion 10? All those opposed? The motion carries.

Shall schedule 7, section 36, as amended, be carried? Any questions or comments before we go ahead? Seeing none, shall schedule 7, section 36, as amended, be carried? All those in favour? Opposed? Carried.

All right. I believe for schedule 7, 37 through 62, there are no motions. Am I correct, Mr. Clerk? Yes, okay. So there are no motions before this committee for schedule 7, sections 37 through 62. Can I vote on those collectively, as a package? I'm seeing that. Okay.

Any questions and comments to this schedule and these sections? Seeing none, I'm going to call the question. Shall schedule 7, sections 37 through 62, be carried? All those in favour? Opposed? Carried.

Now we're going to vote on the entire schedule. Are there any questions and comments to schedule 37, the entire schedule?

Interjections.

The Chair (Ms. Soo Wong): Seven, sorry. Are there any questions and comments to schedule 7, as amended? Seeing none, I'm going to call the question. Shall schedule 7, as amended, be carried? All those in favour? All those opposed? Carried.

We're now on schedule 8. Again, there are no motions before this committee. I'm going to see if it's okay with the committee that we're going to vote on them collectively. I see a nodding of the head. Thanks, Ms. Fife.

Are there any questions and comments for schedule 8? Seeing none, I'm going to call the question. Shall schedule 8, sections 1 and 2, be carried? All those in favour? All those opposed? Carried.

Shall schedule 8 be carried? Any questions and comments? Seeing none, all those in favour? Opposed? Carried.

We're now on schedule 9. There are no motions before the committee for schedule 9, sections 1 through 4. I'm going to look to the committee members. Can I call the question for this entire section, sections 1 through 4? Okay.

Any questions and comments, first? Seeing none, shall schedule 9, sections 1 through 4, be carried? All those in favour? Opposed? Carried.

I believe there is a motion, number 11. Ms. Fife, can you read it into the record?

Ms. Catherine Fife: I move that section 5 of schedule 9 to the bill be amended by adding the following subsection:

“Consultation

“(1.1) Before making or amending the rules, the commission shall consult with persons involved in horse racing who hold a licence under this act.”

The rationale, of course, is the amendment to section 5 requires that before the rules of horse racing are changed, the commission must consult with operators/owners of racehorses and horse people. Horse racing rules require industry knowledge, and New Democrats support a process in which all relevant stakeholders are consulted.

I think it's worth noting that the government put the horse racing industry and sector in a very precarious place because they did not consult on SARP, the Slots at Racetracks Program, and the entire sector is still reeling because of that. It makes sense to actually sit down with the people who are going to be affected by these decisions—and all relevant stakeholders—prior to bringing any further changes in.

This is actually what we were promised by the Liberal government during the election, and all we've seen thus far are these arbitrary changes to various ministries and various practices across the board. It would make sense for the government in this instance to support this amendment because it actually is a progressive amendment. It is not threatening. It just brings the stakeholders and the industry, who have the knowledge, to the table so that the sector doesn't pay the price anymore for wrong-headed decisions.

The Chair (Ms. Soo Wong): Any questions? Ms. Albanese.

Mrs. Laura Albanese: I just wanted to comment on why we will be voting against this motion. In practice, the AGCO would normally consult with industry stakeholders. However, the commission should have the discretion to amend the rules without prior consultation since at times there may be the need for quick action for reasons such as animal health or public safety. This would bring consistency across the AGCO's three areas of responsibility: alcohol, gaming and racing.

We are committed to the long-term sustainability of the horse racing industry, and we know there are communities that depend on it. Our government is introducing the proposed legislation that would, if passed, support a stable and sustainable horse racing industry in our province, and this proposed change would ensure horse racing's long-term success in Ontario.

The Chair (Ms. Soo Wong): Ms. Fife.

Ms. Catherine Fife: Just for clarity: I think it needs to be said that the horse racing sector and horse people do not think that dissolving the Ontario Racing Commission is in their best interests, and the government knows this. What the government could do, at least, is give them a voice throughout the process so that they can represent their needs.

You have to remember, this is an industry that is still reeling from the short-sighted cancellation of the SARP program. Respecting the voices in that sector could contribute to moving forward with policy decisions that actually don't cause more harm. Basically, the philosophy should be “do no more harm,” and having at least a sector-specific person at that table would be helpful.

The Chair (Ms. Soo Wong): I see, Ms. Scott, your hand was up?

Ms. Laurie Scott: I just want to support my colleague Ms. Fife's motion. There's no question they weren't consulted. It is quite frightening to them, the fact that there will not be anyone at the table who actually knows the industry. I don't know if we're going to have more amendments come forward. You're actually changing the whole regulatory way that horse racing has been done in the past. They feel it's quite harmful to the industry, and I concur with them.

I know the member, Ms. Albanese, may have a response to what Ms. Fife just last said about the consultation, but there's no question Ms. Fife is absolutely correct. They were not consulted before any of these changes were brought in, and because of the short time to turn around, it was hard for them to come quickly to committee last week.

The Chair (Ms. Soo Wong): Ms. Albanese.

Mrs. Laura Albanese: Respecting the voices of the industry is our intent. At the same time, as I reiterate what I said earlier, the AGCO would normally consult with industry stakeholders, but the commission—and this is the intent of this motion—should have the discretion to amend the rules when there may be the need for quick action for animal safety and public safety. That's the reason why this is being introduced.

The Chair (Ms. Soo Wong): Mr. Yakabuski.

Mr. John Yakabuski: You know, it's interesting—my friend in the third party, Ms. Fife, said, “Do no more harm.” You people have no concept of how much harm you've already done to this industry, and now you're branding them and they're not even part of the consultation process. This bill should not have been brought forward without significant consultation with a group of people that you're affecting deeply with this legislation.

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Now we're in an accelerated process here in committee that is like speed committee. This will be legislation before a cat can blink his eye. The die will be cast and the ink will be dry on the bill. It's just not the way you do things in this industry that feels like it's been continuously targeted by your government, and this is another example of that in spades. I think how you're proceeding with this is reprehensible.

The Chair (Ms. Soo Wong): Any other comments and questions to motion 11? Mrs. Albanese.

Mrs. Laura Albanese: I'll just say that our government is committed to ensuring that all gaming activities in Ontario are conducted in accordance with the principles of honesty, integrity, transparency and in the public interest. The AGCO's regulatory oversight is being expanded to include horse racing. There will be specific benefits to the horse racing industry that will include improved promotion of horse racing through the OLG, OLG expertise and the introduction of horse-racing-themed gaming products and streamlined industry governance.

Again, the intent of the motion is just to have the flexibility when quick action is needed for reasons such as animal health or public safety.

The Chair (Ms. Soo Wong): Any other comments and questions to motion 11? Seeing none—

Mr. John Yakabuski: Well, we could go on all day, but it appears that the government is not going to listen.

The Chair (Ms. Soo Wong): Mr. Yakabuski, it's not your floor. I'm just asking the question: Are there any more questions and comments to motion number 11?

Ms. Fife first.

Ms. Catherine Fife: I'm sorry, I didn't ask—

The Chair (Ms. Soo Wong): Ms. Fife, do you want to make more comments to motion number 11?

Ms. Catherine Fife: No, that's okay. I've got nothing else.

The Chair (Ms. Soo Wong): Mr. Yakabuski.

Mr. John Yakabuski: Well, I tried to comment and you shut me down. Maybe you should, at least, hear what I have to say. Thank you.

The Chair (Ms. Soo Wong): You can comment, but I am about to call the question.

Mr. John Yakabuski: That's good. Don't be too hasty.

Ms. Laurie Scott: Can we have a recorded vote?

The Chair (Ms. Soo Wong): Recorded vote has been asked for.

Ayes

Fife, Munro, Yakabuski.

Nays

Albanese, Baker, Hoggarth, Milczyn, Vernile.

The Chair (Ms. Soo Wong): The motion is defeated.

Now I'm going to go back to schedule 9, section 5. Are there any questions and comments to schedule 9, section 5? Seeing none, I'm going to call the question. Shall schedule 9, section 5, be carried? All those in favour? All those opposed? Carried.

There are no motions before us for schedule 9, sections 6 and 7. I'm going to call the question for both of them, but I want to check with the committee: Are there any questions and comments to these two sections? Seeing none, I'm going to call the question. Shall schedule 9, sections 6 and 7, be carried? All those in favour? Opposed? Carried.

There is motion number 12. Ms. Fife, do you want to read it into the record?

Ms. Catherine Fife: I move that subsection 8(3) of schedule 9 to the bill be struck out.

I just want to remind people that subsection 8(3) limits the ability of the panel to inquire or make a decision about whether any parts of this act or any regulations under it are lawful. It's an incredibly restrictive clause.

You have to remember that the AGCO, through the registrar, will develop rules for racing, and an appeal panel will be created to handle issues related to contravening the rules of racing, and rulings are final.

This motion to remove it and to strike it actually gives the panel the ability to do their job, as it's indicated by the legislation. We have some concerns about how restrictive the original clause is.

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: The intent of subsection 8(3) is to keep the horse racing appeal panel proceedings quick and accessible. That's the whole idea. The NDP motion would prevent that from being the case.

I should say, however, that the License Appeal Tribunal would be able to consider constitutional issues regarding horse racing licensing matters, as could the Divisional Court. There are other avenues for that, but the NDP motion would limit the quick and accessible proceedings that this is trying to facilitate.

The Chair (Ms. Soo Wong): Any comments or questions on motion 12? Mr. Yakabuski?

Mr. John Yakabuski: Well, I think it's wonderful if you want efficiency. But expediency at the expense of correctness? No. Would we not want to ensure that the decisions that are arrived at are good decisions? Or just quick decisions?

The member for Etobicoke has said, “We want this panel to be quick.” Well, quick does not necessarily mean right. I think that's a weakness in your argument, sir. Hopefully, getting the process correct—lives will be

affected by this, businesses are affected by this and industries are affected by this. I would hope that the decisions that are arrived at are arrived at because they got there on the basis of merit and being correct.

The Chair (Ms. Soo Wong): Mr. Baker?

Mr. Yvan Baker: Two quick points: One is, I would say that I'm the member for Etobicoke Centre—just out of respect for my friend from Etobicoke–Lakeshore—not the member for Etobicoke. Secondly—

Mr. John Yakabuski: Well, I just—

Mr. Yvan Baker: Excuse me, I'm speaking.

The other thing I would say is that the goal—
Interjection.

The Chair (Ms. Soo Wong): Mr. Yakabuski, stop. Stop now, please.

Mr. Baker?

Mr. Yvan Baker: The other thing I would say is that this is about being accessible and quick and correct. There are other avenues for appealing the kinds of issues that you're talking about. Like I said, the Licence Appeal Tribunal would be able to consider constitutional issues regarding horseracing licensing matters, as could the Divisional Court. So, if people want to appeal those, they have those avenues. Those avenues exist, but for the purposes of the Horse Racing Appeal Panel, the goal here is to make sure that the proceedings are quick and accessible, and that's what this does.

The Chair (Ms. Soo Wong): Ms. Fife?

Ms. Catherine Fife: I think the government isn't getting the point. I mean, this will limit the ability of the panel to inquire or make a decision about whether any parts of this act or regulations under it are lawful. That's the key work of the panel, so you can make it as quick and accessible as you want. The key part is that the panel can actually do its job. That's why we want this section struck out, Madam Chair.

The Chair (Ms. Soo Wong): Any other comments or questions on motion 12? Mr. Yakabuski.

Mr. John Yakabuski: Jeez, I hate offending the member for Etobicoke–Lakeshore, but if I had a dollar for every time—

The Chair (Ms. Soo Wong): Please stay focused on the motion.

Mr. John Yakabuski: Well, he made a point of it, Chair, so I'll finish it. If I had a dollar for every time somebody called me the member for Renfrew, or Pembroke or something or other—you're making a big deal about this in committee? What the heck's going on here?

The Chair (Ms. Soo Wong): What's your comment for motion 12, Mr. Yakabuski?

Mr. John Yakabuski: Grow up.

The Chair (Ms. Soo Wong): So no more questions or comments on motion 12, right? I'm going to call the question.

All those in favour of motion 12? All those opposed to motion 12? The motion is defeated.

I believe there is motion 13. Who would like to read it into the record? Mrs. Munro? Who's the voting member?

It has to be voting members who can read it into the record, okay? Mr. Yakabuski or Mrs. Munro.

Mr. John Yakabuski: Okay, great. I move that subsection 8(4) of schedule 9 to the bill be struck out and the following substituted:

“Appeal of decision

“(4) A person who considers oneself aggrieved by a decision of the panel under subsection (2) may appeal the decision to the Superior Court of Justice in accordance with the rules of court within 30 days of receiving notice of the decision.”

The Chair (Ms. Soo Wong): Any question or comments on motion 13?

Mrs. Albanese.

Mrs. Laura Albanese: Yes, I just wanted to clarify again that the intention behind making the Horse Racing Appeal Panel decision final was to establish an accessible expert process for examining contraventions of the rules of racing, largely relating to incidents that occur at the racetracks. The intention behind the panel is to allow for quick decisions on matters that arise at the racetracks that could lead to penalties under the rules of racing, without lengthy legal proceedings. Currently, when the Licence Appeal Tribunal hears matters that could result in monetary penalties, its decisions are final. This would bring consistency across the AGCO's three lines of business: liquor, gaming and racing.

I would like to add that licensing matters considered by the Licence Appeal Tribunal would be subject to appeal to the Divisional Court on questions of law. In addition, the Divisional Court would be able to judicially review decisions of both the Horse Racing Appeal Panel and the Licence Appeal Tribunal.

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The Chair (Ms. Soo Wong): Any other questions and comments to motion 13? Mr. Yakabuski.

Mr. John Yakabuski: I understand what the member on the other side is saying about the possibility to appeal to a Divisional Court—

Mrs. Laura Albanese: York South–Weston.

Mr. John Yakabuski: Yes, because I wouldn't want to get it wrong; I know you people are sensitive to that—but our ask is that it is appealable to the Superior Court.

In any cases of any tribunal in any kind of a league or any other jurisdiction, you always have that ability to take it to a higher level, in case the belief is that the decision of the appeals tribunal within the body has erred. A person who is suspended in the NHL: If they believe that it is wrong, they can take that to another body. They can take that beyond the league, should they choose. It doesn't often happen, but it has. It's happened in the NFL, it's happened in the NHL.

This is a sport, horse racing; it should be treated no differently. If a body rules in such a fashion that someone feels that they have not had a fair decision by that appeals tribunal, they should be able to take the next legal step. In our belief, the Superior Court of Justice would be the proper venue for that.

The Chair (Ms. Soo Wong): Ms. Albanese.

Mrs. Laura Albanese: I just wanted to reiterate what I mentioned before, that licensing matters considered by the Licence Appeal Tribunal will be subject to appeal to the Divisional Court on questions of law. Also, the Divisional Court would be able to judicially review decisions of both the Horse Racing Appeal Panel and the Licence Appeal Tribunal.

The Chair (Ms. Soo Wong): Any other comments to motion 13? Seeing none, I'm going to call the question. All those in favour of motion 13? All those in favour of motion 13? All those opposed? Defeated.

Ms. Fife, do you want to read motion 14 into the record?

Ms. Catherine Fife: Thank you, Madam Chair. I move that subsection 8(4) of schedule 9 to the bill be struck out.

In the interests of time—because we only have 55 more minutes because we're time-allocated on this huge omnibus bill—like the previous motion that we put forward, this section, subsection 8(4), is equally if not more restrictive. It essentially says that the word of the panel is final. There is no recourse for appeal. We shouldn't be stifling debate—of course, maybe we're experiencing that here today. There should always be a channel for an appeal process, and by striking out the provision altogether, the NDP motion is actually more effective than giving even a 30-day timeline.

I would urge the government to at least let this panel do its job, but also leave recourse for people who are seeking justice when they do get to this panel and ensure that there is recourse for appeal.

The Chair (Ms. Soo Wong): Any questions and comments? Mr. Milczyn.

Mr. Peter Z. Milczyn: Well, again, Madam Chair, as with the previous proposed motion, we will not be supporting this. There is sufficient ability for individuals to appeal decisions, where there are matters of law in question, to Divisional Court, as is the case with virtually all tribunals.

I don't think we need to reinvent the wheel here. We've established good processes for various tribunals in this province. This panel and this tribunal will be functioning in the same way as the others, and there will be rights of appeal.

The Chair (Ms. Soo Wong): Okay. Any more questions and comments to motion 14?

Ms. Catherine Fife: Just to clarify: There is no recourse for appeal. What you're saying is that if people cannot get justice at this panel, they're going to have to go to court. That's not actually an appropriate response, I think, to an issue like this.

The Chair (Ms. Soo Wong): Any other questions or comments to motion 14? Seeing none, I'm going to—Mr. Yakabuski, do you have a question?

Mr. John Yakabuski: No, I have a comment.

The Chair (Ms. Soo Wong): Oh, you want to comment. Okay.

Mr. John Yakabuski: Thank you, Chair. I would agree with Ms. Fife. Without having the ability to appeal,

really, without going through the court process—was argued for it to be able to go to a higher court, but without any avenue for appeal without going through the court process is regrettable, and I think it's a weakness in the legislation. Clearly—I can count—we're not going to win, but that is our comment.

The Chair (Ms. Soo Wong): Mr. Milczyn.

Mr. Peter Z. Milczyn: Yes, I just want to make the point again: This panel, tribunal, will operate the same way most other panels and tribunals in this province work. There are no, necessarily, appeals of the facts of the decision; there is the ability to appeal on the basis of errors in law. That is something that this government would always preserve.

The Chair (Ms. Soo Wong): Any other questions and comments to motion 14? Seeing none, I'm going to call the question. All those in favour of motion 14? All those opposed? The motion is defeated.

I'm going to go back to schedule 9, section 8. Are there any questions to schedule 9, section 8? Seeing none, I'm going to call the question. Shall schedule 9, section 8, be carried? All those in favour of schedule 9, section 8? All those opposed? Carried.

There are no motions before us for schedule 9, sections 9 to 11. Are there any questions and comments before I call the question? Seeing none, I'm going to call the question. Shall schedule 9, sections 9 to 11, be carried? All those in favour? Opposed? Carried.

I believe, Ms. Fife, you have motion 15.

Ms. Catherine Fife: I move that subsection 12(3) of schedule 9 to the bill be struck out.

This section requires that any licensee applicant under this act must pay for any due diligence conducted by the regulatory body. Given the state of the horse racing industry under this government's lack of action, this is a sizeable financial burden. Really, it's sort of adding insult to injury to an already compromised sector. I definitely think that the government should find its way to support this motion.

The Chair (Ms. Soo Wong): Any other questions and comments to motion 15? Ms. Albanese.

Mrs. Laura Albanese: We won't be voting for this motion, unfortunately. That's because this provision replicates similar provisions in other statutes overseen by the Alcohol and Gaming Commission of Ontario, such as the Liquor Licence Act and the Gaming Control Act.

These provisions are necessary to enable the AGCO to recover the cost it incurs to ensure that an applicant is suitable for licensing, and they have been in place for some time.

The Chair (Ms. Soo Wong): Ms. Munro?

Mrs. Julia Munro: I think that there are a couple of issues in this amendment that should be supported. One of the things that has come up in the previous discussions of the amendments has been the issue of an appeal. This is a fundamental contradiction of the principles of being able to appeal, when you have to pay and you may not even be found guilty. I think there's a principle risk in this part of this item.

The other thing that I would just offer is that while the importance of having horse racing as part of the gaming experience was mentioned—you're talking about live-stock; you're not talking about slot machines. I think that more of the emphasis has to go on what exactly is that kind of difference—a fundamental difference when you're talking about courts and tribunals and established circumstances. So I think that this particular amendment should be given the kind of attention it deserves by the government.

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The Chair (Ms. Soo Wong): Okay. Any questions? Ms. Fife.

Ms. Catherine Fife: Just one final comment. I think I need to get it on the record that horse people have said to us that when they read this particular part of the bill, where if they're a licensee and they're applying under this act, they're going to have to pay the due diligence for the regulatory body to just do the regular work—what the horse people have said to us is, “Hasn't this government done enough to us? Haven't they done enough harm to us?” And, now, this is adding insult to injury.

It really defies all logic as to why the government is going down this road.

The Chair (Ms. Soo Wong): Any other questions and comments to motion 15? Seeing none, I'm going to call the question. All those in favour of motion 15? All those opposed? Defeated.

Schedule 9, section 12: Are there any questions and comments before I call the question? Seeing none, I'm going to call the question. Shall schedule 9, section 12, carry? All those in favour? Opposed? Carried.

Now we're on schedule 9, sections 13 through 24. There are no motions to these sections and I am going to assume—I'm going to double-check to make sure it's okay with the committee—that we're going to vote on them collectively. Is that good with everybody?

Any questions and comments to schedule 9, sections 13 to 24? Seeing none, I'm going to call the question. Shall schedule 9, sections 13 through 24, carry? All those in favour? Opposed? Carried.

We have motion 16. Ms. Fife, do you want to read it into the record?

Ms. Catherine Fife: I move that schedule 9 to the bill be amended by adding the following section:

“Tribunal composition

“24.1 The tribunal shall ensure that at least one member of any panel hearing a matter under this act has experience and expertise in matters related to horse racing.”

Madam Chair, this builds on a similar motion that we put forward. Fundamentally, we believe that if you're going to be involved in an industry which is very unique, like the horse racing industry, it's important that decision-making adequately reflects the concerns of the industry. Section 24.1 is a reflection of that.

Once again, it's an ounce of prevention, really. We saw how much damage this government did when they arbitrarily removed the SARP program from the horse

racing industry: the trickle-out damage that actually happened, the lives that were negatively impacted, the jobs that were lost, the economic drivers that were compromised. It is not too much for horse people in the province of Ontario to ask that one of their own, someone with experience, be part of this panel. This is just common sense, pure and simple.

The Chair (Ms. Soo Wong): Any other comments? Okay, I'm going to start with Ms. Hoggarth, then Mr. Yakabuski. Ms. Hoggarth?

Ms. Ann Hoggarth: I would recommend voting against this motion, the reason being that the Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009, already speaks to this concern. I understand where the member across the way is coming from, but this act requires that appointments to Ontario's adjudicative tribunals, like the Licence Appeal Tribunal, be competitive and merit-based, and that the criteria for appointments include “Experience, knowledge or training in the subject matter and legal issues dealt with by the tribunal,” Subsection 14(1), paragraph 1. Accordingly, this provision would appear to be unnecessary.

The Chair (Ms. Soo Wong): Okay. Mr. Yakabuski?

Mr. John Yakabuski: I don't have the copy of that in front of me but I would question whether it's been acted upon in that regard by this government. I don't know if Ms. Fife made the point or not, but I'm certain that she wants to. The criteria for too many tribunals in this province are not what you know about—in this case, horses or horse racing—but what horse you bet on in the last provincial election. Quite frankly, there's just way too much of this. Are we going to turn this into the economic development fund, where it's who you know, whether or not you get a grant of millions and millions and millions of dollars—

The Chair (Ms. Soo Wong): Mr. Yakabuski, please stay on the motion.

Mr. John Yakabuski: I am, absolutely. Well, it's the motive behind the motion. I'm not speaking for the third party, but I understand why they're saying this. They want to make sure that on this panel, there are people who understand what they're adjudicating on. What better way than to make sure that there are people on this panel who understand the horse racing industry, have come from within? They've been in the stalls. They've been in the stables. They understand what it's like to shovel a little bit of manure, and not the same way that the Liberals do, but in the real sense, so that there's some real expertise on this panel. I think that she's right in this motion.

The Chair (Ms. Soo Wong): I've got two more speakers: Ms. Hoggarth, and then Ms. Vernile.

Ms. Ann Hoggarth: I was just going to say that the AGCO intends to appoint racing industry experts to the HRAP. However, it does not yet exist.

The Chair (Ms. Soo Wong): Thank you. Ms. Vernile?

Ms. Daiene Vernile: Mr. Yakabuski is saying that he wants to see expertise on the panel, and that is what you

are going to see. That's according to the Adjudicative Tribunals Accountability, Governance and Appointments Act, as mentioned by Ms. Hoggarth. If you look at this, it requires that anyone who is going to be on this tribunal have expertise and knowledge, and be there because of merit. Again, just to stress, if you're looking for where this is illustrated, it is in subsection 14(1), paragraph 1.

So, for that reason, this motion isn't necessary; it's already addressed. The people who are going to be on that panel are required to have knowledge and expertise.

The Chair (Ms. Soo Wong): Ms. Fife first: Ms. Fife?

Ms. Catherine Fife: I think the issue is that it's not clearly outlined, actually, around horse racing, because this is a merger, and you have to remember that. The government is dissolving the Ontario Racing Commission. It's bringing it under alcohol, gaming and racing around governance. This is new for this particular agency to take on racing. This government does not have a strong track record on making decisions that are in the best interests of the horse racing industry.

At the end of the day, this commission will have the power to set out the powers for investigators and inspectors to enforce the act, and it outlines the corresponding offences for contraventions. So you actually have to know what you're talking about. For the government to say, "Just trust us"—that just will never happen, for the sector or for us on this side of the table.

The Chair (Ms. Soo Wong): Mr. Yakabuski.

Mr. John Yakabuski: Yes, to Ms. Vernile's point: That's legislation that already exists that compels the appointments of panellists to have expertise.

We don't have enough time here to go through every appointment that has been made by this government to any panel or committee or whatever since 2009. But if you think that every person in all of those appointments—I know many of them—if you think they actually have expertise, other than that they know where the nearest Liberal Party office is, you're sorely mistaken. That might be entrenched in legislation, but it has not been followed.

So if we specifically dealt with this, that in this case, in this bill, you must have expertise in the horse racing industry, it wouldn't matter what you had in that bill from 2009 or that legislation from 2009. This would be industry-specific, to an industry that has been hurt badly by this government—the one that would say, "Okay, we get it. We haven't done everything, maybe, that is in the best interests of your industry, but here's something we are going to do. We're going to ensure that there will be a person on that panel that has very, very significant and deep roots in the horse racing industry."

I think that would be a positive thing for you people to actually say to that industry: "You know what? We are listening. We want to make sure that somebody on that panel has a solid foundation in the horse racing industry."

The Chair (Ms. Soo Wong): Any other comments? Ms. Vernile.

Ms. Daiene Vernile: I think that to project into the future—perhaps you have a crystal ball that we don't

know about—but to project that this is not going to happen, that's not very hopeful. I would say, look forward to the AGCO and its intention to appoint a horse racing expert, or experts, to the HRAP; however, it does not exist yet.

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The Chair (Ms. Soo Wong): Any more questions and comments to motion 16?

Mr. John Yakabuski: I'm done.

The Chair (Ms. Soo Wong): All right. I'm going to call the question. All those in favour of motion 16? All those opposed to motion 16? Motion is defeated.

There are no motions before us on schedule 9, section 25. Are there any questions and comments? Seeing none, I'm going to call the question. All those in favour of schedule 9, section 25? Opposed? Carried.

We just have some administrative stuff that the Clerk has to advise the opposition on dealing with motions 17 and 18, okay?

Ms. Daiene Vernile: Can we take a little break?

The Chair (Ms. Soo Wong): No, we can't take a break, okay? This is time-allocated.

We are going to stand down motions 17 and 18 because they make references to section 33, just so everybody knows.

Do we any questions and comments to schedule 9, section 27? There is no motion before the committee. I'm going to call the question. No questions and comments to schedule 9, section 27. All those in favour of schedule 9, section 27? All those opposed? Motion carried.

Just to reiterate, we are standing down motions 17 and 18. We're going right now to motion number 19. Mr. Yakabuski or Mrs. Munro, do you want to read it into the record?

Mrs. Julia Munro: I move that section 29 of schedule 9 to the bill be amended by striking out "on reasonable grounds" and substituting "on reasonable and probable grounds".

The Chair (Ms. Soo Wong): Any questions and comments to motion number 19? Mrs. Albanese?

Mrs. Laura Albanese: Yes, thank you, Madam Chair. We will be voting against this motion because section 29 would enable an AGCO "investigator who is lawfully present in a place or conveyance ... in the execution of" his or her duties to, "without a warrant, seize anything in plain view that the investigator believes on reasonable grounds will afford evidence relating to a contravention of this act or the regulations or the rules of racing."

The term "reasonable grounds" is currently used in other statutes that the AGCO administers, such as the Liquor Licence Act and the Gaming Control Act, and this would ensure the same standard of integrity and safety for the horse racing industry.

The Chair (Ms. Soo Wong): Mr. Yakabuski?

Mr. John Yakabuski: All we're asking for here is that the people of the industry have the same protection as they would under other criminal statutes, especially since, as I've said—and I have to repeat the point—this industry has been injured significantly by the actions of

this government. It's a little bit of an olive branch to say, "We'll afford you this." There's a mistrust out there. So why could we not add the words "probable grounds," substituting "reasonable grounds" with "on reasonable and probable grounds"? It would be a way of actually saying to the industry, again, "We get it. We've been tough on you. We've put a lot of people out of work in your industry."

Now, if an investigator is going to be able to lay charges under your own act, under this legislation, we want to make sure they have the same kind of evidence—that they're using the same kind of evidence-based process—as they would if laying a criminal charge in the general population. Reasonable and probable grounds: That's the standard for a crown. I would expect that this is something that the government would actually—forget about the notes that the corner office has sent you. Just—

Mrs. Laura Albanese: The coroner's office?

Mr. John Yakabuski: The corner office up on the second floor.

The Chair (Ms. Soo Wong): Stay focused. Mr. Yakabuski, can you please stay focused on motion 19?

Mr. John Yakabuski: I am focused on the bill. I'm—

The Chair (Ms. Soo Wong): I don't want you to talk about the corner office. Stay focused on—

Mr. John Yakabuski: Well, I have to, because that's where the notes came from. I'm thinking, if they just forget about the corner office for a moment—

The Chair (Ms. Soo Wong): No, I want you to stay focused on motion 19.

Mr. John Yakabuski: —and just think about the bill and the horse racing industry, maybe we'll get this amendment through. Just destroy all your notes and do something that's right for the industry. Try that for a change.

The Chair (Ms. Soo Wong): Any other questions and comments on motion 19?

Mr. Peter Z. Milczyn: Point of order.

The Chair (Ms. Soo Wong): Yes, Mr. Milczyn.

Mr. Peter Z. Milczyn: The lack of infrastructure funding by the previous Conservative government in this building is causing these disturbances which make it difficult—

Mr. John Yakabuski: That's not a point of order.

The Chair (Ms. Soo Wong): All right, everybody. We have about 30 minutes, then there will be no more comments. Let's be respectful. We have motion number 19 before us. Any more questions and comments? Ms. Albanese.

Mrs. Laura Albanese: I want to say, with notes or without notes, this government is committed to a stable, thriving horse racing industry. The reason for voting against this motion is simply because it would be, in a way—the term "reasonable grounds" is the same that is used for other statutes that are governed by the AGCO. It doesn't mean any lack of respect and it doesn't mean that it diminishes anyone in any way.

The Chair (Ms. Soo Wong): Mr. Yakabuski?

Mr. John Yakabuski: I think we should be working under AGCO. All good, compassionate Ontarians would accept this amendment: A-G-C-O.

The Chair (Ms. Soo Wong): Okay. Any other questions and comments to motion number 19? Seeing none, I'm going to call the question. All those in favour of motion number 19? All those opposed? Defeated.

Shall schedule 9, section 29, carry? Are there any questions and comments first? Seeing none, I'm going to call the question. Shall schedule 9, section 29, carry? All those in favour? All those opposed? Carried.

Now, I believe there are no motions before us for schedule 9, sections 30 to 32. I'm just going to focus on—Ms. Fife, you have some comments?

Ms. Catherine Fife: Thank you, Madam Chair. We would recommend voting against section 30 of schedule 9. Section 30 provides investigators with extraordinary privileges outside of the normal court process. We've heard very clearly from our stakeholders in the horse racing industry, because we consulted, that a warrant should be obtained if searches are going to be conducted. This seems like such a common sense recommendation. So we will be voting against section 30 in its entirety for that very reason.

The Chair (Ms. Soo Wong): Okay. Any other questions? Ms. Albanese?

Mrs. Laura Albanese: Yes, I would really like to point out that this schedule—it is not intended that the power to carry out warrantless searches would be used frequently. However, on occasion, it may be necessary to conduct a warrantless search; for example, before the horse and equipment under investigation are transported to a racetrack outside of Ontario where the AGCO has no jurisdiction.

Similar provisions are found in a number of other Ontario statutes, and I'll name a few: the Consumer Protection Act, the Food Safety and Quality Act, and the Dog Owners' Liability Act.

1530

The Chair (Ms. Soo Wong): Any other questions and comments to schedule 9, section 30? Mr. Yakabuski.

Mr. John Yakabuski: We're talking about warrantless search here. It just becomes too convenient to say that it was impractical to obtain a warrant. When you give someone that power to actually conduct a search without warrant, having that kind of power and to be able to exercise that discretion, what happens, unfortunately, is that it becomes the fallback, "Oh, don't worry about it. We have the power to go without a warrant because we'll just let them know that there were exigent circumstances and it was impractical to get a warrant."

So why wouldn't we just remove that and expect people to get a warrant?

The Chair (Ms. Soo Wong): Ms. Fife?

Ms. Catherine Fife: I think that I've heard the government say, "Well, it's not intended for this to be used often." That's a very open-door statement.

For instance, if a complaint did come forward about a warrantless investigation—because investigators will

have extraordinary privileges in this regard; that's what will happen with this particular section—then, if they want to complain to the regulatory body, to add insult to injury, they're going to have to pay for any due diligence conducted by the regulatory body.

You can see that this particular section is, obviously, a huge poison pill for us—not that we would support this budget bill because it doubles down on the sell-off of Hydro One—but this is a worrisome trend, that the government would open that door for warrantless searches. It's a violation of citizens' rights and it will just end up with more legal court cases, as far as I can see. I think it's important for us to get the position of horse people on the books on this one.

The Chair (Ms. Soo Wong): Are there any questions and comments for schedule 9, section 30? I'm just going to focus on that particular section. Seeing none, I am going to call the question. Shall schedule 9, section 30, be carried? All those in favour? All those opposed? Carried.

Now, we're dealing with schedule 9, sections 31—
Interjection.

The Chair (Ms. Soo Wong): His time is expired.

So we're going to deal with schedule 9, sections 31 and 32. There are no motions before the committee. Is it all right with committee that we bundle them to vote? Are there any questions and comments for these two sections? Seeing none, I'm going to call the question. Shall schedule 9, sections 31 and 32, be carried? All those in favour? Opposed? Carried.

I'm now at schedule 9, section 33. I believe, Ms. Fife, that you have some comments to make about section 33.

Ms. Catherine Fife: No, that's PC.

The Chair (Ms. Soo Wong): So Mr. Yakabuski or Ms. Munro?

Mr. John Yakabuski: Oh, I can't anymore.

The Chair (Ms. Soo Wong): You can speak—

Mr. John Yakabuski: Oh, I can speak?

The Chair (Ms. Soo Wong): You can speak, but you can't vote.

Mr. John Yakabuski: We're recommending voting against—

Interjection.

The Chair (Ms. Soo Wong): Ms. Scott.

Ms. Laurie Scott: Section 33 is the one that allows the government to hold on to seized property, regardless of the content. Not only are they going in under warrantless entry, they are now going to be able to seize property and it may not even have anything to do with the investigation. So we definitely want section 33 removed.

The property that's seized could actually not have anything to do with the investigation and, yet, they're going to seize it and then you have to apply for it back, and some people may not understand that they do have to apply for it back.

In that section—that actually is the property seizure. It's an incredibly heavy hand. There's no need for this to happen in the industry. It hasn't happened before. I

understand what the government says about making it all seamless, with similar rules for everything. We obviously have been arguing against that, that horse racing is separate, but really, the seizure can come in and take the property and the possessions, without any evidence, even. We're certainly against—

Mr. John Yakabuski: And they have to apply.

Ms. Laurie Scott: Yes, and they have to apply, which they may not all know, right? They may have to hire a lawyer. It's just a process. It's very unnecessary, so we ask for at least that section to be removed.

The Chair (Ms. Soo Wong): Mr. Baker.

Mr. Yvan Baker: The schedule is important because if the section is removed, owners of the property seized would be in an uncertain position as to what steps to take in order to get their belongings back. Section 33 actually parallels a similar provision in the Liquor Licence Act, which the AGCO also administers. So this is really about allowing people to get their possessions back. That's why we would support the section.

The Chair (Ms. Soo Wong): Are there any other questions or comments on schedule 9, section 33? Seeing none—oh, Mrs. Munro.

Mrs. Julia Munro: Yes. I just wanted to comment that this is really similar to being found guilty and having to prove your innocence, when property can be seized and you have to apply to get it back and pay for getting it back, whether you've done anything wrong or not.

The Chair (Ms. Soo Wong): Any other questions or comments to schedule 9, section 33?

Mr. John Yakabuski: When I found out that I wasn't completely expired, I did want to take the opportunity to say one final word to my friends on the other side of the committee.

As my friend Ms. Scott says, this is the heavy hand. Within 30 days of a seizure authorized under this act, you must make an application to have that property returned—and it is only if it meets the five criteria here which I won't even bother reading. But again, there are criteria under which it will be returned, and only if the court is satisfied that these criteria are met.

Wow. I mean, how many times do you want to kick this industry? Can you not show some faith in this industry? Is it always that you're going to assume these people are guilty and act accordingly, or are you going to assume that there are good, honest, hard-working people who make up this industry and treat them with the kind of respect they deserve? But these kinds of sections in your law—heavy hand? I have another word for it, but it wouldn't be parliamentary, so I'll just hold it to myself.

The Chair (Ms. Soo Wong): Thank you. Any questions or comments on schedule 9, section 33? Seeing none, I'm going to call the question.

All those in favour of schedule 9, section 33? All those opposed? Carried.

Ladies and gentlemen, because schedule 9, section 33, has carried, motions 17 and 18 are now ruled out of order. Okay?

My apologies. Sorry about this. Mr. Yakabuski, do you want to read this into the record—

Mr. John Yakabuski: I can't.

The Chair (Ms. Soo Wong): Mrs. Munro.

Mr. John Yakabuski: But I did want to say I heard Ms. Albanese say she agreed—

The Chair (Ms. Soo Wong): Mr. Yakabuski, let Mrs. Munro read—

Mr. John Yakabuski: —so from now on, everything—

The Chair (Ms. Soo Wong): Mr. Yakabuski, let Mrs. Munro read it into the record, please.

Mrs. Julia Munro: I move that subsection 26(8) of schedule 9 to the bill be amended by striking out “subject to section 33”.

The Chair (Ms. Soo Wong): All right. Any questions or comments to motion 17?

Interjections.

The Chair (Ms. Soo Wong): Motion 17. We're going back to 17. Sorry.

Interjection: We're going back?

1540

The Chair (Ms. Soo Wong): Yes, because it was stood down. Remember? We were dealing with section 33. Okay.

Mrs. Munro has the floor. Mrs. Munro.

Mrs. Julia Munro: Yes. I just wanted to emphasize the fact that section 33 could be used to seize property during an investigation that has nothing to do with the investigation, and then it becomes crown property unless the owner applies for it. So it's these kinds of fundamental issues that are behind our position on this section.

The Chair (Ms. Soo Wong): Thank you. Ms. Albanese?

Mrs. Laura Albanese: The proposed subsection 26(8) enables an inspector conducting an inspection to seize anything that the inspector reasonably believes not to be in compliance with this or with any other act or the regulations or the rules for racing, or even section 33, and to dispose of the things seized in accordance with the direction of the registrar, subject to anything provided for in the regulations.

We're committed to ensuring that all gaming activities in Ontario are conducted in accordance with the principles of integrity, honest and transparency, and this is essential to ensuring the safety of the horses and that the rules of the industry are upheld. It's for the safety of the horses, and for the rules of the industry, so that they can be upheld.

The Chair (Ms. Soo Wong): Any other questions and comments to motion 17? Seeing none, I'm going to call the question. All those in favour of motion 17? All those opposed? Defeated. The motion is now defeated.

Shall schedule 9, section 26, carry? Are there any questions and comments to this particular section, 26? Seeing none, I'm going to call the question. Shall schedule 9, section 26, carry? All those in favour? All those opposed? Carried.

We're now on motion 18 on schedule 9, section 28. Ms. Munro, can you read it into the record?

Mrs. Julia Munro: I move that subsection 28(11) of schedule 9 to the bill be amended by striking out “Subject to section 33” at the beginning.

The Chair (Ms. Soo Wong): Any questions and comments to motion 18? Ms. Albanese.

Mrs. Laura Albanese: Madam Chair, I just would like to comment that striking out “Subject to section 33” again would not be able to ensure the safety of the horses and that the rules of the industry are upheld. We will be voting against this motion because of that.

The Chair (Ms. Soo Wong): Any other comments? Ms. Scott.

Ms. Laurie Scott: I mean, really, the safety of the horses—that's the excuse? I mean, somebody can come in—

Mrs. Laura Albanese: It's not an excuse; it's reasoning. It's not an excuse.

Ms. Laurie Scott: Someone can come in and seize their property—and I'm not going to speak long on this. They make the decision. They seize the vehicle; they seize the horses. And then you have to apply to get them back if you meet certain criteria. This is unfounded, why this needs to come in. I don't know what precedents you're using that it has to come in this way, but I just want to say that if you keep saying “the safety of the horses”—really, that's not the argument here.

The Chair (Ms. Soo Wong): Ms. Albanese.

Mrs. Laura Albanese: I just wanted to point out, Madam Chair, that we're speaking to motion 18. According to this subsection, 28(11), an investigator who seizes something may make a copy of it “and shall return it within a reasonable time or shall dispose of it in accordance with the direction of the registrar, subject to anything provided for in the regulations.”

It is not that they can do anything they want. That's not—

Ms. Laurie Scott: That's okay. We're in a time crunch.

The Chair (Ms. Soo Wong): Any other questions and comments to motion 18? Seeing none, I'm going to call the question. All those in favour of motion 18? All those opposed? Carried—no, defeated.

Interjections.

The Chair (Ms. Soo Wong): Almost.

All right, I'm going back to schedule 9, section 28. Are there any questions and comments to this particular section? We're dealing with schedule 9, section 28. Any questions and comments? Seeing none, I'm going to call the question. Shall schedule 9, section 28, carry? All those in favour? All those opposed? Carried.

I believe there are no motions before us from schedule 9, sections 34 through 40. So let's go back. Schedule 9, sections 34 through 40: There are no motions before us. Can we bundle them in the vote?

Interjections: Yes.

The Chair (Ms. Soo Wong): All right. Any questions and comments to these sections? Seeing none, I'm going

to call the question. Shall schedule 9, sections 34 through 40, be carried? All those in favour? All those opposed? Carried.

We now have motion number 20 before us. I believe, Ms. Fife, you want to read it into the record.

Ms. Catherine Fife: I move that subsection 41(3) of schedule 9 to the bill be amended by striking out “or to imprisonment for a term of not more than one year, or to both”.

Madam Chair, this is a harsh determination, I would say. I think it’s worth noting that under the Racing Commission Act, which this schedule essentially replaces, individuals participating in the horse racing industry were not subject to an imprisonment sentence. Subsection 41(3) seems incredibly unwarranted, given the nature of the industry and its track record.

I feel like this is becoming a little bit of a kangaroo court here, I have to say. To be so prescriptive around penalties and jail time makes me think of the death tax, and if you don’t file your taxes on time, you get sent to jail while you’re grieving.

Perhaps this was an oversight. Perhaps they were looking to align the pieces of legislation. But just because the horse people are coming under this new agency doesn’t mean that they have to be prescribed as to how long they go to jail for.

It’s unfortunate that this bill is time-allocated and that we have only 12 more minutes left, because there are some serious infractions that the sector is very concerned about in this bill, and certainly, jail time is one of them. Thank you.

The Chair (Ms. Soo Wong): Mr. Baker?

Mr. Yvan Baker: Just for clarification, subsection 41(3) currently provides that every individual convicted of an offence under this act is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. Were this motion to be approved, imprisonment would no longer be available as a penalty.

There are some pretty serious offences that can occur here, Chair, things like cruelty to animals, neglect of a racehorse, benefiting financially from the outcome of a race. These are pretty serious offences. This goes to the integrity of horse racing. It goes to the safety and health of animals; it goes to animal welfare. Having imprisonment as an option, I think, is important. Just as a point of—

Interjections.

Mr. Yvan Baker: If I may finish, please. By way of comparison, imprisonment is actually available as a penalty under a number of other statutes, including the Livestock Medicines Act, the Ontario Society for the Prevention of Cruelty to Animals Act—again, about preventing cruelty to animals—and the Gaming Control Act.

So this goes to some potentially serious offences, like animal cruelty, like the integrity of gaming, that you would want to preserve and under which you would want to have that penalty available.

The Chair (Ms. Soo Wong): Ms. Fife.

Ms. Catherine Fife: This, for me, is an indication that the government clearly doesn’t understand how serious this is, because animal cruelty charges have always been allowed under the Ontario Racing Commission Act. That was always the case, and never would it have been so prescriptive that it would be “imprisonment for a term of not more than one year, or to both.”

The fines have always been there; the threat of charges and imprisonment have always been there, but not prescribed in this manner as it relates to the gaming commission. These guidelines do not exist for gamblers, and yet they’re certainly now going to come under for horse people who actually are in the field.

1550

The Chair (Ms. Soo Wong): Mr. Yakabuski?

Mr. John Yakabuski: I concur with Ms. Fife. I mean, this is an overreach. There is already that kind of protection in other statutes—Mr. Baker alluded to it himself—under the protection of cruelty to animals, or whatever the statute is; I didn’t get the exact name of the statute. But the provision for significant fines and/or jail does exist. This is just an adding on and is pandering on the part of the government. That’s what it is: pandering to what they see as a vote base. There’s no need for this to be in this legislation. You already have the protection; the animals have the protection under existing legislation. There is no need for it to be in this section dealing with the AGCO—no need whatsoever. It is already under cruelty-to-animals legislation in existence, so why would it have to be by statute here? You have that ability today. Investigators are not prohibited from visiting racetracks or anywhere where animals are kept. They can go to a farm; they can go anywhere. They have that under the statute today, so why would we need that in this statute? Clearly, it is pandering on the part of the government.

The Chair (Ms. Soo Wong): Mr. Baker?

Mr. Yvan Baker: I’m just going to say that I think that it is necessary. I think protecting animal welfare is important—

Interjection.

Mr. Yvan Baker: I’d just like to finish, if I may. This is the third time I’ve spoken and the third time I’ve been interrupted.

The Chair (Ms. Soo Wong): Mr. Yakabuski, let him finish.

Mr. Yvan Baker: I think protecting animal welfare is critical. I don’t think this is something we want to take chances with and I think that’s why the section should remain as we recommended.

The Chair (Ms. Soo Wong): Do you want to speak again, Mr. Yakabuski?

Mr. John Yakabuski: Are we implying that the statutes that are on the books today are weak or that they don’t protect the animals? What are you implying? You say you don’t want to take chances. The statutes are there. They are clear. There is no ambiguity there. They have that power. So when you say you don’t want to take chances, are you suggesting that the power that exists

under other statutes is not strong enough? Or are you questioning whether or not it is enforceable? Because it's there.

The Chair (Ms. Soo Wong): Mr. Baker?

Mr. Yvan Baker: I'm just suggesting that this is an appropriate way to protect animal welfare and other significant actions that may require a serious penalty.

The Chair (Ms. Soo Wong): Any more questions and comments on motion 20? Seeing none, I'm going to call the question. All those in favour of motion 20? Mr. Yakabuski, you can't vote. All those opposed to motion 20? Defeated.

Shall schedule 9, section 41, carry? Any questions and comments? Seeing none, shall schedule 9—Ms. Fife, the Clerk said you wanted to speak. No? She said no.

I'm sorry. Ms. Munro, you wanted to speak? I heard you wanted to speak about section 41.

Mrs. Julia Munro: No, we're just voting against.

The Chair (Ms. Soo Wong): Okay. All right, I'm going back. We're on schedule 9, section 41. I'm calling the questions. Shall schedule 9, section 41, carry? All those in favour? Opposed? Carried.

We're now dealing with schedule 9, section 42. Are there any questions and comments for this particular section? Seeing none, I'm going to call the question. All those in favour of schedule 9, section 42? All those opposed? Carried.

We have a motion before us, motion 21. Ms. Fife, do you want to read it for the record?

Ms. Catherine Fife: I move that section 43 of schedule 9 to the bill be amended by adding the following paragraph:

"4. The commission replaces the Ontario Racing Commission as party to any memorandum of understanding entered into by the Ontario Racing Commission under the Racing Commission Act, 2000 that was in effect immediately before this section came into force."

I think it's important to remember that this paragraph guarantees that any memorandum of understanding between government agencies such as the Ontario Racing Commission and the Ontario Horse Racing Industry Association continues when horse racing moves from the Ministry of Agriculture, Food and Rural Affairs to, essentially, the Ministry of Finance. I think that this would build a lot of trust, actually, from the industry and from the sector. It would also prevent further destabilization for horse people and for the sector going forward. This would provide some continuity, because it's a pretty big change to go from the Ministry of Ag and Food to the Ministry of Finance. We heard very clearly from our stakeholders that it's about respect, it's about grandfathering those agreements and it's about not further destabilizing the horse industry.

The Chair (Ms. Soo Wong): Any questions or comments? Mr. Baker.

Mr. Yvan Baker: I'm just going to say that this amendment isn't needed. Where appropriate, such memoranda of understanding will be renegotiated when the act comes into force, in keeping with Management

Board of Cabinet's agencies and appointments directive and with the government's direction concerning the Horse Racing Partnership Plan.

The Chair (Ms. Soo Wong): Ms. Fife?

Ms. Catherine Fife: That's exactly what the horse racing sector is afraid of, this renegotiation, because they don't trust the Ministry of Finance to understand their industry as well as they should, and they fear losing further ground from an economic perspective and from a jobs perspective.

The Chair (Ms. Soo Wong): Any questions and comments to motion 21? Seeing none, I'm going to call the question. All those in favour of motion 21? All those opposed to motion 21? The motion is defeated.

We're now back to schedule 9, section 43. Are there any questions and comments to this particular section before I call the question? Ms. Fife.

Ms. Catherine Fife: Just one final comment. Obviously we've brought a number of amendments forward on schedule 9. I think it's really important for people to understand that this is how governments get in trouble: when they don't consult. We have tried at this table to bring forth some fairly rational and reasonable amendments to ensure that no further damage happens to the horse racing industry.

When we reached out and spoke to people in the horse racing industry, there was no understanding of why the government is transitioning oversight of this industry from the Ministry of Agriculture, Food and Rural Affairs to the Ministry of Finance.

What happens, especially because it's been time-allocated—I think I have two minutes to speak to a major policy change in this sector. There is no understanding of why the Ontario Racing Commission is being dissolved and there's no understanding of why horse people who have a deeper understanding of the industry and its needs aren't even at the table. It does beg the question—it really does—what is the motivation to once again put the horse racing industry and horse people, who actually are very connected to almost every sector in the province of Ontario and want to be part of a conversation where they contribute to the economy, where they are respected by the government—all they are getting today are platitudes from this government.

The lack of consultation I think will lead to further degradation of the sector. We will not be supporting it, and I can't speak strongly enough against this schedule.

The Chair (Ms. Soo Wong): Mr. Baker?

Mr. Yvan Baker: The Horse Racing Licence Act was brought forward to fulfill the government's objective of restructuring horse racing in Ontario and integrate it with the broader gaming industry. I think my colleagues, and particularly my colleague Ms. Albanese, have spoken extensively as to why we're doing this. As a result, the Horse Racing Licence Act and the related amendments are needed to carry out part of this restructuring. That's why we believe this section is important.

The Chair (Ms. Soo Wong): Any other questions and comments dealing with schedule 9, section 43? Seeing

none, I'm going to call the question. Shall schedule 9, section 43, be carried? All those in favour? All those opposed? Carried.

There are no motions before us on schedule 9, sections 44 to 49. Are there any questions and comments? Seeing none, I'm going to be calling the question for those sections. Shall schedule 9, sections 44 to 49, be carried? All those in favour? All those opposed? Carried.

Shall schedule 9 be carried? All those in favour—you can't vote, Mr. Yakabuski. Can you put your hand down, please. Shall schedule 9 be carried? All those in favour? All those opposed? Carried.

Schedule 10, sections 1 through 4: There are no motions before this committee. Should we bundle them to vote?

Interjection: Yes.

The Chair (Ms. Soo Wong): Okay. Any questions and comments? Seeing none, I'm going to call the question. Shall schedule 10, sections 1 through 4, be carried? All those in favour? Opposed? Carried.

1600

Shall schedule 10 be carried? All those in favour? Opposed? Carried.

All right, ladies and gentlemen, pursuant to the order of the House, dated Thursday, November 26, 2015, I'm required to interrupt the proceedings and shall—

Interjections.

The Chair (Ms. Soo Wong): Excuse me—and shall, without further debate on amendments, put every question necessary to dispose of all remaining sections of Bill 144 and any amendments thereto.

From this point forward, those amendments which have not yet been moved shall be deemed to have been moved. I will, at this time, allow one 20-minute waiting period.

I need to hear from the committee: Do you want a 20-minute recess now or do we wait?

Interjection.

The Chair (Ms. Soo Wong): There's no discussion. There's no more recess after this.

I just want to check with the committee. There's only one 20-minute recess. So what is the will of the committee? Ms. Fife?

Ms. Catherine Fife: Just by way of clarification: From now on, we're just voting up and down. There's no more debate and there's no more discussion.

The Chair (Ms. Soo Wong): Yes.

Ms. Catherine Fife: I'm amenable either way. If people want to take a 20-minute break or if we can just get through this, I'm okay either way.

The Chair (Ms. Soo Wong): Okay. I've been instructed by the Clerk that there's only one 20-minute break from now until we finish. So whatever time we come back—there's only one 20-minute break. Mr. Baker?

Mr. Yvan Baker: We're fine to continue.

The Chair (Ms. Soo Wong): Mr. Baker says he's fine to continue. What is the will of the committee?

Ms. Daiene Vernile: Continue going.

The Chair (Ms. Soo Wong): I hear continuance. Okay.

Ms. Ann Hoggarth: Point of order.

The Chair (Ms. Soo Wong): Mrs. Hoggarth? There's no point of order. We're now in time allocation. There's no discussion. We're either going to go on a 20-minute break now or we're going to keep going.

Ms. Ann Hoggarth: I just wanted to see if we could bundle it—

The Chair (Ms. Soo Wong): Yes, we will do that because it's going to be all votes. That's how we're going to be doing it.

Okay. I hear we're going to continue, ladies and gentlemen. We're going to go through.

We're now on schedule 11, sections 1 through 7. There are no motions, so I'm going to call the question. Shall schedule 11, sections 1 through 7, be carried? All those in favour? All those opposed? Carried.

Shall schedule 11 be carried? All those in favour? Opposed? Carried.

There are no motions for schedule 12. I'm going to bundle all the sections. Shall schedule 12, sections 1 through 4, be carried? All those in favour? Opposed? Carried.

Shall schedule 12 be carried? All those in favour? Opposed? Carried.

There are no motions before us for schedule 13. We'll be voting on all the sections. Shall schedule 13, sections 1 through 4, be carried? All those in favour? Opposed? Carried.

Shall schedule 13 be carried? All those in favour? Opposed? Carried.

I'm going to just do sections 1 and 2 for schedule 14 only. Shall schedule 14, sections 1 and 2, be carried? All those in favour? Opposed? Carried.

I believe there are two motions for—motion 22.

Interjections.

The Chair (Ms. Soo Wong): Okay, I have been advised that's schedule 14, section 3, subsection 3.0.4(1.1) of the Liquor Control Act. All those in favour of this particular motion? Motion 22: All those in favour? All those opposed? It's defeated.

Now we're dealing with motion 23. It's schedule 14, section 3, subsection 3.0.4(3)—

Interjection.

The Chair (Ms. Soo Wong): I've been instructed that motion 23 is now out of order because it's dependent on motion 22. Motion 23 is out of order now, so I'm going back to schedule 14, section 3. Shall schedule 14, section 3, be carried? All those in favour? All those opposed? Carried.

We're now on schedule 14, sections 4 and 5. There are no motions before the committee. I'm going to call the question. Shall schedule 14, sections 4 and 5, be carried? All those in favour? Opposed? Carried.

Shall schedule 14 carry? All those in favour? Opposed? Carried.

We are now on schedule 15. There are no motions before the committee. Shall schedule 15, sections 1

through 4, be carried? All those in favour? Opposed? Carried.

Shall schedule 15 be carried? All those in favour? Opposed? Carried.

We are now on schedule 16, sections 1, 2 and 3. There are no motions before the committee. I'm going to call the question. Shall schedule 16, sections 1, 2 and 3, be carried? All those in favour? Opposed? Carried.

We are now on schedule 16, section 4. There is motion 24. So we're dealing with schedule 16, section 4, subsection 12.1(1) of the Ontario Lottery and Gaming Corporation Act, 1999. I'm going to call the question. Shall this motion be carried? All those in favour? All those opposed? Defeated.

We're now dealing with motion 25: schedule 16, section 4, subsection 12.1(1) of the Ontario Lottery and Gaming Corporation Act, 1999. This is motion 25. All those in favour of motion 25? All those opposed to motion 25? The motion is defeated.

We're now dealing with motion 26: schedule 16, section 4, subsection 12.1(2) of the Ontario Lottery and Gaming Corporation Act, 1999. All those in favour of motion 26? All those opposed to motion 26? The motion is defeated.

We are now dealing with motion 27. In my opinion, the motion before the committee can be characterized as a money bill motion, and pursuant to standing order 57, any motion that proposes to direct the allocation of public funds "shall be proposed only by a minister of the crown." I therefore rule this motion out of order. Motion 27 is out of order.

Shall schedule 16, section 4, be carried? All those in favour? All those opposed? Carried.

We are now on schedule 16, section 5. We have a motion before us, motion 28: schedule 16, section 5, subsection 12.2(1) of the Ontario Lottery and Gaming Corporation Act, 1999. This is motion 28. All those in favour? All those opposed? Defeated.

Shall schedule 16, section 5, be carried? All those in favour? All those opposed? Carried.

We're now dealing with schedule 16, section 6. We have three motions. Motion 29: This is schedule 16, section 6, subsection 12.3(1) of the Ontario Lottery and Gaming Corporation Act, 1999. All those in favour of motion 29? All those opposed? The motion is defeated.

We are now on motion 30: schedule 16, section 6, subsection 12.3(2) of the Ontario Lottery and Gaming Corporation Act, 1999.

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This is motion number 30. All those in favour of the motion? All those opposed? The motion is defeated.

We are now dealing with motion 31: Schedule 16, section 6, subsection 12.3(3) of the Ontario Lottery and Gaming Corporation Act, 1999. This is motion 31. All those in favour of motion 31? All those opposed to motion 31? The motion's defeated.

I'm now back to schedule 16, section 6. Shall schedule 16, section 6, carry? All those in favour? All those opposed? Motion carried.

We're now dealing with schedule 16, sections 7 to 11. Shall schedule 16, sections 7 to 11, carry? All those in favour? Opposed? Carried.

Shall schedule 16 carry?

Ms. Catherine Fife: Madam Chair, can I get a recorded vote on this, please?

The Chair (Ms. Soo Wong): There's a request for a recorded vote, Mr. Clerk. Shall schedule 16 carry?

Ayes

Albanese, Baker, Hoggarth, Lalonde, Vernile.

Nays

Fife.

The Chair (Ms. Soo Wong): The motion is carried. Schedule 16 is now carried.

We're now on schedule 17. Schedule 17, sections 1 through 3: There are no motions before the committee, so I'm going to call the question.

Shall schedule 17, sections 1 through 3, carry? All those in favour? All those opposed? Carried.

Shall schedule 17 carry? All those in favour? Opposed? Carried.

We are now dealing with schedule 18. There are no motions before the committee for schedule 18, so I'm going to bundle them for voting purposes.

Shall schedule 18, sections 1 through 11, carry? All those in favour? Opposed? Carried.

Shall schedule 18 carry? All those in favour? Opposed? Carried.

We're now dealing with schedule 19. There are no motions before the committee, so I'm going to be bundling them for voting purposes.

Schedule 19, sections 1 through 8: All those in favour? All those opposed? Carried.

Shall schedule 19 carry? All those in favour? Opposed? Carried.

We're now dealing with schedule 20. There are no motions before the committee, so I'm going to be bundling the vote.

Shall schedule 20, sections 1 through 10, carry? All those in favour? Opposed? Carried.

Shall schedule 20 carry? All those in favour of schedule 20? All those opposed? Carried.

We are now dealing with schedule 21, sections 1 through 12. There are no motions before the committee. I will be calling the question.

All those in favour of schedule 21, sections 1 through 12? All those in favour? All those opposed? Carried.

Shall schedule 21 carry? All those in favour? Opposed? Carried.

Now we are dealing with schedule 22, section 1. There are no amendments to this particular section. I'm going to call the question.

Shall schedule 21, section 1, carry?

Ms. Daiene Vernile: Schedule 22, section 1.

The Chair (Ms. Soo Wong): Thank you.

Shall schedule 22, section 1, carry? All those in favour? Opposed? Carried.

There are motions before us for motion 32, on schedule 22, section 1. I'm going to read that particular schedule—schedule 22, section 2(2), paragraphs 1 and 2 of the Trillium Trust Act, 2014. This is motion 32.

All those in favour of motion 32? All those opposed to motion 32? The motion is defeated.

Now we're dealing with motion 33. This is schedule 22, section 2, subsection 3(1) of the Trillium Trust Act, 2014. All those in favour of motion 33? All those opposed to motion 33? The motion is defeated.

Mr. Victor Fedeli: We'll be withdrawing 34.

The Chair (Ms. Soo Wong): Okay, 34 is now withdrawn. Thank you.

I am now dealing with motion 35. It's schedule 22, section 2, section 6, paragraph 1 of the Trillium Trust Act, 2014. All those in favour of motion 35? All those opposed to motion 35? The motion is defeated.

We are now dealing with motion 36: schedule 22, section 2, subsection 7(1) of the Trillium Trust Act, 2014. All those in favour of motion 36? All those opposed to motion 36? The motion is defeated.

I'm now dealing with motion 37: schedule 22, section 2, subsection 7(3) of the Trillium Trust Act, 2014. All those in favour of motion 37? All those opposed to motion 37? The motion is defeated.

I am now dealing with motion 38. This is schedule 22, section 2, subsection 7(3) of the Trillium Trust Act, 2014. All those in favour of motion 38? All those opposed to motion 38? The motion is defeated.

Shall schedule 22, section 2, be carried? All those in favour? All those opposed? Schedule 22, section 2, is now carried.

I believe we are now dealing with schedule 22, section 3. There are no motions before the committee. I'm going to call the question. Shall schedule 22, section 3, be carried? All those in favour? All those opposed? Carried.

Shall schedule 22 be carried?

Ms. Catherine Fife: Madam Chair, recorded vote.

The Chair (Ms. Soo Wong): Ms. Fife has asked for a recorded vote.

Mr. Victor Fedeli: Which one is this?

The Chair (Ms. Soo Wong): This is schedule 22, okay? Schedule 22 is now a recorded vote. Shall schedule 22 be carried?

Ayes

Albanese, Baker, Hoggarth, Lalonde, Vernile.

Nays

Fedeli, Fife, Munro.

The Chair (Ms. Soo Wong): Schedule 22 is now carried.

Now we're dealing with schedule 23. There are no motions for schedule 23, so I'm going to be bundling the votes.

Shall schedule 23, sections 1 through 10, be carried? All those in favour? All those opposed? Carried.

Shall schedule 23 be carried? All those in favour? All those opposed? Carried.

Interjection.

The Chair (Ms. Soo Wong): The Clerk has advised me that we have to vote on sections 1, 2 and 3. Is it all right with the committee if I bundle sections 1, 2 and 3 for voting purposes? Is that okay with everybody? I see a nod of the head.

All right, I'm going to call the question for sections 1, 2 and 3 of the bill. All those in favour of sections 1, 2 and 3 of the bill? All those opposed? Carried.

Shall the title of the bill be carried? All those in favour? All those opposed? Carried.

Shall Bill 144, as amended, be carried? All those in favour? All those opposed? Carried.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? Carried.

That's it. We are now done. The meeting's adjourned.

The committee adjourned at 1620.

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